

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING & DEVELOPMENT CONTROL COMMITTEE**

DATE: **20TH JANUARY 2016**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **APPEAL BY MR. D. LAWLOR AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CHANGE OF USE FROM PAPER MILL CAR PARK TO HEAVY GOOD VEHICLE PARKING FACILITY AT 419 CHESTER ROAD, OAKENHOLT – ALLOWED**

1.00 APPLICATION NUMBER

1.01 052930

2.00 APPLICANT

2.01 Mr. D. Lawlor

3.00 SITE

3.01 419 Chester Road,
Oakenholt, Flint,
Flintshire. CH6 5SF

4.00 APPLICATION VALID DATE

4.01 18th November 2014

5.00 PURPOSE OF REPORT

5.01 To inform members of the Inspector's decision in relation to an appeal into the refusal to grant planning permission for change of use from former paper mill car park to a heavy goods vehicle parking facility at 419 Chester Road, Oakenholt, Flint, Flintshire. The application was refused under delegated powers with the appeal dealt with by way of an informal hearing and was **ALLOWED**.

6.00 REPORT

6.01 Background

Members may recall that this application was refused under delegated powers on 27th May 2015 on the grounds that the proposed use would result in an inappropriate form of development which is not essential to be located within the open countryside and would therefore have an unaccountable detrimental impact upon the character of the area.

6.02 Issue

The Inspector considered that the main issue was the effect of the proposal on the character and appearance of the countryside, and whether there are other material considerations which would justify the development in this area.

6.03 Character & Appearance

The site lies directly opposite the paper mill on Chester Road to the east of Flint and Oakenholt. The site lies adjacent to No. 419 a dwelling house and annex which forms the eastern boundary of the appeal site. The site is hard-surfaced, bounded by a fence and gate to the north, a small stone wall and access adjacent to Chester Road to the south and a field to the west. To the north of the appeal site there is an area currently being utilised for storage. This area is served by a gated access from the appeal site and extends towards the North West coast railway line.

6.04 The proposal would be for the storage of heavy goods vehicles (HGV). A maximum of 5 lorries would use the site. The drivers of the lorries are likely to arrive on site by motor vehicle, and 5 vehicle parking spaces would be needed as part of the development. The appellant sought a secure storage facility for HGVs in order to obtain the required licence to operate. The appellant had acquired the appeal site, including the land to the north and No. 419.

6.05 The Local Planning Authority accepted that the site is previously-developed land (PDL), but maintained that there is no historical planning permission for commercial use on the land. The appellant maintained that the site has historically been used as a car park associated with the paper mill but this ceased when the dwelling and appeal land was sold.

6.06 The Inspector considered that the lawful status of the preceding use cannot be conclusively presumed under a Section 78 planning appeal. It was also noted that a lawful development certificate was refused for storage and distribution of building materials on the whole larger site but inclusive of the smaller appeal site. The Local Planning Authority maintained its objection that this is development in open countryside outwith of the policies which direct development to settlements and is unsustainable.

- 6.07 The Inspector noted that not all PDL land is suitable for development as set out in Planning Policy Wales. Local Plan policies of the Flintshire Unitary Development Plan (UDP) permits new industrial development outside employment sites and outside defined settlements boundaries through the redevelopment of suitable brownfield and underused or vacant land provided the scale and design of the development is acceptable and it causes no adverse impact on landscape features and residential amenity. Other considerations include adequate parking and highway network capacity.
- 6.08 In the view of the Inspector the suitability of the site is centred on whether its location fits the intended purpose of the development. The proposed development requires a location close to main centres and major roads. In this regard the location of the PDL land is suited in both respects. It is situated between Connah's Quay and Flint adjacent to the A548. There are good access links west and east from the A548 with the A55, A494 and the motorway network. The appellant was operating from Bagillt, but reports that access was restricted from this site and that there were issues with the lease agreement. The nature of the proposed use would be for storage only, the lorries would pick-up and deliver pre-ordered loads during the day and would return to the secure storage area in the evening. The Inspector was advised that there would be no outside storage required, and there would be no maintenance or repairs of vehicles on the appeal site. In this regard, the Inspector considered that the scale and nature of the development is small and fits the criteria of FUDP Policy.
- 6.09 It was the view of the Inspector that the site has the appearance of a developed commercial use. Immediately adjacent to the site to the west there is a high hedge which masks views into the site and beyond towards the estuary. The views from the east are more open but fleeting, since this would be from the A548 itself, which is a busy road. The Inspector did not regard the development of the site would harm the character and appearance of the area, having regard to its context adjacent to a large paper mill and having regard to the site's current appearance. Therefore, the Inspector concluded that the proposal complied with Local Plan policies relating to the undeveloped coast given its PDL status. The Inspector did not regard the site as unsustainable having considered it in the context of Policy EM4. Policy EM4 is not specifically mentioned in the rural exceptions Policy GEN3, but in this particular case it was regarded as falling within 'other development which is appropriate to the open countryside'. It may not be a development which is essential to have an open countryside location, but the site is not strictly 'open countryside' it is a PDL site next to a large commercial site adjacent to a main road in between two main settlement centres. The nature of the proposed

use demands a location next to a main road. Therefore it was concluded that whilst not fulfilling the strict criteria of Policy GEN3, this policy and strategic policies STR1 and STR3 are not undermined.

- 6.10 The economic, social and environmental elements of sustainability, were considered and concluded that the proposal meets all three dimensions. In this regard the planning balance weighs in favour of the development.
- 6.11 The Inspector noted the concern on highway capacity and safety and the concern about this development in conjunction with a concrete batching plant development to the east of the appeal site. Nevertheless, there is no compelling technical evidence that the A548 has reached its design capacity and the scale of use in this case is small. It was noted that there was no technical objection to the development from the Council's Highway Officers.
- 6.12 The Inspector was also aware that the site to the north of the appeal site could come forward in the light of this appeal decision. However, it was concluded that in the particular circumstances of this case that the development would be small-scale and therefore complies with Local Plan policy EM4. It was considered that by allowing this appeal it did not set a precedent for others to follow, as the Inspector considered the appeal on the submitted evidence provided and the individual circumstances of this case.

7.00 CONCLUSION

- 7.01 The Inspector concluded that the proposal would not harm the character and appearance of the countryside having regard to planning policies, and that there were other material considerations which justified the development in this area. Therefore the appeal was **ALLOWED**.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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