

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **12<sup>TH</sup> OCTOBER 2016**

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

**SUBJECT:** **APPLICATION FOR CHANGE OF USE TO MIXED USE INCLUDING AGRICULTURAL, RESIDENTIAL AND BUSINESS AND REPLENISHMENT OF EXISTING STONE HARD STANDING AT BYNSANNAN COTTAGE, BRYN-SANNAN, BRYNFORD.**

**APPLICATION NUMBER:** **055470**

**APPLICANT:** **MISS REBECCA YARWOOD AND MR ALED DAVIES**

**SITE:** **BRYNSANNAN COTTAGE, BRYN-SANNAN, BRYNFORD.**

**APPLICATION VALID DATE:** **20<sup>TH</sup> MAY 2016**

**LOCAL MEMBERS:** **COUNCILLOR M.G. WRIGHT**

**TOWN/COMMUNITY COUNCIL:** **BRYNFORD COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **REQUEST FOR REFERRAL OF APPLICATION TO COMMITTEE BY COUNCILLOR M.G. WRIGHT**

**SITE VISIT:** **YES**

**1.00 SUMMARY**

1.01 This application seeks consent for the change of use to a mixed use including, residential and business use and the replenishment of an existing stone hardstanding (in retrospect). The main issues to consider are the justification for the change of use and hardstanding and the appropriateness of the use in the open countryside. It is considered that the proposal is compliant with policies GEN 1, GEN 3 of the adopted Flintshire Unitary Development Plan.

**2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-**

2.01 That conditional planning permission be granted subject to conditions.

1. Permission is granted for a period of 18 months
2. In accordance with the approved plans
3. Personal permission to the owner
4. Restrictions on hours of operating
5. Landscaping scheme
6. Restrictions on the commercial vehicles to be parked on site
7. Facilities shall be provided and retained for parking and turning of vehicles
8. Lighting details and position to be agreed.

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor M.G. Wright

Has requested Committee determination and a Committee site visit be undertaken.

Brynford Community Council

The Council considers that the application is located within the residential curtilage of Bryn-sannan Cottage. Given the nature of the business operating 24 hours a day the Council considers that the development would have a detrimental impact on the quality of life of adjacent residents.

The Council considers that the application will lead to the industrialisation of a residence within a residential area and should not be permitted.

Highways

Satisfied with the proposal subject to the imposition of a condition regarding the parking and turning of vehicles on the site.

Head of Public Protection

No adverse comments to make regarding proposal. However, Environmental Health Officers have suggested that the operating times are limited by condition to those the applicant has indicated in the application.

1. Hours of operation are limited to:-

07.00hrs to 18.00hrs Monday to Friday, 08.00hrs to 16.00hrs Saturday and no working on Sundays and Bank Holidays

## **4.00 PUBLICITY**

### **4.01 Neighbour Notification and Site Notice**

Objection and petition received on the following grounds:

- Safety – all plant exits and returns on the main Brynford/Pentre Halkyn Road. Danger to pedestrians as no footpath, and road accident.
- Fuel storage is a potential fire hazard.
- Change of use – against the principle of change of use from a domestic property to an industrial site within a residential area.
- Noise and light pollution – the noise created by machinery and constant changing of attachments has been disturbing. High powered yard lights illuminate the neighbouring bedroom.
- Application wording concerns – The word replenishment has been used deceptively. Massive amounts of soil have been removed and replaced with stone to accommodate the plant machinery and provide access for road tankers.

## **5.00 SITE HISTORY**

### **5.01 049628**

Erection of a two storey rear extension – Permit 23 May 2012.

## **6.00 PLANNING POLICIES**

### **6.01 Flintshire Unitary Development Plan**

GEN 1 – General Requirements for Development

GEN 3 – Development in the Open Countryside

D3 – Landscaping

EWP 13 – Nuisance

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This application is retrospective, and concerns the change of use of land to, residential and a business use (agricultural contractor), and the replenishment of the existing hard standing. The business use which consists of an agricultural contractors business and the replacement hardstanding, which serves both the dwelling and the business use are both within the site curtilage of Bryn-sannan.

### **7.2 Background history**

Brynsannan Cottage is a stone cottage which has been altered and extended over the years. Located outside of the settlement boundary of Brynford historically the property and field to the rear have been used for agricultural purposes. Latterly this agricultural use ceased and the land was used only for residential garden area.

7.3 The property and land were recently purchased by the current owners and for the past 12 months has been used for both residential and the

operating of an agricultural contracting business. The business is owned and operated by the owners who live of the site.

7.4 Complaints were received by the Enforcement Section concerning the nature of the business being operated from the site and the alleged nuisance caused to neighbouring properties. Notwithstanding this, no complaints have been received by Environmental Health regarding the noise and light pollution issues who have raised no objection to the proposal subject to a condition regarding hours of operation.

7.5 Principle of Development

The consideration of an application for the change of use of land to a mixed use including residential garden area, and business (agricultural contracting) must be considered having regard to Policies GEN 1 and GEN 3 of the Flintshire Unitary Development Plan.

7.6 These policies seek to ensure that developments outside of the settlement boundary are appropriate to the open countryside location and have minimum adverse impact on the surroundings.

7.7 In the case of this retrospective application the policy stance is further supported by policies EPW 13 (nuisance) with regards to potential noise and light intrusion which may arise as a consequence of the operating of a business in this location.

7.8 Consideration of this application therefore has to be undertaken in light of the above policies in order to assess whether this is a suitable location from which to operate an agricultural contractors business.

7.9 Business Use

As the application is made in retrospect the business is already operational from the site. The owner is self-employed and runs an agricultural contracting business.

7.10 The business is well established and involves carrying out of works off site including hedge cutting and slurry spreading. The owner currently operates tractors and a commercial van, all of which are stored at the application site. Furthermore, equipment and machinery for the tractors are stored on site which consist of cutting equipment, ploughs and slurry tanker.

7.11 Objections have been received alleging that the proposal will lead to the industrialisation of a residential area. Normally strict controls apply over new developments in locations such as this. However, Policy GEN 3 is permissive of some types of development. In this case because the business use is related to agriculture and essential to have an open countryside location is it considered to be acceptable.

7.12 Whilst the business is operational from the site, and has been for 12 months, complaints have only been received from one local resident.

Being mindful that the application is compliant with policy, it is recommended that the application be granted a temporary permission personal to the applicant for a period of 18 months in order that the full impact of the business on the open countryside location can be assessed.

7.13 Highways

The vehicles and machinery associated with this business are not uncommon in an open countryside location. However, the Council is mindful of the types and numbers of potential vehicles associated with this use should the business expand. Therefore I do recommend that a condition be imposed to require details of the commercial vehicles to be submitted and approved in writing. Any change or increase in numbers of commercial vehicles would require the prior consent of the Local Planning Authority. Furthermore I would recommend that a condition be imposed to require details of parking and turning of vehicles on the site.

7.14 Concerns have been raised that the business operating from this site will cause safety issues for pedestrians and the potential for a road traffic accident. These concerns have been considered but given the types of vehicles and the frequency of vehicular movements from the site it is not considered that there are any issues with regards to highway safety.

7.15 Lighting

Currently the site is illuminated by a floodlight located near to an existing garage. Concerns have been raised that this light causes a nuisance to the neighbouring property. Whilst Environmental Health Officers do not raise any objection to potential lighting, given the objection and taking into consideration policy EPW13, I recommend that a condition be imposed for the details and positioning of the lighting to be submitted and approved in writing by the Local Planning Authority.

7.16 Landscaping

The plans submitted with the application show the demarcation of the land for the residential, business and agricultural uses of the site. The Applicant has expressed an intention to plant a hedge between the residential curtilage of the property and the adjacent agricultural land. However, the Council is mindful that these works have not yet been carried out. Furthermore there is currently no boundary treatment between the application site and the closest neighbouring property. It is recommended that a condition be imposed to require the details of the landscaping to be submitted to and approved in writing.

7.17 Replenishment of hardstanding

According to aerial photographs of the site it is clear that an existing area of hardstanding provided access and parking at the site. Due to the amount of stone imported during the replenishment of the

driveway the works were considered tantamount to an engineering operation.

7.18 The extent of the driveway and parking areas are considered acceptable in terms of visual amenity. The materials used are also considered acceptable for the prescribed residential and commercial use of the site.

7.19 Other Matters

Objections have been raised that a large amount of diesel fuel is being stored at the property. Whilst not a material planning consideration, Environmental health Officers have raised no objection to the proposal in this respect.

**8.0 Conclusion**

The proposal is compliant with the above policies. The type and scale of the business associated with the mixed use is considered acceptable to the need for the open countryside location. Therefore the application is recommended for approval subject to appropriate conditions.

8.01 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

The Council has had due regard to its public sector equality duty under the Equality Act 2010.

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

**LIST OF BACKGROUND DOCUMENTS**

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

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