

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **7TH JUNE 2017**

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

SUBJECT: **FULL APPLICATION – ERECTION OF FARM SHOP AND ASSOCIATED WORKS, FORMATION OF NEW VEHICULAR AND PEDESTRIAN ACCESS AT COPPY FARM, CILCAIN ROAD, GWERNAFFIELD.**

APPLICATION NUMBER: **056664**

APPLICANT: **MR. & MRS DICKIN**

SITE: **COPPY FARM, CILCAIN ROAD, GWERNAFFIELD**

APPLICATION VALID DATE: **3RD MARCH 2017**

LOCAL MEMBERS: **COUNCILLOR AJ DAVIES-COOKE**

TOWN/COMMUNITY COUNCIL: **GWERNAFFIELD AND PANTYMWYN**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST DUE TO THE IMPACT ON RESIDENTS, TRAFFIC GENERATION AND CONCERNS ABOUT THE ACCESS LOCATION.**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 It is proposed to erect a building to house a farm shop including the creation of a new access and access track at Coppy Farm Gwernaffield. It is considered that the proposal for a small scale shop is acceptable in this location and complies with the relevant policies S4 and RE5 and national guidance on these matters. The new access is necessary to facilitate the development and can be conditioned to ensure that the appearance does not have a detrimental impact on the character of the area.

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

- 2.01
1. Time Commencement
 2. Plans
 3. Drainage scheme – surface water and foul if required
 4. Surface of track
 5. Fencing details
 6. Detailed design and levels for access
 7. The gradient of the access shall be 1 in 24 for a minimum distance of 10m and 1 in 10 thereafter
 8. Visibility splays of 2.4 m x 58m measured in a westerly direction along the nearside edge of the adjoining carriageway and 2.4m x 102m measured in the easterly direction to the carriageway centreline
 9. Access shall be completed prior to the farm shop being brought into use
 10. Landscaping and hedge replanting scheme
 11. Hours of opening Monday to Friday 08.00 – 18.00, Saturday 08.00 – 14.00 Closed on Sundays and Bank Holidays
 12. No removal of hedgerow within the bird breeding season
 13. Details of cladding to building
 14. No trees to be removed
 15. Arboricultural Method Statement – no dig for access

3.00 CONSULTATIONS

3.01 Local Member

Councillor A J Davies-Cooke

Requests committee determination and a site visit on the grounds of;

- Impact on the residents close to Coppy Farm – hours of use, loss of privacy, over dominance, noise and traffic
- Diversification is for farmers adding a business activity to traditional farming – do not consider this is the case
- Impact on the character and appearance of the area
- Impact on highway safety, pedestrian safety, parking of residents and their visitors
- Traffic generation – could have hundreds of cars
- Noise and disturbance from the scheme
- Smells
- Residents rights to quiet enjoyment of their property and surrounding area
- Concern about visibility splays on a section of road within the national speed limit

- Impact of HGV's and other delivery vehicles

Gwernaffield and Pantymwyn Community Council

Object on the grounds of;

- A lack of consultation and notification
- Impact on the character and appearance of the area due to the removal of the hedgerow will change the visual approach to the village
- Impact on highway safety, will lead to parking on the road and reduced visibility at the entrance. Cars enter the village at speed and the new access will be a hazard.
- Residents do not believe this is a working farm and little produce is grown on site so it will all be imported
- Concern about viability of proposal and cost of building the road

Highways Development Control Manager

No objections subject to conditions covering:

- Detailed design and levels for access
- The gradient of the access shall be 1 in 24 for a minimum distance of 10m and 1 in 10 thereafter
- Visibility splays of 2.4 m x 58m measured in a westerly direction along the nearside edge of the adjoining carriageway and 2.4m x 102m measured in the easterly direction to the carriageway centreline
- Access shall be completed prior to the farm shop being brought into use

Public Protection Manager

No adverse comments to make.

Welsh Water/Dwr Cymru

No objection subject to drainage condition covering foul, surface water and land drainage.

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification

8 objections on the grounds of;

- Increase in traffic on the road
- Concern about siting of access in a 60mph road
- The farm is non-productive and therefore produce would be bought in which is unsustainable
- The village is close to Mold so doesn't need a shop
- Impact of the access and loss of hedgerow
- Allowing public access in the field increases security threat to surrounding properties
- Impact on adjoining neighbours privacy
- No information on measures for waste collection

- No information on foul sewerage or washing facilities
- The access is outside the settlement boundary
- MIN8 – there are mineral rights on the land
- There is no need for the development
- The land is a candidate site in the DP for housing and feel this will set a precedent for future development
- Increase in noise

5.00 SITE HISTORY

5.01 055767 Erection of farm shop and associated works. Withdrawn.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development

GEN1 – General Requirements for Development

GEN3 – Development in the open countryside

AC13 – Access and Traffic Impact

AC18 – Parking Provision and New Development

S4 – Small Scale Shopping Development

L1 – Landscape Character

TWH2 – Protection of Hedgerows

RE4 – Small Scale Rural Enterprise

RE5 - Small scale Farm Diversification

D1 – Design Quality Location and Layout

D2 – Design

D3 - Landscaping

WB1 – Species Protection

MIN8 – Protection of Mineral Interests

Planning Policy Wales: Edition 9 November 2016

TAN6 – Planning for Sustainable Rural Communities

TAN18 - Transport

7.00 PLANNING APPRAISAL

7.01 Introduction

It is proposed to erect a building to house a farm shop including the creation of a new access and access track at Coppy Farm Gwernaffield.

7.02 Site Description

Coppy Farm is located on the eastern edge of the village of Gwernaffield. Access to the farm is off Cilcain Road between the residential properties of 1 Ash Grove and Woodville. The farm complex is bounded by a number of dwellings to the south west and south east. To the north, west and east of the farm is agricultural

land. The application site is the front garden of the farm house and is bounded by a row of pine trees and a dry stone wall to the east.

7.03 Proposed Development

It is proposed to erect a building to house a farm shop including the creation of a new access and access track at Coppy Farm Gwernaffield. It would be sited within the existing farm complex within an area currently used as garden for the farm house. There is a poly tunnel sited on the site. A 1.2 metre high timber fence would divide the farm shop from the farm yard and residential area. An area for the parking and turning of vehicles will also be provided to accommodate 5 cars, along with the provision for bicycles.

7.04 The proposed building is 10 metres x 6 metres and 4.2 metres in height. It is a pitched roof building clad in timber with a grey profile sheet roof. The creation of the access and required visibility splay involves the removal of hedgerow. Within the site the creation of the access point will require the removal of a section of dry stone wall and some internal garden hedgerow.

7.05 The proposed new access would be to serve the farm shop only with the existing access retained for use by farm vehicles and for the residential use.

7.06 The shop would sell provide an outlet for the goods produced on the farm. These would include meat, eggs, milk and vegetables. In addition the shop would sell other essential items and newspapers.

7.07 History

This is a resubmission of application 055767 which was withdrawn due to concerns over the increased use of the existing sub-standard access for the proposed use. The existing access had inadequate visibility and inadequate width for the simultaneous passage of two vehicles for an increase in vehicle movements associated with the proposed use. In addition to the technical highways objections the use of the existing access to the farm would also have had a detrimental impact on the amenity of the other residential properties which are served off the access.

7.08 Speed surveys have since been undertaken and discussions with highways have led to the submission of this application with a new access point to the east of the existing dwellings on Cilcain Road which is considered acceptable.

7.09

Principle of Development

The application site for the farm shop is located within the settlement boundary of Gwernaffield while the access track and access are located outside the settlement boundary in the open countryside.

Policy S4 of the UDP deals with the provision of new small scale retail

7.10 developments within settlements. The proposal is assessed against the criteria below.

- i) It is below 300 square metres gross or in exceptional circumstances up to 500 square metres;

The proposed shop would have a floorspace of 60 square metres.

- ii) It is to meet local everyday needs and relates to the role, scale and character of the centre and the community it is intended to serve;

The shop would sell provide an outlet for the goods produced on the farm. These would include meat, eggs, milk and vegetables. In addition the shop would sell other essential items and newspapers. There is no shop in Gwernaffield or the adjacent villages of Cadole or Gwernymynydd. The farm currently sells eggs, potatoes and vegetables in season at the end of the current access.

- iii) It is located within or adjacent to a local or village centre or if no sites are available within the nearest centre, it is within the settlement boundary and accessible by a variety of means of transport

The shop is sited on a farm within the settlement boundary on the eastern edge of the village. It is connected to the farm use and is justified on that basis. Cycle storage facilities are being provided.

7.11 Policy RE5 of the UDP deals with 'Small Scale Farm Diversification'. This policy allows for small scale farm diversification subject to the following criteria permitted where:

- a. the proposed diversification activity is run in conjunction with the main farm enterprise;

The proposed shop is within the farm complex and is an outlet to sell produce produced on the farm, along with other goods. The shop area is separated from the farm yard by a 1.2 metres high fence to avoid any conflict with farm activities.

- b. the proposal would not have a significant adverse impact on features or areas of landscape, nature conservation or historic value;

The building is small scale and is within the settlement boundary within an area currently used as garden. No features are therefore affected. The new access requires the removal of hedgerow but subject to appropriate conditions to ensure its removal outside the bird breeding season and compensatory planting this should not have an impact on any nature conservation interests.

- c. the proposal would be accessible, wherever possible, by a

choice of modes of travel, particularly by foot, cycle or public transport;

The location of the shop is on the edge of the village and is therefore accessible by foot. Cycle facilities are also provided. There are public transport facilities which serve the village.

- d. any retail proposals are small scale, related to the farm operation or farm diversification scheme, take place within an existing farm building and do not unacceptably harm local shops or centres;

The proposed shop is small in scale in keeping with its location and the scale of the village. There is no other shop in the village or the adjacent villages.

- e. the proposal does not involve external storage or operations which would be harmful to residential amenity or the character and appearance of the area;

The proposed shop is small in scale and would not involve any activities which would have a detrimental impact on residential amenity. There is an external waste storage area which would be small in scale due to the nature of the proposed use.

- f. satisfactory provision is made for on-site parking, servicing, and manoeuvring space for the nature and volume of traffic likely to be generated which is capable of being served satisfactorily by the highway network;

A parking area is provided on the site. A separate access is proposed in order to provide an access which suits highway requirements and this will also reduce any disturbance to the residents which live on the current access to the farm at Sunny Bank.

- g. in the case of conversions:

- i. the building is suitable for the specific re-use; and
ii. any inherent traditional historic or architectural features of merit are retained; and

Not relevant.

- h. in the case of new build the buildings are of a scale, siting, design and materials appropriate to the site and surroundings and are well related to existing buildings in the main farm complex.

The proposed shop is small in scale and is sited within the farm curtilage but separate from the current farm buildings. The building is proposed to be clad in timber with a grey metal profile roof. The site would be separated from the farm yard by a 1.2 metre high close boarded fence and the existing boundary vegetation would remain. The separation is to ensure that the activity with the farm shop does not conflict with farming activities. It is therefore considered to be appropriate

to the site and its surroundings.

7.12 Technical Advice Note 6: Planning for Sustainable Rural Communities. Paragraph 3.8.1 states *“If a farm shop is used only for the sale of goods produced on that farm, with a minimal quantity of other goods from elsewhere then it is a use which is ancillary to the use as a farm and does not require specific planning permission¹⁵. However, use as a farm shop selling a significant amount of produce from elsewhere is a separate use that requires planning permission.”*

7.13 Paragraphs 3.8.2 *“Planning authorities, when considering planning applications for farm shops, should only limit the broad types of produce sold where an unrestricted retail use would result in a significant adverse effect on a village shop. Where there are no other shops in the locality, planning authorities should support a diversity of retail services, for example a sub post office, to help to meet essential needs of the community.”*

7.14 The village has a number of facilities and services including a school, church, church hall and public house. There is however no shop in the village or in any of the nearby villages. Residents therefore need to travel into Mold for any convenience goods. The site of the shop building is within the settlement boundary. The new access is outside the settlement boundary however it is necessary to have a new access in order to meet the highways requirements of a suitable access to serve the proposal. The new access and separation of the farm shop and farm activities also prevents conflict between visitors to the shop and farming activities. It is therefore considered that the proposed development complies with both national and local planning policies.

7.15 Highways
Concerns have been raised about the creation of a new access and the highway safety implications. The proposed access is to the east of the farm on Cilcain Road and is approximately 100 metres in length with three passing places. It is therefore single track for the majority of its length with the exception of the initial 10 metre section where the road joins the highway which will be in a bitumen finish for this part only. 50 metres of roadside hedgerow will need to be removed to create the access and visibility splay. It is proposed to replant the hedge 1.5 metres set back from the visibility splay.

7.16 Two speed surveys were undertaken to determine the location of the access and achieve the necessary visibility splays. The proposed access achieves a visibility splay of 2.4 metres x 58 metres measured in a westerly direction along the nearside edge of the adjoining carriageway and 2.4m x 102m measured in the easterly direction to the carriageway centreline.

The applicant initially undertook a speed survey as part of the

7.17 previous application 055767 which established the 85th percentile speed of traffic leaving the village, travelling towards Mold (eastbound) as being 37mph. However, the location at which the speed of traffic was measured was not appropriate to determine the speed of traffic approaching the access from Mold (westbound). Consequently the need for a second speed survey was identified. This recorded the 85th percentile speed of westbound traffic towards Mold as 40.2mph.

7.18 A mix of design standards has therefore been applied to assess the suitability of the visibility splays achievable from the proposed access. TAN 18 and Manual for Streets advocate the use of the Annex B Table B (TAN18) standards for speeds up to 37mph. As the speed of eastbound traffic is 37mph, then this allows the use of the lesser 58m Stopping Sight Distance (SSD) as adjusted for bonnet length. Conversely, as the 85th percentile speed for westbound traffic is 40.2mph DMRB desirable min standards for the 102m sightline measured to the east have been applied.

7.19 The construction of the access is approximately 30 metres outside the settlement boundary but this is facilitating development within the settlement boundary. In terms of the visual impact of the access it is considered that this can be controlled by conditions to include landscaping, surfacing of the track and fencing. This can ensure that the access will have a rural appearance and is in keeping with its location at the entrance to the village. It is not unusual to have access tracks in rural areas as long as they are in scale and character with the surrounding area.

7.20 Within the site the access will enter the garden through the existing dry stone wall between 2 groups of pine trees. The trees are proposed to be retained and therefore conditions for their retention and protection are proposed. To access the farm shop site an internal garden hedge will need to be removed. This will be conditioned to be outside the bird breeding season.

Impact on residential amenity
7.21 The access is approximately 30 metres from the nearest residential property. The farm shop building is approximately 15 metres from the rear boundary of the nearest residential properties. However this is within the farm yard area where farming activities would take place. The proposed opening hours are Monday to Friday 08.00 – 18.00; Saturday 08.00 – 14.00; Closed on Sundays and Bank Holidays. The proposed operation is small in scale. It is therefore not considered that the level of activity would be significant or would have an adverse impact on the adjoining residents.

Concerns have been raised about the impact of delivery vehicles and HGV's. This would be small in number and would not be significantly different to traffic associated with a farm.

7.22

Other Matters raised in representations

The permission for a new access track does not set a precedent for future development of the land which has been put forward as a candidate site for consideration as part of the Local Development Plan Process. The access track will be designed to be agricultural and conditioned to be in keeping with the rural area in terms of fencing and surfacing.

7.23

The nature of the proposed development would not prejudice the protection of mineral interests under policy MIN8 of the UDP. It is only the access track that crosses the minerals safeguarded area.

7.24

Details of a waste and recycling area for the shop have been shown to the rear of the building on the plans. Waste generation is not expected to be high due to the small scale of the proposed use. It is unlikely there would be issues with odour due to the scale and nature of the goods to be sold. The method of waste collection is not specifically a planning matter, however this could be in conjunction with the domestic collection or done privately.

7.25

The submitted floor plans do not show any need for sewerage disposal as there are no toilet or washing facilities. Any that may be provided would be small in scale and could be connected to the domestic system. A condition can cover this requirement if they decide to install them at a later date.

7.26

The application was advertised in accordance with the relevant statutory requirements which involved a site notice and consultation with residents adjoining the application site along with notification to the Community Council and the Local Member.

7.27

8.00 CONCLUSION

It is considered that the proposal for a small scale shop is acceptable in this location and complies with the relevant policies S4 and RE5 and national guidance on these matters. The new access is necessary to facilitate the development and can be conditioned to ensure that the appearance does not have a detrimental impact on the character of the area.

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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