

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **4TH OCTOBER 2017**

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

SUBJECT: **APPLICATION FOR REMOVAL OF CONDITION NO. 6 (TEMPORARY ACCESS) AND VARIATION OF CONDITION NO. 8 (OPENING HOURS) FOLLOWING GRANT OF PLANNING PERMISSION 056664 AT COPPY FARM, CILCAIN ROAD, GWERNAFFIELD**

APPLICATION NUMBER: **057296**

APPLICANT: **MR & MRS DICKIN**

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

APPLICATION VALID DATE: **20.07.17**

LOCAL MEMBERS: **COUNCILLOR A DAVIES COOKE**

TOWN/COMMUNITY COUNCIL: **GWERNAFFIELD**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUEST AS THE CONDITIONS WERE IMPOSED BY PLANNING COMMITTEE**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is an application for the removal of condition no. 6 (temporary access) and variation of condition no. 8 (opening hours) following grant of planning permission 056664 for the erection of a farm shop and access at Coppy Farm Gwernaffield.

The retention and use of the new access for all traffic is considered to be acceptable in terms of highway safety, residential amenity and its impact on the open countryside. It is not considered that the increase in opening hours would have a significant detrimental impact

on residential amenity.

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

2.01 All conditions relating to 056664 other than the removal of condition 6 and the variation of condition 8 to Monday to Sunday 08.00 – 18.00 including Bank Holidays.

3.00 CONSULTATIONS

3.01 Councillor A J Davies-Cooke
Requests committee determination as the conditions were imposed by Committee.

Gwernaffield and Pantymwyn Community Council
No response received at time of writing.

Highways Development Control Manager
While condition 6 is not a highway condition, it is agreed that the use of the new access represents a highway gain and we are supportive of its retention to serve the farm should the farm shop cease to operate.

Public Protection Manager
The continued use of the new access road for farm traffic will tend to improve the amenity of nearby residents. In addition the relatively small amount of traffic using the new access to the shop will not significantly affect the amenity of residents on Sundays and Bank Holidays. No adverse comments to make.

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification
The majority of the objections relate to the principle of the development and are therefore not relevant to this planning application so are not listed in detail. 14 objections on the grounds of;

- No justification to extend the opening hours
- The increase in opening hours is significant and would have a significant impact on residential amenity
- Lack of evidence this is a farm shop
- The access road was specifically only to the farm shop and not for farm use
- Why is the existing access substandard now when it has been used for many years before
- Conditions imposed by committee should not be varied or removed
- Potential for conflict between farm traffic and users of the farm shop which the new access was intended to prevent

- There is no evidence that essential items will be sold in the shop
- There are plenty of nearby shops in Mold and local petrol stations that sell essential goods on Sundays and Bank Holidays
- Residents without access to a car can have home delivery
- No need for a shop at these times
- Sets a precedent for further development if the access is permanent
- Concern about the location of the access if permanent as it is directly opposite a residential drive
- It is not a working farm therefore there is no farm traffic
- Longer hours will increase the traffic in the area
- There are no problems with the current access
- If the existing access is substandard then it should be brought up to the relevant standard
- The road should not be permanent
- The traffic in Gwernaffield is much busier on weekends and Bank Holidays as people are off work and use the golf club
- The increased opening hours will lead to increased use of the access which is in a dangerous locations
- The hedge should be cut back on the existing access and this would improve it

1 letter of support from an adjacent resident on the grounds of;

- Not opposed to the proposed use, opening hours or new access
- I do not want the lane at the side of my property used for access to the farm shop and the farm as over the years;
 - A large cattle wagon got stuck by a tree
 - On three occasions large vehicles have hit the wall of my property
 - My property gets covered in mud and dust due to the proximity to the lane
 - My windows open out into the lane and drivers have to close them to get past

5.00 SITE HISTORY

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

056664 Erection of farm shop and associated works, formation of new vehicular and pedestrian access. Approved 16.06.17

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

This is an application for the removal of condition no. 6 (temporary access) and variation of condition no. 8 (opening hours) following grant of planning permission 056664 for the erection of a farm shop and access 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

Permission was granted at Planning Committee on 7th June 2017 for the erection of farm shop and associated works, formation of new vehicular and pedestrian access. The access track was proposed to be solely for use by the farm shop and Planning Committee conditioned that the access should be removed if the farm shop use ceased. This application seeks to remove that condition as it is proposed that the new access track would be used for all farm traffic. They state that the benefits of this would be the new access would provide improved visibility at the junction with Cilcain Road while the existing access and track is substandard. It is stated that there are therefore highway safety benefits. Directing farm traffic to the new access would also remove any noise and disturbance for adjacent occupiers of the existing farm access track therefore improving their

residential amenity.

- 7.04 The previous application requested the opening hours for the farm shop of Monday to Friday 08.00 – 18.00; Saturday 08.00 – 14.00; Closed on Sundays and Bank Holidays. A condition was therefore imposed on the permission with those hours. The applicants have reconsidered the proposal and now wish to extend the opening hours to Monday to Sunday 08.00 – 18.00 including Bank Holidays. This is because they wish to serve Gwernaffield with essential day to day items including milk, bread and newspapers.
- 7.05 The access would be closed off with a gate and the internal layout of the site would be altered with access through the shop area to the farm.
- 7.06 Highways
At the time of the original application the highways development control manager raised no objection to the proposed new access track nor for it to remain permanently. The existing access to the farm was considered unsuitable for increased vehicle use by the proposed farm shop due to inadequate visibility. The proposed access meets the required visibility sightlines following evidence from speed surveys. There are passing places within the access track to cope with vehicles coming in both directions.
- 7.07 The use of the access by the farm is historical. It would not be possible to improve visibility at the existing access due to the visibility splays being over third party land and the width being restricted by third party land on either side.
- 7.08 Impact on residential amenity
The location of the existing access directly passes residential properties in close proximity within 1 metre. This has implications for residential amenity given the nature of vehicles that use the farm. Although some residents claim traffic associated with the farm is limited the adjacent resident has given reports of the issues that it has caused to this property. The closure of this access to vehicles would therefore improve their residential amenity. This would be restricted internally at the farm.
- 7.09 The permitted opening hours are Monday to Friday 08.00 – 18.00; Saturday 08.00 – 14.00; Closed on Sundays and Bank Holidays. These were proposed by the applicants in the previous application and therefore imposed as a condition. This was not because longer opening hours were not considered acceptable. The proposed operation is small in scale. It is now proposed to open at 08.00 – 18.00 seven days a week including Bank Holidays. It is considered that the longer opening hours on Saturdays and opening on Sundays and Bank Holidays is acceptable given the same scale nature of the proposal. Public Protection raise no issues with the proposed hours

in terms of them causing a nuisance to nearby residents.

7.10 The proposed access is approximately 30 metres from the nearest residential property and crosses a field. It is therefore considered that the increased use of the proposed access would have minimal impact on residential amenity. It is therefore not considered that the level of activity would be significant or would have an adverse impact on the adjoining residents.

7.11 Impact on the Landscape
Conditions on 056664 require the details of the fencing and surfacing of the access to be submitted. This would control its appearance and ensure it is rural in nature. This would reduce any impact on the open countryside.

7.12 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.

7.13 Many of the issues raised have been in relation to the principle of the development. This was established by the granting of consent 056664.

7.14 Questions have been raised about the nature of the shop not being a true farm shop and the farm not being an active farm in relation to the proposed extend opening hours. While the proposed development is described as a farm shop, the permission does not restrict the nature of the goods to be sold as it complied with Policy S4 for small scale shops in settlement boundaries.

8.00 CONCLUSION

8.01 The retention and use of the new access for all traffic is considered to be acceptable in terms of highway safety, residential amenity and its impact on the open countryside. It is not considered that the increase in opening hours would have a significant detrimental impact on residential amenity.

8.02 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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