

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY

Date 05/07/2021

APPLICATION NO:
P/2020 /0811

LOCATION:
LAND NORTH OF STRAIGHT MILE
LLAY WREXHAM LL12 0PA

DATE RECEIVED:
25/11/2020

COMMUNITY:
Llay

DESCRIPTION:
CODI SIOP FFERM A CHAFFI
ATEGOL NEWYDD GYDA
MYNEDIAD CYSTLLTIEDIG, PARCIO
CEIR A THIRLUNIWO / ERECTION OF
NEW FARM SHOP AND ANCILLARY
CAFE WITH ASSOCIATED ACCESS,
CAR PARKING AND LANDSCAPING

CASE OFFICER:
SJG

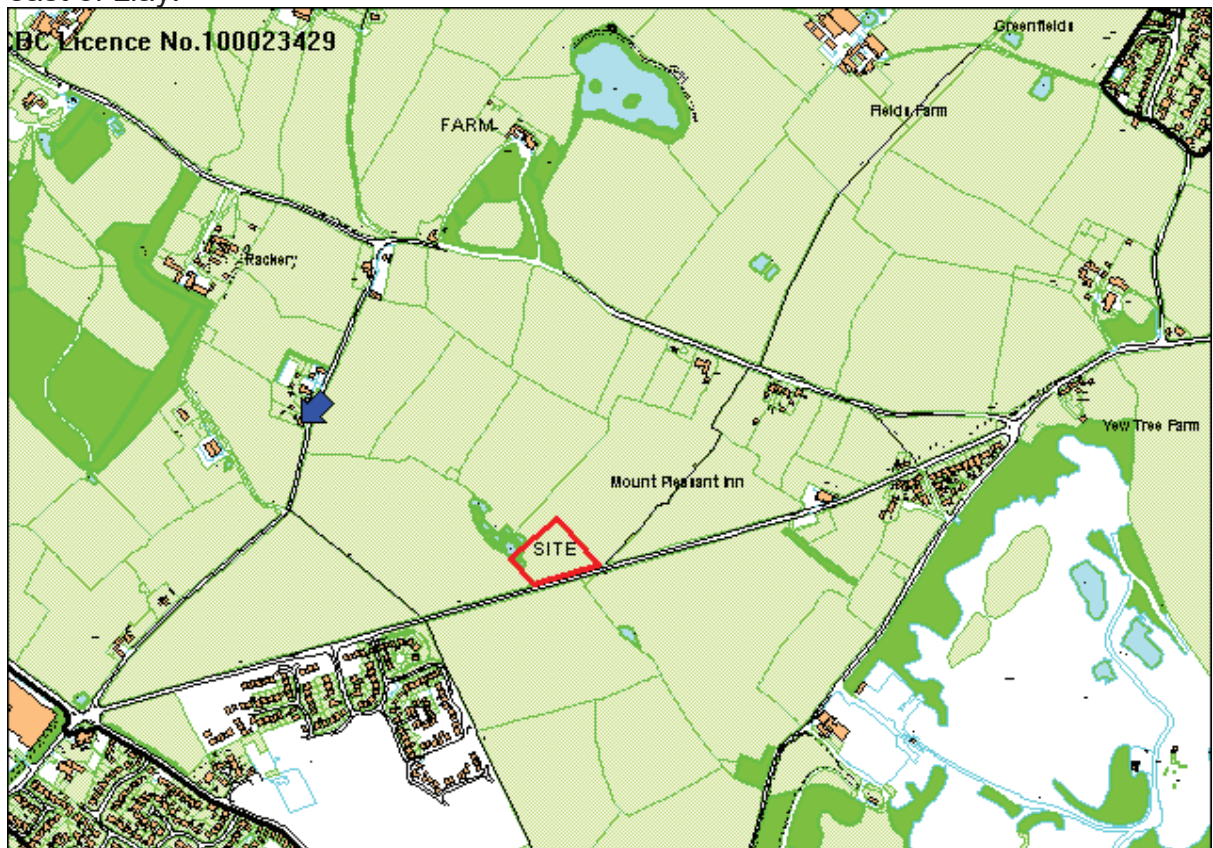
WARD:
Llay

AGENT NAME:
SARINAH FAROOQ

APPLICANT(S) NAME:
MS LARISSA JONES

THE SITE

The site consists of an area of 0.86ha on the north side of the B5102 to the east of Llay.



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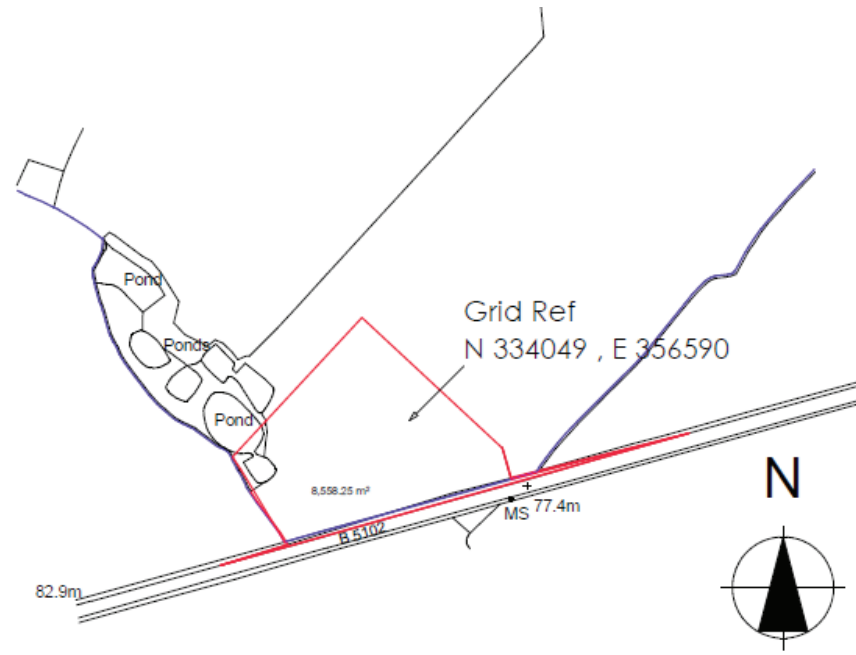
PROPOSAL

As above. The application includes a planning statement, drainage and ecology reports.

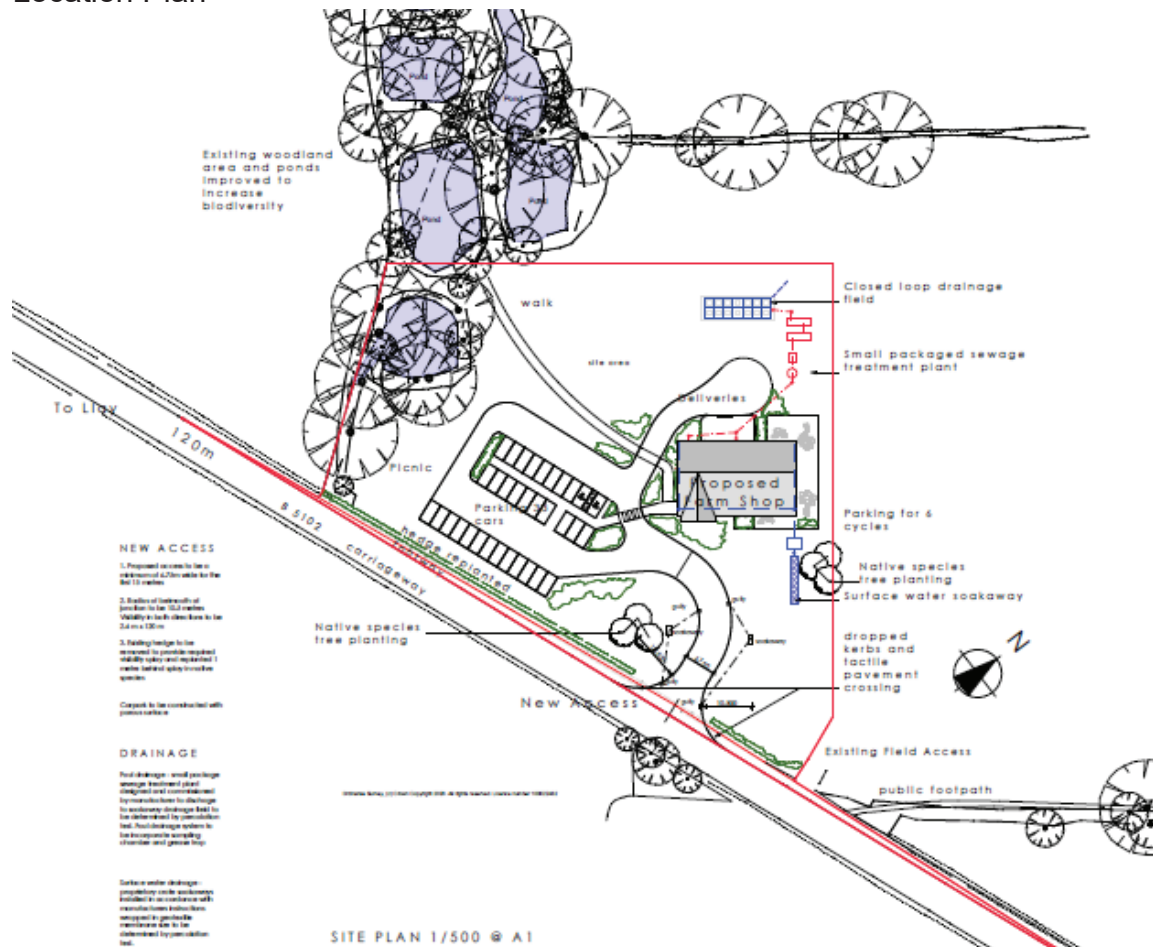


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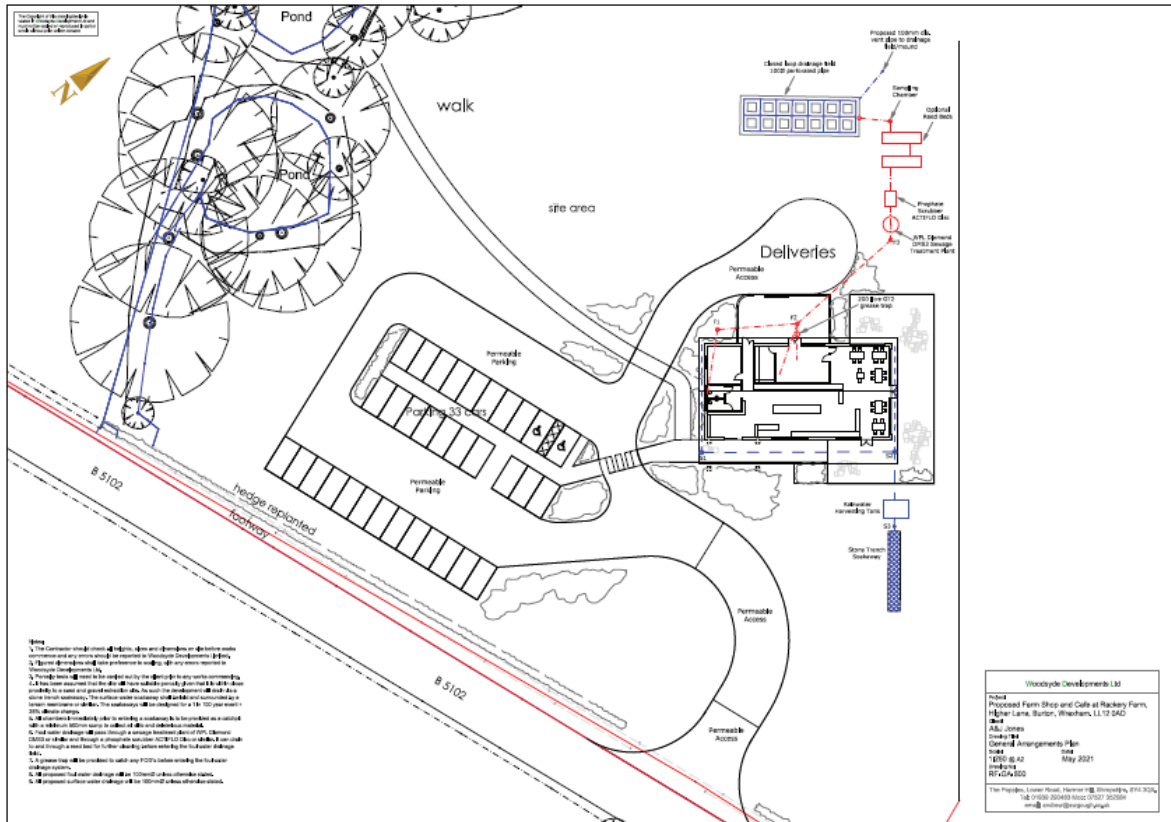
Location Plan



Proposed Site layout

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General arrangements Plan



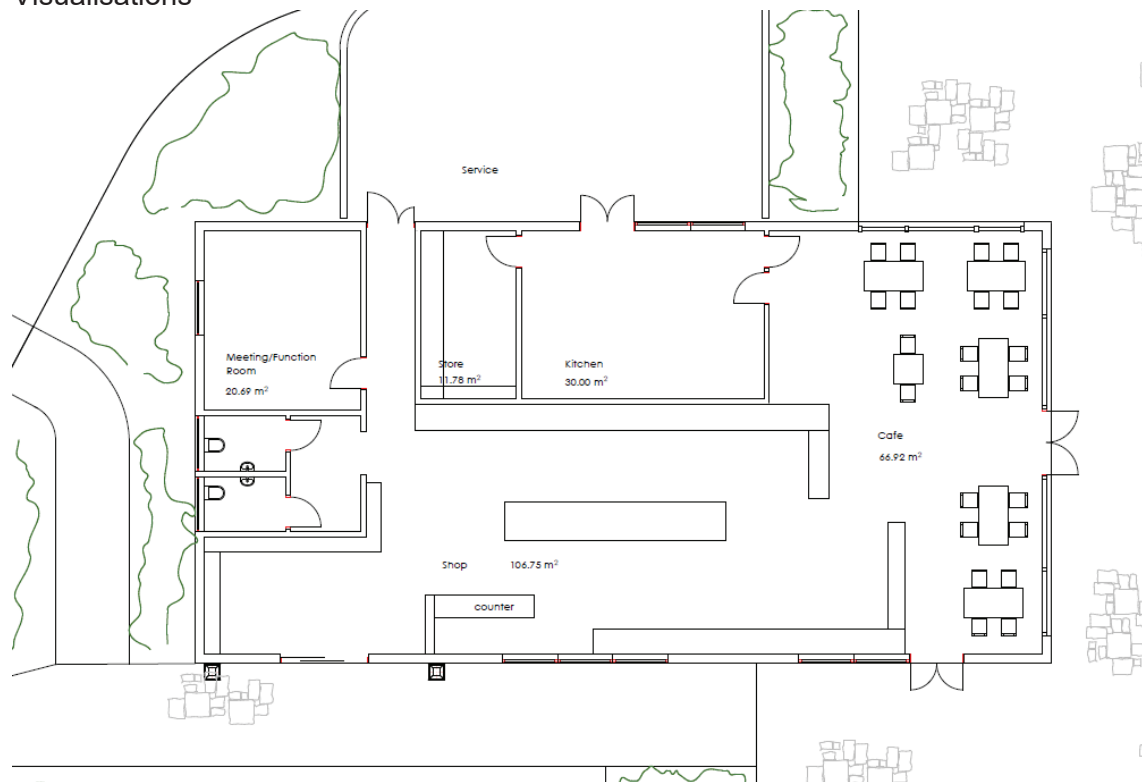
Proposed elevations

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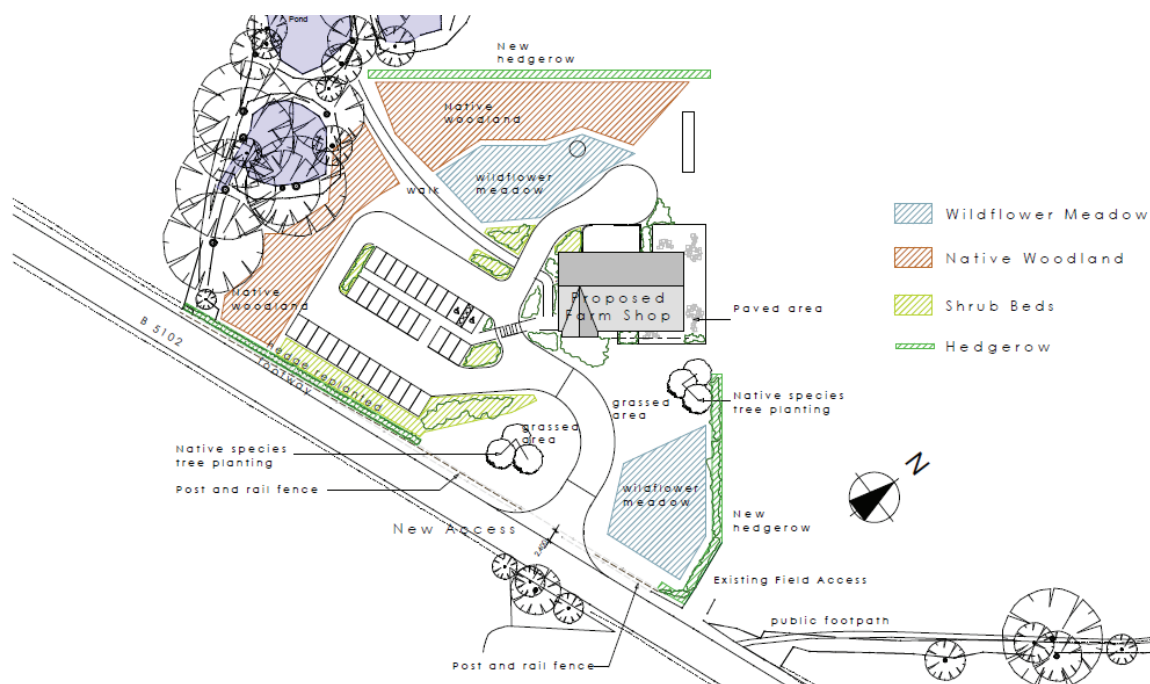


Visualisations



Floor Plan

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Proposed Landscaping

Extracts from statement

The farm shop would form part of the agricultural holding known as Rackery Farm, which is located on Higher Lane, Burton, Rossett.

The proposal seeks to diversify the agricultural enterprise by providing a new standalone farm shop within an easily accessible location, that would sell local farm produce from the farm and surrounding local agricultural enterprises.

Rackery Farm is a 100 acre dairy farm, which also produces grass, maize silage and other products from the arable land.

The agricultural enterprise has already diversified previously through the introduction of a successful luxury glamping site "Rackery Retreat" that currently operates on land within the agricultural holding. Planning permission for this was granted on 7 June 2018 (ref: P/2018/0282).

The site is located along the main road B5102 on existing agricultural holding land of Rackery Farm. The land is a vacant field and the location for where the shop is proposed is heavier headland which is less likely to produce as good quality crops as the remainder of the grass field.

The western part of the site and land to the north-west of the site is an existing tourist attraction comprising of a countryside walk within a woodland area with large ponds and wildlife. The farm shop and ancillary café would serve as a visitor facility to this tourist attraction, providing parking and easy access onto the countryside walk so to allow more visitors to enjoy the woodland area.

There is an existing agricultural access into the site; however, the proposal would include the provision of a new access along the B5102.

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The proposal seeks to diversify the agricultural enterprise further by providing a new standalone farm shop that would sell local farm produce from the farm and surrounding local agricultural enterprises.

The building would also provide an ancillary café and a meeting/function room for the local community to utilise for various temporary functions.

It is envisioned that, as the farm shop business grows, there will be scope for the provision of other local services, such as a local butchery, local bakery, deli meat counter and take-away service.

As part of this application, a Business Plan has been submitted with details of the existing agricultural enterprise and the proposal. Additionally, we have provided a summary of the business at Rackey Retreat within Appendix A of this Statement, and letters from local farms confirming their interest in selling their produce within the proposed farm shop within Appendix B.

HISTORY

ENQ/2020/0115 negative response

DEVELOPMENT PLAN the site is outside settlement limits as set out in the Wrexham Unitary Development Plan. Policies GDP1 PS2 PS3 PS4 PS7 PS11 EC2 EC6 EC4 T8 S7 E5 and E6 are relevant, together with Local Planning Guidance Notes 7 landscape, 16 Parking, 17 trees and 32 Biodiversity.

CONSULTATIONS

Llay Community Council: Llay Community Council wish to express their unanimous support of, and approval for, the proposed Farm Shop on the Straight Mile, Llay, as contained within P/2020/0811.

It is the opinion of Llay Community Council, that this application, if approved, will provide an excellent and popular retail establishment for both the residents of Llay and the wider community.

Local members: Consulted 18/12/2020.

Councillor B Apsley requests committee consideration:
Such a development would be welcomed and would bring benefits to the wider community. The nature of the business would retain the rural feel of the area that has been submerged by the housing development and proposed Aldi across the road.

Highways: Awaited. Pre application advice: no objection subject to comments

Public Protection: No objection subject to comments and conditions

Natural Resources Wales: No objection subject to comments

Flood risk: SAB approval will be required

Contaminated Land: No comments

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Tree officer: Awaited
Ecology Officer: Welsh Government Planning Policy Wales and subsequent letter to LPAs requires development to provide a net benefit for biodiversity (NBB) i.e. a better outcome than if the site was left undeveloped. Failing to provide such a benefit is a valid reason for refusal. A pre-commencement condition is required to ensure that the applicant provides a plan detailing the proposed ecological enhancements to ensure NBB.

Site Notice expired: 8/1/2021

Representations received: 1 objection received:
Insufficient information has been provided in order to consider the full impact of the proposed development.

The proposal does not comply with the planning policy relevant for this area (this is also acknowledged by the acting agent in his planning statement) Wrexham Unitary Development Plan UDP. Emerging policy yet to be adopted does not hold weight in the planning considerations and surely planning guidance documents should only be use in association with the adopted policy not instead of.

The “farm shop” and its scale is clearly contrary to the aims of the adopted planning policies set out in the adopted UDP and is of a larger scale that that of a farm shop to which policies would support. The counter and shop area equates to over 100sqm which is comparable to the internal footprint of an two storey dwelling house.

In addition to the farm shop use, storage room, café, kitchen and toilets, a meeting / function room and a service area is also proposed, such uses in a countryside location non-compliant with policy should not be encouraged.

The development description does not relate to the proposed plans submitted, the scale of the retail building and café provide extensive floor area, clearly indicating that there are other end uses intended for this building

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The site is located away from the main farm which is situated several miles across countryside land and separated by a highway to the north. The site does not rely on the main farm complex as policy asks, it has its own access and will have its own services.

It is unclear from the supporting information what actual produce, if any? will be provided by the farmstead itself, reference to buying produce from outside / offsite providers has been mentioned several times throughout the statement which makes the proposal no different to that of a retail high street shop / cafe.

If approved what is there to stop this commercial project and land being sold on and no longer being associated with the farm? If so this will again result in the site being no different to a town centre retail enterprise, but with a countryside location.

If the council are minded to approve would the uses of the building be controlled for the lifetime of the development, to prevent further impact to nearby businesses?

Local businesses in nearby towns and villages comply with planning policies and are restricted / confined in their floor areas and onsite parking area facilities etc.... due to their central locations, allowing this development which will benefit from a greater footprint, additional surrounding land and private parking areas will clearly provide a disadvantage to the existing smaller businesses in the nearby towns / villages, who comply with the planning policy requirements. This is our main concern.

A business case has been referred too yet it is not available online, as local business owners the impact of this commercial retail unit in the rural location is of a great concern, as it will take business away from the nearby towns and villages, has a retail

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impact assessment been provided by the applicant to demonstrate otherwise?

The planning statement attached to the application refers to the current economic climate as a result of COVID19, surely existing infrastructure and businesses should be supported and enhance, not put out of business by larger scale unsustainable development such as this.

The google image link provided online and the location plan clearly shows there is ample land and outbuildings within the farm's ownership, have these been considered prior to erecting a new isolated building the in the countryside? Has an assessment of alternative sites within the farm's ownership been provided by applicant?

The statement briefly states that the farming activities would impact on a farm shop being sited closer to the existing buildings, what activities are these? It appears that the farm was a suitable location for the glamping tents which gained planning approval, but it is not a farm shop, why is this? The planning statement makes many claims within it, however it does not go on to back up these claims put forward with explanations or evidence?

The introduction of a commercial / retail access on this stretch of main (b) road, which accommodates two-way traffic will impact on the highway safety for road users.

Loss of countryside land and habitat for wildlife and the introduction of large areas of hardstanding should not be encourage, additionally any proposed external lighting will result in light pollution in the countryside setting and will impact on bats which are a protected species. No details of external lighting appear to have been submitted with this application?

The detrimental visual impact caused to the rural setting (again no landscaping appraisal or plan has been provided)

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Planning policy should protect the open countryside and prevent isolated / sporadic development, especially in areas of countryside which separate towns and villages ensuring the separation is clear in defining the adopted boundaries. This development would go against the grain of development and sit centrally between nearby towns. If approved this would set a precedent for further development, resulting in the loss of this open countryside setting. Public rights of ways exist all over the countryside across wales, they do not require a retail unit exceed over 200sqm in internal floor area to assist them.

The statement refers to the small woodland area and pond being a tourist attraction, we feel this is a little imaginative, it is more of a dog walking spot for the few nearby residents.

Whilst we do not object to the design, does the design reflect that of a quaint farm shop to which policy would support? We do acknowledge that the site has no adjoining or nearby development therefore comparisons can not be made as no other buildings or structures will be viewed in context with the site, due to its isolated location.

The landscaping plan and it confirms that the site and it's large car park will be fully exposed from public viewing points , resulting in visual harm to this rural setting and current open nature of this area.

Whilst native species planting and wildflowers are welcomed in ecology terms this does not outweigh the development being contrary to planning policies. The landscaping scheme demonstrates that Large section of hedgerow will need to be removed in order for a commercial vehicle access being safe on this stretch of main road.

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The scale of the carpark clearly demonstrates the land owners intentions on the use of this site, It's bigger than most express convenient stores.

SPECIAL CONSIDERATIONS

Principle of the development

The site is located within the open countryside. The building has a total floorspace of 262m² of which 107m² is A1 retail and 67m² is A3 café.

The principle of a retail development in the open countryside is considered to be contrary to adopted policies of the Wrexham UDP. The proposal would not be classed as a major retail development, but policy S7 on retail sales in the countryside sets a limit of 50m² floorspace.

The justification of the proposal as a farm diversification scheme is not considered to meet the requirements for exceptions to policy under policies E6 and S7 as the development is remote from the farmstead and camping site, being 1.2km by foot and 1.9km by vehicle.

It is also 750m from the main part of the village, and whilst there is a new housing development on the east side of the village this is on the opposite side of a busy class II road subject to a 50mph speed limit.

Therefore the proposed development is not considered to be sustainably located either in relation to the farm and camping site or to the village.

The proposed building could readily become separated as a commercial development unrelated to the farm. Experience has shown that such premises where they are separate from the farm tend to grow into large commercial ventures.

The proposal would be contrary to the planning strategy to confine development to established towns and main settlements and prevent development in the countryside.

The policies in the draft LDP are not yet adopted, and in any event they are not considered to provide support to a project of this type.

Other issues

Issues of highways, ecology, trees, drainage and landscaping could be addressed by suitable conditions.

The proposal has been screened for impacts on phosphate levels in the river Dee SAC in consultation with NRW and it is concluded that no adverse impacts would arise.

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Conclusion

In conclusion it is considered that the proposal would be contrary to adopted policies on retail development in the open countryside.

RECOMMENDATION: That permission be REFUSED

CONDITION(S)

REASON(S)

1. The development is located outside of a settlement limit and remote from the farm, where there is a presumption against new retail development. The development does not accord with policies GDP1a PS1 PS2 PS4 E5 E6 and S7 of the Wrexham Unitary Development Plan.

NOTE(S) TO APPLICANT

The plans referred to in this decision are:
2026 D 02 Rev A Proposed Floor Plan and Elevations
2026 D 03 Rev D Proposed site plan and Location Plan
2026 D 04 Landscaping
RF-GA-500 General Arrangements Plan
Land ownership plan
Arbor Vitae preliminary ecological assessment 4/11/2020
Woodsyde Developments Drainage Statement
Cadnant Planning Statement November 2020
