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47/2016/0186

Scale: 1:2500

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Denbighshire Boundary




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NOTES

FIELD D
 West Boundary
 Roadside verge 700 wide
 Roadside drainage ditch 800 wide - piped under existing access
 Roadside northern hedge varying 1200 to 2000 wide = 2000 high
 Roadside northern hedge varying 1200 to 2000 wide = 2000 high
 Recent new highway access metal rail gate (GATE D) 4000 x 1200
 wide at 2000 and 2000 single posts set back 5000 from back of
 field
 North Boundary
 1200 timber posts at 1000 c/c and finished in 1200 high Medium
 / Heavy Duty Stock Fencing.
 South Boundary
 Existing hardwood hedge 1200 wide = 2000 high, with 1200 High
 Medium / Heavy Duty Stock Fencing
 All deciduous trees remain as existing

POINT A to B
 Existing easement between Points A and B for access to Gatehouse
 and Field C. Specific details to be advised.
 Existing shared access driveway from back of field to Field C, to
 Gatehouse, and to entrance to Field C to east of Gatehouse
 GATE A TO DRIVEWAY
 2800 x 1200 timber access gate to drive from on 2000x2000 timber
 posts set back 10000 / 6550 from back of field
 1000 x 1200 pedestrian access gate to Field C on 150 x 150
 timber posts
 GATE E1
 Remove gate and posts and form new Gate E2 opening
 UTILITY SERVICES LOCATION
 Subject to consultation with Mesh Toler and Scottish Power, and
 all services to be included in site plan to estimating, ordering
 of materials and commencement of work.

FIELD D
 1200 x 1200 timber posts at 1000 c/c and finished in 1200 high Medium
 / Heavy Duty Stock Fencing.
 South Boundary
 Existing hardwood hedge 1200 wide = 2000 high, with 1200 High
 Medium / Heavy Duty Stock Fencing
 All deciduous trees remain as existing

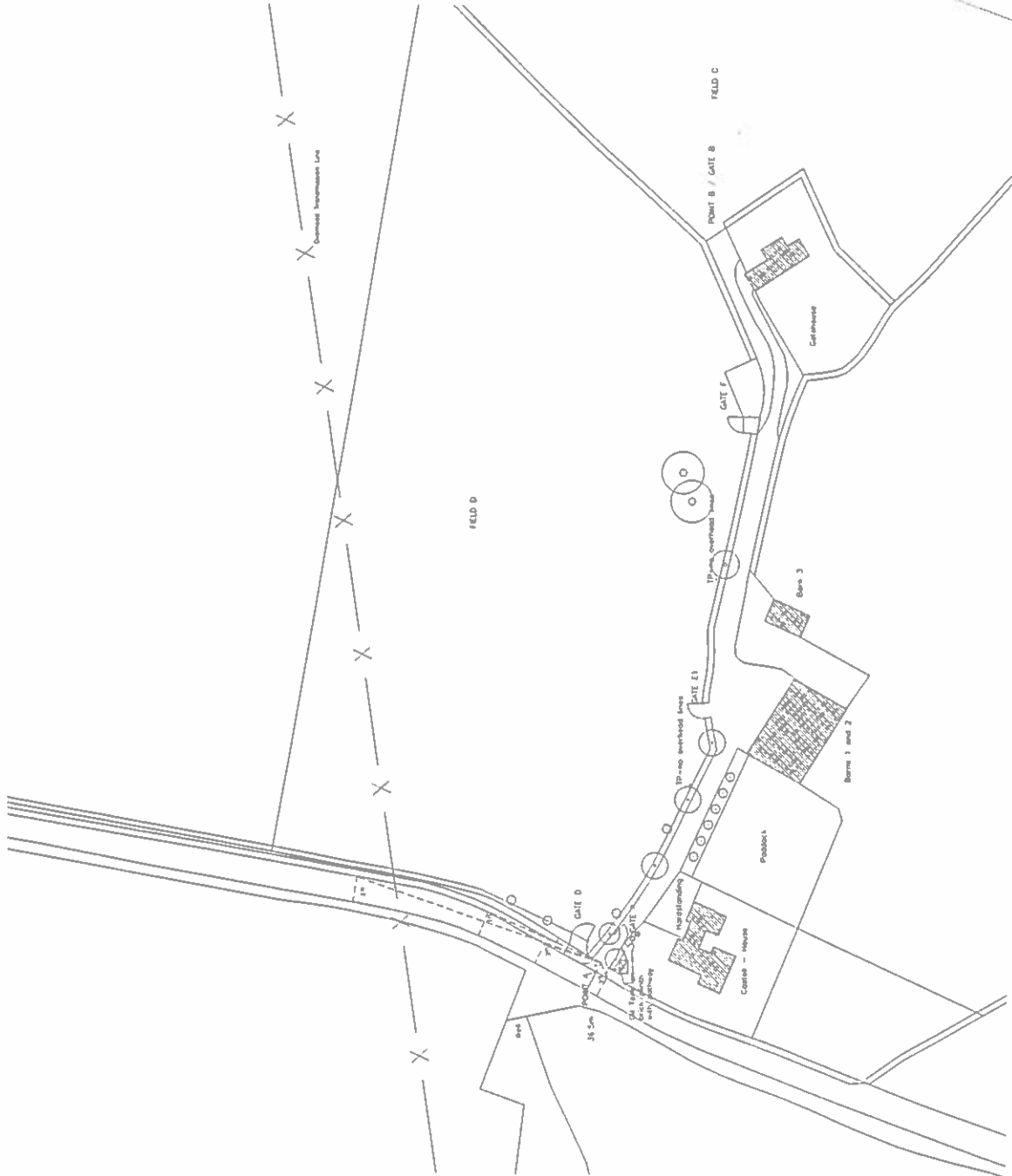
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CASTELL, WAEN,
 ST. ASAPH,
 DENBIGHSHIRE
 LL17 0DY

PROPOSED SUBSTANTIAL
 SHARED ACCESS IMPROVEMENT
 TO HIGHWAY
 FOR PHILIP J AND R DAY

EXISTING PLAN

1/ 500 22/02/2016 32/A



WARD : Tremeirchion
WARD MEMBER(S): Cllr Barbara Smith
APPLICATION NO: 47/2016/0186/ PF
PROPOSAL: Alterations to existing vehicular access
LOCATION: Castell Waen St. Asaph
APPLICANT: Mr P Day
CONSTRAINTS: None
PUBLICITY UNDERTAKEN: Site Notice - No
Press Notice – No
Neighbour letters - Yes

CONSULTATION RESPONSES:

COMMUNITY COUNCIL FOR TREMEIRCHION, CWM & WAEN –

“No objection on condition that the sight lines are dramatically improved on the grounds of safety. Community Councillors are concerned about the hedge fronting the property.”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

HIGHWAY OFFICER

No objection subject to the inclusion of a condition requiring the submission of additional details.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

- i) A Jones, Rofft lthel, Waen;
- ii) E Jones, 21 Llys Alafowlia, Denbigh
- iii) D Jones, Bryn Ibod, Waen
- iv) G Jones, Bryn Ibod Farm, Waen
- v) John Owens Solicitors on behalf of the owners of Rofft lthel

Summary of planning based representations in objection:

- i) The current access is adequate;
- ii) The existing right of way should not be closed;
- iii) The new access is in a more dangerous position than the current access.

EXPIRY DATE OF APPLICATION: 27/04/2016

REASONS FOR DELAY IN DECISION:

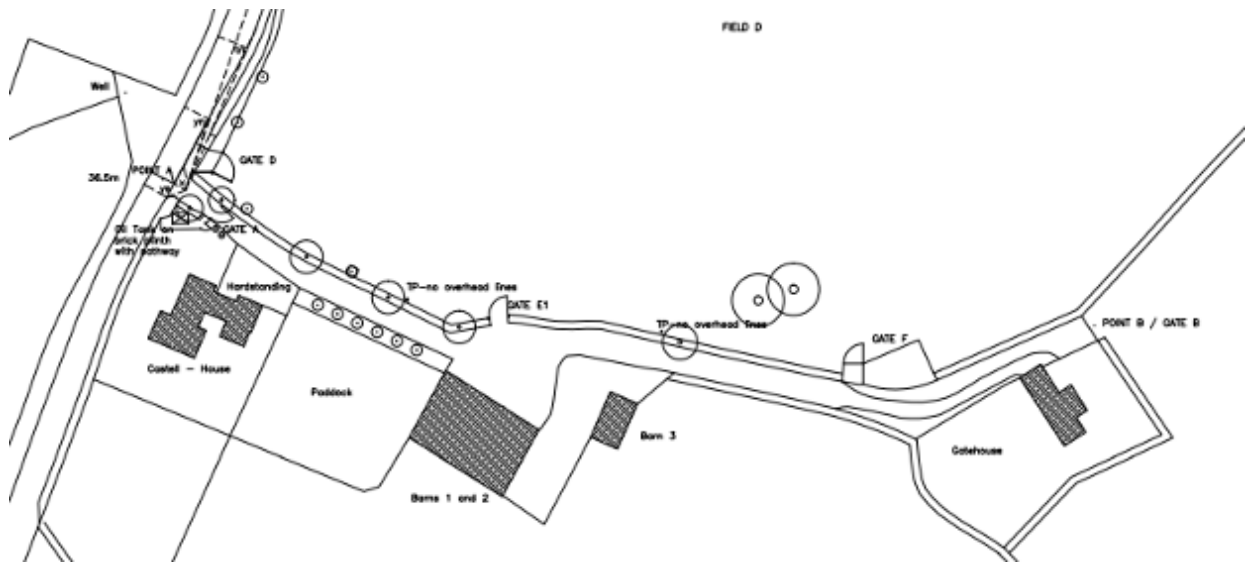
- Awaiting receipt of key consultation responses
- Referral to Committee

PLANNING ASSESSMENT:

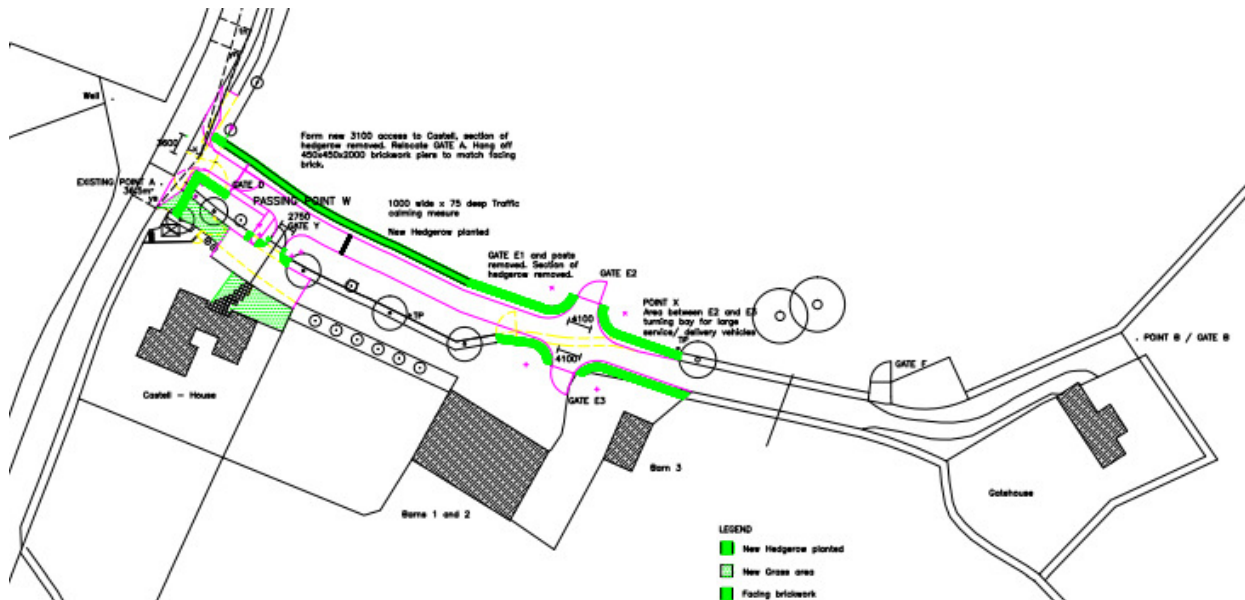
1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks full planning permission for alterations to existing vehicular access.
- 1.1.2 The proposal relates to an existing access leading to the applicant's property along with other dwellings further down the track to the east which is proposed to be closed off, and the proposal is to form a new access created within the south western corner of a field immediately adjacent to the applicant's property.
- 1.1.3 The proposal requires the provision of a further length of access to run parallel to the north of the existing and then re-join the access road at a point to the east of the applicant's house. A set of gates will also be included on the new access, set back from the road by 10 metres to allow vehicles to stop clear of the road. Extracts from the existing and proposed layout plans are indicated below to illustrate the proposal, including improved sight lines from the new access point.



Existing Site Layout



Proposed Site Layout

1.2 Description of site and surroundings

- 1.2.1 The site relates to an existing access point serving Castell, Gatehouse, Bryn Ibod and Rofft Ithel. The access is located on the inside of a bend with hedgerows to the south across the front of the curtilage of Castell. A photograph indicating the existing

access and the hedge is provided below, along with a further photograph showing the recently created field gate which will be utilised for the new access point.



The Existing Access



The Field Gate

1.3 Relevant planning constraints/considerations

1.3.1 The site stands outside of the development boundary in an area without any specific designation in the Local Development Plan.

1.4 Relevant planning history

1.4.1 None.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 None.

2. DETAILS OF PLANNING HISTORY:

2.1 None.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)
Policy ASA 1 – New Transport Infrastructure

3.1 Supplementary Planning Guidance

None

3.2 Government Policy / Guidance

Planning Policy Wales Edition 8 January 2016

Technical Advice Notes

Circulars

4 **MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, July 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Highways (including access and parking)
- 4.1.5 Loss of agricultural land
- 4.1.6 Other Matters

4.2 In relation to the main planning considerations:

- 4.2.1 Principle
The proposal to relocate an existing vehicular access is considered acceptable in principle, subject to more detailed consideration of the amenity impacts of the development.

- 4.2.2 Visual amenity
In referring to what may be regarded as material considerations, Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The impact of a development on visual amenity is therefore a relevant test on planning applications. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest.

The creation of the replacement access point with its gates and adjacent fencing with the track is deemed to be appropriate for this rural location. It is considered there would be no policy conflicts as a result of the development.

- 4.2.3 Residential amenity
Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment as potentially material considerations. The impact of a development on residential amenity is therefore a relevant test on planning applications. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity

and existing use of land and buildings in the public interest. As the Courts have ruled that the individual interest is an aspect of the public interest, it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties.

The replacement access is not considered to represent any harm to nearby occupiers in regard to their amenity as it has an appearance and layout which is satisfactory for such development. It is considered there would be no policy conflicts as a result of the development.

4.2.4 Highways (including access and parking)

Planning Policy Wales 3.1.4 refers to what may be regarded as material considerations and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The acceptability of means of access is therefore a standard test on most planning applications. Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

The concerns raised by the local residents made are duly noted however it is considered that the proposal will improve an existing substandard access and will result in an overall benefit to highway safety.

The Highways Officer has raised no objection to the proposal subject to the inclusion of a condition requiring additional highway details on the basis that the scheme will serve to improve an existing substandard access and will result in an overall benefit to road safety in the area.

The proposal is therefore considered acceptable in this respect of highway safety and compliant with the relevant planning policies and guidance.

4.2.5 Loss of agricultural land

Planning Policy Wales (Section 4.10.1) obliges considerable weight to be given to protecting land of grades 1, 2, and 3a quality in the Agricultural land Classification system of the Department for Environment, Food and Rural Affairs. This land is considered to be the best and most versatile and justifies conservation as a finite resource for the future. PPW indicates that land of this quality should only be developed if there is an overriding need for the development, and either previously developed land or land of a lower grade is available, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

The scheme would serve to remove a strip of land from the adjacent field to the north of the dwelling to facilitate the creation of the access point. However, given that the development will be beneficial in regard to improving visibility out of the access point it is considered that this outweighs the general policy presumption against the loss of land and therefore represent the overriding need required by PPW.

4.2.6 Other matters

The concerns relating to the right of way is a separate matter between the relevant private landowners and not a subject over which the Council can exercise any control.

5 SUMMARY AND CONCLUSIONS:

5.1 Although there are local concerns in respect of highway safety it is considered that the proposal is an improvement of an existing substandard access. The proposal is considered acceptable and therefore recommended for grant subject to suitable conditions.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 21 June 2021.
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
 - (i) Existing site plan (drawing number 32/A) received 22 February 2016
 - (ii) Proposed site plan (drawing number 33/A) received 22 February 2016
 - (iii) Proposed access plan (drawing number 34/A) received 22 February 2016
 - (iv) Location plan (drawing number 31/A/R2) received 3 March 2016
3. No development shall commence on site until full details of the vehicular access to include, surfacing, kerbing and drainage have been submitted to and approved in writing by the Local Planning Authority. The access shall be completed strictly in accordance with the approved plans before it is brought into use.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. To ensure the formation of a safe and satisfactory access in the interest of highway safety.

NOTES TO APPLICANT:

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10.

Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).