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44/2016/0378

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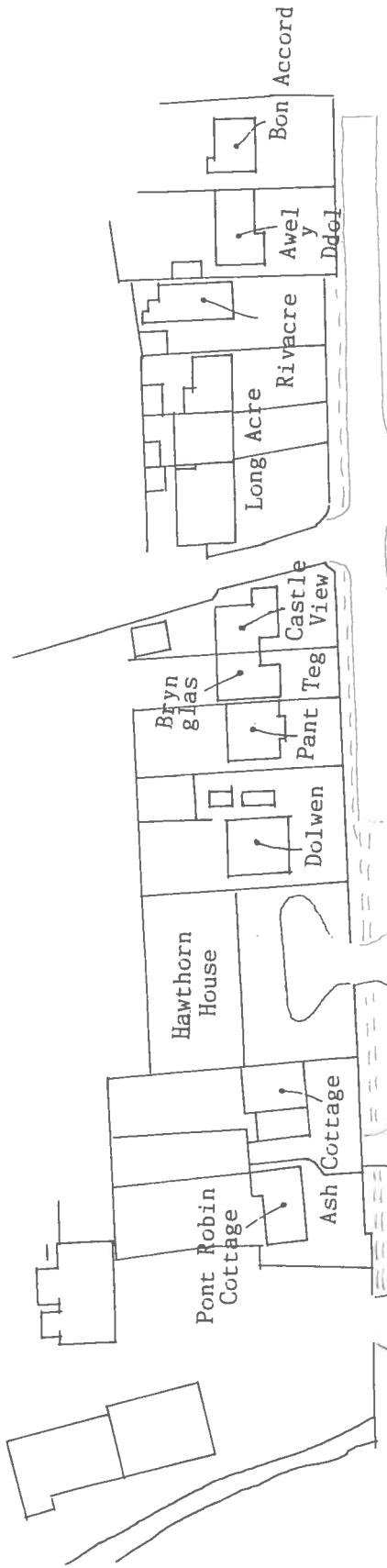
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HTM Business Park



← To Abergele

ABERGELE ROAD A547

Position of Proposed Vehicular Access

McLFA  
Lodge

Rossmore

LOCATION

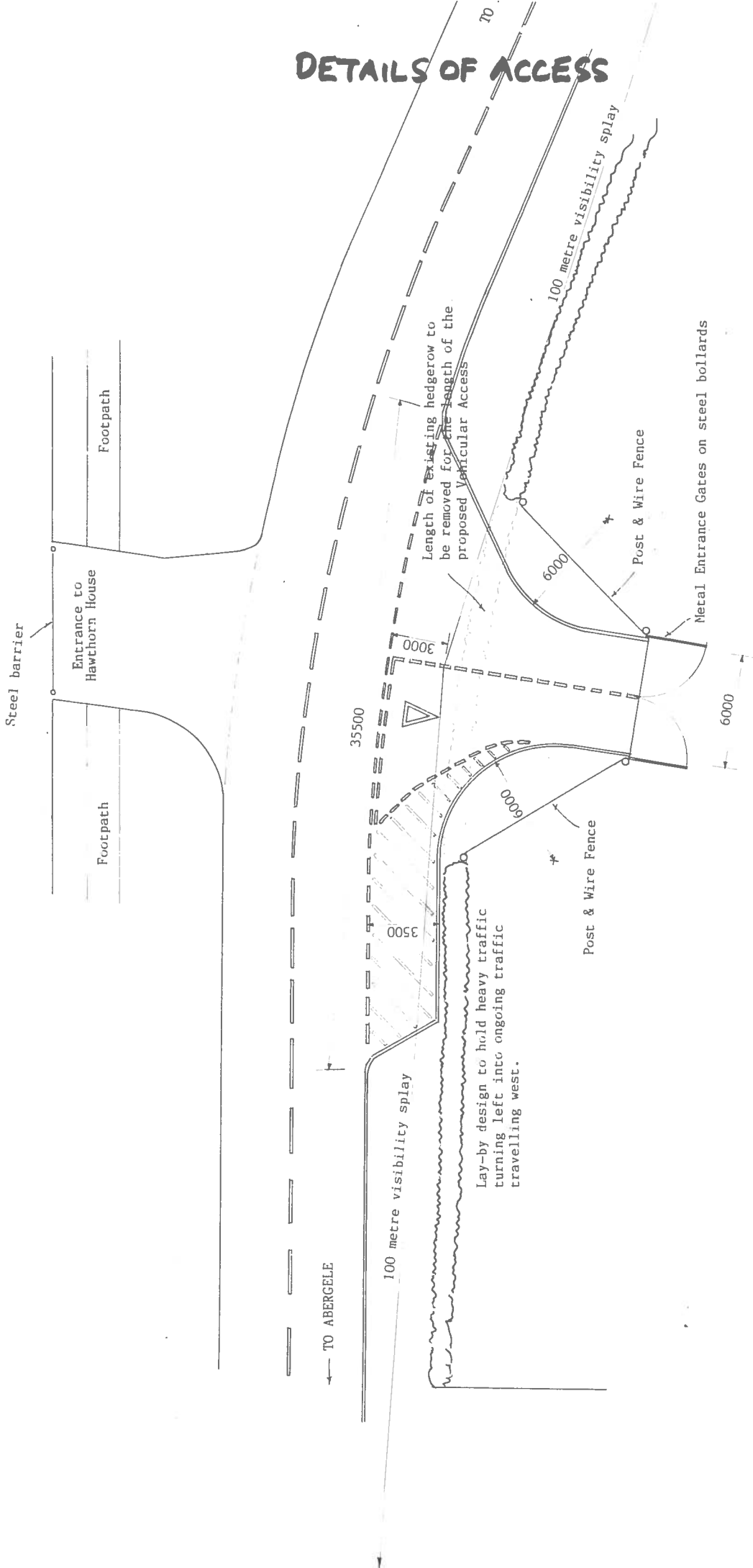
St. Asaph

RECEIVED  
26 APR 2016  
COUNCIL

To Rhyl →



# DETAILS OF ACCESS





**WARD :** WD22 - Rhuddlan

**WARD MEMBERS:** Councillor Ann Davies  
Councillor Arwel Roberts (c )

**APPLICATION NO:** 44/2016/0378/PF

**PROPOSAL:** Formation of new vehicular access for agricultural vehicles

**LOCATION:** Land adjoining Morfa Lodge Abergele Road Rhuddlan Rhyl

**APPLICANT:** Mr & Mrs Harry & Kathy Meigh

**CONSTRAINTS:** C1 Flood Zone Article 4 Direction

**PUBLICITY UNDERTAKEN:** Site Notice - No  
Press Notice - No  
Neighbour letters - Yes

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**

**Scheme of Delegation Part 2**

- Recommendation to grant / approve – Town / Community Council objection

**CONSULTATION RESPONSES:**

**RHUDDLAN COMMUNITY COUNCIL–**

“The revised plans have been revisited but the Council’s response remains unchanged i.e., they do not see the requirement for an additional access as they believe that there is one already in place. There is also a question as to why another access for agricultural vehicles is required.”

**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:

Jarrod Nash, Pant Teg, Abergele Road, Rhuddlan  
D Clwyd Parry Electrical, Rossmore, Abergele Road, Rhuddlan.  
Lisa Richards, Hawthorn House, Abergele Road, Rhuddlan

Summary of planning based representations in objection:

- i) The current access is adequate.
- ii) The new access is in a more dangerous position than the current access.
- iii) The access will encourage larger vehicles to use an already substandard road.

**EXPIRY DATE OF APPLICATION: 20/06/16**

**REASONS FOR DELAY IN DECISION:**

- Additional information requested
- Referral to Committee

## **PLANNING ASSESSMENT:**

### **1. THE PROPOSAL:**

#### 1.1 Summary of proposals

- 1.1.1 The application seeks planning permission for a vehicular access for agricultural vehicles at Morfa Lodge in Rhuddlan. The access is proposed off the A547 Abergele Road into a field to the east of the dwelling.
- 1.1.2 The proposal involves the creation of a 15 metre wide two lane vehicle access point, with a lay-by feature incorporated to accommodate vehicles turning left out of the access which are seeking to merge with traffic travelling west along the A547. The details are on the plan at the front of the report.
- 1.1.3 The access would be recessed from the road and be bounded by post and wire fencing with steel gates to the field. There would be 100 metre visibility splays along the A road in both directions from the proposed access.
- 1.1.4 The existing access points serving Morfa Lodge would be retained for the dwelling and outbuildings.

#### 1.2 Description of site and surroundings

- 1.2.1 Morfa Lodge is located on the southern side of Abergele Road to the west of the Rhuddlan triangle roundabout.
- 1.2.2 This is a mixed use area on the periphery of Rhuddlan. To the south of the road most of the properties are residential, to the north there is a mix of residential and light industrial uses.
- 1.2.3 The north of the application site is bounded by the A547 Abergele Road, to the east and south Morfa Lodge is bounded by agricultural land, and to the west there are residential properties.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located in the open countryside, i.e. outside any development boundaries as defined by the Local Development Plan maps.
- 1.3.2 The development boundary for Rhuddlan runs along the north and west boundaries of the field onto which the access is proposed.
- 1.3.3 The site is in an area without any specific designation in the Local Development Plan.

#### 1.4 Relevant planning history

- 1.4.1 Planning permission was granted for an extension to the dwelling Morfa Lodge in 2015.

#### 1.5 Developments/changes since the original submission

- 1.5.1 Additional information was sought by Highways Officers on the need for the access and the necessity for such a substantial arrangement.
- 1.5.2 In response a statement was provided from the Applicants Solicitor and from Mr Jones who has farmed the land at Morfa Lodge since the Applicants took over the site in February 2015.
- 1.5.3 In the statement Mr Jones sets out how the land is used and what machinery is required for each type of use i.e. the process for maize planting and vehicle movements associated with each part of the process or the process for silage making. Mr Jones also advises that a double access is required owing to the scale of the machinery he uses.

#### 1.6 Other relevant background information



1.6.1 None.

## 2. DETAILS OF PLANNING HISTORY:

2.1 None of relevance to the access arrangements or the agricultural use.

## 3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:  
Denbighshire Local Development Plan (adopted 4<sup>th</sup> 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 Note 18 Transport

## 4 MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 8 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)

4.2 In relation to the main planning considerations:

#### 4.2.1 Principle

Paragraph 7.6.5 of Planning Policy Wales advises that local planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices.

Local Development Plan policy no longer requires a need to be established to warrant permission to be granted for agricultural development, however in this instance owing to the issues raised in representations, information was provided by the applicant in relation to the need.

It is the opinion of Officers that the application documents set out reasonable arguments why the access is required. Therefore the proposal to develop an agricultural vehicular access is considered acceptable in principle, subject to detailed consideration of the impacts of the development, which are considered below.

#### 4.2.2 Visual amenity

In referring to what may be regarded as material considerations, Planning Policy Wales 3.1.4 refers to means of access 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 access point with its gate and adjacent fencing is deemed to be appropriate in this edge of settlement location. It is considered there would be no visual amenity 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 proposed access is not considered likely to give rise to any harm to nearby occupiers in regard to their amenity as the appearance and layout is satisfactory for such development. It is considered there would be no residential amenity 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 and reflects general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

Whilst an elaborate access arrangement is proposed for an agricultural access, justification has been provided for the detailing of this feature onto a busy A road. Having considered the case made Highways Officers raise no objection to the proposal on the basis that the scheme will result in an overall benefit to road safety in the area.

The concerns raised by local residents are duly noted however it is considered that the proposal will result in an overall benefit to highway safety by enabling agricultural machinery to access and exit the site swiftly and safely. Should the access or adjoining land be proposed to be used for any other purpose, it is likely that planning consent would be required and the merits would need to be assessed at that time. The proposal as submitted is therefore considered acceptable in relation to highway safety and compliant with the relevant planning policies and guidance.

## 5 SUMMARY AND CONCLUSIONS:

- 5.1 Although there are local concerns in respect of the need for the access and highway safety, it is considered that the proposal would not be contrary to planning policy, and its detailing is acceptable. The proposal is considered appropriate in its location and therefore recommended for grant.

**RECOMMENDATION: GRANT-** subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
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) Layout and location plan (Drawing No. 2780/1/APR/16) received 26 April 2016
  - (ii) Supporting information received 2 August 2016

The reason(s) for the condition(s) is(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.