



CYNGOR
Sir Ddinbych
Denbighshire
COUNTY COUNCIL

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Heading:

22/2012/1363

Llidiart Fawr, Llangynhafal



Application Site

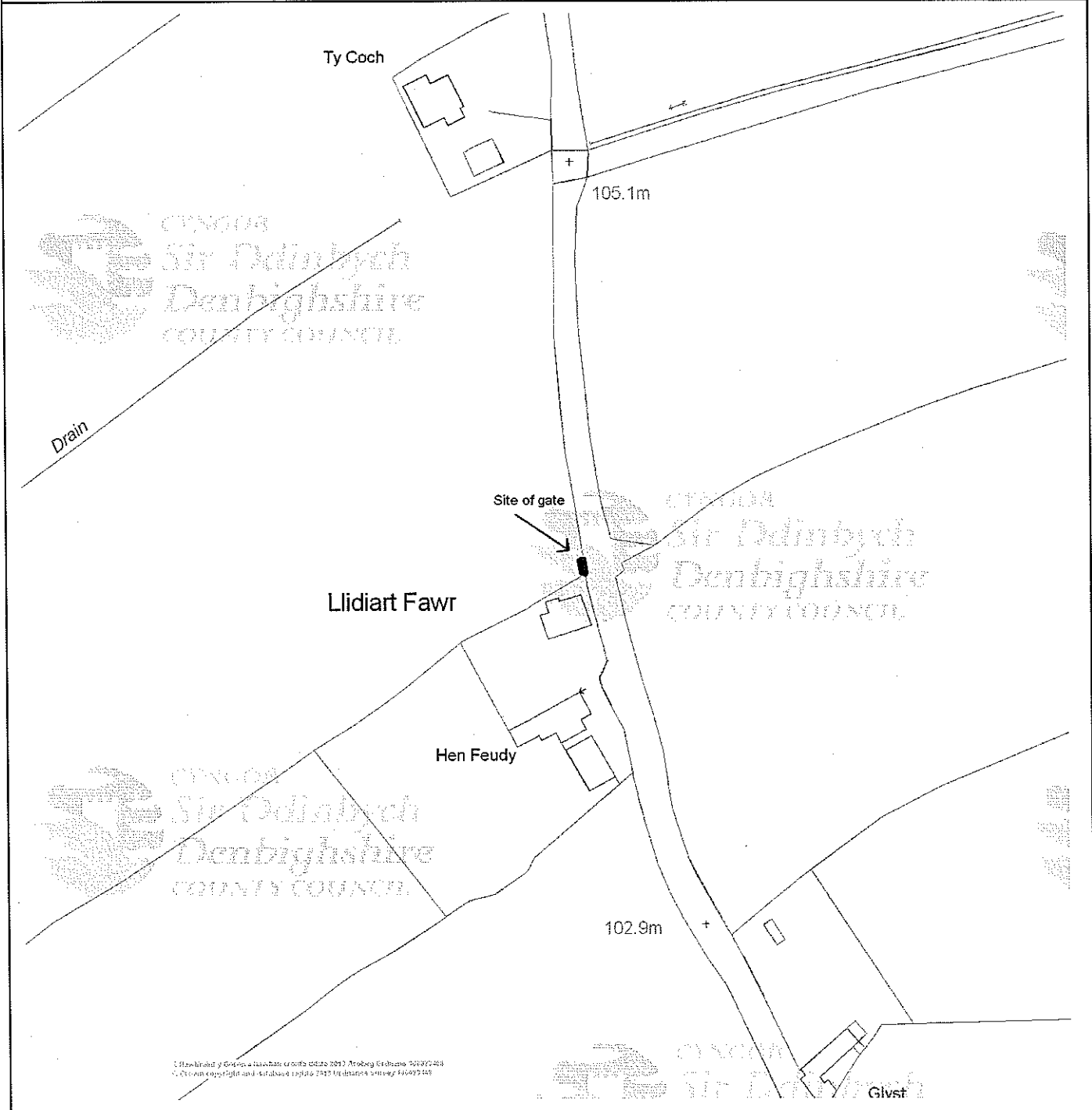


Date 6/2/2013

Scale 1/1250

Centre = 313398 E 361899 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



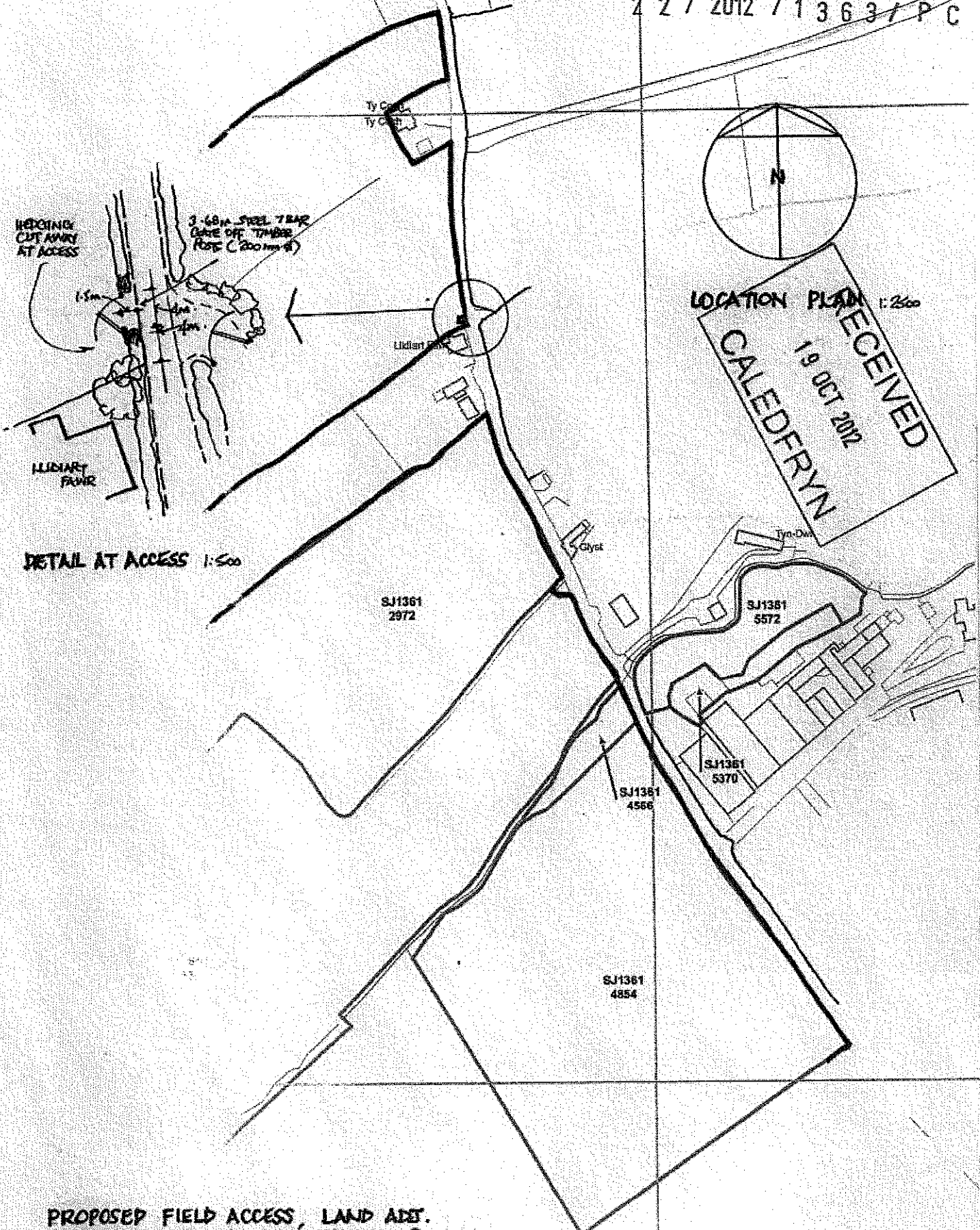
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SITE PLAN

313500

22 / 2012 / 1363 / PC



DETAIL AT ACCESS 1:500

LOCATION PLAN 1:2500
RECEIVED
19 OCT 2012
CALEDERYN

PROPOSED FIELD ACCESS, LAND ADJ.
LLIDIART FAWR, LLANGYNHAFAL, RUTHIN.,
for G. Whittingham & Sons.
REF: 12/34

313500

ITEM NO: 5

WARD NO: Llanbedr Dyffryn Clwyd / Llangynhafal

APPLICATION NO: 22/2012/1363/ PC

PROPOSAL: Retention of new cattle/field access and 7-bar steel gate

LOCATION: Land adjacent to Llidiart Fawr Llangynhafal Ruthin

APPLICANT: Mr Charles Whittingham G Whittingham & Sons

CONSTRAINTS: Groundwater Vulnerability 1

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:

LLANGYNHAFAL COMMUNITY COUNCIL-

“Object for the following reason:

- There are 2 gateways already in existence situated a short distance up the road and members do not believe that it is essential/necessary to have another access at this new location.
- Cattle can gain access to the field in question via the established gateways either by travelling the short distance up the road or via the right of way to Wern Fawr or land in the applicant’s ownership opposite Ty Coch.
- Wherever possible, the Community Council supports the maintaining and preservation of hedgerows and is of the view that the hedgerow at this location should not have been removed.
- Visibility is severely restricted due to the narrowness of the roadway and the substantial hedgerow/trees at this location. It is felt therefore that the new access could prove dangerous to traffic using the roadway.
- The opening up of the hedgerow has resulted in a number of safety concerns for the adjacent property at Llidiart Fawr”.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Transport and Infrastructure

- Highways Officer

No objection subject to condition requiring details of means of preventing discharge of water from the road onto adjacent land.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Bronwen and Ian McGregor, Llidiart Fawr, Llangynhafal

Summary of planning based representations in objection:
Need for development.

Visual impact. Loss of hedgerow.

Highway impact. Safety of access and its use which leaves the road in poor condition.

Security. Adjacent dwelling now appears more open.

Drainage. Opening gate has led to surface water running onto road.

EXPIRY DATE OF APPLICATION: 26/03/2012

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The application seeks retrospective planning permission for the retention of a field access on land adjacent to Llidiart Fawr, Llangynhafal.

1.1.2 The 4 metre wide access comprises of timber posts and a 3.7 metre high steel bar gate. To facilitate the access, four metres of hedgerow has been removed.

1.1.3 The development was carried out in September 2012. See the plan attached to the front of the report for the details.

1.2 Description of site and surroundings

1.2.1 The site is part of the agricultural complex of Llanbedr Farm. The farmhouse and agricultural buildings are located to the south east of the application site. The land is bisected by a Class C minor road running from Llangynhafal to Hirwaen.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located outside any development boundaries as defined in the Unitary Development Plan.

1.4 Relevant planning history

1.4.1 The section's records reveal applications for agricultural related development at the farm. There are no records relating to this specific site.

1.5 Developments/changes since the original submission

1.5.1 None.

1.6 Other relevant background information

1.6.1 The Design and Access Statement submitted in support of the proposal advises that the proposed development is required to improve animal welfare conditions. It enables stock to exit the field adjacent to Llidiart Fawr and cross straight over the road to land at Llanbedr Farm, negating the need to travel down the road.

2. DETAILS OF PLANNING HISTORY:

2.1 None.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

Policy GEN 3 - Development Outside Development Boundaries

Policy GEN 6 - Development Control Requirements

Policy EMP 13 - Agricultural Development

Policy TRA 6 - Impact of New Development on Traffic Flows

3.2 GOVERNMENT GUIDANCE
Planning Policy Wales Edition 5

4. MAIN PLANNING CONSIDERATIONS:

4.1 The main land use planning issues are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual and landscape impact
- 4.1.3 Residential amenity
- 4.1.4 Highway safety

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy GEN 3 relates to development outside development boundaries and states development in connection with agriculture is permitted providing there is no unacceptable impact on the social, natural, and built environment.

Policy EMP 13 relates specifically to agricultural development, and whilst this policy is aimed at agricultural buildings some of the criteria are relevant as it the aim of the policy is to ensure agricultural development has no unacceptable impact on the environment. Proposals must comply with four tests relating to; i) the need for the development, ii) the use of alternative existing buildings, iii) the impact of development on the character and appearance of the countryside and iv) the siting relating well to the existing complex.

Policy GEN 6 must be applied to assess the detailed impacts of this full planning application, and the detailed issues are considered under this policy as set out below.

4.2.2 Visual and landscape impact

The main policy that refers to scale, landscape and visual impact is GEN 6. The general requirements to assess landscape and visual impact of agricultural development are set out in criteria iii) and iv) of Policy EMP 13.

The proposal is for the retention of an access comprising of a 7 bar steel gate on timber posts. Four metres of hedgerow has been removed to facilitate the access.

It is the opinion of Officers that this type of development is a familiar sight in rural areas. With respect to the concerns over the visual impact, it is considered that by virtue of the scale, location, design and materials of the proposal, that the development has a minimal impact on the wider landscape. The proposal is therefore considered to comply with the requirements of criterion iii) of Policy EMP13 and criterion i) of GEN 6.

4.2.3 Residential amenity

Policy GEN 6 sets specific tests to be applied to amenity of impacts of development; to ensure new development does not unacceptably affect the amenities of local residents, by virtue of noise, activity, fumes, etc.

The proposal is for the retention of an access to existing agricultural land. The closest residential property to the proposal is approximately 10m south of the access.

Having regard to the existing use of the land and the nature of the proposal, i.e. an agricultural access, it is considered that there would be no unacceptable impact on residential amenity.

4.2.4 Highway safety

Policy TRA 6 requires that the capacity and traffic conditions on the surrounding road network are satisfactory. Policy GEN 6 criteria (vii) permits development where it does not have an unacceptable effect on the local highway network.

The site accesses a class C road from agricultural land. Officers from the Transport and Infrastructure section have raised no objection to the proposal subject to the inclusion of a condition to deal with surface water run off onto the highway.

It is not considered that the proposal would have an unacceptable impact on the surrounding road network. The proposals are not considered contrary to TRA 6.

Other matters

With respect to the comments of the objectors and the Community Council, consideration has been given to highways safety and the visual impact of the proposal. The Applicant has made the point in the DAS that this is a logical point to cross the road between parcels of his land to reduce the movement of animals along the road. This is considered sufficient to justify the proposal. Reference is also made to the hedgerow regulations in the representations; Officers would advise that if works are subject to a planning application, the works would be exempt from the hedgerow regulations.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The development is considered to comply with the relevant policy tests and is therefore recommended for grant.

RECOMMENDATION: GRANT – subject to compliance with the following Condition:-

1. Within one month of the date of the permission hereby being granted a scheme to stop highway water entering the land adjacent to Lliidiart Fawr shall be submitted to and approved in writing by the Local Planning Authority and the scheme shall be constructed in accordance with the approved details.

The reason(s) for the condition(s) is(are):-

1. To ensure the formation of a safe and satisfactory access.

NOTES TO APPLICANT:

None