

PLANNING COMMITTEE	DATE: 15/01/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	CAERNARFON

Number: 6

Application Number: C17/1077/36/LL

Date Registered: 16/11/2017

Application Type: Full - Planning

Community: Dolbenmaen

Ward: Dolbenmaen

Proposal: A retrospective application to retain a vehicular access

Location: Land near Tŷ'n Ffrwd, Pentrefelin, Cricieth, Gwynedd. LL52 0RA.

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 The application is a full retrospective application to retain a vehicular access. At present, two timber posts have been placed within the slate boundary wall, and a galvanized gate has been placed between the two posts. The access measures approximately 3 metres in width. No low kerbs have been placed on the side of the highway thus far, and a footpath and a strip of grass are placed between the highway and the access. It is understood from the information submitted with the application that the access was created because the existing access road was unsuitable and unsafe. The access serves a small parcel of land and it would facilitate access to the site for maintenance.
- 1.2 The site lies outside any development boundary in the adopted Development Plan and within a Special Landscape Area. The access is off a class 1 road, namely the A497 in Pentrefelin, and is to the south of the site. There is a dwelling to the west of the site, a small stream to the north, and domestic gardens to the east.
- 1.3 The application was submitted following action by the Planning Service's Enforcement Officers, and the application is submitted to the Committee in light of receiving three or more letters of objection.

2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.
- 2.2 The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 2.3 **Gwynedd and Anglesey Joint Local Development Plan 2011-26 adopted 31 July 2017**
POLICY CYFF 2: Development Criteria
POLICY CYFF 4: Design and Landscaping
POLICY TRA 4: Managing Transport Impacts
POLICY AMG 2: Special Landscape Areas

2.4 National Policies:

The Well-being of Future Generations (Wales) Act 2015 - Welsh Government,
Planning Policy Wales, Welsh Assembly Government (Ninth Edition, November 2016),
Technical Advice Note (Wales) 18: Transportation (March 2007) – Welsh Government,

3. Relevant Planning History:

- 3.1 No relevant planning history

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4. Consultations:

Community/Town Council: Object on the grounds of safety - there is no need for such a large entrance to gain access to the land.

Transportation Unit: Originally, a response was received noting that there was no objection to the proposal, and standard conditions were proposed regarding the provision of low kerbs in accordance with the plans submitted. Following observations received as a result of the responses to consultations, a further response was received to confirm the following:

- The access is suitable given the size of the land nearby which is within the applicant's ownership, and we do not anticipate that the site would be used by large vehicles;
- Usually, it would be required for an access to be located at least 5 metres from the highway; nevertheless, this could lead to more difficulties in terms of parking and turning;
- The access is very similar to a nearby access and there is no objection on the condition that the gate opens into the site;
- It is not possible to include any conditions regarding parking on the path, and it is assumed that these are matters for the Police rather than planning;

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertising period has ended and a number of correspondences were received objecting on the following grounds:

- The impact of clearing the site and the noise deriving from the nearby highway and, consequently, their enjoyment of their property and privacy;
- The applicant has misled the Council by noting that there are no trees on the site on the application form;
- Concern that vehicles that use the highway have to park on the road whilst opening and closing the gate. This would cause a hazard on a busy road;
- The access is dangerous and a question was raised whether an access of this size is needed to maintain the parcel of land;
- The application is retrospective.

5. Assessment of the material planning considerations: Visual amenities

5.1 The application involves the retention of an existing vehicular access. At present, two timber posts have been placed within the low boundary wall of slate construction, with

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a galvanized gate between the two posts. A footpath and a strip of grass are located between the highway and the access. Despite some visual changes as part of the development it is not considered that the proposal has a detrimental effect on the visual amenities of the area and agricultural accesses such as the one in this application are quite prominent features in rural areas. Therefore, it is not considered that the proposal of creating the access would have a detrimental impact on the area's visual amenities which is also designated as a Special Landscape Area. It is considered that the proposal is acceptable in terms of Policy CYFF 4 and AMG 2 of the LDP.

Transportation matters

- 5.2 The vehicular access to the class 1 road has already been created. The Transportation Unit is satisfied with the details and it has not raised any concerns about road safety arising from the development. This is on the condition that low kerbs are installed and that it is only possible for the gate to open into the site. A condition could be placed on any permission, noting that it is required to ensure that this is implemented within a reasonable period of time. It is appreciated that many of the objectors have raised concerns involving road safety, however, as noted the Transportation Unit has no objection to the development. Also, it must be remembered that this is an access for maintenance purposes with low density use. Usually, it would be required to place the access at least 5 metres from the highway; nevertheless, this type of arrangement on this type of site could mean more difficulties in terms of parking and turning. In addition, the access is very similar to accesses nearby, and it is located within a 30mph restriction zone, which means that traffic travels on a reasonably slow speed. Therefore, the proposal is considered acceptable in terms of Policy TRA 4 of the LDP.

General and residential amenities

- 5.3 The access would be located adjacent to some dwellings. Reference has been made in the letters of objection to the loss of privacy. However, given that the application is for an access it is not considered that privacy matters arise from the proposal. It is not considered that the proposal would add significantly to traffic using the adjacent road and the Transportation Unit had no objection to the proposal. Therefore, it is considered that the proposal is acceptable in terms of Policy CYFF 2 and that it would not cause significant harm to the amenities of the local neighbourhood.

Response to the public consultation

- 5.4 It is considered that the matters that have arisen as a result of the consultation period have received consideration within this assessment. In terms of concerns raised regarding the impact on the nearby footpath, it is not possible to include any conditions regarding parking on the path, and it is assumed that these are matters for the Police rather than the Planning Service. A concern was raised that the applicant had misled the Council by noting that there were no trees on the site on the application form. Nevertheless, this is technically correct as there are no trees within the land that is outlined in red on the plans submitted with the application.
- 5.5 The application is retrospective, nevertheless it is important to remember that the application needs to be determined on its own merits and in this context the application for a vehicular access is considered acceptable and reasonable in this location. Should any planning applications be submitted for further developments in the future, those planning applications would be considered on their own merits giving consideration to the relevant planning policies at that time.

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6. Conclusions:

- 6.1 This is a development for one vehicular access and the application must be determined based on the application to hand. It is considered that the site is suitable for an agricultural access and that there are no implications in terms of road safety. It is not considered that the proposal would have a detrimental impact on the area's visual amenities which are within a Special Landscape Area. Also, it is not considered that the proposal, given its scale and location, would detrimentally affect the amenities of neighbouring residents.

7. Recommendation:

- 7.1 To approve – conditions
1. In accordance with plans
 2. Low kerbs in accordance with the details submitted to be placed on the site within three months of the approval date;
 3. A gate to open into the site only and a clear structure must be set for the access to ensure this within three months of the approval date.