

PLANNING COMMITTEE	DATE: 28/11/2022
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 3

Application Number: C22/0886/41/LL

Date Registered: 08/09/2022

Application Type: Full

Community: Llanystumdwy

Ward: Llanystumdwy

Proposal: Alterations to access and installation of 1.8m high fence

Location: Cabin Wood, Llanystumdwy, LL52 0SU

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 The application relates to making alterations to an access and installing a 1.8m high fence. This is a partly retrospective application. The access near the road would be approximately 24.5 metres wide and it is proposed to install a gate 10 metres back from the highway. A 1.8m security fence would be erected between the gate and the visibility splays. It is also proposed to cut the vegetation within the visibility splays and then maintain it to a height of less than 1 metre. The gate would be manufactured from larch and it is proposed to install galvanised metal fencing. It is proposed to finish the surface of the access with slate chippings. It is understood that the development is needed to ensure a safe access to the woodland to carry out maintenance work on the woodland including harvesting, coppicing, planting and charcoal production.
- 1.2 The site lies in the countryside directly adjacent to a class 3 road which runs from Llanystumdwy to Rhoslan. A dwelling is located opposite the site.
- 1.3 The application is submitted to the Committee at the request of the Local Member.

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 (Wales) Act 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 **Anglesey and Gwynedd Joint Local Development Plan 2011-2026, adopted 31 July 2017**
- TRA 4 – Managing transport impacts
- PCYFF 1 – Development Boundaries
- PCYFF 2 – Development criteria
- PCYFF 3 – Design and place shaping
- PS 19 - Conserving and where appropriate enhancing the natural environment
- AMG 5 - Local biodiversity conservation

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2.4 National Policies:

Future Wales: The National Plan 2040

Planning Policy Wales, Edition 11, February 2021.

Technical Advice Note 12: Design

Technical Advice Note 18 – Transport

3. Relevant Planning History:

3.1 The application has no relevant planning history.

4. Consultations:

Community/Town Council: Object, as it is on a busy road, that it is a retrospective planning application and why is a high fence needed there?

Transportation Unit: Provided that the visibility splays as defined in the Assess Design Statement are not affected we will not object to this application.

Welsh Water: Note that not all public sewers and drains have been noted on their records.

Trees Unit: **Observations of 20 October 2022**
 From the images it appears that most of the clearing work has already been done to create the access.
 I have no further observation to make on the application.

Observations of 18 October 2022

The location is identified as a Plantation of Ancient Woodland by Natural Resources Wales and is protected under Planning Policy Wales.

Is it intended to fell any trees to widen the access? This is not clear

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from the information that has been submitted.

Biodiversity Unit: Not received.

Natural Resources Wales: We have reviewed the planning application submitted to us, and from the information provided, we are not of the opinion that the proposed development impacts any matters listed on our Consultation Topics, Development Planning Advisory Service: Consultation Topics (September 2018).

Public Consultation: A notice was placed in the press, near the site, and nearby residents were informed. The advertisement period ended and an objection was received on the following grounds:

- Issues relating to advertising the application.
- The access has been created since July and there was no access here previously and they have been living at Penrallt Bach since 1987.
- The adjacent road is busy and the access is opposite the Penrallt Bach access.
- Questioning the need for a 1.8 metre high fence.
- Enquire about the long term intentions for the woodland.

5. Assessment of the material planning considerations:

The principle of the development

5.1 The site is located in the countryside. The proposal involves creating an access to the woodland. Although recognising the concerns of neighbours, the application in question does not involve any change to use / activities that would take place within the woodland itself.

5.2 The woodland is identified on the Ancient Woodland Inventory as a Plantation of Ancient Woodland. From the information on the Ancient Woodland Inventory, it was noted that there are 5,000ha more of ancient woodland on the Welsh Government Woodlands Estate, which is managed by the Wales Forestry Commission, compared with the Ancient Woodlands Inventory 2004, and most of it has been designated as Plantations on Ancient Woodland Sites. The belief is that these woodlands have existed for more than 400 years. And they have a canopy of non-native conifer species that represent >50% of the canopy cover.

5.3 Paragraph 6.4.26 of Planning Policy Wales states:-

"Ancient woodland and semi-natural woodlands and individual ancient veteran and heritage trees are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees and woodlands should be afforded protection from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits; this protection should prevent potentially damaging operations and their unnecessary loss. In the

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case of a site recorded on the Ancient Woodland Inventory, authorities should consider the advice of NRW. Planning authorities should also have regard to the Ancient Tree Inventory."

- 5.4 It should be noted that the land in question is not ancient woodland or semi-natural woodland, rather it is a plantation on ancient woodland sites that is included in the Ancient Woodland Inventory. As the woodland has been identified as a Plantation on Ancient Woodland Sites in the Ancient Woodland Inventory, Natural Resources Wales was contacted about the proposal. It can be seen from the observations that they consider that this proposal is not a matter listed in their consultation topics and they had no observations to propose.
- 5.5 This is a proposal to create an access to the woodland and it is considered that having a suitable access to the site is something that is reasonable to expect. It is considered that it would be reasonable to expect to gain suitable access to carry out the land maintenance, harvesting, coppicing, tree planting work etc. None of the uses or activities carried out within the woodland form part of the application in question. Aerial images of the site in 2000 and 2006 show there are signs of some sort of access in the location in question and the aerial photo from 2000 shows that the woodland was cleared. Over more recent years vegetation covered the application site until the applicant began the work in July this year. It is not considered that creating an access to the site is contrary to the advice provided in Planning Policy Wales for woodlands that are on the Ancient Woodlands Inventory and it is considered in principle that it would be possible to support the principle of carrying out work to the access on the site in question. Additionally, it is considered that the proposal in question for an access to a woodland that is located in the countryside is essential in terms of being able to maintain that woodland and it is considered that the proposal also meets the requirement of Policy PCYFF 1 of the LDP.

Visual amenities

- 5.6 The proposal involves the loss of some vegetation to create the access and the visibility splays. The surface of the access would be finished with slate chippings and a wooden gate which are suitable materials for the proposal. A 1.8m high fence would be erected between the gate and the visibility lines to assist with the site's security. The fence would be of a galvanised metal material and it is considered that these materials are suitable. It is proposed to install a 1.8m high fence, however, this fence would be installed against a backdrop of trees and hedges and it is not considered that it would stand out significantly in terms of the impact on the area's visual amenities. Overall, it is not considered that the work proposed for the access would cause significant damage to the area's visual amenities and that it is acceptable in terms of Policy PCYFF 3 of the LDP.

General and residential amenities

- 5.7 The site is located in the countryside and there is one dwelling located opposite the site. The proposal would involve alterations to the access to gain access to the woodland. The access road to the neighbouring property is located more or less opposite the application site but with the neighbouring dwelling approximately 27 metres to the south of the access. It is therefore not considered that the use of the proposed access would mean that lights from vehicles leaving the site would face directly towards the neighbouring property. It is likely that formalising the access as intended here means there will be some more use but it is not considered that this would be to a detrimental level in terms of the amenities of the neighbouring property. It should also be noted that a class 3 road runs between the application site and the nearby property and therefore in any case there may be vehicles coming and going at any time of day and night. Given the nature of the proposal in question it is not considered that this would have a detrimental impact on the

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amenities of the local neighbourhood and that it is acceptable in terms of Policy PCYFF 2 of the LDP.

Transport and access matters

- 5.8 The proposal involves alterations to the access. Part of the work is retrospective. The proposal would create an access with a width of 24.5 metres near the highway which would create a visibility splay of 134.35 metres to the left side of the access and a visibility splay of 146.43 to the right of the access by cutting the vegetation within the visibility splays to under 1m high. It is then intended to maintain the vegetation at a level that is under 1 metre within the visibility splays. The Transportation Unit's observations on the proposal have been received and it has no objection to the proposal provided that the visibility splays as defined in the access statement are not affected. It would be possible to include a condition that the work is to be completed in accordance with the plans and the access statement and that any vegetation and / or fence or wall within the visibility splays should be no higher than 1 metre. It is also considered that it would be appropriate under the circumstances of this application to include a condition that work is to be completed with a specific timetable and it is considered that a period of three months is reasonable in this case especially given that the period in question would also be best in terms of cutting the vegetation. In light of including appropriate conditions it is considered that the proposal is acceptable in terms of Policy TRA 4 of the LDP.

Biodiversity Matters

- 5.9 The original observations of the Trees Unit note that the site is identified on the Ancient Woodlands Inventory as Plantations on Ancient Woodland Sites and it has requested information on any tree felling to expand the access. After sending images of the site showing the work that has already taken place and referring to cutting vegetation within the visibility splays further observations were received from the Trees Unit noting that most of the clearing work has been done and it has no further observations to submit on the application. Therefore, it is not considered that the proposal would have a detrimental impact on trees. The Biodiversity Unit was consulted but no response was received. We deplore that some of the work was done before submitting an application. However, although there would be some further loss of vegetation to create the visibility splays, vegetation would remain within the visibility splays to a height of 1 metre. Also, by including a condition to complete the work within three months it is considered that this would enable work to reduce the height of the vegetation within the visibility splays to be carried outside the bird nesting season. It is considered that the proposal would not cause significant harm in terms of biodiversity and is acceptable in terms of policies PS 19 and AMG 5 of the LDP.

Any other matters

- 5.10 An issue has been raised by an objector regarding the procedure for advertising the application. A site notice was posted on the nearest pole to the site and this in itself complies with what is required in terms of consulting on an application of this type.

6. Conclusions:

- 6.1 Having given full consideration to the above and all material planning matters including local and national policies and guidance, it is believed that this proposal complies with the requirements of the relevant policies as noted above.

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7. Recommendation:

7.1 To approve – conditions

- 1 In accordance with the plans submitted with the application.
2. Work to be undertaken in accordance with access statement.
3. Any vegetation / fence / wall within the visibility splays should be no higher than 1 metre.
4. Work to be completed within three months of the date of this permission.

Note - Welsh Water Letter 10/10/22, highways permit for work on highway verge.