

DC/2015/01380

RETENTION OF AN ACCESS TO ALLOW FARM VEHICLES TO ACCESS PROPERTY WITHOUT OBSTRUCTING THE HIGHWAY AND PUT IN A RECYCLED HARD CORE TRACK ACROSS THE FIELD LINKING TO THE FARM BUILDINGS

TY PENGAM, LLANFAIR KILGEDDIN

RECOMMENDATION: APPROVE

Case Officer: Alison Pankhurst
Date Registered: 04/01/2016

1.0 APPLICATION DETAILS

The application seeks permission for the retention of a field access that has been created to allow farm vehicles access to the existing farm buildings at Ty Pengam. The application was received as a result of an enforcement case for the alleged unauthorised works to the site. Development had been carried out to create a field access and associated works to the site so that access was made easier to the farm buildings to the west of the site. The width of the access that has been created on site measures 9.5m wide. There is a metal five bar gate set back from the highway by 6.5m and wooden rail fencing enclosing the site. There is a track across the field to the farm buildings.

2.0 RELEVANT PLANNING HISTORY

None

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S13 – Landscape, Green Infrastructure and the Natural Environment
S17 – Place Making & Design
S16 – Transport

Development Management Policies

EP1 – Amenity and Environmental Protection
DES1 – General Design Considerations
MV1 – Proposed Developments and Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultations Replies

Llanover Community Council – objects to the development as it is not accepted that there has ever been an entrance from/exit from the site and there is no justification for a track across the field to the alleged access. An entrance onto the B4598 is not necessary and would be dangerous bearing in mind the proximity of the junction with Pengam Lane.

MCC Highways - we can find no evidence that an access has existed at this location for the past 100 years. Plans and aerial photos show a continuous hedge line.

The new access is immediately opposite a point of access to two fields on the other side of the highway. I am therefore making comment in relation to a new access. The applicant must show available visibility splays from the access point and draw these on a plan so they can be conditioned accordingly. The surface material is adequate for inside the site but the applicant must be made aware that S184 agreement must be complied with and surfacing up to a revised gateway position. The gate must be set back 12m from the edge of highway and not the 6m as constructed; this will satisfy safety of the highway. Therefore we await upgrade plans showing a reposition of the gate and visibility lines drawn accordingly. It should be brought to the attention of the applicant that in the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.

4.2 Neighbour Notification

No objections received during the consultation period. A site notice was also placed on site.

4.3 Local Member Representations

No direct comments have been received on the application but the Local Member has enquired about the progress of the application for the Community Council.

5.0 **EVALUATION**

5.1 Principle of the proposed development and visual amenity

The application was submitted as a result of an enforcement case for the alleged unauthorised works at the site. The applicant stated that they had widened an existing access but after some investigation it was apparent that the entrance into the site had been created so that larger vehicles would have better access to the farm buildings at Ty Pengam. Therefore the application is being dealt with as a retention of gated access and associated works. The initial submission showed the access measuring 9.5m and gates set back from the highway by 6.5m.

It is considered that the visual impact of the proposed development would not be detrimental to the character and appearance of the rural landscape, even as modified under the splay and access arrangement required by Highways (see par. 5.2 below). The access would be used in connection with the farm buildings and for no other purpose and agricultural accesses, as is proposed, are not uncommon features in the countryside. The hedgeline either side of the access is rather patchy adjacent to the highway and it is proposed that native hedge species be planted to ensure that the existing character and appearance of the rural highway is maintained. In addition a newly planted hedge will be positioned along the stock fencing towards the gate so that the development appears more rural and in keeping with the area. The proposed development would not have a detrimental impact on the area and would be in accordance with policies in the Local Development Plan, including EP1 and DES1.

5.2 Highway Safety

Following a consultation response from our Highways Officer it is noted that a new field access had been created rather than the widening of an existing access. Its current state would not comply with highway safety and therefore visibility splays have been

requested for the access to comply with highway standards. After discussions it was requested that the visibility splays to the access were amended to comply with Highway requirements as the existing access splay is substandard. The applicant has since revised the proposed visibility splay in accordance with guidance from Highways and this has been accepted by the Highways Officer. The proposed access would be altered to show the access being widened from 9.5m wide to 16.5m wide, the gate would be set back 12m from the highway and the gate width is proposed to be 4.5m. The proposed visibility splay would improve highway safety in the area and therefore in this respect is considered acceptable. The proposed alterations and improvements to the existing access are acceptable and in accordance with Policy MV1 of the Monmouthshire Local Development Plan.

5.3 Response to the Representations of the Community Council

The application is being dealt with as a retention of an access and associated works rather than widening of an existing access as originally submitted by the applicant. Through their correspondence their main issue was that there was no existing access - a matter which has been clarified and dealt with. Other matters raised suggested the access was a danger to highway safety, and this aspect this has been addressed by the Council's Highways Officer and new visibility splays to the site have been proposed subject to the agreement of Highways. The proposed visibility splays are acceptable and will be implemented subject to the outcome of this application. The proposed improvements to the access would ensure that any additional traffic generated would ingress and egress from the field safely.

6.0 **RECOMMENDATION:**

Conditions/Reasons

1. This development shall be completed within 4 months of the date of this permission.
2. The development shall be carried out in accordance with the list of approved plans set out in the table below.
3. All planting, seeding or turfing comprised in the approved details of landscaping to the existing hedgeline and the proposed newly planted hedgeline shall be carried out in the first planting and seeding season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
4. The access to the site shall be used for agricultural use only and for no other purpose.
5. No structure or erection or planting exceeding 1 metre in height shall be placed, erected or grown in the visibility splay shown on drawing 'Proposed access – Ty Pengam' 1:1000@A3.

Reasons

1. To ensure the development is carried out in a timely manner in the interests of highway safety.
2. To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.
3. To safeguard the landscape amenities of the area.
4. In the interests of highway safety