

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**
DATE: **5 SEPTEMBER 2012**
REPORT BY: **HEAD OF PLANNING**
SUBJECT: **ALTERATION TO EXISTING AGRICULTURAL ACCESS AT LLINEGR HILL, FFYNONNOGROYW, HOLYWELL**
APPLICATION NUMBER: **049849**
APPLICANT: **MR & MRS S E CROFT**
SITE: **LLINEGR HILL, FFYNONNOGROYW, HOLYWELL**
APPLICATION VALID DATE: **27 JUNE 2012**
LOCAL MEMBERS: **CLLR G BANKS**
COMMUNITY COUNCIL: **LLANASA**
REASON FOR COMMITTEE: **REQUEST FOR REFERRAL BY CLLR G BANKS**
SITE VISIT: **YES**

1.00 SUMMARY

1.01 This application seeks consent for the alteration to an existing agricultural access off Llinegr Hill. The proposal is to upgrade the existing agricultural access to highway standard agricultural access requirements, thus improving it in terms of highway safety. The scheme is reasonably required in connection with the existing agricultural use.
The main issues in regard to this proposal are highway safety and impact upon visual / landscape amenity.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-

2.01 1. Commencement within five years.

2. Development in accordance with the approved plans.
3. Planting of native hedgerow in accordance with guidelines.
4. Hedge removal outside bird nesting season

3.00 CONSULTATIONS

3.01 Local Member Councillor G. Banks

Requests the application be referred to Committee and committee site visit on the following grounds;

- Unsafe access (close to bend)
- No pavement
- Previous accident

Llanasa Community Council

Object, the access is considered to be in a dangerous location and the local residents fear that an accident could be caused.

Chief Highways and Transportation Engineer

Existing agricultural access involves agricultural vehicles stopping on highway to open gate, with interruption of traffic flow on Llinegr Hill. Proposal constitutes an improvement allowing a vehicle to park clear of the carriageway whilst the gates are being operated and improved visibility.

4.00 PUBLICITY

4.01 Neighbour Notification as a result of neighbour notification 11 letters of objection have been received, objecting on the following grounds:

- The hill is already busy with traffic, making exiting driveways difficult
- More agricultural traffic will make the hill more difficult
- Concern over the number of applications submitted previously, with a view to gaining permission for low cost homes
- If granted could set a precedent for development in area
- Lack of farming carried out on land, not farmed in constant manner
- Owner not repaired the previous damage to hedgerow
- Opinion that the existing access has been used successfully

- There are no footpaths on the hill, and any improvements, should contain elements of safety for the general public.
- The small area of land, doesn't warrant an extension of the field access, as the access has been used successfully previously
- The application to enlarge the access will involve destruction of an ancient hedgerow and this doesn't warrant approval.

5.00 SITE HISTORY

- 5.01 04/37505 Outline residential development Refused 19.07.04
 05/39396 Erection of 16 energy efficient dwellings Refused 17.06.05
 APPEAL dismissed 31.01.06
 05/39922 Creation of new field access to replace existing Refused
 09.09.05
 05/40280 Creation of new agricultural access Refused 20.12.05
 09/46130 Construction of new field access Refused 28.07.09 Appeal
 dismissed 16.04.10

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
 GEN1 General Requirements for Development
 L1 Landscape Character
 TWH2 Protection of Hedgerow

7.00 PLANNING APPRAISAL

- 7.01 Application Site
 This application seeks consent for the alteration of an existing agricultural access, for use for agricultural purposes. The field the access serves is 0.84 ha and is used for grazing. The access is sited in the north corner of the field, off the highway, with the access being in line with the hedge which offers little visibility. In addition as the land falls sharply from the entrance it makes access and egress difficult for agricultural vehicles.
- 7.02 Prior to submission of this application the applicants discussed the proposals to alter the existing access with officers and the scheme now proposed would be an improvement in terms of highway safety in that it would allow a vehicle to pull off the highway in order to access the field as well as improving visibility at the point of access. In utilizing the existing access any impact upon wildlife and amenity is also limited, but in any case needs to be balanced against the highway improvement.
- 7.03 Highways
 In view of concerns with regards to the nature of the agricultural traffic

and possible intensification of vehicular movements the Council's Highways engineer considers that the proposed access is an improvement in highway safety terms. Providing that this is constructed in accordance with Flintshire County Council's standard agricultural access detail, no objection to the proposed scheme.

7.04 Hedgerow and Visual Amenity

The proposed alteration to the existing agricultural access does involve the removal of approximately 10m. of hedgerow, however the impact upon wildlife and amenity is considered to be mitigated by the proposed replanting (behind the proposed splays) and the infilling of the existing gaps within the hedgerow further up the road.

7.05 The county ecologist has considered the proposal and considers that as the scheme involves the alteration to an existing access and not the creation of a new access, this is an acceptable solution to the existing substandard agricultural access, as the potential impact upon wildlife and amenity is limited.

7.06 Whilst it is acknowledged that the site is within the open countryside, and the hedgerow is an established landscape feature comprising of native species, the removal of a section approximately 10m in length, to facilitate the required splays, is not considered to significantly impact upon the landscape or the wildlife.

7.07 Any impacts are mitigated by the proposed planting of hedgerow behind the splays, with a native species mix to reflect the existing species mix, (for a length which amounts to approximately 10m), which replaces that length which will be removed in order to facilitate the standard agricultural access, this also lessens the visual impact of the scheme by the proposed infilling of the existing gaps in the hedgerow.

7.08 In addition the proposal mitigates against any potential impact upon wildlife by the timing of the operation of works, (to that outside the bird nesting season) and the requirement by condition that any replanting is undertaken at the earliest available planting season after the works have been carried out. In addition the planting scheme is proposed to be of a species mix reflective of the existing established hedgerow, with the main species being hawthorn and blackthorn.

7.09 Other Matters

A number of concerns have been raised with regards to the planning history of the site, variety and type of applications received previously and the number of previous applications received for the site, and that if allowed that this development could set a precedent for development of the area. This application is, however, presented as an alteration to an existing agricultural access. Both the Highways officer and the Ecologist have raised no objection to the proposal, in relation to highway implications, the visual amenity and the wildlife

implications of the scheme and as such it is considered that the application is compliant with the above policies.

8.00 CONCLUSION

- 8.01 The alteration to the existing agricultural access is reasonably required in relation to the existing agricultural enterprise, its impact upon visual amenity and wildlife have been considered as part of the scheme, and have been mitigated against, and accordingly the scheme is supported in compliance with the suggested conditions.
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

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