

**Application Number:** DM/2021/02037

**Proposal:** Proposed change of use of agricultural land to provide access track to Roseham Cottage, Lane End Cottage and Wyeswood

**Address:** Roseham Cottage, Bigsnap Wood Lane, Pen Y Fan, The Narth, Monmouth

**Applicant:** Mr Oliver Henman

**Plans:** Design and Access Statement - , Ecology Report Ecological Assessments - , Ecology Report Botanical Survey National Vegetation Classification and Ecological Management Report - 17 June 2022, Location Plan - , Site Layout Field Entrance Area - Proposed, Site Layout Field Entrance Area - Existing, Block Plan Proposed track - 1443-2C,

**RECOMMENDATION: Approve**

Case Officer: Mrs Helen Etherington  
Date Valid: 15.12.2021

**This application is presented to Planning Committee due to the number of representations received**

**1.0 APPLICATION DETAILS**

1.1 Site Description

The site is a field and woodland within the rural area of Pen Y Fan. The land does not form part of the curtilage of a listed building and is not within a Conservation Area. It is within the Wye Valley AONB.

1.2 Value Added

A second ecological study was undertaken of the field in June and more detailed plans for the access onto the public highway were submitted.

1.3 Proposal Description

The proposal is to install a track for residential purposes across forestry and agricultural land. The change of use to residential applies to the extent of the track only and not to any other part of the field or woodland.

The track will serve as access for three residential properties Roseham Cottage, Lane End Cottage and Wyeswood. The proposed track would be 2.7m wide and cross a field and proceed through a small woodland. The extent from the house through the woodland will be constructed with two 1m wide strips of "Terram Grassprotecta" with a 0.7m grassed area between. The extent of track crossing the grassland will be two 0.9m wide gravel tracks with a 0.9m grassed area between. The construction will be 250mm thick stone over a geotextile membrane.

The new access will be 17m wide where it joins the public highway and part of the existing stone wall will need to be demolished to accommodate this. The gate will be set back 6m from the highway with visibility spays of 26m to the north and 17m to the south.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2009/01115	The rehabilitation of Roseham Cottage as a two storey dwelling with two storey extension.	Approved	28.07.2010

## 3.0 LOCAL DEVELOPMENT PLAN POLICIES

### Strategic Policies

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

### Development Management Policies

DES1 LDP General Design Considerations  
NE1 LDP Nature Conservation and Development  
EP1 LDP Amenity and Environmental Protection  
LC4 LDP Wye Valley AONB  
MV1 LDP Proposed Developments and Highway Considerations  
LC5 LDP Protection and Enhancement of Landscape Character  
GI1 LDP Green Infrastructure  
EP3 LDP Lighting

## 4.0 NATIONAL PLANNING POLICY

### Future Wales - the national plan 2040

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

### Planning Policy Wales (PPW) Edition 11

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

## **5.0 REPRESENTATIONS**

### 5.1 Consultation Replies

**Trellech Community Council** – Reservations; comments should be requested from: a) AONB on the visual impact; b) Highways, on the safety of the proposed entrance close to a junction; c) A further environmental survey should be carried out in the spring, by for example Gwent Wildlife Trust, to assess any impact on flora and fauna.

**Wye Valley Community Council** - re-consultation - no response received during re-consultation period.

**AONB Manager** - No response during consultation period.

**MCC Biodiversity Officer** – objection.

Initial comment - Surveys provided showed suitable habitats for protected species of moderate value, but this might be higher. Site works may affect this habitat and despite some net benefit measures being provided there is an overall loss of biodiversity value.

Later observations - Further survey work provided clarification of the ecological value of the land and acceptable management and enhancement measures have been proposed. This is acceptable subject to conditions. A Construction Environmental Management Plan is requested to be submitted to set out measure to be undertaken during construction to minimise adverse effects on priority habitats. Enhancement measures for the grassland areas of the site have been proposed to include employing a late summer cut and remove mowing regime, seeding of the meadow, removal of Japanese knotweed and planting of new fruit trees along the southern boundary. Enhancement measures for the woodland area of the site have been proposed to include coppicing and creation of habitat piles from management arisings.

**MCC Rights of Way Officer** - No objection; re-consultation - no objection

**MCC Highways Officer** - No objection - The proposed new access track is shown to be accessed from the private shared access road as opposed to being accessed directly from Roseham Cottage. There are no objections in principle, subject to the access being designed to appropriate standards, a minimum of 4.1m wide to accommodate the passing of two way traffic. Alternatively, there should at least be a series of passing bays throughout the length of the access track. Following the submission of further details regarding the access, this has overcome the concerns. While the applicant has chosen to keep the track under the suggested width, they have provided a passing bay to allow vehicles to pass, and therefore we would not object to the proposal.

**MCC Landscape & Urban Design Officer** – Following the submission of additional details (details of the entrance, clarification of three cherry trees, surface and sub-base), there are no objections subject to conditions.

Further information relating to planting methodology, aftercare as well as disposal of excavations and subsequent treatment on site will need to be provided prior to determination or as a condition should the application progress to approval.

Based on the information provided from a landscape and GI perspective, the proposal will not have a significant detrimental impact on the character and appearance of the wider landscape, localised streetscape, values and quality of the Wye Valley AONB and provisions of Planning Policy Wales (Edition 11) February 2021 and policies S13, and DES1 of the Monmouthshire County Council Adopted Development Plan 2011-2021.

**SEWBRc Search Results** - No significant ecological record identified.

## 5.2 Neighbour Notification

There were three representations received from neighbours, two in support of the application and one objection.

- Emergency Service access is sufficient using current access, access is onto an existing junction which has limited visibility. Therefore increased risk to pedestrians, horses and other vehicles. Change of use of the field could mean development of the land in the future. Adverse impact on the flora and fauna of the site
- Current access too narrow for large vehicles including emergency services; addition of track will have minimal impact on the field and will not detract from the natural appearance

### Support

- Difficulty of accessing current Bigsnap Wood Lane; The argument that Bigsnap Wood Lane is no more difficult to access than Moor Lane is invalid and misleading; the present application for improved access across the field is being made only after exhausting all other options; the problem with emptying the septic tanks (referred to in one of the other Supporting Comments) is currently insoluble under the present arrangements.

## 5.3 Other Representations

There were twenty representations received from other parties, nine in support of the application and eleven objections.

The objection representations covered the following points:

- Adverse impact on the flora and fauna of the site.
- Access is not required as current access is sufficient for the dwelling's needs and there is a post box for deliveries located on Moor Lane.
- Emergency Service access is sufficient using current access.
- Initial ecological survey was undertaken at the wrong time of year.
- Mitigation detailed in the first ecological survey not appropriate.
- Access is onto an existing junction which has limited visibility. Therefore increased risk to pedestrians, horses and other vehicles.
- The proposed track was removed from the original refurbishment application for the cottage and is being applied for to enable the sale of the property.
- Change of use of the field could mean development of the land in the future.

The supporting representations covered the following points:

- Current access too narrow for large vehicles including emergency services.
- Addition of track will have minimal impact on the field and will not detract from the natural appearance.
- No increase in traffic using the track and traffic will be further away from neighbouring properties.

## 5.4 Local Member Representations

No local member representation was received during the consultation period.

Please note a summary of the objections is attached as an appendix to this report and all representations can be read in full on the Council's website:

<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

## **6.0 EVALUATION**

### **6.1 Principle of Development**

6.1.1 The development of a new track is considered acceptable. The existing entrance uses a public highway which is only 2.3m wide in some places with a low tree canopy. There are walls both sides of the entrance on to Moor Lane which limit manoeuvrability onto and out of Bigsnap

Wood Lane. The new track is proposed to provide a wider entrance on to Moor Lane allowing all types of vehicles, including emergency services, to access the properties of Roseham Cottage, Wyewood and Lane End Cottage. The justification for the proposed new access is based on improved safety over and above the existing.

6.1.2 It is of a design and in materials which are in keeping with the rural location. The track has been laid out to minimise the impact on the field and nearby woodland. The entrance onto Moor Lane will be in accordance with current highways standards and an improvement on the current Bigsnap Lane entrance.

## **6.2 Landscape**

6.2.1 A Botanical Survey - National Vegetation Classification and Ecological Management Report has been provided in relation to the grassland and surrounding woodland. It has provided more details on the habitat to be affected by the development and the possible mitigation in relation to the works.

6.2.2 The proposed surface and sub-base construction is acceptable and is a soft engineering approach to track construction. This will help to avoid impacts on root protection areas through the woodland.

6.2.3 The proposal is acceptable from a green infrastructure point of view although further details are required on planting methodology, aftercare as well as disposal of excavations and subsequent treatment on site. It is deemed that these can be added as a condition to the consent.

6.2.4 Given this it is considered that subject to conditions listed in section 7, the proposal accords with LDP policies LC1, LC4 and DES1.

## **6.3 Biodiversity**

6.3.1 The proposed track and associated works will impact areas of semi-improved grassland of the meadow track habitat which supports between 8 and 12 species. This is within the lower range of diversity for this habitat type. The works will also result in the loss of a small area of woodland glade habitat. There are enhancement measures, detailed in the Botanical Survey, proposed for the woodland area of the site to include coppicing and creation of habitat piles from management arisings. In addition enhancement measures on the grassland have been detailed in the report to include employing a late summer cut and remove mowing regime, seeding of the meadow, removal of Japanese knotweed and planting of new fruit trees along the southern boundary.

6.3.2 It is deemed that the report details acceptable management and enhancement measures and compliance with the report will be added as a condition to the consent.

6.3.3 Given that the site offers habitat for protected and priority species such as reptiles, dormouse, badger, bats and nesting birds, a precautionary approach must be followed during the development. A Construction Environmental Management Plan is requested to be submitted to set out measure to be undertaken during construction to minimise adverse effects on priority habitats. A condition will be added to the consent requiring its submission prior to commencement of any works.

6.3.4 Though no lighting has been proposed as part of the development, to ensure that this is controlled in the future a condition can be added to any consent to remove any relevant permitted development rights.

6.3.5 The biodiversity enhancements in the form of two small bat boxes, large multi-chamber bat boxes and two woodstone bat boxes are deemed suitable for the development proposed. A condition can be added to any consent requiring their installation and retention.

## **6.4 Impact on Amenity**

6.4.1 The track would pass close to the residential property of Ashley Cottage. The track has been designed so that at its closest point, it sweeps away from the property. This will lessen the impact of vehicles using the track on the neighbouring property.

6.4.2 There are no extra properties proposed at the end of the track therefore there should be no extra traffic generated as a result of the development. Given this, is it not considered that the proposed development would have an adverse effect on the amenity of neighbours.

## **6.5 Highways**

6.5.1 The existing access to the property has a width of just 2.3m and the entrance to the road is not constructed in accordance with current Highway standards. The new entrance on to the public highway would have a sufficient visibility splay of 26m to the north, 17m to the south and 21m to road nearly opposite to the west. This is an improvement on the current access and would improve highway safety.

6.5.2 There is a passing bay proposed along the track to enable traffic to pass without the need to reverse back to the highway or drive onto the surrounding grassland.

6.5.3 The existing access road is via the public adopted highway, designation C50-18 and known locally as Bigsnap Wood Road. This would not be closed off as part of this application. It would require a formal stopping up order via MCC Highways Department which has not been proposed as part of this application. Highways Officers are aware of this and are satisfied that this does not pose any highway safety risk.

6.5.3 In the light of this, it is considered that the development would comply with LDP Policy MV1.

## **6.6 Wye River and Usk River catchment area**

6.6.1 No foul drainage works are proposed as part of the development and therefore there should be no adverse effect on phosphate levels.

## **6.7 Response to the Representations of Third Parties and/or Community/Town Council**

6.7.1 Trellech Community Council, who were the Community Council at the time of the first consultation, expressed concerns in relation to the AONB, visual impact, highways and that a further environmental survey should be conducted. A further survey was conducted and more detailed plans of the entrance submitted. The Highways Department, the Council's Landscape and Urban Design Officer and the Biodiversity Department were consulted on the revisions and are satisfied the revisions are acceptable.

6.7.2 The issues raised by the objectors are:

- Adverse impact on the flora and fauna of the site - see 6.2 and 6.3 above - on balance it was deemed that the new track would not significantly impact the local landscape and biodiversity.
- Access is not required as current access is sufficient for the dwelling's needs and there is a post box for deliveries located on Moor Lane. - see 6.5 above - the new entrance will be in accordance with current highways standards unlike the current Bigsnap Lane entrance.
- Emergency Service access is sufficient using current access - see 6.5 above - the safety and well-being of residents in Monmouthshire is a consideration under the Well-Being of Future Generations (Wales) Act 2015. The new access track will allow emergency service vehicles full access to the 3 properties located at the end of the track which will improve the safety of those residents.
- Initial ecological survey was undertaken at the wrong time of year - new survey was undertaken in June 2022.

- Mitigation detailed in the first ecological survey not appropriate - see 6.3 above - the revised survey and proposed mitigation have been deemed sufficient and in accordance with local and national policy.
- Access is onto an existing junction which has limited visibility. Therefore increased risk to pedestrians, horses and other vehicles. – see 6.5 above – no objection has been raised by the Highways Officer following the submission of the details of the access. The visibility splay for the new entrance will be wider than the existing. There should be no additional traffic as a result of the development as there are no additional dwellings who will be utilising the track than are already using the existing highway. Given this, it is not deemed that there would be an increased risk to road users as a result of the development.
- The proposed track was removed from the original refurbishment application for the cottage and is being applied for to enable the sale of the property. – further information has been submitted in support of the application which gives more details of the possible environmental impact of the track – see 6.3 above. The question as to whether this track is to enable to sale of Roseham Cottage is not a planning consideration.
- Change of use of the field could mean development of the land in the future. – the extent of the change of use of the field is limited to the track only. The revised block plan outlines in red the application proposal on the only part of the field which will be used to access the residential properties. The rest of the field will remain as agricultural in the open countryside and therefore not suitable for residential development. Any future proposed changes would be subject to a separate planning application.

## **6.8 Well-Being of Future Generations (Wales) Act 2015**

6.8.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## **6.9 Conclusion**

6.9.1 Having regard to the policies identified in Section 3.0 of this report and all other material planning considerations, the application is considered to be acceptable subject to the planning conditions set out in section 7.0 below.

## **7.0 RECOMMENDATION: APPROVE**

### **Conditions:**

1 This development shall be begun within 5 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 The development shall be carried out in strict accordance with the methods detailed in section 6 (Method Statement) of the approved 'Botanical Survey - National Vegetation Classification and Ecological Management Report - Roseham Cottage by Dr Ryan Walker - The Ecology Co-operation Ltd, dated 17th June 2022.' Evidence of compliance with the plans in the form of georeferenced photographs must be provided to the LPA no more than three months later than the first beneficial use of the extension.

REASON: To ensure adequate safeguards for species of principle importance for conservation and to ensure compliance with LDP policy NE1.

4 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building or in the curtilage until an appropriate lighting plan which includes low level PIR lighting, provides detail of lighting type, positioning and specification, and ensures that roosting and foraging/commuting habitat for bats is protected from light spill, has been agreed in writing with the LPA.

REASON: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1.

5 Prior to commencement of any construction works a detailed plan of proposed biodiversity enhancement illustrating "net benefit features" to include bat roosting provision and habitat enhancements as detailed in "Botanical Survey - National Vegetation Classification and Ecological Management Report - Roseham Cottage by Dr Ryan Walker - The Ecology Co-operation Ltd, dated 17th June 2022." identifying location, positioning and specification shall be provided. The scheme shall provide for the future management and an implementation timetable and shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plans and shall be retained as such thereafter.

REASON: To provide biodiversity net benefit and ensure compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policy NE1.

6 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: Safeguarding of protected and priority species during construction works LDP policy NE1 and the Section 7 of the Environment Act (Wales) 2016.

7 Prior to the commencement of development full details of landscape works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:  
- Soft landscape details shall include: means of protection, planting plan, specifications including cultivation and other operations associated with tree and grass establishment, schedules of plants, noting species, sizes, numbers and densities  
- Details of location and treatment i.e. grading and seeding of any excavations proposed to be reused on site.

REASON: In the interests of visual and landscape amenity; in accordance with Policies DES1 & LC5 of the Local Development Plan

8 All soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority.

REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure LC5, DES 1, GI1 and NE1.

9 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority prior to works commencing and shall include details of the arrangements for its implementation.

All hedging comprised in the approved details of landscaping shall be carried out in the first planting season following the completion of the development, whichever is the sooner, and any 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.

REASON: To ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features.

## **INFORMATIVES**

1 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

2 The proposed scheme will require a sustainable drainage system designed in accordance with the attached Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. Details and application forms can be found at: <https://www.monmouthshire.gov.uk/sab>

3 All birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most birds is between March and September.

4 Please note that all reptiles are protected by the Wildlife and Countryside Act 1981 (as amended). It is illegal to intentionally kill or injure Adder, Common lizard, Grass snake or Slow worm. If reptiles are found at any time during clearance or construction, all works should cease and an appropriately experienced ecologist must be contacted immediately.