

**DC/2017/00974**

**RETENTION OF TRACK – PROVISION OF SURFACE MATERIALS TO EXISTING ACCESS**

**LAND AT WALLWERN WOOD, CHEPSTOW**

**RECOMMENDATION: APPROVE**

Case Officer: Alison Pankhurst

Date Registered: 22/08/2017

**1.0 APPLICATION DETAILS**

1.1 The application seeks permission for the retention of a track that has been created to an existing field access to allow farm vehicles access to farm the land. The existing field access is situated beyond a grassed area within a housing estate in Chepstow. To the south of the track is a children's play area. The track has been laid with a mixture of hardcore and gravel and the previous surface of the land was grass. The application has been submitted as a result of an enforcement case. The farmer uses the access on a regular basis to farm the land and decided to form a hard surfaced track to prevent mud and debris being transferred from the land onto the road. Previously the existing field access used to be located on the main road before the housing estate was built. The track is approximately 4m wide and approximately 30m in length from the gate to the footway at the cul-de-sac.

**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

Chepstow Town Council – recommends approval on the condition that quality products are used for the surface materials.

MCC Highways – No objection. The application is for the provision of surface materials to existing access to a field at Wallwern Wood Bayfield Chepstow. It is noted that this is a retrospective planning application as the materials have already been laid on site which is of a compacted granular material. An access is required to have a hard surface of concrete or bituminous material for a minimum of 5m from the edge of highway so as

to prevent any loose material being brought out onto the highway. Based on this the applicant is required to provide a hard surface for the first 5m from the back of footway. Furthermore, it is noted there is no formalised footway vehicular crossing therefore the applicant will be required to satisfy the requirements as set out in the notes below. Should planning consent be granted we would wish for the following condition to be applied: 1. The access shall be constructed of a hard surface concrete or bituminous material for a minimum of 5m from the edge of highway so as to prevent any loose material being brought out onto the public highway.

#### 4.2 Neighbour Notification

Several neighbours were consulted on the application and a site notice was also placed on site. The neighbours object to the development for the following reasons:

- No provision for access to Wallwern Wood, there would be kerb restrictions, implications regarding parked cars and adjacent grassed areas; potential for waste throughout Wallwern and Barnets Wood from vehicle movements
- Other suitable access points to the land
- Material used for the new surface is builders rubble containing broken bricks, pipes, glass and other such rubbish. It is not what would be classified as hardcore/gravel. Fragments of glass have been removed from the new surface. The nature of the material used is unsuitable for its location where children play.
- No introduction of a dropped kerb to facilitate access
- No restrictions on parking in the turning head, therefore should vehicles be parked there.
- No need for this access road, it is a very quiet cul-de-sac and small children use the park
- Unsuitable materials having no regard for the neighbourhood, the environment or the people who live here. I understand the access to the field behind is required from time to time and that in wet weather the ground is prone to cutting from tyres.
- Unsuitable materials used for the track - unsafe? The existing surface has already started to undulate as it has been poorly laid at insufficient depth with incorrect materials; the access is not required for use by the farmer, he can use his own farmyard access direct into the same field
- It is claimed that this is an existing vehicular access but the kerb has not been lowered for that purpose. It is also an area suitable and commonly used for parking by residents and visitors to the street and the children's play area.
- Dangerous for the people of the residential area.
- Unsure why access is suddenly needed as it is far easier, shorter and more direct route for the farmer to access this field directly through his farmyard.

### 5.0 EVALUATION

#### 5.1 Principle of the proposed development and visual amenity

- 5.1.1 The application has been submitted as a result of an enforcement case for the alleged unauthorised works at the site. The agent has stated that the applicant uses the access on a regular basis to gain entry into the field beyond. The track was laid so that mud or any other materials would not be transferred onto the highway within the housing estate and so that the amenity of the area was not harmed as there were tyre marks across the grassed area when the ground was wet or soft. The track has been constructed with hardcore/gravel and measures the same width as the existing field gate. The track runs from the gate to the pavement at the cul-de-sac which is approximately 29 metres in length. It is considered that the proposed use of the track is acceptable and in accordance with policies DES1 and EP1 of the Monmouthshire Local Development Plan. However the appearance of the track is considered to be unsightly but the use of the track is for agricultural purposes.

## 5.2 Highways

5.2.1 Highways have no objection to the retention of the development but have requested a condition be applied if the application is approved for a hard surface to be constructed for a minimum of 5m from the edge of highway so as to prevent any loose material being brought out onto the public highway. This modification to the existing track has been conditioned below.

## 5.3 Residential Amenity

5.3.1 The track has been laid on open grassed land adjacent to a children's play area. When the housing estate was built some 20 years ago the existing field gate was located on the main road. It was then re-sited to its position today just off the hammer head on Wallwern Wood. The main objections to the creation of the track are that it is considered to be unsightly and materials forming the track are unsuitable. The materials that have been used are considered to be dangerous resulting in glass and other sharp objects especially being in close proximity to where children play. Other issues raised suggest that the applicant has use of other field access points so there is no requirement to use this one and that there are no restrictions in the hammerhead. Residents can park cars in this location so this could cause conflict and no dropped kerb has been put in place.

5.3.2 In response to the above, the access has been there for a number of years and the farmer of the land has uses this field access on a regular basis so it is not a new access that has been in recent use. The track has been created so as not to carry mud or other debris onto the highway, avoiding a hazard for drivers and to prevent damage from tyres to the grassed surface leading to the field gate. There are concerns about the materials used on the track and the Town Council have also raised this.

## 5.4 Response to the Representations of the Community Council

5.4.1 The Town Council have recommended approval of this application, but is concerned that the materials are inappropriate. The track has been laid for the purpose of access into the adjacent field. Whilst the track is considered by some to be unsightly it is meant for an agricultural purpose to allow the applicant a solid access into the field and while it is utilitarian in nature, it is fit for purpose and is considered appropriate in visual amenity terms in this semi-rural location. The surfaced track is not prominent and would not harm the character of the area. The first 5m of the track from the turning head would be re-surfaced in a more permanent surface than the hardcore/ rubble surface there at present to satisfy the Highway Authority's concerns.

## 5.5 Conclusion

5.5.1 It is considered that the retention of the track as a solid access to the agricultural field is acceptable in principle and complies with policies DES1, EP1 and MV1 of the Monmouthshire Local Development Plan.

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

5.6.1 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.

## **6.0 RECOMMENDATION: APPROVE**

### Conditions/Reasons

1. This development, as modified by condition 4 below, 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. The access to the site shall be used for agricultural use only and for no other purpose.
4. The access shall be constructed of a hard surface (concrete or a bituminous material) for a minimum of 5m from the edge of highway so as to prevent any loose material being brought out onto the public highway.

### 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 visual amenity of the residential area.

### Informative:

The applicant's attention is drawn to the fact that there is a need for a vehicle crossover to be formed over the footway at the turning head before the access is formally used. The applicant is advised to contact the Highway Authority on 01633 644644 to discuss this matter.