

**Application Number:** DM/2023/00711

**Proposal:** Re-open existing gateway

**Address:** Treetops, Talycoed Road, Llantilio Crossenny, Abergavenny

**Applicant:** Mr Clive Hughes

**Plans:** Location Plan - , Landscaping Plan CH/TLC/003 - , CH/TLC/001 - B, Location Plan CH/TLC/002

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Alice King

Date Valid: 31.05.2023

**This application is presented to Planning Committee at the request of the Local Ward Member Ian Chandler**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

The site is located adjacent to a five-acre field, a rural hedge and tree lined single track lane linking to Talycoed road due south of the site. The site is in open countryside located in the rural area of Llantilio Crossenny, it is within a Cadw essential setting, a C2 flood zone and the River Wye sensitive phosphate catchment area.

This field is adjacent to the essential setting for Llantilio Court, and opposite the grade II listed Talycoed Farmhouse (Cadw ref. 24326).

#### 1.2 Proposal Description

Retrospective planning permission is sought to re-open a gateway that is used for agricultural purposes. Following negotiation with officers, updated plans have been received to illustrate that biodiversity enhancements will be provided in the form of hedge planting.

### **2.0 RELEVANT PLANNING HISTORY (if any)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2023/00711	Re-open existing gateway.	Pending Consideration	

### **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  
EP1 LDP Amenity and Environmental Protection  
MV1 LDP Proposed Developments and Highway Considerations  
HE1 LDP Development in Conservation Areas

## **Supplementary Planning Guidance**

Green Infrastructure April 2015

## **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

**Whitecastle Community Council** - Object to the application. The reasons are as follows :-

- No proof has been provided to show there was an existing gateway.
- The splay is not sufficient to enable safe access to the highway. The splay needs to manage current use and future development.
- The council is concerned about the loss of biodiversity caused by the development and would like to see proposals to offset this loss.
- The applicant has not presented any reasons for having a gateway. The council understands there is already access to the field.

**MCC Heritage** - No objections.

**MCC Landscape/GI Officer** - No objection subject to conditions.

**MCC Highways** - Concerns have been identified.

**Natural Resources Wales** - No objections.

SEWBRc Search Results - No significant ecological record identified.

## 5.2 Neighbour Notification

There have been four neighbour objections which cover the following:

- No evidence regarding a previous access.
- Safety of the access
- Damage to the hedgerow
- Increase in traffic

## 5.3 Other Representations

National Grid have made comments in support of the application:

- On behalf of National Grid I would like to add comment to the planning application. National Grid have assets within the customers land which currently has very restricted access to. This includes High voltage lines at 11,000 volts which includes a transformer on one of the poles. We also have our 66,000 volt line located in the field. The application for the gateway would help NG in access to the land for routine inspections, maintenance works and an emergency fault works. It would also provide us an access way to bring a generator into the field to connect to the transformer in the case of needing to restore supplies to the properties around.

## 5.4 Local Member Representations

Cllr Ian Chandler - Noting local concern in my ward about application "DM/2023/00711 re-open existing gateway. Tree Tops, Tal y Coed Lane, Llantilio Crossenny, NP7 8TL", I wish it to be considered by the planning committee rather than by officers' delegated powers.

Please note 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**

This application seeks retrospective planning permission to create an access into a 5-acre field adjacent to and from the single-track lane through what was an existing hedge of field maple, oak and hazel as based on 2009 and 2011 Streetview imagery that had filled in any previous point of access. Given the importance of agriculture and farming in Monmouthshire, the LDP Policy RE4 is supportive of new farm accesses in the countryside subject to them being reasonably required for agricultural or forestry purposes and meeting the criteria in Policy LC1. This is an agricultural field with a requirement for a new farm access suitable for modern farming practices and equipment.

#### 6.2.1 Good Design/ Place Making

The proposal seeks to provide access to the 5-acre field that is located to the rear of a dwelling known as Treetops. The field is currently accessed via a gateway from Treetops, but modern machinery cannot enter through this entrance as it is not wide enough. The current use of the field is for agriculture/ grazing/ hay only and the field will remain in agricultural use.

The gateway has been built 5m back from the highway with a point of access of some 15m, the ground level of the access is to be level with that of the public highway and the applicant has submitted plans that would see the hedgerow be taken back in aid of the visibility splays, creating splays of 60m to the north and south. Being mindful of the context of the site, the proposal is considered to be acceptable.

## 6.2.2 Green Infrastructure/ Landscape

Plan CH/TLC/003 highlights the proposed hedgerow and tree mitigation planting to enhance the existing hedges and extension towards the new gate with reference to a planting schedule and to compensate for any impacts and loss as result of re-establishment of access and visibility splays. The new access will be satisfactorily assimilated within its setting, therefore complying with Policy LC1. A detailed landscaping plan has been provided via amended plans, including a five year maintenance plan. A condition can be attached to secure the implementation of the submitted planting details within the first planting season following completion of the access improvements.

## **6.3 Historic Environment**

This application is for a new gate into an agricultural field adjacent to Treetops. The gate is set back from the lane, into the field. This field is adjacent to the essential setting for Llantilio Court, and opposite to the grade II listed Talycoed Farmhouse (Cadw ref. 24326). The Council's Heritage Team have been consulted as a part of this application and they raise no objection to the application. It is not considered that the proposal for the access would harm the essential setting of the heritage asset.

## **6.4 Biodiversity**

Planning Policy Wales (PPW) 12 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 12 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

Photographs of the existing section of hedgerow have been provided to inform the application. Additionally, the submitted Landscape Plan details the areas of proposed hedgerow and tree planting. The extent of the proposed hedgerow planting should provide an overall net benefit for biodiversity and will be secured via the landscaping conditions discussed in paragraph 6.2.2 of this report.

## **6.5 Impact on Amenity**

The scale of the proposal and its relationship with nearby properties is considered acceptable. The proposed development is not considered to have an unacceptable impact upon the living conditions of neighbouring occupiers and no conflict with LDP policies DES1 or EP1 have been identified. Owing to the nature of the application the primary consideration with regard to the third party impact relates to wider highway safety.

The highway is flanked by mature hedgerow and trees site and based on the character of the site; the visual impact of this change is considered to be a localised one. Accesses of this nature are considered common place in the open countryside i.e. in relation to agricultural settings as they are essential for machinery and livestock movement, regardless of how often this may be in use. Given the above, it is considered that the alteration would not be so detrimental to the overall character and appearance of the area to warrant refusal of the application and the application is considered compliant with LDP policies DES1 and RE4(a).

## **6.6 Access / Highway Safety**

The applicant has provided amended details and further information in response to comments provided by MCC Highways. The gated access is now 5m from the edge of the carriageway and the ground level of the access is to be level with that of the public highway. The hedgerow was taken back to facilitate improved visibility splays and ease of access splays and there are now visibility splays of 60m to the north and south.

While the proposal now meets the required design guidelines, the stated visibility is below that required by TAN18 Annex B for roads where the speeds are not known. Highways have requested

that a speed and traffic survey should take place as evidence to support a reduction in standards; Highways therefore raise a concern over the visibility and therefore highway safety. However given the land use of the site, officers are satisfied on balance that a reasonable and pragmatic approach can be taken. Whilst a speed and traffic survey has not been undertaken this is not a reason to withhold planning permission. If a more intensive land use was to be served by the access that is the subject to this application, then such a survey would be considered reasonable and necessary. However the site would be continued to be used for agricultural purposes.

Officers are satisfied that the development is not likely to create significant and unacceptable additional traffic growth in relation to the capacity of the existing road network, nor would it fail to provide a safe and easy access for road users. As such it is considered acceptable having regard to the provisions of LDP Policy MV1.

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

6.7.1 Regarding the comments provided by members of the public, the applicant has provided images that show a gate within a hedgerow, and whilst this may show there was once an historic gate, this can only be afforded limited weight. Thus, this application has been assessed based on its own merits. The applicant has also provided information regarding the implementation of landscaping and this will compensate for the loss of hedgerow due to the created access; further to this conditions can ensure that the landscaping is retained. Other concerns such as highway safety and an increase in traffic have been addressed section 6.6.2 of this report.

6.7.2 Whilst the Highways Officer has concerns with the proposed access, the proposed access is to an agricultural field with no proposed change of use of the land, it will only be used sporadically for agricultural purposes, the lane is lightly trafficked and therefore it is not considered to have an unacceptable impact that would warrant refusal of the application on highway safety grounds.

## **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**

6.7.1 For the reasons detailed above in this report, having regard to the relevant policies and all other material considerations the proposed development is considered to be acceptable subject to the conditions set out below.

## **7.0 RECOMMENDATION: APPROVE**

### **Conditions:**

1 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.

2 Within 4 months of the date of this consent the access improvements shown on approved drawing CH/TLC/001 Rev B shall be implemented in their entirety, these include:

- The gated access being set back 5m from the edge of the carriageway.
- Ground level of the access is to be level with that of the public highway in accordance with the site section shown on drawing CH/TLC/001 Rev B.

- Visibility splays of 60m to the north and south provided in accordance with the approved plan.
- The area identified on approved drawing CH/TLC/001 Rev B as "Hardstanding surface level with carriageway" at the entrance apron shall be tarmacked in its entirety.  
Reason: in the interests of highway safety and to accord with Policy MV1 of the LDP.

3 All hard and soft landscape works shall be carried out in accordance with the approved details (as shown on Approved Drawing *Proposed Planting Plan*) 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 within the first planting season following completion of the works set out in Condition 2. 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.

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, S13, and GI 1 and NE1.

## **INFORMATIVES**

1 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.

2 BS 5837:2012 Trees in relation to design, demolition and construction to provide further guidance on tree protection.