

**PLANNING & DEVELOPMENT COMMITTEE**

**14 JUNE 2018**

**REPORT OF THE SERVICE DIRECTOR, PLANNING**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 18/0178/10  
**(EL)**  
**APPLICANT:** Mr Paul Bastuba  
**DEVELOPMENT:** Proposed works to maintain and improve access track into Garth Isaf Farm. Widening of verge to east of junction. Construction of retaining masonry wall. Installation of entrance gates.  
**LOCATION:** GARTH ISAF FARM, HEOL FFRWD PHILIP, EFAIL ISAF, PONTYPRIDD, CF38 1SN  
**DATE REGISTERED:** 27/03/2018  
**ELECTORAL DIVISION:** Llantwit Fardre

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**RECOMMENDATION:** Approve subject to conditions

**REASONS:**

The proposal is in keeping with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and National Policy in that, the access improvements are acceptable both in terms of visual impact and highway safety.

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**REASON APPLICATION REPORTED TO COMMITTEE**

Three or more letters of objection have been received.

**APPLICATION DETAILS**

Full planning permission is sought (in retrospect) for a series of works to the access to Garth Isaf Farm, Efail Isaf. The works have been undertaken on land where the existing farm access connects with the adopted highway.

The improvement works involve:

- The widening of the verge to east of junction, along with the construction of an associated retaining masonry wall. The wall itself follows the new line of the

verge (east of the access). The wall varies in height across its length but extends to a maximum of 1.5 metres in height. The wall also incorporates a sign for the farm name.

- The installation of entrance gates. These gates are set back off the adopted highway, by approximately 100 metres. Two gate posts at 2.0 metres in height have been erected which are clad in natural stone, with wrought iron gates.
- A hedgerow has also been planted along the length of the access drive.

## **SITE APPRAISAL**

The application site consists of a parcel of land within the holding of Garth Isaf Farm. The works have been undertaken at the point where the access track which serves the farm meets the adopted highway. The immediate area surrounding the site is predominantly rural in character, however the site lies approximately 600 metres east of the village of Efail Isaf. The site is located in a Special Landscape Area - Efail Isaf, Garth and Nantgarw Western Slopes.

## **PLANNING HISTORY**

03/1595	Garth Isaf Farm, Efail Isaf, Pontypridd	A ménage for the training of race horses and an amenity lake.	Granted 09/01/04
01/2769		Removal or variation of condition 14 attached planning approval T/99/2169 – completion time of development	Granted 01/02/02
00/2821		Proposed creation of equestrian exercise track	Granted 16/02/01
99/2169		Improvement of agricultural land	Granted 11/06/99
99/2836		Improvement of agricultural land	Granted 11/06/99
84/88	Garth Paddocks	Rebuilding to provide facilities for racehorse training staff	Granted 04/06/84

## **PUBLICITY**

The application was advertised by direct neighbour notification and site notice. 9 letters of representation have been received, this includes a letter from Mick Antoni AM and one of the letters is counter signed by 16 individuals. These are summarised as follows:

### Visual Impacts

- Concerns are expressed that over the last 11 years the 'Ryan Jones site' has grown and become unsightly. It is very visible when walking on the Garth and is a 'blot' on the landscape.
- The development has resulted in an adverse impact upon the Special Landscape Area (SLA) of Garth. It is claimed that the development changes the visual landscape for walkers, riders and cyclists.

#### Environmental Impacts

- Non-native hedgerows have been planted.
- The development has resulted in the removal of existing hedgerows and trees.
- Questions are raised with regard to the sites compliance with environmental regulations.
- It is questioned whether an EIA is required.

#### Highway safety

- It is claimed that the development will increase the number of heavy lorries passing through the village.
- Concern is expressed that in areas where there are no footpaths then this poses a risk to pedestrian safety.
- It is suggested that a weight restriction be placed upon the passage of lorries through the village and consideration be given to the introduction of traffic calming and a reduction in the speed limit to 20mph.
- Concern is expressed that the lorries that drive through the village block the road, cause noise and pollution. The route they travel through the village is unsuitable.

#### Other

- Concern is expressed that the applications are made in retrospect.
- It is claimed there is a record of breaches of planning conditions and issues surrounding NRW permitting on the site.
- It is claimed that Council planning officers and committees have failed to oversee planning applications and breaches on the site.
- It is suggested that the works are part of an incremental plan to put in place the infrastructure for housing development in the future.
- Reference is made to previous planning applications that have been made on the site.
- Reference is made to the personal qualifications of employees of the Ryan Jones Group.

#### Letter from the Open Spaces Society

- Expresses concern that over the past two decades uncontrolled works have affected public enjoyment of the countryside and Garth mountain.
- They claim that lorry traffic on the mountain road is deterring public use of the Mountain Road and footpath 66. In turn this has an economic effect.
- They comment that lorry traffic is persistent over 7 days of the week.
- Non-indigenous hedging has been planted, which is unsuitable to the location.
- The Special Landscape Area has been scarred by the wider operations which run from the site. The visual impacts have become more apparent since the construction of the by-pass and community route.

- It is commented that there is incorrect signage and the width of shared track is unclear. It is commented that there should be a sign for the right of way at the entrance to the track, not just at the gateway into the field.
- It is claimed the new farm name sign and access wall have obscured drivers' views coming down the mountain road.

## **CONSULTATION**

Transportation Section – no objections raised, condition recommended.

Public Health & Protection – no objections raised.

Land Reclamation and Drainage – no objections raised.

Countryside, landscape & Ecology – no objections raised, condition relating to amended hedgerow planting recommended.

Natural Resources Wales – no objections raised.

Wales & West Utilities – no objections raised, informative note advising applicant of location of apparatus recommended.

## **POLICY CONTEXT**

### Rhondda Cynon Taf Local Development Plan

Indicates that the site is outside of the defined settlement limits, in a special landscape area and in a sandstone resources safeguarding area.

**Policy AW2** promotes development in sustainable locations.

**Policy AW5** sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6** sets out the criteria for new development in terms of design and place-making.

**Policy AW8** sets out the criteria for the Protection and Enhancement of the Natural Environment.

**Policy AW14** seeks to safeguard sandstone resources from development.

**Policy SSA23** identifies and seeks to safeguard Special Landscape Areas SSA23.8 Efail Isaf, Garth and Nantgarw Western Slopes.

### National Guidance

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions), Chapter 5 (Conserving and Improving Natural Heritage and the Coast) and Chapter 8 (Transport), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

## **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

## **Main Issues**

Full planning permission is sought (in retrospect) for a series of works to the access to Garth Isaf Farm, Efail Isaf. The works involve widening the access, the construction of a retaining wall and erection of gates. The application does not propose the formation of any new access; the works have been undertaken on land where the existing farm access connects with the adopted highway.

As such, the key considerations in the determination of the application are the impact of the development on the character and appearance of the immediate area and the potential impacts of the resulting scheme upon highway safety. The potential impacts upon ecology are a further consideration.

As the site access is located 500 metres from the nearest neighbouring dwelling it is not considered that the works have adversely affected the levels of amenities enjoyed by the occupiers of nearby residential properties.

## Character and Appearance

As set out above, the works in question have been undertaken at the site access to Garth Isaf Farm. The main element of the works involves the widening of the site access. This has been undertaken by cutting into the verge at the eastern extent of the access and by constructing an associated retaining wall. The wall varies in height across its length, extending to a maximum of 1.5 metres. The wall has been finished in stone work and its design incorporates a name sign for the farm.

It is acknowledged that the works have altered the appearance of the site access, which was previously a narrower rural farm track. However, the finishing materials are acceptable and it is not considered that the appearance of the resulting development is harmful to the character or setting of the site. Furthermore, the gate posts and wrought iron gates which have been erected are set back from the main site access by approximately 100 metres. As such, given the set back distance and topography of the access, these structures are not readily visible from the adopted highway.

Overall, given the scale of the development, it is not considered that the works to modify the existing site access have resulted in a harmful effect upon either the immediate setting of the site or the wider landscape. As such, the development is considered compliant with the requirements of policies AW5 and AW6 of the Local Development Plan.

## Ecology

Following the advertisement of the application a number of representations were received, whilst these are summarised in full above, one of the areas of concern identified related to the potential impacts of the development upon matters of ecology and protected species.

As such, in order to aid in the assessment of this aspect of scheme, the applicant commissioned an ecologist to review the development area. The survey undertaken (by Be Ecological Ltd.) principally sought to assess vegetation within the existing hedgerows and determine whether it is capable of supporting any protected species and to assess the newly planted hedgerow and determine whether this compliments the existing hedgerow.

In terms of protected species, the survey found no direct evidence of dormice or reptiles and amphibians. It did note however that the hedgerow presented good habitat, particularly in terms of foraging for these species. It also notes that it should be assumed that birds will use the hedgerow for breeding purposes.

In terms of the newly planted hedgerow, the survey confirms that it does not match the existing hedgerow (in terms of its composition). However, it is noted that the new hedgerow will still provide additional habitat connectivity which will be used by wildlife once it has matured sufficiently. Notwithstanding this, the report makes a recommendation that in order to encourage protected species to use the newly planted hedgerow; its composition should be altered to include native species. This view was re-enforced by the Council's Ecologist who has suggested that in the case of the hedgerow bounding the access, all privet should be replaced by native species. The applicant acknowledges this recommendation and has expressed a willingness to adopt these planting changes. As such, should Members be minded to approve planning permission, then a condition to this effect is recommended.

Having taken account of the above, whilst the loss of the original hedgerow that bounded the access is regrettable, given the applicant's willingness to replace the existing privet hedgerow with native planting, it is considered that the any adverse impacts, in terms of nature conservation, would be adequately mitigated. As such, the development is considered to accord with the requirements of policy AW8 of the Local Development Plan.

### Highway Safety

In order to aid in the assessment of the scheme upon highway safety, consultation has been undertaken with the Council's Transportation Section. Their assessment identifies that the works undertaken include the removal of a grassed bank to facilitate widening of the junction to 6m with 1m wide grassed verge on both sides before tapering to 5.5m with 1m grassed verge on both sides. The junction geometry is adequate to accommodate turning movements of cars and vehicles associated with the established business at Garth Isaf Farm, in addition to providing an area that can be utilised as an informal passing place at the apex of a bend.

In accordance with Technical Advice Note 18; Transport, 2.4m by 215m vision splays would be required at the junction (or alternatively the Y-distance would be

derived from the 85<sup>th</sup> percentile wet weather speed). It is noted that vision at the access is 2.4 by 90m to the right, (constrained by a right hand bend and hedgerows). This has been marginally improved by the removal and cutting back of vegetation as part of the work already undertaken. To the left vision is 2.4m by 60m, again, constrained by left hand bend and hedgerow. In the absence of a speed survey to determine the 85<sup>th</sup> percentile wet weather speed, it is acknowledged that the existing vision splays are sub-standard. However, the applicant does not have control over the land to the each side of the access to deliver further improvements. Furthermore, consideration must be given to the fact that the application relates only to the improvement of an existing access that serves established uses at Garth Isaf Farm, with no new activities or intensification of use being proposed. Finally, it is noted that there are constraints on the speed of vehicles travelling along this stretch of highway, as a result of the single track nature of the road. It is also worthwhile noting that there are no recorded accidents associated with the use of the access. Given the above points, on balance, visibility at the improved access is considered acceptable to serve the current use.

In terms of the access gates, these are located approximately 100m from the junction of the private access road with the highway. Whilst no turning facility is provided at the gates, sufficient space exists within the width of the private access road and adjacent field entrances to allow vehicles to turn. Therefore, it is not considered that the location of the gates would result in detrimental impact on highway safety.

Works have been undertaken on site to remove the original macadam surface of the private access, which gives cause for concern as the absence of a permanent road surface will result in loose debris being tracked onto the highway. However, the applicant has indicated that a permanent surface will be provided.

Adjacent to the access three highway gullies are located to the left, however, these are not effective as the carriageway is in disrepair and has settled. A single highway gully is provided to the right of the access. It is also noted that the fields adjacent to the highway (which are not within the ownership of the applicant) sit at a higher level resulting in surface run-off flowing onto the highway adjacent to the access.

It is noted that the remainder of the proposed works include provision of road gullies within the private access road and following discussions with the applicant, they have indicated a willingness to re-profile the junction and tie in to the private access to direct surface water run-off to existing road gullies. This would address any outstanding issues relating to surface water run-off, as such, should Members be minded to approve planning permission, then a condition to this effect is recommended.

Overall, it is not considered that the development has resulted in an adverse impact upon highway safety in the vicinity of the site. Therefore the scheme is considered to be accordance with the requirements of policy AW5 of the Local Development Plan.

#### Public Right of Way

The Council's records indicate that a public right of way (DRE/66/1) runs along the private access track for approximately 100m to a point near the gates, then turns east through a five bar farm gate across land which is outside of the applicants control. Neither the proposed access improvement works nor the gates would obstruct or divert the public right of way. It is noted that matters relating to ensuring the footpath is adequately signposted have been raised by members of the public. Whilst this is a legal requirement that would be controlled under separate legislation (Countryside Act), outside of the planning system, the applicant has indicated a willingness to provide signposting and has already erected a directional sign on the retaining wall that defines the site access. Nevertheless, an informative note reminding the applicant of their responsibilities with regard to Public Rights of Way is recommended.

### Structural Integrity

In terms of structural integrity, it is noted that the Council's Structural Engineer has reviewed the design details of the retaining wall and has confirmed that the design is adequate for the retaining function required.

### Other Matters

It is noted that in their letters of representation, a number residents express concern with regard to other activities that are being carried out on the site.

It is understood that many of the highway safety concerns expressed by residents relate to the operation of the Ryan Jones Group business. Whilst it is understood that the operation of this business (which has traded from the site for over 10 years) generates traffic movements through the village, in considering the current application, the Council may only take into account any likely impacts that may be generated from the access improvement works alone. As such, the submission of this planning application does not present an opportunity for a comprehensive review of the existing business which operates from the site.

Similarly, a number of residents also express concern with regard to the visual impacts and environmental damage which has resulted from the depositing of material on the site. Whilst these points are acknowledged, it must be noted that the tipping of the material in question has been undertaken in connection with the established Ryan Jones Group business, which operates from the site. Furthermore, the material is intended for use in connection with the previously consented ground re-profiling works to enable the construction of a ménage and amenity lake at the site. These works were granted permission in January 2004 under reference number 03/1595/10 and as such the permission remains extant. Therefore, as stated above, the submission of this planning application does not present an opportunity for the re-assessment of a previously approved planning permission.

### Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.



The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

## **CONCLUSION**

Having taken account of all of the issues outlined above, it is considered that the current submission represents a scheme that does not seek to change the use of the land or to introduce any new activities but to provide an improved access for the existing. Furthermore, it is considered that the scale and appearance of the physical works are acceptable and would not result in an adverse impact upon either the character, appearance and ecology of the area, residential amenity of neighbouring occupiers or highway safety. Therefore the proposal is recommended for approval, subject to the conditions specified below.

## **RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:**

1. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s)

- Site location plan scale 1:1250
- Wall construction – Access 2018 03 Rev 2
- Track construction Section A-B 21046C\_XS
- Track construction Section C-D 21046C\_XS
- Track cross sections A-B and C-D 21046 C
- Long section through wall and elevation of gates 21046 C
- Finished wall details – Access 2018 04 Rev 1
- General details – Access 2018 02 Rev 1

and documents received by the Local Planning Authority on 15/02/18, 12/03/18 and 29/03/18 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

2. Within four months of permission being granted the proposals for the installation of drainage and the re-profiling and resurfacing of the highway and private access for a distance of at least 25m, shall be implemented in accordance with details that have first been submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

3. The planting regime for the new hedgerow planting bounding the site access (from the junction with the adopted highway to the access gates) shall be amended in accordance with the following planting mix:

Hazel ( <i>Corylus avellana</i> )	40%
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Hawthorn (*Crataegus monogyna*) 60%  
All plants to bare root, 1+1 age, 40-60 cm ht transplants (certified British Natives).

All planting, in the approved details 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 five 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, unless the Local Planning Authority gives written consent to any variation of the above.

Reason: To ensure that the new development will be visually attractive in the interests of amenity and in the interest nature conservation in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

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