



PLANNING & DEVELOPMENT COMMITTEE

3 OCTOBER 2019

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 19/0256/10
(KL)

APPLICANT: Bowen Partners

DEVELOPMENT: Construction of a private access road and gate to Garth Fawr Farm (traffic survey rec. 31/07/19)

LOCATION: GARTH HALL FARM, CRAIG-EVAN-LEYSHON
COMMON ROAD, ABERCYNON, PONTYPRIDD, CF37
4HP

DATE REGISTERED: 08/05/2019

ELECTORAL DIVISION: Abercynon

RECOMMENDATION: Approve

REASONS: Whilst three objections have been received in relation to the proposal, the application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact, the impact it has upon highway safety, the amenity and privacy of nearby residential properties and in respect of its impact upon ecology.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received;

APPLICATION DETAILS

Full planning permission is sought for the construction of a new private access track to Garth Fawr Farm, Craig-Evan-Leyshon, Common Road, Abercynon.

A new opening would be created just opposite the existing entrance to Llechwen Hall Hotel, off Craig-Evan-Leyshon Common Road with the proposed track cutting through two fields to the south towards an existing track which forms part of the current access to the farm. The track would run roughly parallel with the existing stone walls at the north-western boundaries of the fields, measuring approximately 225 metres in length with a width of 6.8 metres at its widest point and narrowing to 6 metres. A new 7 rail galvanised field gate would be erected 20 metres back from the proposed new opening off Craig-Evan-Lleyshon Common Road.

The plans indicate that small sections of dry stone walls and/or hedgerows will need to be removed at the northern and southern ends of the track along with a section in the middle, which currently forms the boundary between fields.

The application is accompanied by the following:

- Supporting Statement which states that the land in question is not within the ownership of the applicant however, discussions are taking place with the landowner in relation to land acquisition;
- Traffic Survey;
- Ecological Appraisal;
- Supporting letter outlining the current access arrangements for the farm. The letter states that the primary vehicular access for domestic and agricultural vehicles is currently via the existing access track to Garth Hall Farm (north-east of Garth Fawr Farm) however, two secondary accesses are located to the south and south-east. All three routes are stated as being sub-standard. The proposed route would therefore allow the upgrading of the primary route for domestic vehicles, as well as large agricultural vehicles, visitors and deliveries to the farm.

SITE APPRAISAL

The application site is located on the mountain between the villages of Cilfynydd, Abercynon and Llanfabon (Caerphilly County Borough Council). The area surrounding the site is predominantly rural in character, with access to the site being served off a single-track country lane known as Craig-Evan-Leyshon Common Road. The road is defined by a combination of traditional dry stone walls/hedgerow and a number of mature trees.

The fields through which the proposed access track would run form part of an established agricultural holding known as Garth Hall Farm, which is located approximately 100 metres to the south of Craig-Evan-Leyshon Common Road. The fields fall gently away from the road towards an existing farm access track serving Garth Fawr Farm, which is also an established agricultural holding.

There are a small number of residential properties along Craig-Evan-Leyshon Common Road with the nearest being located at the entrance to Llechwen Hall Hotel (known as Llechwen Lodge), just opposite the site. Ty Newydd Cottages are located at least 0.5km away to the east.

Whilst the vast majority of the site is located in Rhondda Cynon Taf, Craig-Evan-Leyshon Common Road, the road off which the proposed access track would be served, is located within the adjacent Local Authority, Caerphilly County Borough Council.

PLANNING HISTORY

17/1127	Garth Fawr Farm, Cilfynydd	Removal of 150-200mm top soil, replace with hardcore to form the 3m wide track. A	Granted 27/11/17
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thin layer of topsoil will be spread alongside the track to give a greater depth of topsoil in this area

14/0440	Garth Fawr Farm, Cilfynydd	Installation of single (500kW) wind turbine measuring 77.9m to tip with ancillary structures	Refused 28/01/16
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PUBLICITY

The application has been advertised by means of direct neighbour notification and through the displaying of site notices in the vicinity of the site. Two letters of objection have been received which are summarised as follows:

Impact on the character of the countryside and Special Landscape Area

- The landscape setting is dominated by agricultural use. Field boundaries follow a historic pattern and most are characterised by traditional stone walls and historic hedgerows;
- Roads do not dominate this rural area and the lanes that do constitute local highways are screened by historic walls and hedgerows;
- The introduction of an asphalt concrete road is going to have a detrimental urbanising effect on the character of the countryside and SLA;
- Scheme conflicts with policy in terms of scale, form and design of development;
- No landscape assessment of viewpoint analysis has been submitted and it would be extremely unlikely that such an assessment would be able to demonstrate acceptable impacts on the landscape;

Impacts on the Local Highway Network

- The proposed new access will be situated very close to the access to Llechwen Hall Hotel, which is associated with a significant number of vehicles; This could give rise to conflicting vehicle movements given the proximity of the two highway junctions;
- No highway justification has been provided in support of the proposed access to demonstrate that it would work effectively and not give rise to conflicting movements;
- The roads going to the farm are very narrow;
- There is a very sharp bend metres from Tynewydd Cottages, which is not suitable for large agricultural vehicles and if planning is given, neither local authority can control what size vehicles can pass my property;
- Vehicles get stuck on the bend;
- The roads cannot take constant large vehicles – the stone walls and grass areas have already been damaged;
- I am not happy with the Traffic Survey submitted;

Other

- I have been made aware that the person applying for the road has a large recycling plant in Gelligare and that they now want to use the large sheds on the farm for recycling;
- Llanfabon already has a large substation.
- The access to Garth Fawr Farm is via Garth Hall Farm, but the correct access is via Cefn y Garth Farm;

One of the objectors has also submitted numerous photographs of large vehicles manoeuvring the bend outside Tynewydd Cottages (approximately 0.59KM to the south-east of the proposed access) and along the country road.

CONSULTATION

Highways and Transportation – No objection subject to condition

Flood Risk Management – No objection subject to condition

Glamorgan-Gwent Archaeological Trust – No objection subject to condition

Public Health and Protection – No objection subject to conditions

Welsh Water – No comments

Countryside, Landscape & Ecology – No objection subject to conditions

Caerphilly County Borough Council – No objection in highway terms. However, objections raised in relation to the impact on the Special Landscape Area.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is located outside of the defined settlement boundary, within an area defined as a Special Landscape Area (Taff Vale Eastern Slopes) and within a sandstone resources area.

Policy CS2 - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

Policy AW2 - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

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

Policy AW6 - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW7 - states that development proposals which impact upon sites of architectural and/or historical merit and sites of archaeological importance will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character and appearance of the site.

Policy AW8 - sets out the criteria for the protection and enhancement of the natural environment.

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

Policy AW14 - requires mineral resources to be safeguarded from development that would unnecessarily sterilise them or hinder their extraction.

Policy SSA23 - requires development within defined Special Landscape Areas to conform to the highest standards of design, siting, layout and materials appropriate to the character of the area.

Supplementary Planning Guidance

Design and Placemaking

Nature Conservation

Planning Obligations

Access Circulation and Parking

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 10 sets out the Welsh Government's current position on planning policy, which incorporates the objectives of the Wellbeing of Future Generations Act in to planning.

It is considered that the current proposals meet the seven wellbeing of future generation's goals inasmuch as they relate to the proposed development and the site is being brought forward in a manner consistent with the five ways of working.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking as defined by chapter 2 people and places: Achieving Wellbeing through Placemaking of the policy document and that the proposal is also consistent with the following insofar as they relate to the development proposed –

Chapter 1 managing new development.

Chapter 2 achieving wellbeing through placemaking

Chapter 3 strategic and spatial choices.

Chapter 6 distinctive and natural places.

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 6: Planning for Sustainable Rural Communities;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
Manual for Streets

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 for the construction of a new access track to Garth Fawr Farm. The works would involve the creation of a new junction at Craig-Evan-Leyshon Road and the construction of a 6 metre wide track through two fields associated with Garth Hall Farm. 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 wider Special Landscape Area;
- The potential impact of the resulting scheme upon highway safety;
- The potential impact upon ecology.
- The potential impact on the nearest neighbouring residential properties;

Principle of the proposed development

The proposal relates to the creation of a new access track to serve an established agricultural holding known as Garth Fawr Farm that is located outside of the defined settlement boundary. The current primary access to the farm is via the existing access to Garth Hall Farm. This cuts through a cluster of farm buildings at Garth Hall Farm and includes a 90 degree bend. Two secondary accesses are also located to the south and south-east of Garth Fawr Farm. The applicant states that all 3 accesses are sub-standard for access and the current application seeks to create a purpose-built access to overcome the issues currently experienced by vehicles accessing the farm, and more specifically larger agricultural vehicles.

Access tracks to serve individual holdings are not uncommon in countryside locations and the principle of the proposed development is therefore considered acceptable, subject to an assessment of further criteria, as detailed below.

Impact on the character and appearance of the area

The application site is located in a rural location that has been identified as a Special Landscape Area. Special Landscape Areas have been designated to protect areas of fine landscape quality within Rhondda Cynon Taf. In the Southern Strategy Area, SLAs have been identified to protect the distinctive landscape area and development in such locations are therefore required to conform to the highest possible design standards.

The proposal would result in the removal of three sections of traditional dry stone wall and hedgerow to provide a new and upgraded access to Garth Fawr Farm. There is some concern that this would impact upon the character of the surrounding area and upon the SLA and Caerphilly County Borough Council have raised an objection to the proposal in this regard. However, it is not considered that the proposal would have such a significant impact that it would warrant the refusal of the application, particularly given that the mitigation measures identified within the Ecological Appraisal (discussed more fully later in the report) recommend that a length of new wall equivalent to that being removed is constructed on site. This specifies that the new section of wall must connect onto an existing retained section of wall and it is, on balance, considered that these mitigation works would overcome any adverse concern in terms of the overall impact on the SLA. This has been added as a condition (condition 7 refers).

Furthermore, consultation has been undertaken with Glamorgan-Gwent Archaeological Trust and the response received indicates that the alignment of the field boundary has remained unchanged since its depiction on the 1842 Tithe map of the Parish of Llanvabon and subsequent historic Ordnance Survey maps (1875 to 1919). It is therefore considered that the stone wall boundary is of historical significance. The partial demolition of the stone walls, and the truncation of the field boundaries will be a permanent removal and alteration to the original layout of a historical asset however, no objection has been raised to the proposal in this regard, subject to mitigation works being carried out to lessen the impact. A condition has been recommended in this regard (condition 8 refers).

The proposed track itself would roughly follow the existing field boundaries and would not be particularly visible from wider viewpoints. It would be largely screened by existing stone walling, hedgerows and mature trees that line the public highway to the north with the only views realistically being from the existing access track to Garth Hall Farm to the west. Indeed, access tracks off publicly maintained roads in the countryside are not uncommon and the scale, design and finish of the proposed access track is considered to be acceptable in the context of this site. Whilst it is noted that Garth Fawr Farm currently benefits from 3 accesses, the applicant states that all of these are sub-standard and not fit for purpose with large agricultural vehicles having difficulty manoeuvring the 90 degree bends, narrow road widths and/or steep terrain.

Whilst the concerns and objections raised by residents and CCBC in this respect are duly noted and the demolition of sections of the wall are undoubtedly regrettable, it is considered that the mitigation works required as part of the Ecological Appraisal would go some way to lessen the overall impact on the SLA. As such, the proposal is considered to be acceptable in terms of the impact it would have on the character

and appearance of the surrounding area and upon the SLA. The application would therefore comply with Policies AW5, AW6 and SSA23 of the Rhondda Cynon Taf Local Development Plan.

Access and highway safety

The proposed access point is off a highway in the control of Caerphilly County Borough Council (CCBC) and, as such, consultation has been undertaken with CCBC. The comments raise no objection to the proposal from a highway safety point of view on the basis that adequate visibility splays would be achieved. However, conditions are recommended to ensure that the first 10m of the access are completed in permanent materials to ensure that loose stones and mud etc. are not carried on to the public highway (condition 4 refers) , and that rainwater run-off do not discharge into the highway surface-water drainage system (condition 5 refers).

Further consultation was undertaken with this Council's Highways and Transportation Section and the comments received do not raise any significant concerns in terms of the impact the proposal would have on highway safety in the vicinity of the site. The comments received indicate that the local highway network leading to the site are substandard in terms of width, forward visibility, vision splays and drainage which gives cause for concern. However, the proposal is for a new access off a publicly maintained highway leading to the farm and, as such, there would be no increase in traffic warranting further assessment of the local highway network.

The application is accompanied by a traffic survey and a supplementary planning statement which indicates traffic speeds of 19.1 miles per hour in a north-westerly direction 19.6 miles per hour in a south-easterly direction. The submitted layout plan indicates vision splays of 2.4x40m in both directions, which are short of the required stopping distance, thus giving cause for concern, However, considering the local context and volume of traffic, on balance, the proposal is considered acceptable in this regard.

The junction radii and position of the proposed gates are also considered to be acceptable.

Whilst the concerns raised by the objectors in respect of the proposal on highway safety are acknowledged, the comments received from the Highway and Transportation Sections of both RCTCBC and CCBC do not raise any significant concerns. As such, the proposal is considered to be acceptable in terms of the impact it would have on highway safety in the vicinity of the site and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

The proposed works would be carried out opposite a residential property known as Llewchen Lodge. Whilst it is acknowledged that there may be some disruption during construction, the proposed access, track and gate would not be capable of causing any overbearing, overshadowing or overlooking impact that would be detrimental to

the amenity and privacy of that property. The proposal would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan in this respect.

Ecology

The application is accompanied by an Ecological Appraisal that provides documentation of the baseline ecological condition of the site. This has been assessed by the Council's Ecologist who does not raise any significant concerns in relation to the information submitted within the appraisal or in relation to the ecological impacts of the proposal. However, it is recommended that the mitigation measures identified in Section 5 of the report (timing of works for birds, retention and protection of mature trees, destructive search of dry stone walls, hedgerow and grassland at base of wall, vegetation clearance, compensatory enhancement or construction of dry stone walls, provision of bird boxes) are conditioned should permission be granted (condition 6 refers).

Other:

Drainage

The proposal involves the creation of a new access track within a sloping field. Given the increase in hardstanding area and the direction of the road, it is likely that surface water would be increased towards the norther connection to the highway. No details have been submitted in relation to surface water and, as such, the Council's Flood Risk Management Officer recommends a condition to secure the submission of this information prior to commencement of development (condition 9 refers).

Other Issues raised by objectors:

One objector raises concern that the farm would be used as a recycling centre. Whilst these concerns are noted, this application is solely for the installation of a new access. Any change of use of the farm for recycling purposes would require planning permission and the impacts of that would be assessed should an application come forward in the future. This would not be reason to refuse this current application for the proposed new access.

One objector has also submitted numerous photographs showing large vehicles manoeuvring the country lanes and the damage that has been done to the walls and grass verges. Whilst these issues are noted, the proposed access track would form a new and improved access to the farm and it is not considered that this would generate any additional traffic through the lanes. It should also be noted that, regardless of the outcome of this planning application, neither Council can control the volume of traffic or the size of vehicles travelling through the lanes, nor can they control which access the occupants/visitors of the farm utilise.

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

The application is considered to comply with the relevant policies of the Local Development Plan in respect of its impact upon the character and appearance of the surrounding area, its impact upon the designated SLA, its impact upon highway safety in the vicinity of the site and in respect of its impact upon the amenity and privacy of surrounding residential properties.

RECOMMENDATION: Approve

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

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

- C2437: Proposed Farm Access (Rec. 08/05/19);
- Garth Fawr Farm: Farm Gate Specification;
- Site Plan;
- Whole Road;
- Northern Section;
- Southern Section.

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.

3. The proposed junction, and internal access shall be laid out and constructed in accordance with the submitted layout and details, drawing no. C2437, Revision R1 to the satisfaction of Local Planning Authority, prior to beneficial use.

Reason: To ensure adequacy of the access in the interests of highway safety and free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. The first 10 metres of the access hereby approved shall be completed in permanent materials, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

Reason: To ensure loose stones and mud etc. are not carried onto the

public highway, in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. Surface water run-off from the access track hereby approved shall not discharge onto the public highway unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. The access track hereby approved shall be carried out in accordance with the precautionary and compensation & enhancement measures identified in Sections 5.1 & 5.2 of the Preliminary Ecological Appraisal (September 2019) received by the Local Planning Authority on 11th September 2019, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To afford protection to animal and plant species in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

7. Details of the compensatory dry stone wall identified in Section 5.2.1 of the Preliminary Ecological Appraisal (September 2019) received by the Local Planning Authority on 11th September 2019 shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

Reason: To ensure that the appearance of the proposed development will be in keeping with the character of the area in the interests of visual amenity in accordance with Policies AW5, AW6 and SS23 of the Rhondda Cynon Taf Local Development Plan.

8. No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: As the wall is of architectural and cultural significance, the specified records are required to mitigate the impact in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

9. No development shall commence until all relevant matters outlined on the attached Planning Requirements Relating to Flood Risk Management including full drainage details have been approved in writing by the Planning Authority. These details shall indicate how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage.

