



PLANNING & DEVELOPMENT COMMITTEE

5 MARCH 2020

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 19/0660/10 (KL)
APPLICANT: Walters Group
DEVELOPMENT: Use of land for low speed, non-competitive activities such as vehicle testing, driver/rider training, customer experience days, promotional activities, product launch days, filming and photography etc. of both motor cycles and cars (Amended Design & Access Statement rec. 12/02/20) (amended red line boundary rec. 12/02/20) (Vision Splay Plan rec. 12/02/20).

LOCATION: LAND AT CWM HWNT, OFF MOUNT ROAD/ PARISH ROAD, RHIGOS, HIRWAUN, CF44 9UR
DATE REGISTERED: 12/02/2020
ELECTORAL DIVISION: Rhigos

RECOMMENDATION: Approve

REASONS: The application site is located outside of the defined settlement boundary however, the proposed use relates to a tourism venture which has the potential to bring significant numbers of visitors to the area on an annual basis and thereby positively contributing to the economy of the wider area. Furthermore, the proposed use of the tracks would be limited to a small number of motorbikes that would comply with Euro 4 standards and it is not considered that the proposal would have an adverse impact upon the amenity of local residents in terms of noise and disturbance.

The site is already crossed by a number of tracks and no works are proposed to create any further tracks or for the construction of any new buildings. The visual appearance of the site would therefore remain unchanged and there would be no impact upon the character of the area.

Furthermore, no objection has been received from the Council's Highways and Transportation, Countryside, Landscape & Ecology and Public Health and Protection Sections and the proposal is therefore

considered to comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to the Director of Prosperity & Development;
- A request has been received from Councillor Graham Thomas for the matter to come to Committee to consider the impact of the proposed use on the amenity of surrounding residential properties.

APPLICATION DETAILS

Full planning permission is sought for the change of use of land at Cwm Hwnt, Rhigos, Hirwaun for low speed (max 20mph), non-competitive activities relating to both motorcycles and cars. The land would predominantly be used by motorcycle manufacturer 'Triumph' for adventure experience motorcycle training and events which would include activities such as:

- Vehicle testing – new motorcycle launch activities, press ride activities and Triumph dealer days;
- Driver/driver training – including 1 day courses, trainer refresher courses, ladies days, 2 day course for levels 1 -3;
- Customer experience days,
- Promotional activities;
- Filming and photography;

All vehicles that will use the site will be provided by Triumph and will be high specification road homologated which will be fitted with a 3 into 1 silencer with emissions complying with EURO 4 standards. At no point will customers be able to use their own motorbikes at the site.

The proposal does not include any physical works to the site, aside for some basic maintenance of the existing gravel tracks to clear encroaching undergrowth and the erection of signage at key points where Bridleways and Public Rights of Ways cross the track (i.e. sited 100 and 50 metres before). No buildings would be erected on site as part of this proposal.

Users of the site will initially meet at the Triumph Adventure Experience headquarters in Woodlands Business Park, Ystradynglais, Powys (approximately 18 miles from application site). Following a safety briefing, customers will ride the motorcycles to the site along public highways (more locally off Rhigos Road and then along Mount Road and Parish Road). Each group of riders (maximum of 15) will be accompanied by a lead and tail rider whilst on the public highway and all riders will have a full motorcycle license. Each group of 15 would be split into 3 sub-groups that would be accompanied by trained instructors and each sub-group will leave headquarters at 10

minute intervals to avoid large numbers travelling through villages at the same time. There will be a maximum of 4 courses per week (1 per day – Friday to Monday) between 1st April and 31st October and courses would generally start in Woodlands Business Park at 10:00 and return by 16:00. It is understood that the company intends to construct or purchase a new building for headquarters in the RCTCBC area, closer to the site, at some point in the future.

It is also anticipated that up-to two 4x4's would use the tracks one day per week between 1st November and 31st March. This aspect of the use would take place between the hours of 09:00 and 17:00 only.

The applicant has submitted additional information that states that Triumph have generated over 700 visitors to the area and well over £100,000 of revenue to local businesses, guest houses and hotels and have created 8 jobs.

In addition to standard plans and documents, the application is accompanied by the following supporting documents:

- Pre-application Consultation (rec. 14/07/19);
- Design and Access Statement (amended version rec. 12/02/20);
- Noise Report (rec. 21/10/19);
- Traffic (Speed) Survey (rec. 23/09/19).

SITE APPRAISAL

The application site relates to a large area of land of approximately 106 hectares that is situated at the boundary between Rhondda Cynon Taf and Neath Port Talbot. The village of Rhigos is located approximately 0.7km to the north-east.

The site is irregular in shape and typically undulating with ground levels notably decreasing from north to south. Access is achieved through a secured gate off an un-named road that connects with Parish Road and Mount Road (to the north and north-east respectively). Parish Road is currently the main access to the Selar Open Cast Coal Site, which is located to the west of the site.

The site is predominantly characterised by a heavily wooded area which is crossed by numerous gravel tracks, bridleways (namely RHI/10/5, RHI/AR4/1, RHI/10/4 & RHI/17/2) and Public Rights of Ways (namely RHI/19/1, RHI/26/2 & RHI/30/1). The closest residential properties are located approximately 200 metres to the east and approximately 280 metres to the north of the site (Cwm Hwnt and Mount Road respectively). The main village of Rhigos is located approximately 0.7km to the north-east.

The site is located outside of the defined settlement boundary and is located entirely within a Site of Importance for Nature Conservation (SINC Cwm Gwerlych). It is also located partially within a Special Landscape Area (SLA-

Hirwaun Common, Cwm Dare & Cwm Aman). A Listed Building is located in close proximity to the eastern boundary (Engine House and Fan House at Tower Colliery).

PLANNING HISTORY

19/5019	Land at Cwm Hwnt, Rhigos, Hirwaun	Request for a formal EIA screening opinion for the use of the existing tracks for low speed, non-competitive activities, including vehicle testing, driver/rider training and promotional events (motorcycles and cars).	EAN – EIA not required 03/04/19
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PUBLICITY

The application has been advertised by means of direct neighbour notification to approximately 20 properties (dated 23rd July 2019) and through the erection of site notices in the vicinity of the site (on Mount Road, Cwm Hwnt, Rhigos Road and near to public areas i.e. bus stops, shops and playgrounds in the main village of Rhigos) (dated 7th August 2019). A press notice was also published in a local newspaper (dated 8th August 2019). No letters of objection were received following this exercise.

Further consultation was undertaken on receipt of an amended red line boundary/site location plan, which included an additional parcel of land adjacent to the junction between Mount Road and Parish Road for improved vision splays to be provided. One letter of objection has been received from a local resident following this process which is summarised as follows:

- The noise, dust, fumes and excess traffic this development would cause is unacceptable;
- We can do without the excess pollution from these cars and bikes;
- It would affect property prices in the area.

CONSULTATION

Countryside, Landscape and Ecology – No objection or condition suggested.

Dwr Cymru Welsh Water – No objection or condition suggested.

Flood Risk Management – No objection or condition suggested.

Glamorgan-Gwent Archaeological Trust – No objection or condition suggested.

Highways and Transportation – No objection subject to conditions.

Natural Resources Wales – No objection subject to advisory note.

Neath Port Talbot Council – Recommends the submission of ecology surveys and advises that a separate application may be required to be submitted to NPT should any development or activities take place within their boundary.

Public Health and Protection – No objection subject to conditions.

Public Rights of Way Officer – No objection or condition suggested.

Rhigos Community Council – Objections raised in relation to noise/pollution, unauthorised access via Old Parish Road, illegal use of the site by motorbikes, large groups of riders using Halt Road, Mount Road and conflict with bridleway. Comments that access should be from Treherbert Road, not through the village of Rhigos.

Wales and West Utilities – No objection or condition suggested.

Consultation was also undertaken with Western Power, South Wales Fire & Rescue Service, National Grid, The Coal Authority, and South Wales Trunk Road Agency however, no response has been received at the time of writing this report.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Core Policies

Policy CS2 –sets out the strategy for the northern area of the County Borough. The strategy include encouraging a strong, diverse economy which supports traditional employment and promotes new forms of employment in the leisure and tourism sectors.

Area Wide Policies

Policy AW2 – supports developments 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 - seeks to ensure that developments which may impact upon sites of architectural and/or historical merit and sites of archaeological importance will preserve or enhance the character and appearance of the site. Includes listed buildings, public rights of way and bridleways.

Policy AW8 - seeks to preserve and enhance RCT's distinctive natural heritage from inappropriate development. Includes Sites of Important Nature Conservation.

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

Strategy Area Policies

Policy NSA25 - requires development within a Special Landscape Area 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
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 4 active and social places
Chapter 5 productive and enterprising places
Chapter 6 distinctive and natural places.

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 11: Noise;
PPW Technical Advice Note 13: Tourism;
PPW Technical Advice Note 16: Sport Recreation and Open Space;
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:

Principle of the proposed development

The application relates to the change of use of the site for low-speed, non-competitive activities relating to both motorcycles and 4x4 vehicles. The application site is located outside of the defined settlement boundary and in an area of open countryside that is predominantly characterised by forestry, forestry tracks and Public Rights of Ways and Bridleways.

Policy AW2 of the Rhondda Cynon Taf Local Development Plan primarily seeks to focus development within sustainable locations, which are defined as sites that 1) are within settlement boundaries; 2) would not unacceptably conflict with surrounding uses; 3) have good accessibility by a range of sustainable transport options; and 4) have good access to key services and facilities. It is noted that the application site is located outside of the defined settlement boundary and it is not accessible by a range of sustainable transport options or to key services and facilities. The proposal would therefore not comply with the key objectives of Policy AW2.

However, there is an argument that the proposed use would fall within a tourism use in that the site would primarily be for 'Adventure Experience' motor cycle training and, on occasion, new motorcycle launch activities, press ride activities and Triumph dealer days. Whilst the Local Development Plan does not have a specific policy relating to tourism, it is generally supportive of tourism and recognises that it can help encourage a strong and diverse economy which supports traditional employment and promotes new forms of employment in the leisure and tourism sectors (Policy CS1). Further, Planning Policy Wales supports tourism and sees it as vital to economic prosperity and job creation along with being a catalyst for the economy and regeneration. It is therefore accepted that some tourism uses can be accommodated in the countryside however, the tourism benefits need to be balanced with the potential impact of the surrounding area and the potential conflict with the Public Rights of Way and bridleways that are a tourism use in themselves.

The application site is located entirely within a Site of Important Nature Conservation and is crossed by a number of Public Rights of Way and Bridleways and it is therefore acknowledged that there is potential for some

degree of conflict between the proposed use and the ecology/biodiversity of the site and in terms of existing users (i.e. ramblers, horse riders etc.). There is also potential conflict between the proposed use of the site and nearby residential properties in terms of the level of noise generated by the use. These issues are explored in more depth later in this report however, it is noted that no objection has been received from the Council's Countryside, Landscape and Ecology and Public Health and Protection Sections in these regards.

Given the nature of the proposed use and the fact that customers would travel to the site on vehicles that would be used for the duration of the adventure experience days etc., it is not considered that the site necessarily needs to be accessible by a range of sustainable transport options. Furthermore, it is unlikely that this particular use would be suitable or achievable within any built up area that would have good access to public transport.

The proposed use would also bring significant numbers of visitors to the area on an annual basis and subsequently has the potential to make a positive contribution to the economy of the wider area through the use of local hotels, shops, restaurants, Public Houses etc. The applicant has confirmed that Triumph have already generated over 700 visitors to the area and subsequently over £100,000 of revenue to local businesses.

Whilst the application site is located outside of the defined settlement boundary, the proposed use would provide a tourist attraction that would bring economic benefits to the wider area. It is not considered that this particular use could reasonably be accommodated anywhere within the settlement boundary and the principle of the proposal is considered to be acceptable, subject to consideration of the criteria set out below:

Impact on residential amenity and privacy

It is acknowledged that there is potential for the proposed use of the site for motorcycles and 4x4s to have an adverse impact on surrounding residential properties in terms of noise and disturbance. However, the site would be utilised by Triumph for low-speed, non-competitive activities such as vehicle testing, driver/rider training, customer experience days, promotional activities, product launch days, filming and photography which would be unlikely to generate significant levels of noise. Furthermore, the site would only be utilised by motorcycles provided by Triumph, which are all high specification with 3 into 1 silencers with noise emissions complying with EURO 4 standards. The applicant has submitted a Noise Assessment to support the application which, following a survey of baseline noise levels at locations representative of the nearest residences to the proposed activities, concludes that the activity will not give rise to an unacceptable degree of noise and disturbance and no specific noise mitigation measures are considered necessary. The report has been assessed by the Council's Public Health and Protection Division who have raised no objection to the proposal in this regard.

As such, it is not considered that the proposal would have an adverse impact on the amenity of nearby residential properties and the application would therefore comply with Policies AW5 (criterion 1.c) and AW10 (criterion 2).

Access and highway safety

The application has been subject to consultation with the Council's Highways and Transportation in order to assess the potential impact of the proposal on highway safety in the vicinity of the site. Whilst an objection was originally received in relation to the vision splays at the junction between Mount Road and Parish Road, amended plans and a 7 day traffic speed survey were subsequently submitted in order to overcome the concerns raised. The comments received from the Highways and Transportation Section in relation to the additional information indicate that the site would be accessed off Mount Road which is a bus route and via the (adopted) Parish Road which leads to the Sellar Open Cast site.

The speed limit for Mount Road is 60mph which would require visibility splays of 2.4m x 215m, in accordance with TAN18. However, the 7 day ATC traffic speed survey indicates 85th percentile speeds circa 39mph in each direction. This equates to a vision splay requirement of 2.4m x 99m in each direction.

The plans indicate that the fence to the south of the junction is to be relocated to provide vision splays of 2.4m x 70m and the applicant has also indicated that they will cover the costs incurred to reduce the speed limit on Mount Road to 30mph. As such, the proposed vision splays would be acceptable with the reduction of the speed limit.

There is some concern that the fence to the north of the junction causes an obstruction. However, this is only partial with the vast majority of the carriageway and on-coming traffic visible. The vision splay in this location is therefore considered to be acceptable.

Taking the above into consideration and that the original objection has been removed (subject to conditions), the proposal is considered to be acceptable in terms of the impact it would have on highway safety in the vicinity of the site. The application is therefore considered to comply with Policy AW5 of the Rhondda Cynon Taf Local Development.

Impact on the character and appearance of the area

The proposal would involve the use of the existing tracks at the site and, with the exception of some minor maintenance works and the erection of small non-illuminated signage adjacent to the tracks, would not involve any physical alterations or the construction of any new buildings/structures.

As such, it is not considered that the proposal would have any impact on the character and appearance of the area and the application would comply with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

Other Issues:

Public Rights of Way

The application site is crossed by a number of Public Right of Ways and Bridleways and some concern was initially raised by the Council's Public Rights of Way Officer in terms of the potential conflict between users of the PRowWs and Bridleways and the motorbikes/ 4x4s that would utilise the tracks. However, on the basis that the site would be used for low-speed, non-competitive activities (max speed: 20mph), that the number of motorcycles on site at any one time would not exceed 18, and that sufficient signage would be erected at 100 metres and 50 metres before the PRowW and Bridleways cross the tracks, the concern raised is not significant enough to warrant the refusal of the application. Should Members be inclined to approve the application, the number of motorcycles at the site at any one time can be controlled by condition.

Ecology

The application site is located entirely within a Site of Important Nature Conservation and, given the nature of the proposal, it is acknowledged that there is potential for it to have some impact on the features of the site for which it has been designated. However, the Council's Ecologist has assessed the information submitted with the application and, following further discussions with the applicant, is satisfied that the disturbance impact of the proposed use would be relatively low. The additional comments received by the applicant in this regard indicate that the proposal relates only to the use of the existing tracks and, whilst some minor maintenance works have already been carried out, no clearance of the adjacent forestation is proposed. The use of the tracks would be strictly limited to day time only and no lighting would be required to illuminate the track. The only visible alteration to the site would be the erection of small non-illuminated signs adjacent to the track to warn users of public rights of way and bridleways. Furthermore, vehicles using the track would be limited to 20 mph and would be fitted with silencers to EU standards. All groups would also be led by an experienced and qualified instructor with local knowledge and experience of the site.

Whilst it is noted that Neath Port Talbot Council (NPTC) recommend that full botanical and breeding bird surveys be submitted to inform the decision, this Council's Ecologist is satisfied with the level of information submitted with the application and considers that the disturbance impacts would not be so significant that it would have ecological implications. As such, it is not considered that detailed ecological assessment or mitigation is required in this instance.

NPTC also advise that should there be any development or activities within the boundaries of Neath Port Talbot, then a separate planning application would be required to be submitted to their planning section. An informative note to this effect would be included for the applicant's information, should permission be granted.

Taking on board the comments from the Council's Ecologist, it is not considered that the proposal would have an adverse impact on the SINC and the application would therefore comply with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

Public Health and Protection

In addition to the comments made in relation to the noise report, as discussed earlier in this report, the Council's Public Health and Protection Section have recommended conditions in relation to hours of operation, noise, waste and dust. Whilst these comments are appreciated, it is considered that issues relating to hours of operation, noise, dust and waste can be more efficiently controlled by other legislation and the suggested conditions are not considered necessary. An appropriate informative note is considered to be sufficient in this instance.

Listed Building

The application site is located in close proximity to a Listed Building at Tower Colliery (Engine House and Fan House). Given the intended use of the site for low-speed, non-competitive activities, and that no physical alterations are proposed as part of the application, it is unlikely that the proposal would have an adverse impact on the listing.

Other issues raised by objectors

One letter of objection has been received from a local resident which raises concern that the proposal would affect house prices in the area. This is not a material planning consideration and cannot be taken into account in the determination of the application.

A further objection from Rhigos Community Council also raises concern with regard to the illegal use of the site by motorbikes. This is an existing problem that the applicant is already aware of. It is considered that the application would reduce the number of unauthorised motorbikes using the site. As mentioned previously, the bikes used as part of the proposal would be provided by Triumph and would comply with Euro 4 standards. This would reduce the level of noise experienced by residents, as indicated in the supporting Noise Assessment.

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 site is located outside of the defined settlement boundary however, the proposed use relates to a tourism venture which has the potential to bring significant numbers of visitors to the area on an annual basis, thereby positively contributing to the economy of the wider area. Whilst a motorbike track would usually be associated with high levels of noise and disturbance for surrounding residents, the use of the site would be restricted to a small number of motorbikes that would comply with Euro 4 standards. The Noise Assessment submitted to support the application also successfully confirms that the level of noise created by the proposed use would be acceptable and it is therefore not considered that the proposal would have an adverse impact on the amenity of local residents in terms of noise and disturbance. The proposal would not have any adverse impact upon the visual amenity of the site and no objection has been received in relation to the impact of the proposal on highway safety in the vicinity of the site, ecology or public rights of way. As such, the proposal is considered to comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan.

RECOMMENDATION: Grant

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 drawings and documents received by the Local Planning Authority, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Site Location Plan (Rec. 12/02/20);
- Proposed Block Plan (Rec. 21/06/19);
- Road Junction between Parish Road & Mount Road (Rec. 12/02/20);
- Noise Report (Rec. 21/10/19).

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

3. There shall be no more than 18 motorcycles in use at the site at any one time.

Reason: To ensure that the proposed development would not cause or result in a risk of unacceptable harm to local amenity because of noise pollution, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. The motorbike track hereby approved shall only be used between the hours of 09:00 and 18:00 hours.

Reason: To ensure that the proposed development would not have an adverse impact upon the amenity of local residents, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. All motorbikes used at the site shall be fitted with a 3 into 1 silencer and comply with Euro 4 standards, as detailed in the Noise Assessment carried out by Hepworth Acoustics (Rec. 21/10/19).

Reason: To ensure that the proposed development would not cause or result in a risk of unacceptable harm to local amenity because of noise pollution, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no external lighting equipment shall be erected or installed unless details have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that there would be no unacceptable impact upon nature conservation, in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall take place until alterations to the Traffic Regulation Order (TRO) in respect of the changes to the speed limit along Mount Road has been completed to the satisfaction of the Local Planning Authority 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.

8. The fence to the south of the junction between Parish Road and Mount Road shall be re-located as indicated on submitted drawing no. "E/2827" prior to beneficial use of the development.

Reason: To improve the visibility splay to the right at the junction, in the interests of highway safety and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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