



PLANNING & DEVELOPMENT COMMITTEE

25 MARCH 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/1338/10 (EL)
APPLICANT: Mr K Stephens
DEVELOPMENT: Retention and completion of a feed platform and fodder storage area to serve livestock.
LOCATION: MYNYDD MAYO FARM, EGLWYSILAN ROAD,
EGLWYSILAN, PONTYPRIDD, CF83 4PJ
DATE REGISTERED: 25/11/2020
ELECTORAL DIVISION: Hawthorn

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 development is considered acceptable in terms of its impact upon the landscape character and appearance of the area, residential amenity, highway safety and ecology.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received.

APPLICATION DETAILS

Full planning permission is sought for the retention and completion of a feed platform and fodder storage area, constructed for agricultural purposes, on a site of 0.49 hectares, located within a wider land parcel of 3.7 hectares.

The works have involved the importation of inert sub-soils onto a previously filled area and have been undertaken over the previous 14 months to form the shape of the platform which is currently on site. The finished plateau would be surrounded to the east, north and south by bunds which, would extend to 2.0 metres from the level of the plateau. On the opposing side, the bunds would be graded down to the existing land profile, which falls away to the adjacent watercourse. The works would be off set from the watercourse by 10 metres. The bunds would be grass seeded so as to assimilate the works into the landscape. It is proposed that the surface of the plateau be finished with a permeable material, in order to avoid any increase in the speed of the run-off of storm water into the adjacent stream (the Nant Ffynon-Wen). No

additional soils are proposed to be imported to the site; the bunds would be finished using existing material on site. However, the scheme would involve the provision of approximately 200 tonnes (10 lorry loads) of hardcore or road plantings, which are required to provide a permeable surface to the platform.

The application is accompanied by a statement which provides some justification for the works. This explains that the parcel of land that the development is sited upon at Mynydd Mayo, has been an outlying area of the Ffynonrhyngyllt Farm, Rhydyfelin, Pontypridd since 1993. The land is used to rear approximately 100 cattle and 300 sheep that stay at the land all year round. Each year the grass on the parcel of land is mown and the 300 (approximate) polythene wrapped bales resulting from that operation are transported to a storage compound, which is located on a plateau sited alongside the access track running between the Ffynonrhyngyllt Farm and Eglwysilan Road, this compound is some 2.9km distant from the Mynydd Mayo site.

The movement of grass bales from Mynydd Mayo and the compound and then back again, when required to feed livestock, is undertaken using a tractor and trailer. The agent comments that travelling along the narrow, often single way unclassified country road, with limited passing bays and with frequent stops to pass on-coming traffic results in an inefficient and time consuming operation.

The proposed feed platform and fodder storage area would allow the bales resulting from the Mynydd Mayo grass cutting to be kept on site and prepared to feed the livestock in the same area. The statement also comments that the need for the work described in this planning application was made more urgent following the “beast from the east” period of cold and wintry weather conditions in 2018 ,when it was impossible to feed the stock for almost two weeks. It is stated that the works are required for animal welfare issues and to make the applicants agricultural business more resilient.

SITE APPRAISAL

The application site extends to 0.49 hectares, located within a wider land parcel of 3.7 hectares, located on Mynydd Mayo, Eglwysilan. The parcel of land that the development is sited upon has been an outlying area of the Ffynonrhyngyllt Farm, Rhydyfelin, Pontypridd since 1993. The land is used to rear approximately 100 cattle and 300 sheep that stay at the land all year round. Cattle were present at the site at the time of the site inspection. The development lies approximately 275 metres north east of Eglwysilan Road and is accessed via an unmade farm track. As a result of the land form, the site is not readily visible from Eglwysilan Road. The plateau has been formed to the north east of the access track and to the south of a farm house ruin. The closest dwellings are located in a small settlement approximately 475 metres south (as the crow flies) of the application site, however these are not clearly visible from the site due to the topography of the landform. To the north east of the plateau is the Nant Ffynon-Wen watercourse.

PLANNING HISTORY

The most relevant planning application is detailed as follows:

14/0855	Mynydd Mayo Farm, Eglwysilan Road, Eglwysilan, Pontypridd	Retrospective permission for the completion of field boundaries, bund and hedge constructed for agricultural purposes.	Refused	22/08/14
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PUBLICITY

The application was advertised by direct neighbour notification and site notice. 4 letters of representation have been received which are summarised as follows;

- It is commented that tipping first began in December 2019 for about 10 weeks with up to 40 lorries a day. It is commented that the works continued without consent until the road had to be closed as it collapsed in part.
- It is commented that any further tipping would be dangerous as the lane which serves the site has no footpath and few passing places.
- The road is used by walkers, cyclists, horse riders and children walking to school. The road is unsuitable for 7.5 ton lorries and they caused gridlock when they met with traffic travelling in the opposite direction.
- The works have caused significant damage to the road and road boundary with property (Penygroes House). The lorries have also damaged a grit bin in order to pass sections of the road.
- The works are unsightly and have altered the contours of the land.
- It is commented that some properties water supply comes off the mountain and there is concern that the works may affect this water supply.
- Reference is made to the fact that the culverts downstream are no longer sufficient and require continuous unblocking.
- One resident comments that as the works are now largely complete, it would cause more harm to residents to have the soils removed as this would result in more traffic movements.

CONSULTATION

Transportation Section – no objections raised.

Public Health & Protection – no objections raised, informative notes recommended.

Land Reclamation and Drainage – no objections raised, condition suggested.

Countryside, Landscape & Ecology – no objections raised, the fields affected are agriculturally improved so no significant ecological issues are likely to have resulted.

Natural Resources Wales – no objections raised. It is commented that it is the applicant's responsibility to ensure that they secure all other necessary permits/consents relevant to the development. The Coal Authority – no objections raised, informative note recommended.

Glamorgan Gwent Archaeological Trust – no objections raised.

Structural Engineering – no objections raised, the slope for the bund embankment is acceptable at 1:2 as they are to be grass seeded to prevent wash off.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

AW2 promotes development in sustainable locations.

AW 5 sets out criteria for new development in relation to amenity and accessibility.

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

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

AW10 sets out the criteria for Environmental Protection and Public Health

SSA 23 identifies and seeks to safeguard Special Landscape Areas SSA23.10 Taff Vale Eastern Slopes.

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 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 4 – Rural Communities – LDP
- Policy 5 – Supporting the Rural Economy – LDP

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

This application seeks full planning permission for the retention and completion of a feed platform and fodder storage area, constructed for agricultural purposes, on a site of 0.49 hectares, within a wider land parcel of 3.7 hectares forming part of Ffynonrhynyllt Farm, Eglwysilan.

As such, the key consideration in the determination of the application is the impact of the development on the character and appearance of the immediate area, and landscape setting of the site. The potential impacts upon ecology and highway safety are a further consideration, along with the potential impacts upon the amenity of the occupiers of the closest residential properties.

Character, Appearance and Landscape Impacts

The application site forms a relatively small part of a larger land parcel of 3.7 hectares, which itself is an outlying part of Ffynonrhynyllt Farm, Eglwysilan. In total the farm amounts to an 800 hectare holding. The site and wider holding lies within a Special Landscape Area (SLA), that being Taff Vale Eastern Slopes. As such, consideration must be given to the impacts of the development upon the setting of the SLA.

The application site occupies an elevated position, on the hillside that rises to Mynydd Mayo. However, despite its elevated position, the actual site of the development is not readily visible from many distant vantage points, beyond neighbouring field parcels, due to the topography of the site and intervening land forms. The application is accompanied by a plan and cross sections which illustrate the proposed finished land profile; however, as the consent is sought largely in retrospect, it is possible to assess the majority of the visual impacts upon the landscape in real terms, by visiting the site. The site is accessed via an unmade, private farm track that connects with Eglwysilan Road to the south west. The track extends over a distance of approximately 400 metres and curves around the mountain side. As a result, the plateau that has been formed is not visible on approach along the track. Whilst there is no question a significant amount of material has been imported to the site to undertake the works, the plateau that has been formed lies adjacent to the existing farm track, extending out at the same level. Whereas previously the land sloped away from the track toward the stream, to the north east the end of the track has now effectively been widened to form a large plateau. A bund would be created around the north, east and south boundaries of plateau, with these embankments then graded back down to the natural ground level. It is clear that the resulting development

appears as a newly created feature in the existing landform; however, part of its current prominence is due to the fact that the slopes are unfinished. The accompanying statement confirms that the existing surface would be finished with a permeable material, to aid drainage and then seeded with grass seed to lessen its prominence.

Therefore, whilst it is accepted that the works that have been undertaken are fairly significant, in terms of the volume of material that was required to be imported; the actual area over which the development has been undertaken is relatively small, in the context of the wider farm holder. Furthermore, it is not considered that, when complete, the impact upon the wider landscape setting would cause significant harm, given that the development would not be readily visible from a great number of distant vantage points. As such, it is not considered that the works have resulted in a significant adverse impact upon the character and setting of the designated SLA. Over time, it is considered that with appropriate grass seeding, the prominence of the plateau and bunds would be reduced further. As such, on balance, it is not considered that the development would result in an impact upon the landscape setting of the SLA that would be so great as to warrant refusal of the planning application. Nevertheless, should Members be minded to approve planning permission, then a condition is suggested, which sets out a timeframe for the completion of the works and planting. As such, the development is considered compliant with the requirements of policies AW5, AW6 and SSA23 of the Local Development Plan.

Ecology

In order to assist in the assessment of the proposed works upon matters relating to ecology, consultation has been undertaken with the Council's Countryside Section.

In summary, their observations comment that the field affected by the works was agriculturally improved. As such, the site would have had limited value, in ecological terms. Furthermore, as the application is made in retrospect, any impacts would have already taken place. Therefore, in this case no supporting ecological statements are required and any impacts are likely to be limited. As such, they raise no objections to the application in ecological terms.

Having taken account of the above, it is not considered that the development would result in an adverse impact upon nature conservation or protected species at the site and therefore accords with the requirements of policy AW8 of the Local Development Plan.

Amenity and Highway Safety Impacts

As set out above, the application site itself occupies a fairly isolated position on Mynydd Mayo. The closest dwellings form a small settlement located approximately 475 metres south of the site (as the crow flies). As a result of the topography of the landform, the development is not visible from these dwellings, as such, it is not considered that the resulting use of the area as a feeding platform for cattle and sheep would cause harm to the occupiers of these dwellings, either in terms of the levels of privacy or amenity which they currently enjoy.

However, following the publicity of the application, four letters of objection were received from residents in this small settlement. Their concerns are set out in full in the publicity section of the report; however the key concern identified in all of the responses relates to the impacts upon amenity and highway safety, resulting from the works. Their letters comment how heavy goods vehicles travelled in convoy to the site, during weekdays, over a period of months. The only way to access the site is via a network of country lanes, which at some points are very narrow and lack passing places. Residents comment that this was hugely disruptive, causing congestion on a daily basis and making it difficult for them to gain access to and from their homes. They also comment that damage was caused to both the highway itself in addition to highway boundaries with properties.

The points raised by residents are acknowledged and it is accepted that the number heavy goods vehicle movements, required to import the material to the site would have inevitably caused disruption to residents who occupy properties along the narrow network of lanes that lead to the site. However, in assessing this application, consideration must be given to the fact that the works are now largely complete. The agent has confirmed that no more soils are to be imported to the site and that in order to complete the works, approximately 200 tonnes of hardcore or road plantings are required, in order to provide a permeable surface to the platform. This would equate to approximately 10 lorry loads, which in the context of the entire development, is a relatively modest volume of material. It is also worthwhile noting that one resident does acknowledge that whilst the traffic movements did cause huge disruption, they would not necessarily wish for the material that has been deposited on site to be removed; as they recognise that this in itself would create further disruption to residents.

In order to aid in assessment of this matter, consultation has been undertaken with the Council's Transportation Section. Having considered the scheme, they conclude that in the context of the whole scheme and having regard to the number of vehicle movements that have already been undertaken, the additional traffic movement resulting from the importation of 200 tonnes of hardcore/ road plantings are negligible. They also comment that, the purpose of the platform is, in part, to allow grass cutting from the surrounding agricultural land to be baled and stored on site and prepared to feed the livestock in the same area. This would, therefore, reduce the need for trips along the publicly maintained highway, for some 2.9k to the current compound by tractor and trailer. As such, in this respect the proposal would have a positive impact on highway safety and the free flow of traffic.

Overall, it is acknowledged that the many traffic movements by heavy goods vehicles, along the narrow network of country lanes, would have caused disruption and disturbance to residents in the vicinity of the site. However, since the vast majority of the material required in connection with the development has now been imported to site, the remaining traffic movements are few in the context of the scheme as a whole. As such, on balance, it is not considered that the completion of the project would result in either an adverse impact upon the amenity of neighbouring residents or highway safety that would be so great as to warrant the refusal of the application. As such, it is considered that the proposals accord with the requirements of policy AW5 of the Local Development Plan.

Other Matters

Planning History

In assessing the current scheme, it is considered relevant to mention the planning history of the site, which is set out a previous section of the report. It is noted that in 2014 an application was made for a scheme which involved the construction of, through engineering operations, field boundaries and bunds, for agricultural purposes. This scheme was ultimately refused permission; however, it is worthwhile noting that there are a number of key differences between this application and the current submission.

It is noted that earlier scheme proposed the development of a field boundary earth bund, extending over a distance of approximately 520 metres. The application was made partially in retrospect, however, unlike the current application, to complete the (2014) works, a further 4400 tonnes of material would have been required, which would have equated to approximately 220 lorry loads being delivered to the site over a four month period. As such, the traffic movements associated with this scheme and the resultant highway safety implications were far greater; as such it was concluded that the (2014) development would have resulted in an unacceptable adverse impact upon highway safety.

It is also noted that whilst the development was at the Mynydd Mayo part of the farm holding, it was in a different location. The earth bunds were sited in a more elevated position, closer to the crest of Mynydd Mayo and arguably occupied a more visually prominent position than that of the current scheme, which is more screened and less prominent from distant vantage points.

Land Drainage

It is noted that the development lies relatively close to the Nant Ffynon-Wen watercourse. Furthermore, in their representations a number of residents have questioned whether the development would impact upon this watercourse, which it is understood serves some of the nearby residential properties. As such, consultation has been undertaken with the Council's Land Drainage Section as part of the application. Having assessed the scheme, their observations raise no objection to the submission in land drainage terms. However, as the scheme is not entirely complete, they recommend the use of planning condition, which would require the submission of a scheme to deal with surface water run-off from the development.

It is noted that one objector has raised the issue that their water supply comes off the mountain and expresses concern that as the works have taken place close to their storage tank, that this might adversely impact the supply. Notwithstanding the lack of detail and the fact that it has apparently not had any impact to date, despite the works being substantively complete, this ultimately would be a private issue to be resolved between the individuals concerned.

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 clear that the application proposes re-profiling works, which have undoubtedly resulted in the creation of an altered land form. However having assessed the location and siting; scale and resulting appearance of the development on balance, it is not considered that the completed development would result in an adverse impact upon the landscape setting of the site and wider SLA that would be so great as to warrant refusal of the scheme. Furthermore, it is considered that the works could be completed without resulting in undue harm to the amenity of the nearby residents or adverse impacts upon highway safety in the vicinity of the site. Therefore, the application is recommended for approval, subject to the conditions specified below.

RECOMMENDATION: Grant

1. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s)
 - Drawing no.1323-01 Location Plan
 - Drawing no.1323-02 Existing Overall Site Plan
 - Drawing no.1323-03 Existing Site Plan
 - Drawing no.1323-04 Proposed Site Plan
 - Drawing no.1323-05 Cross Section A-A
 - Drawing no.1323-06 Cross Section B-B

and documents received by the Local Planning Authority on 25/11/20 and 07/12/20 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. The proposed importing of surfacing material (of hardcore or road plannings to surface the plateau and bunds) shall be completed within 6 months of the date of this permission, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure the importing of material does not continue indefinitely, in the interests of highway safety and to limit the potential impacts upon the amenity of nearby residents in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

3. Details of a scheme for the seeding and landscaping of the development shall be submitted within 2 months of the date of the permission approved. The

development shall be completed in accordance with the approved details and all planting, seeding or turfing in the approved details of landscaping 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.

Reason: To limit the visual impacts of the development and ensure that the development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

4. Within 2 months of the date of the approval of this permission, details of drainage arrangements for the development, along with a timeframe for their implementation, shall be submitted in writing to the Local Planning Authority. The development shall be completed in accordance with the approved details, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure adequate disposal of surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.