



PLANNING & DEVELOPMENT COMMITTEE

25 FEBRUARY 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 19/0655/10 (GH)
APPLICANT: Mr & Mrs Lewis
DEVELOPMENT: Engineering works, upfilling of land, formation of a new access (part retrospective) (Revised plans and supporting documents received 9th September 2020 and 18th December 2020).
LOCATION: EIN GLASWELLT FARM, RACKETT COTTAGES ROAD, CASTELLAU, BEDDAU, PONTYCLUN, CF72 8LQ
DATE REGISTERED: 18/12/2020
ELECTORAL DIVISION: Tonyrefail East

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

REASONS: The application would not be detrimental to the character and appearance of the site, or the qualities of the Special Landscape Area. Furthermore, there would be no harmful impact upon the closest neighbouring occupiers, or upon highway safety. Therefore, the application is considered to comply with the relevant policies of the Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

The proposal is not covered by determination powers delegated to the Director of Prosperity & Development.

APPLICATION DETAILS

Full planning consent is sought to retain and complete a scheme of engineering works at Ein Glaswellt Farm, Rackett Cottages Road, Castellau, Beddau.

The engineering works include the regrading and infilling of agricultural land across a large sloping site, where the surface area identified within the submitted site location plan comprises approximately 2.06 hectares.

The Agent has stated that the Applicants already run an alpaca rearing business from Ein Glaswellt Farm, and wish to use this site for the same purposes, in addition to the land they already own or rent to the southern side of Rackett Cottages Road.

Nevertheless, the Design and Access Statement suggests that the land is/was too steep for anything but smaller livestock, hence the need for the engineering works and land fill.

The Agent has stated that the fill material comprises hardcore and soil and that the Applicant has a tipping licence for 5,000 tonnes, of which in excess of 4,000 tonnes have already been used.

Further to the above, consent is also sought to retain an improved vehicular access from the adopted highway, which consists of a pair of 4.3m wide field gates and a crossover.

Lastly, in addition to the submitted plans and sections, the application has been accompanied by a Design and Access Statement, an Ecological Survey and Ecology Addendum.

SITE APPRAISAL

The application property is an irregular-shaped parcel of unallocated land located within open countryside to the south-east of Tonyrefail. Access is gained from Rackett Cottages Road to the south-west, where an existing field gate has been improved.

Until recently the land was unmaintained and contained scrub, a large number of trees and a derelict field shelter type structure. A considerable section of the site has since been cleared for the land filling described further above.

There is a variable fall in level towards the north-east where the Nant Muchudd watercourse forms the boundary of the site. The land immediately adjacent to this is classed as C2 flood zone and it is noticeable that the degree of fall is less pronounced towards the north.

The application site forms part of the property known as Ein Glaswellt Farm, which includes a further owned and rented fields on the southern side of Rackett Cottages Road. This other field contains a manège, stables, paddocks, and a temporary dwelling. In addition, two further adjacent fields, to the north-west and south-east, are rented by the applicant.

Other than the C2 flood zone designation, part of the site is designated as a Site of Importance for Nature Conservation (SINC), part is classified as being at high risk from coal mining, whilst all of the site is part of a Special Landscape Area (SLA), Mynydd Y Glyn and Nant Muchudd Basin.

PLANNING HISTORY

The most recent or relevant applications on record associated with this site are:

- 19/0657/38:** Discharge of conditions - 1 vehicular access, 3 materials, 4 public access, 5 external finishes & 6 drainage (of previous planning application 16/0446). Decision: TBC.
- 19/0656/10:** Extension of residential curtilage (change of use of land) and erection of retaining walls for a temporary period of time in relation to the temporary dwelling (retrospective). Decision: 24/03/2020, Refuse.
- 18/0740/10:** Extension to existing barn, covered area between stable block and barn, change of use of area adjacent temporary dwelling to residential garden and associated works (affecting PROW ANT/127/1) (Amended Description 21/08/2018) Decision: 20/09/2018, Refuse.
- 18/0739/10:** Erection of general purpose agricultural building, new access and yard. Decision: 20/09/2018, Refuse.
- 17/0081/10:** Siting of a temporary rural workers dwelling; formation of vehicular access and parking area and 3 no. field shelters (Affecting Public Right of Way ANT127/1) (Amended plans received). Decision: 21/07/2017, Grant.
- 16/0446/10:** Construction of menage and 6m x 10m steel framed metal clad barn and new access arrangements/track (Amended plans and details received 17/08/16 showing alteration of levels on site) Decision: 03/04/2017, Grant.
- 10/0141/10:** Construction of four stables and one hay and feed room. Decision: 15/06/2010, Grant.
- 99/2298/10:** Animal shelter converted to dairy – consisting of fridge and storage/parking milk float. Decision: 11/06/1999, Grant.

PUBLICITY

The application was advertised by direct notification to eight neighbouring properties and notices were displayed on site. Furthermore, in accordance with the Development Management Procedure (Wales) Order the relevant press notice was published identifying that the proposal constituted 'major development'.

By way of background, Members are advised that two consultations were undertaken following the receipt of revised plans, which sought to increase the area

of fill to adjoining land, identified as field 2 and later to field 3, together with the provision of an access track.

However, following additional ecological survey work, which had been sought by the Planning Authority, the Applicant's Agent advised that the proposal to undertake any tipping to fields 2 and 3 and construct a track was to be withdrawn.

Consequently, the submission of correspondence and further revised plans from the Agent provided confirmation that the scope of the application was to be as originally submitted, as is described within the 'Application Details' section above.

An objection was received from a third party to an earlier consultation, highlighting the following concerns:

- Any landscape changes and water run-off could have an impact on the river which may cause issues downstream or to adjoining properties.
- Disruption to wildlife and ecologically managed land.
- Alpacas originate from countries such as Peru and thrive on hill ground, so the changes may not be necessary.
- References in the Design and Access statement to diversification suggests alpaca farming is not the sole motivation.
- Diversification of commercialisation could cause further issues of trespass.

CONSULTATION

Highways and Transportation

No objection.

Flood Risk Management

No objection received, subject to a condition and informative note.

Public Health and Protection

No comments to make in respect of the revised plans or works specified.

Natural Resources Wales

NRW has no objection to the proposed development as submitted and provides advice in respect of flood risk.

Dwr Cymru Welsh Water

No comments to make.

Western Power Distribution

The applicant should be aware that if they are altering the surfaces that an application to Western Power Distribution may be required to ensure the levels do not affect cable depths, as they should not be altered without consent from WPD.

Countryside – Ecologist

No objection, subject to a condition in respect of habitat and species protection.

Coal Authority

No objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS2 - sets out criteria for achieving sustainable growth including, the protection of the historic built heritage and the natural environment.

Policy AW5 - sets out criteria for new development in relation to amenity and accessibility, including the retention of features of environment value.

Policy AW6 - requires development to involve a high quality design and to make a positive contribution to place making, including the protection and enhancement of the landscape and biodiversity.

Policy AW8 - seeks to protect the natural heritage from inappropriate development, including the prevention of harm to land designated as SINC or to ecological networks.

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

Policy SSA23 – development within Special Landscape Areas will be expected to conform to high standards of design.

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 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

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.

Other relevant national policy guidance considered:

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 15: Development and Flood Risk.

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 proposal seeks consent to retain a large area of landfill and improvements to an existing gated field access at Ein Glaswellt Farm. The Applicant's Design and Access Statement advises that the agricultural unit comprises 2.9 hectares (7 acres) of owned land with an additional 5.2 hectare (12.8 acres) of land rented by the applicants.

The Applicants run an alpaca business and wish to use the application site, in conjunction with this business. According to the Statement the justification for the upfiling is that it has allowed a more suitable gradient to be created that better lends itself to agriculture, in particular by the alpacas, since steeper land is better suited to smaller livestock which are unlikely to cause problems with erosion.

Whilst the LDP is largely silent in respect of agricultural land uses or rural enterprises, the matter is considered within PPW 10 which recognises that "the establishment of new enterprises and expansion of existing business is crucial to the growth and

stability of rural areas". National Policy also advises that existing rural businesses should be supported, providing there are no unacceptable impacts.

Regarding the improved access, it is noted that there was already a gate to the application site at this point. This previously served the field and the former animal shelter which was converted to a dairy building by virtue of planning consent 99/2298/10.

Whether or not the development has caused, any unacceptable material impacts, is considered further below. However, in principle, there is no objection to the upfilling and regrading of the land, or to the betterment of the access.

Landscape

The application site is within a Special Landscape Area (SLA) and this designation means that the Planning Authority will expect the highest standards of design and materials appropriate to the visual character of the area.

Within the evidence base for the development of the LDP the SLA is identified as being unspoilt by industrialisation and characterises the landscape qualities as including 'a very attractive network of narrow winding lanes, small irregular fields bounded by large mixed hedges and many trees, scattered farms, unlike any other part of RCT'.

To maintain this character, it was highlighted that the key policies and management should ensure that no large-scale developments would spoil the integrity and seclusion of the Mynydd y Glyn slopes and Nant Muchudd Basin, and that primary habitats relating to unimproved grassland and old patterns of farmland, with large hedges and many trees should be conserved.

In this case, although the profile of the land has changed, the depth of the additional material is not considered to be significant, as evidenced by the pre and post development surveys carried out at the request of the Planning Authority. These suggest that the average additional depth, in the part of the field that has been upfilled, is approximately 0.52m.

Therefore, although the tonnage of that material is quite large, its impact across the surface area of the site has not altered the character of the SLA at this location.

Furthermore, whilst the field was generally unattractive, muddy, and bog-like at the time of the site visit, this took place in the winter and when the works had not long been completed. Once the land has been restored and recovered from the landfill it will remain, as per the SLA description, a relatively small, irregular field bounded by a large mixed hedge and many trees.

As a consequence, it is considered that the development has not resulted in a change in appearance that is visually harmful or has altered the long-term character and appearance of the SLA,

Impact on neighbouring occupiers

The rurality of the location, nature of the land use and existing surrounding topography means that the development is unlikely to have any significant impact upon the closest neighbouring occupiers.

In respect of the property to the south of the site, known as The Lawns, this is on the southern side of Rackett Cottages Road and is at the same level as the highest part of the site, where there would be no harmful change to outlook from the raising of the land.

To the north east of the site, and on the opposite side of the Nant Muchudd and dismantled railway line, there are two further properties in the vicinity of Treferig Farm, comprising dwellings and a cluster of large agricultural buildings. Similarly, the raised land would be unlikely to have a material effect on amenity due to both distance and the intervening screening.

Therefore, in terms of the amenity and privacy of other occupiers, the development is considered acceptable.

Ecology

The Council's Ecologist has reviewed the submitted ecology reports, in particular that produced by Ellendale, entitled *EEL252 Ein Glaswellt Retrospective Planning Application Addendum*, and advised that it is very helpful in providing a clear statement of the current ecological status of the site and the extant high ecological value of 2 of the 3 fields.

The commitment within Section 4 of the Addendum, that no further upfill of the land should be undertaken to ensure no further damage is done to the habitat present on site, is a positive proposal.

Section 5 of the Addendum also recognises that any future planning applications must be accompanied by detailed Habitat Management and Species Protection Plans to protect the ecological interest at the site and provide mitigation and enhancement measures. This provides, at least, a basis that should require the applicant to properly consider ecology in any further applications.

With regard to the area where tipping has been undertaken, the initial Ellendale Report recommended that this is made stable, battered, and then seeded along the bankside edges with a species-rich marshy grassland seed mix. This will not only provide some

biodiversity benefit but once established, will reduce the risk of any silt run-off into the nearby watercourses.

In light of the above, the Ecologist has no objection to the scheme but recommended that should planning permission be granted, a condition should be attached for the submission of details in respect of measures for species and habitat protection and management.

Access and highway safety

Recent correspondence has advised that no further tipping operations are required at the development site and that the existing access is to be upgraded instead of a new one being provided.

The proposed alterations to the existing access are indicated on the submitted drawing no. "BDS-07-18". The alterations include setting back the gates by circa 12.5m from the public highway (at the centre point of the gate), provision of 2.4m x 45m vision splays in each direction and construction in a permanent material. As such, the proposed alterations to the existing access are considered acceptable.

Water Management

Natural Resources Wales has stated that their Flood Risk Map confirms the application site lies partially within Zone C2 of the Development Advice Map (DAM) as contained in TAN15 and within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the Nant Muchudd, a designated main river.

Given the location of the works, NRW is of the opinion that the proposal is unlikely to directly affect the floodplain. In consideration of this and given the limited extent of flood risk shown to be affecting the application site (and in the absence of a Flood Consequences Assessment), NRW considers the proposal to be acceptable.

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

It is unfortunate that the development has already been carried out and consent is sought in retrospect. However, no degree of harm, sufficient to justify a recommendation of refusal has been identified.

At this point it is also recognised that it would neither be beneficial nor expedient to seek a restoration of the land levels and profile to their former extent.

However, in order to mitigate for the ecological impact caused by the upfilling, a condition is recommended requiring the submission of a scheme for ecology mitigation and enhancement.

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 completed in accordance with the approved drawings entitled:

- Ein Glaswellt Farm NVC Survey Plan Version Number v1.0 - dated 18/12/20
- Site Location Plan Ref 2784-SLP Rev. A – dated 18/12/20
- Alterations to Existing Access (extract taken from drawing no. BDS-07-18)

and details and documents received on 11th November 2019, 15th October 2020, and 18th December 2020.

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

3. Within four months of the date of this consent details of how the development is to comply with the requirements of Section 8.3 of PPW Technical Advice Note 15 shall be submitted to the Local Planning Authority for approval. The scheme shall be implemented in accordance with the approved details prior to beneficial use and retained as such in perpetuity.

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, in accordance with Policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Within four months of the date of this consent details of a scheme of ecological mitigation and enhancement, for the area identified as Field 1 (as per *Drawing Title: Ein Glaswellt Farm NVC Survey Plan*, dated 18/12/20)

shall be submitted to the Local Planning Authority for approval. The scheme shall include details of and timescale for:

- a) remediation measures for hedgerow and tree root zones exposed by fill works.
- b) the removal of spoil by hand from root protection zones of trees and hedgerows affected by filling works.
- c) land drainage remediation to prevent silt and associated drainage pollution of the Nant Muchudd.
- d) the removal of manure heaps away from the Nant Muchudd and their future management.
- e) control measures in the vicinity of woodland and the stream corridor, including protective fencing and ecological supervision.
- f) measures to avoid nesting bird season.
- g) ecological supervision of the above measures and the proposed process of on-going 'progress reporting' to the LPA during the works programme.
- h) a map showing mitigation areas, protection zones and protection features.

The scheme shall be implemented in accordance with the approved details prior to beneficial use, and retained as such in perpetuity.

Reason: In the interest of the protection of the natural environment in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.