



CYNGOR BWRDEISTREF SIROL
RHONDDA CYNON TAF
COUNTY BOROUGH COUNCIL

GWŶS I GYFARFOD PWYLLGOR

C Hanagan

Cyfarwyddwr Gwasanaeth y Cabinet a Chysylltiadau Cyhoeddus

Cyngor Bwrdeistref Sirol Rhondda Cynon Taf

Y Pafiliynau

Parc Hen Lofa'r Cambrian

Cwm Clydach, CF40 2XX

Dolen gyswllt: **Hannah Williams - Uned Busnes Rheoleiddiol a Gweithredol**
(Ffôn: **(01442 424062)**)

Bydd cyfarfod o'r **PWYLLGOR CYNLLUNIO** yn cael ei gynnal **AR Y SAFLE** ar **DYDD MAWRTH, 26AIN MEHEFIN, 2018** yn unol â'r manylion isod.

AGENDA

DATGANIADAU O FUDDIANNAU – Derbyn datganiadau o fuddiannau personol gan Gynghorwyr, yn unol â gofynion Côd Ymddygiad y Cyngor.

Noder:

Mae gofyn i Aelodau ddatgan rhif a phwnc yr agendwm mae eu buddiant yn ymwneud ag ef a mynegi natur y buddiant personol hwnnw.

Lle bo Aelodau'n ymneilltuo o'r cyfarfod o ganlyniad i ddatgelu buddiant sy'n rhagfarnu, **rhaid** iddyn nhw roi gwybod i'r Cadeirydd pan fyddan nhw'n gadael.

AMSER

LLEOLIAD

PWRPAS

10.00 am

SAFLE'R CAPEL,
ADDISON AVENUE,
LLANHARI, PONT-Y-
CLUN, CF72 9LQ

Trafod adroddiad Cyfarwyddwr Gwasanaeth - Materion Cynllunio mewn perthynas â **chais rhif: 16/0753** - Datblygiad preswyl ar safle Capel a Festri Llanhari. Capel i gael ei newid yn ddau eiddo preswyl. Festri i gael ei hadnewyddu'n dŷ annedd newydd. Gwneud mynediad newydd i gerbydau a chyfleusterau parcio ar y safle i ddarparu cyfleusterau parcio oddi ar y stryd (disgrifiad a chynlluniau diwygiedig wedi'u derbyn 03/10/17). (cynllun trefn diwygiedig wedi'i dderbyn 15/02/18), Safle'r Capel, Addison Avenue, Llanhari, Pont-y-clun.

<u>AMSER</u>	<u>LLEOLIAD</u>	<u>PWRPAS</u>
11.00 am	FFERMDY, FFERM GARTH ISAF, HEOL FFRWD PHILIP, EFAIL ISAF, PONTYPRIDD, CF38 1SN	Trafod adroddiad Cyfarwyddwr Gwasanaeth - Materion Cynllunio mewn perthynas â chais rhif: 18/0177 - Cyswilt ar gyfer Gallop, Ffermdy, Fferm Garth Isaf, Heol Ffrwd Philip, Efail Isaf, Pontypridd â chais rhif: 18/0178 - Gwaith arfaethedig i gynnal a gwella'r llwybr mynediad i Fferm Garth Isaf. Llydanu'r ymyl i'r dwyrain o'r gyffordd. Adeiladu wal gynnal gerrig. Gosod gatiâu, Fferm Garth Isaf, Heol Ffrwd Philip, Efail Isaf, Pontypridd.

Cyfarwyddwr Gwasanaeth y Cabinet a Chysylltiadau Cyhoeddus

Cylchrediad:-

Aelodau o'r Pwyllgor Cynllunio a Datblygu:

Cadeirydd ac Is-gadeirydd y Pwyllgor Materion Rheoli Datblygu
(Y Cynghorydd S Rees a Y Cynghorydd G Caple)

Y Cynghorydd J Bonetto, Y Cynghorydd D Grehan, Y Cynghorydd G Hughes,
Y Cynghorydd P Jarman, Y Cynghorydd W Owen, Y Cynghorydd J Williams,
Y Cynghorydd S Powell, Y Cynghorydd J Harries, Y Cynghorydd R Yeo,
Y Cynghorydd M Diamond and Y Cynghorydd J James

Cyfarwyddwr Gwasanaeth – Materion Cynllunio
Rheolwr Gwasanaethau Datblygu
Rheolwr Gwasanaethau Datblygu
Rheolwr Datblygu Priffyrdd a Mabwysiadu Priffyrdd

Safle 1

Cynghorydd Lleol yw'n aelod o'r pwyllgor - Y Cynghorydd W Owen

Safle 2

Cynghorydd Lleol nad yw'n aelod o'r pwyllgor - Y Cynghorydd M Diamond,
Y Cynghorydd J James

PLANNING & DEVELOPMENT COMMITTEE

14 JUNE 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 16/0753/10
(BJW)

APPLICANT: Mr Jones

DEVELOPMENT: Residential development on the site of the Llanhari Chapel and Vestry. Chapel to be converted into 2 new residential properties, Vestry to be refurbished into new dwelling. New vehicle access and parking provisions to be made on the site to provide off street parking facilities (amended description and plans received 03/10/17). (amended layout plan, received 15/02/18).

LOCATION: LLANHARI CHAPEL SITE, ADDISON AVENUE,
LLANHARRY, PONTYCLUN, CF72 9LQ

DATE REGISTERED: 03/10/2016

ELECTORAL DIVISION: Llanharry

RECOMMENDATION: Approve.

REASONS:

The application proposes the conversion of a chapel and attached vestry within an urban setting at the edge of the village of Llanharry. The proposal would make productive use of the site for residential purposes that would be in keeping with surrounding land uses and of a scale and design that would be sympathetic to the character and visual amenities of the area.

The relationship between the proposed dwellings and the closest existing neighbouring properties and the amended design is such that the proposal is not considered to cause detriment to their amenities or to highway safety considerations.

REASON APPLICATION REPORTED TO COMMITTEE

Three or more letters of objection have been received.

APPLICATION DETAILS

Full planning permission is sought to convert the existing chapel on the site into two residential units while also converting the existing vestry on the site to residential use, along with a parking area new vehicular access and pedestrian access through the site.

The application has been with the Council for a considerable period due to an ongoing Highway objection which the applicant wished to address. This has seen the scope of the proposal be reduced over the period to its current form. Amendments have consisted of the removal of an additional unit of accommodation that it was proposed to build at the site and an extension to the vestry in addition to its conversion.

The application now seeks permission to convert the existing Capel Peniel on the site into two residential units. The chapel would be divided in the centre to provide two distinct two storey properties within the building. The units would consist of an open-plan living room/dining room/kitchen area and W.C. at ground floor level and two and three bedrooms along with a bathroom and W.C. at first floor level. The conversion would be carried out internally with the only external alterations to the chapel being the installation of a pedestrian entrance door in the east facing elevation to facilitate pedestrian access to one of the proposed units.

Additionally proposed is the conversion of the existing vestry building to the north of the site to a two bedroom residential property. The conversion would be carried out within the existing property, however the existing side extension would be removed to create an enclosed garden area for the property.

The proposal also includes the creation of a new vehicular access in front of the vestry building and the installation of 7 off-street parking spaces to serve the development.

Finally there is also a proposed pedestrian access across the graveyard to the new entrance to the chapel in the east (side elevation of the building). The indication on the plan is that this could potentially disturb 4-8 graves within the site. The plan indicates that this would be subject to agreement from the graves commission and the relevant authorities.

The application is accompanied by a Design and Access Statement (DAS) in support of the application. The DAS has not been updated following the various amendments to the scheme. However, as a DAS is no longer a statutory requirement for an application of this nature, this is not considered to be an issue.

SITE APPRAISAL

The application site is a roughly rectangular piece of land with a road frontage, onto Brookland/Addison Avenue of 71metres and an area of 1216 square metres (0.12 hectares).

The site consists of a two storey Chapel building (Peniel Chapel) roughly in the centre of the site and with a graveyard to the north, south and east of the building and a vestry in the extreme north of the site.

The site is relatively flat and is set above the level of Ysgol Gyfun Llanhari to the west of the site; at the same level as properties to the south and is immediately adjacent to a mini-roundabout on its north-east corner which provides access to the school, Addison Avenue and Blackthorn Court.

PLANNING HISTORY

None.

PUBLICITY

This has included site notices and the direct notification of properties surrounding the site and 16 letters of objection have been received, for the various different schemes that have been submitted along with the amendments that have been made, the main points of which are detailed below.

1. Disturbance of the graveyard by the access arrangements of all of the submitted schemes and their various amendments. This objection has been made by most of the respondents, some of whom have relatives interred within the graveyard and are concerned about access being restricted as well as the possible movement and disturbance of graves.
2. Emotional distress regarding the movement and disturbance of graves within the graveyard area.
3. Lack of parking (made to an earlier scheme where only 4 spaces were provided) no updated comment has been added.
4. The vehicular access is dangerous due to its location in proximity to the roundabout and road crossing to Ysgol Llanhari.
5. Highway concerns due to the entrance being next to the comprehensive school entrance and almost opposite the primary school where already there is major congestion at the start and finish times in the school day.
6. Roadside parking would also cause a hazard for school children.
7. The pedestrian access would cross a number of graves.
8. No notice has been given to residents of Llanhari, especially those who have relatives buried in the graveyard.
9. Not enough notice has been given to allow residents to object to the application. The plans should be displayed in the village hall.
10. Are there written guarantees that no other graves will be removed now or in the future.
11. The development of the vestry is not appropriate for this site.
12. Concerns over the use of the lay-by outside Brooklands House by works vehicles and visitors to the site. This is currently the only place that we can park due to errors being made when the road bridge was installed to the south of our property. We need assurances that our rights to use this area will be maintained as a result of this proposal

CONSULTATION

Transportation Section – initially objected to the application due to concerns over the private shared access and lack of parking facilities. However, now raise no objection subject to conditions to the most recently submitted scheme (15/02/2018).

Land Reclamation and Engineering (Drainage) – no objection, subject to a condition requiring the drainage details to be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the agreed details.

Public Health and Protection – no objection, subject to a condition to restrict the hours of operation during the construction period of the development and conditions relating to site investigations into potentially previously contaminating land uses at the site.

Natural Resources Wales (NRW) – no objection.

Dwr Cymru/Welsh Water – no objection, subject to conditions and informative notes.

Wales and West Utilities – no objection. Standard advice offered in relation to safe working practices in the proximity of Wales and West Utilities apparatus.

Western Power Distribution - no response received.

Countryside, Landscape and Ecology – no response received.

POLICY CONTEXT

The site is within the settlement boundary and is unallocated.

Rhondda Cynon Taf Local Development Plan

Policy CS2 - emphasises the need for sustainable growth that benefits the whole of Rhondda Cynon Taf.

Policy AW1 - sets provisions for the creation of new housing throughout Rhondda Cynon Taf between 2006 –2021.

Policy AW2 - supports development proposals in sustainable locations including sites within the defined settlement boundary.

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

Policy AW10 – requires development proposals to have an acceptable impact on health and safety and local amenity in respect of issues such as pollution control and flooding

Policy SSA13 - permits housing development within the defined settlement boundaries where it can be demonstrated that the proposal meets set amenity, highway, design and contamination standards.

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy that 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.

Chapter 2 (development plans), Chapter 3 (making and enforcing planning decisions), Chapter 4 (planning for sustainability), Chapter 9 (housing)

Planning Policy Wales Technical Advice Note 12 - Design

Planning Policy Wales Technical Advice Note 15 – Development and Flood Risk

The above chapters and Technical Advice note set out the Welsh Government's policy on planning issues relevant to the determination of this planning application.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main issues:

Principle of the proposed development

The application site is unallocated and situated within the defined settlement boundary as indicated within the Local Development Plan.

Re-use of this current disused site is considered to be positive in land-use planning terms. There are a number of chapels and places of worship throughout the County Borough which have become disused through falling congregation number and maintenance liabilities. Alternative uses for such buildings are therefore generally considered to be of a positive nature particularly where attractive, locally-important sites are preserved by their alternative use. It is therefore considered that the principle of the development would be acceptable.

The scale of the proposal has reduced throughout the lengthy process of consideration and it is now considered to represent a modest development within an edge-of-settlement setting. Consequently, the proposal would therefore be considered to accord with the provisions of the Local Development Plan. However, the proposal must also be assessed in line with the other key requirements of planning policy as discussed below.

Impact on amenities of neighbouring properties

The site is located within a prominent roadside position at the edge of the village of Llanharry immediately adjacent to a school, a roundabout and a terrace of existing properties.

Due to the siting of the existing built elements of the proposed development and their relationship with surrounding properties, it is not considered that the development would have an adverse impact on the existing levels of amenity and privacy of those properties. It is considered that there is sufficient distance between the proposal and existing neighbouring properties so that the building conversion would not have an overbearing impact or a detrimental effect on their privacy.

Additionally, while the development would intensify the use of the private access fronting the site, in terms of amenity it is not considered likely to be so significant to warrant an objection in this regard. In terms of the scale, design and location of the proposed conversions, there is no objection raised against the scheme in amenity terms.

It is acknowledged that there have been objections to the application from neighbouring properties and these will be addressed later within the report.

Character and appearance of the area

The proposal would utilise the existing buildings on site with some element of external repairs being undertaken as well as the installation of a new access door within the eastern elevation of the chapel building.

Consequently, the character and appearance of the buildings on site would remain largely unchanged and the proposal would be acceptable in this regard.

Highway safety

The Transportation Section has raised no objection to the application on highway safety grounds subject to the imposition of conditions.

This view acknowledges the submitted access arrangements and highway works within the development site. There is concern with the proximity of the existing mini roundabout and uncontrolled pedestrian crossing facility to the proposed private shared access. Additionally, the proposed private shared access is not in compliance with Standard Detail 102 – Private Drive Serving Up To 5 Dwellings, which gives cause for concern. However, this issue can be addressed via suitably worded planning conditions.

Consequently on the basis of the submitted highway layout and subject to the suggested conditions, the proposal is considered, on balance, to be acceptable in this regard.

Other Issues

The main issue that has been brought up by all of the respondents to the initial scheme and all of the subsequently submitted amendments is regarding the

graveyard and the proposed pedestrian access to one of the residential units that is proposed through graves to the east of the chapel building.

Several different layouts have been presented all of which would see the disturbance and/or relocation of anywhere between 4-8 graves. This is of obvious concern to local residents who have relatives interred at the site and is reflected in both the number of responses regarding this issue and the strength of the comments that have been received.

The applicant's agent has been made aware of this issue and has attempted to reduce the impact of this part of the scheme, however, it is inevitable that some disturbance would be caused.

While it is regrettable that this issue remains a part of the proposal, it is the responsibility of the developer in consultation with the graves commission, the relevant authorities and the family of those whose graves it is proposed to disturb, to resolve this issue. It is not a land use planning consideration and could not therefore form a reason for refusal that could be defended should the application be refused and the applicant proceed to appeal.

It is clear that this issue will need to be dealt with some sensitivity and to allow the development to proceed as it is currently presented.

Response to residents' other concerns

The application has been the subject of sixteen objections from neighbouring properties during the consultation process. Having regard to the comments made the following observations are offered in response.

The scale of the proposal has been reduced and the current parking provision is considered to be acceptable. Similarly, the vehicular entrance to the proposal has been evaluated by the Council's Transportation Section who have raised no objection, subject to a number of conditions.

Roadside parking is an issue for the police or highway enforcement authorities particularly if a hazard is caused to pedestrians and other road users.

The initial application and the subsequently submitted amendments have all been the subject of direct neighbour notification letters and site notices with plans being available to view on the Council's website as required by the Development Management Procedure Order. It would be wholly impractical for the Council to contact relatives of persons interred within the graveyard.

The application indicates the disturbance of some 4-8 graves. The applicant/developer will need to go through a separate procedure with the relevant authorities and the relatives of those graves it is proposed to move or disturb. This would be the situation should additional graves be proposed to be moved.

The lay-by is a private matter and the Council would be unable to ensure that construction works vehicles or visitors do not use this area.

Other issues

The comment of the Public Health and Protection Division are acknowledged, however it is considered that a condition to restrict the hours of operation would be unnecessary as this issue can be more effectively dealt with by other legislative controls available to the Council.

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 liable for a charge under the CIL Regulations 2010 as amended. The application lies within Zone 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85 / sqm for residential development (including extensions to dwellings over 100 sqm).

The CIL (including indexation) for this development is expected to be £25,525.22.

Conclusion

The proposed conversions are considered to be of an acceptable scale and design that would not have a harmful impact on neighbouring properties, the visual amenity of the area, or highway safety considerations. Consequently, the proposal is considered to be acceptable.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

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(s) no(s):

Site Location Plan

Proposed Chapel Plans & Elevations, Drwg No: 430_01

Proposed Vestry Plans and Elevations, Drwg No: 430_401 Revision B, 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no private car garages, extensions, garden sheds,

gates, fences, walls, other means of enclosure, satellite antennae or structures of any kind (other than any hereby permitted) shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

4. Building operations shall not be commenced until samples of the materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

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

5. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. These details shall also indicate how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15 in relation to Flood Risk Management.

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 and to ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. No dwelling shall be occupied until the drainage works have been completed in accordance with the approved plans.

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

7. Prior to the commencement of development, details providing for a private shared access with a minimum width of 4.5m shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation.

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

8. Prior to the commencement of development, details indicating swept path analyses demonstrating that service and delivery vehicle are able to enter and exit the proposed private shared access in a forward gear shall be

submitted to and approved 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.

9. The parking and turning areas indicated on submitted drawing no. "430-401 Rev B", or any subsequent revision as a result of another condition on this permission, shall be constructed in permanent materials and retained for the purposes of the parking and turning of vehicles only unless agreed otherwise with the Local Planning Authority.

Reason: To ensure vehicles are parking off the highway, and in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. No HGV movements shall take place to and from the site between the hours of 08:00 – 09:00 and 15:00 – 16:00 weekdays during the course of site preparation and construction works.

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

11. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:

1. A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
2. A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been agreed in writing with the Local Planning Authority.
3. A written method statement for the remediation of contamination affecting the site

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. No dwelling, hereby permitted, shall be occupied until the measures approved in the scheme (referred to in Condition 11) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

13. If during development works any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to the Local Planning Authority. The development shall not re-commence until the additional proposals have been agreed in writing by the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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PLANNING & DEVELOPMENT COMMITTEE

14 JUNE 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/0177/10
(EL)
APPLICANT: Mr Bastuba
DEVELOPMENT: Connecting link for Gallop.
LOCATION: FARMHOUSE, GARTH ISAF FARM, HEOL FFRWD
PHILIP, EFAIL ISAF, PONTYPRIDD, CF38 1SN
DATE REGISTERED: 02/03/2018
ELECTORAL DIVISION: Llantwit Fardre

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 character and appearance of the area, residential amenity and highway safety.

REASON APPLICATION REPORTED TO COMMITTEE

Three or more letters of objection have been received.

APPLICATION DETAILS

Full planning permission is sought (in retrospect) for the construction of an extension to an existing gallop, used for the exercise of horses. The section of gallop in question connects with an existing track to form a complete loop. It extends to a total 270 metres in length, being 5 metres in width. The gallop has been constructed with 200mm depth recycled aggregate (made up of crushed hardcore materials including crushed concrete), overlaid with 150mm of recycled woodchip. The gallop is located to the west of the main holding and lies to the east of the closest residential street of Waun Hir.

The gallop is bounded by a hedgerow that has been planted along its length. The hedgerow currently consists of a mix of 60% privet, 30% hornbeam and 10% holly.

However, following an assessment by 'Be Ecological' consultants, the applicant has agreed to amend the planting mix to include more native species. As such, the applicant has agreed to amend the planting mix to reduce privet to 20%, Keep hornbeam at 30%, Keep Holly at 10%, plant Hazel (20%), Plant Blackthorn (10%), plant Hawthorn (10%) and allow bramble to regenerate naturally.

SITE APPRAISAL

The application site consists of a parcel of land within the holding of Garth Isaf Farm. The gallop is located to the west of the main holding, where the dwellings and other buildings are located. The gallop is only accessible from within the holding. Access to the main farm is gained via a track which connects with the adopted highway to the far north of the site. The site occupies a semi-rural location, with its western extent being bounded by residential properties, including those on Waun Hir and Heol Ffrwd Philip. The site is located in a Special Landscape Area - Efail Isaf, Garth and Nantgarw Western Slopes.

Planning History

18/0178	Garth Isaf Farm, Efail Isaf, Pontypridd	Proposed works to maintain and improve access track into Garth Isaf Farm. Widening of verge to east of junction. Construction of retaining masonry wall. Installation of entrance gates.	Not yet determined
03/1595	Garth Isaf Farm, Efail Isaf, Pontypridd	A ménage for the training of race horses and an amenity lake.	Granted 09/01/04
01/2769		Removal or variation of condition 14 attached planning approval T/99/2169 – completion time of development	Granted 01/02/02
00/2821		Proposed creation of equestrian exercise track	Granted 16/02/01
99/2169		Improvement of agricultural land	Granted 11/06/99
99/2836		Improvement of agricultural land	Granted 11/06/99
84/88	Garth Paddocks	Rebuilding to provide facilities for racehorse training staff	Granted 04/06/84

PUBLICITY

The application was advertised by direct neighbour notification and site notice. 12 letters of representation have been received, this includes a letter from Mick Antoni

AM and one of the letters is counter signed by 16 individuals. These are summarised as follows:

Visual Impacts

- Concerns are expressed that over the last 11 years the 'Ryan Jones site' has grown and become unsightly. It is very visible when walking on the Garth and is a 'blot' on the landscape.
- Concern is expressed that as a result of the depositing of many tons of material on the land (associated with the Ryan Jones business and 2003 permission), the wider site is visible from the A473 and most noticeable at the Gwaun Miskin roundabout. Concern is expressed that the gallop extension will further damage the landscape.
- It is claimed the gallop has the appearance of a road and has been constructed using building waste. Questions are raised around the environmental impacts of this.
- The development has resulted in an adverse impact upon the Special Landscape Area (SLA) of Garth. It is claimed that the development changes the visual landscape for walkers, riders and cyclists.

Environmental Impacts

- Concern is expressed that the depositing of material alien to the site will have a detrimental effect on the flora and fauna of Mynydd -Y- Garth and the surrounding countryside.
- It is claimed that sections of the application form have been incorrectly completed.
- It is claimed that there are known to be bats and great crested newts in the area and the development will have an impact upon biodiversity. They suggest a formal assessment of this should be provided.
- Questions are raised as to whether sufficient drainage will be incorporated within the gallop to prevent flooding to properties on Waun Hir.
- Questions are raised with regard to the sites compliance with environmental regulations.
- It is questioned whether an EIA is required.
- Questions are raised as to whether the construction has resulted in 'contamination' through the use of imported material.
- Non-native hedgerows have been planted.

Highway safety

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

Other

- Concern is expressed that the applications are made in retrospect.

- It is claimed there is a record of breaches of planning conditions and issues surrounding NRW permitting on the site.
- It is claimed that Council planning officers and committees have failed to oversee planning applications and breaches on the site.
- It is suggested that the works are part of an incremental plan to put in place the infrastructure for housing development in the future.
- The application states the development is a gallop used for horse training, however, one resident claims that it is used for plant vehicles.
- Reference is made to previous planning applications that have been made on the site.
- Reference is made to the personal qualifications of employees of the Ryan Jones Group.

Letter from the Open Spaces Society

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

CONSULTATION

Transportation Section – no objections raised.

Public Health & Protection – no objections raised.

Land Reclamation and Drainage – no objections raised.

Countryside, landscape & Ecology – no objections raised.

Natural Resources Wales – no objections raised.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy AW2 promotes development in sustainable locations.

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

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

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

Policy AW14 seeks to safeguard sandstone resources from development.

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

National Guidance

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

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues

This application seeks to retain an existing gallop, used for the exercise of horses. The section of gallop in question connects with an existing track to form a complete loop. It extends to a total 270 metres in length, being 5 metres in width. The gallop has been constructed with 200mm depth recycled aggregate (made up of crushed hardcore materials including crushed concrete), overlaid with 150mm of recycled woodchip.

The current application does not seek to change the use of the land but to extend existing facilities, which are used in connection with the exercise of horses on the site. It is noted that other commercial businesses operate from the site, notably Ryan Jones Group, however the development in question is not connected to the operation of this business.

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, potential impacts upon ecology, along with any potential impacts upon the amenity of the occupiers of nearby residential properties. The potential impacts of the resulting scheme upon highway safety are a further consideration.

Character and Appearance

As set out above, the application proposes the construction of an extension to an existing gallop, which is a track that is used for the exercise of horses. The planning history of the site reveals that permission was originally approved in 2001 for the construction of the equestrian access track that currently exists on the site. The section of gallop for which planning permission is sought connects with the existing

track to form a complete loop and improved exercise opportunities for horses and riders. The extension to the gallop is relatively modest, when viewed in the context of the existing track, extending to a total of 270 metres in length.

It is acknowledged that the application site and wider holding lie within a Special Landscape Area (SLA), that being Efail Isaf, Garth and Nantgarw Western Slopes. As such, consideration should be given to the impacts of the development upon the setting of the SLA. In the case of this application, the development in question is located to the west of the main complex of farm buildings and lies close to the urban fringes of the village of Efail Isaf, at its closest point, being approximately 100 metres from the residential street of Waun Hir. Further consideration must be given to the topography of the development site, which in the case of the extended gallop, occupies a relatively low lying position within the holding. As a consequence of this close views of the track, from outside of the development site are largely screened by the built form of neighbouring properties and intervening landscape features. Where views of the development are available, it is clear that the works form part of an existing exercise track that has been in situ for in excess of 10 years, being visible on aerial photography in 2006. Overall, it is not considered that the relatively modest extension to the existing exercise track has resulted in a harmful effect upon either the immediate setting of the site or the wider landscape.

As such, the development is considered compliant with the requirements of policies AW5 and AW6 of the Local Development Plan.

Ecology

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

As such, in order to aid in the assessment of this aspect of scheme, the applicant commissioned an ecologist to review the development area. The survey undertaken (by Be Ecological Ltd.) principally sought to:

1. Assess vegetation within the existing hedgerows and determine whether it is capable of supporting any protected species that may be affected by the gallop and
2. Secondly assess the newly planted hedgerow and determine whether this complements the existing hedgerow.

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

“As the hedgerow is still in existence and has not been affected by the construction of the gallop as such, it is considered that construction and use of the gallop by

horses and riders, immediately adjacent to the existing hedge will not have any adverse impacts on the wildlife which may utilise the hedgerow itself.”

In terms of the newly planted hedgerow, the survey confirms that it does not match the existing hedgerow (in terms of its composition). However, it is noted that the new hedgerow will still provide additional habitat connectivity which will be used by wildlife once it has matured sufficiently. Notwithstanding this, the report makes a recommendation that in order to encourage protected species to use the newly planted hedgerow, its composition should be altered to reduce the amount of privet and include more native species, including hazel and blackthorn, observed in the existing hedgerows. The applicant acknowledges this recommendation and has expressed a willingness to undertake these planting changes. As such, should Members be minded to approve planning permission, then a condition to this effect is recommended.

Having taken account of the above, it is not considered that the development has resulted 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

As set out above, although the site is located in a semi-rural location, the western extent of the holding lies close to the main settlement of Efail Isaf. As such, the closest residential dwellings are those on Waun Hir and Heol Ffrwd Philip. Whilst it is acknowledged that the development has enlarged the exercise track, it is not considered that this has altered the way in which the gallop is used and has not resulted in any significant intensification in activity in this area of the site. As such, it is not considered that the levels of privacy or amenity which these residents currently enjoy would be unduly compromised.

It is noted that one nearby resident raised questions in relation to drainage in this area of the site. Following discussions with the applicant, details of the drainage arrangements that serve the gallop were provided, which were subsequently referred to the Council's Land Drainage Section. Having reviewed these details they have confirmed that they are satisfied that the development has resulted in only a minimal decrease in permeability and that the approach taken, that being to drain via existing infrastructure is acceptable. As such, the Council's Land Drainage Section confirm that the drainage details provided are sufficient to mitigate the risk of downstream flooding and as such no objections are raised.

Highway Safety

In order to aid in the assessment of the scheme upon highway safety, consultation has been undertaken with the Council's Transportation Section. Their assessment identifies that the development is for a connecting link to an existing gallop which is located within the curtilage of Garth Isaf Farm, Efail Isaf. Given that the development is entirely contained within private land and does not connect with the adopted highway the Council's Transportation Section confirm that the development is acceptable and as such, raise no objections to the planning application.

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

Other Matters

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

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

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

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

Having taken account of all of the issues outlined above, it is considered that the current submission represents a scheme that does not seek to change the use of the land but to provide extended facilities for the exercise of horses on the site. Furthermore, it is considered that the scale and appearance of the physical works are acceptable and would not result in an adverse impact upon either the character, appearance and ecology of the area, residential amenity of neighbouring occupiers

or highway safety. Therefore the proposal is recommended for approval, subject to the conditions specified below.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

1. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s)
 - Site location plan scale 1:1250
 - General location – Gallop 2018 02 Rev 2
 - Area of New Gallop – Gallop 2018 03 Rev 2

and documents received by the Local Planning Authority on 15/02/18, 17/02/18, 12/03/18 and 22/05/18 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

2. The planting regime for the new hedgerow planting bounding the gallop extension shall be amended in accordance with the recommendations of the Ecological Technical Note prepared by Be Ecological Ltd. All planting, in the approved details shall be carried out in the first planting and seeding season following the completion of the development and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation, unless agreed otherwise in writing by the Local Planning Authority.

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

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PLANNING & DEVELOPMENT COMMITTEE

14 JUNE 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

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

RECOMMENDATION: Approve subject to conditions

REASONS:

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

REASON APPLICATION REPORTED TO COMMITTEE

Three or more letters of objection have been received.

APPLICATION DETAILS

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

The improvement works involve:

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

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

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

SITE APPRAISAL

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

PLANNING HISTORY

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

PUBLICITY

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

Visual Impacts

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

Environmental Impacts

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

Highway safety

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

Other

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

Letter from the Open Spaces Society

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

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

CONSULTATION

Transportation Section – no objections raised, condition recommended.

Public Health & Protection – no objections raised.

Land Reclamation and Drainage – no objections raised.

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

Natural Resources Wales – no objections raised.

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

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy AW2 promotes development in sustainable locations.

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

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

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

Policy AW14 seeks to safeguard sandstone resources from development.

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

National Guidance

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

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues

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

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

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

Character and Appearance

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

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

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

Ecology

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

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

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

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

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

Highway Safety

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

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

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

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

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

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

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

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

Public Right of Way

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

Structural Integrity

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

Other Matters

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

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

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

Community Infrastructure Levy (CIL) Liability

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

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

CONCLUSION

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

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

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

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

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

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

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

Reason: In the interests of highway safety.

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

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

All planting, in the approved details shall be carried out in the first planting and seeding season following the completion of the development and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation of the above.

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

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