

PLANNING & DEVELOPMENT COMMITTEE

1 MARCH 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below

APPLICATION NO: 17/0787/10

APPLICANT: Mr & Mrs Evans

DEVELOPMENT: The proposal is to construct 6 new loose boxes, a feed store, a tack room plus the creation of a menage (small riding area) for equestrian purposes.

LOCATION: 3/4 MILE SOUTH EAST OF TONYREFAIL (LAND EAST OF OAKLANDS FARM, PANTYBRAD, TONYREFAIL, PORTH, CF39 8HX)

DATE REGISTERED: 08/08/2017

ELECTORAL DIVISION: Tonyrefail East

RECOMMENDATION: Approve

REASONS:

The proposed stables and ménage are considered to be of a suitable scale for the personal use of the applicant.

The facility would be of an acceptable, rural character and appearance that would be in keeping with the surrounding area; would not have an adverse impact on neighbouring properties; the character or appearance of the area, or on highway safety considerations.

REASON FOR APPLICATION BEING REPORT TO COMMITTEE

- A request has been received from Councillor Owen-Jones, for the matter to come to Committee in order for Members to assess the impact of the development on the character and appearance of the area and highway safety considerations.

APPLICATION DETAILS

Full planning permission is sought, for the erection of a block of 6 stables, a tack

room, a feed store and a ménage for the exercising of horses on land east of Oaklands Farm, Tonyrefail, Porth, CF39 8HX.

The proposal would consist of an L-shaped stable block of 6 stables, a feed store and a tack room. The stables would have a floor area of 3.5m by 3.5m and a height 2.2m to the eaves and 3.4m to the highest part of the roof. The tack room and feed store would measure 5m by 3.5m with the same height as the stables. The stable block would be constructed from pressure treated weather boarding, a polyester coated box-profile sheet roof and tongue-and-groove faced stable doors.

Also proposed is a 20m x 40m ménage for the exercising of horses, a vehicle turning area and a horse box parking area.

The application is accompanied by a Design and Access Statement (DAS) which states that the stables would be used for the owner's private use to stable their four existing horses with the anticipation of more of their own horses being stabled there in the future. The horses are currently stabled elsewhere and brought to the site by horsebox. There was also a previous planning approval on the site for fewer stables which has expired.

The applicant's agent has also supplied the following additional information regarding the proposal:

The applicant currently owns the following 4 horses:

1. Sonny Boy - coloured gelding, owned for 7 years
2. Bella - chestnut mare, owned for 4 years
3. Indi - black mare, owned for 6 years
4. Eli - Indi's foal, 3months old

They intend breeding Indi again next year so they will then have 5 horses from 2019.

The 6th loose box would act as a spare should they need to temporarily accommodate a horse whilst cleaning out its usual box.

The planning application was submitted with the intention to use the stables for personal use only. At the moment they transport the horses back and forth to the land using horse trailers however, when the stables are built, they will remain there on a permanent basis, thus the approval of these proposals will serve to greatly reduce the current number of vehicle journeys taking horses to and from the site.

The applicant has advised that as part of the development, they would willing be to implement any improvements suggested by highways to improve visibility splays by cutting back trees and other vegetation and have also confirmed that they would also be happy to relocate a widened site entrance further back from the road.

SITE APPRAISAL

The application site consists of an irregularly shaped field, the southern most field of two in the applicant's ownership. The site is located in a comparatively sparsely

populated rural area to the south-east of Tonyrefail and west of Pontypridd and is served via a network of narrow highways and lanes. The site also lies within a Special Landscape Area.

Apart from a few isolated farmsteads in the vicinity, the nearest dwellings to the site are situated immediately to the east at Oakland's Farm and south at Lawn House and Lawn Farm.

The stables would be located on a relatively flat piece of land and off an existing access gate within the property. The site is well screened from the south, east and west by existing hedges and established trees.

The site is accessed by a gated private access from the existing lane that forms the southern boundary of the property.

PLANNING HISTORY

07/0696	Land adjacent to Oaklands, Pantybrad, Tonyrefail	Wooden stable block (3 stables and tack room) on a concrete base to retain this structure.	Granted 04/06/07
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PUBLICITY

This has included site notices and the direct notification of properties surrounding the site however, no responses have been received.

CONSULTATION

Transportation Section – no objection subject to conditions restricting the use of the stables to private use and not as a commercial facility; a condition to create vision splays and a pull-in area for vehicles entering and leaving the site and that surface water should not discharge onto the public highway from the development.

Land Reclamation and Engineering (Drainage) Section – no objection, subject to a condition relating to the drainage to be employed at the site.

Public Health and Protection Division – no objection, subject to a condition to restrict the hours of operation during the construction phase of the development.

Natural Resources Wales (NRW) – raise no objection but advise that advice should be sought from the Local Authority's Ecologist in relation to habitat and potential protected species issues.

Countryside, Landscape and Ecology – no objection. Concerns are raised regarding the impact of the development on the ecological value of the field and on the loss of trees and hedgerows and the potential raising of levels within the root protection zones of any significant trees and these items should be carefully considered.

PROW Officer – comments awaited.

Glamorgan Ramblers (Footpath Officer for the Taff Ely (Llantrisant) Ramblers) has made the following comments:

1. The application does recognise the need to divert the Right of Way (Llantrisant 122) that crosses the site. However, it would appear that the applicant is unaware of a second footpath (Llantrisant 121) that also appears to cross the development site.
2. There are reservations about the diversion proposed as it is very close to the trees and might become overgrown.
3. The initial view is that both paths could be diverted to the east and then north of the proposed site. However, this is a concern that will need to be resolved when an application is made to divert the path and not a planning matter.
4. With regard to the visual impact on users of the path, it is considered that they might be improved although other may have different views.
5. If acceptance of the plans is suggested by the Planning Department then conditions should be applied to ensure that the footpaths are diverted prior to work starting.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy AW2 – promotes development of non-allocated sites in sustainable locations.

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

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

Policy AW8 - The policy preserves the natural environment of RCT from inappropriate development unless there would be no unacceptable impact upon the features of importance to landscape.

Policy AW10 – states that development will not be permitted where they would cause or result in a risk of unacceptable harm to health and/or local amenity because of issues including noise and air pollution.

Policy SSA23.6 identifies the surrounding area of Mynydd y Glyn and Nant Muchudd Basin as a Special Landscape Area (SLA). Development within the defined SLA is expected to conform to the highest standards of design, siting, layout and materials appropriate to the character of the area.

National Guidance

Planning Policy Wales

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)

Planning Policy Wales Technical Advice Note 12 Design

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.

Technical Advice Note (TAN) 12: Design (2009)

Sets out the objectives of good design and aims to encourage good design in all aspects of development.

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 site is located outside the defined settlement boundaries where the principle of development is restricted to certain accepted categories and subject to compliance with other policies within the Local Development plan. In this regard countryside recreation of the type proposed, stables and equine activities, are within the types of development that are considered to be acceptable in locations such as this.

In terms of this proposal, it is considered that the provision of stables and a ménage for the private use of the applicant on an existing field would be acceptable in terms of its use, scale and potential impact.

The applicant has provided more detailed information and justification to explain the need for the development and has also confirmed that the proposal is for private and not commercial use.

While these issues will more fully addressed later within the report it is therefore considered that the principle of the development is acceptable.

Impact on neighbouring residential properties

The site is within a sparsely developed, countryside location with few neighbours and those that are present are separated by a considerable distance. Additionally, the location of the stables would be screened from existing neighbouring properties.

It is considered that due to the scale and nature of the development, the large distances to neighbouring properties (the closest residence is over 180m away) and the fairly well screened location in which the stables and ménage would be positioned, the development would not have a detrimental impact on those properties. Consequently, the proposal is considered to be acceptable in this regard.

Effect on the visual amenity of the area

The development would be accommodated within an existing field and be of a scale, character and appearance that would be acceptable to a rural countryside location.

It is considered that the stables, ménage and associated infrastructure would not have a detrimental impact on the visual amenity of the area and that it would blend in with the rural character and appearance of the surrounding area.

Highway safety

The Transportation Section has been consulted and offers no objection to the application subject to a condition restricting the use of the stables for private purposes, a requirement for appropriate vision splays and a condition restricting surface water from discharging onto the public highway. It is considered that the scale and location of the stables would make its use as anything other than a private facility very unlikely and it is acknowledged that the developer proposes to accommodate their own horses at the site, however it is considered prudent to include the condition to adequately address possible future issues.

Public Rights of Way

There are several Public Rights of Way (PROW's) within the surrounding area. The applicant intends diverting the PROW, Llantrisant 122, but appears to be unaware that footpath Llantrisant 121 would also be affected.

It is considered that the diversions of the footpaths are a separate issue that is outside the remit of the planning application to address. The applicant will need to have the diversion agreements in place prior to commencing the development proposals.

Consequently, it is considered prudent to bring the issue of the PROW to the applicant's attention and to make them aware of their location and their responsibilities to not obstruct PROW's in the course of the development and to gain the necessary consents prior to undertaking any works.

Other Issues

The comments of the Countryside Section are acknowledged and it is considered that the ecological issues in terms of existing habitat and tree and hedgerow removal can be adequately addressed through the imposition of appropriate conditions.

The comments of the Public Health and Protection Section are acknowledged in that they advise that the times of construction activities be restricted. However, it is considered that there are more effective legislation to address this issue available to the Local Authority.

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) however, the CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable.

Conclusion

The site is outside the defined settlement boundary but is within a category of countryside leisure uses considered to be acceptable in such locations.

It is considered that due to the scale of the proposal, the materials, design and location the development would be acceptable subject to the suggested conditions.

The application is therefore considered to comply with the relevant policies of the Local Development Plan in respect of its impact on neighbouring properties, visual amenity and effect on highway safety.

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, plan no. 917.PL-01
Proposed Site layout, plan no. 917.PL-03 Revision A
Elevations, plan no. 917.PL.04

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. No development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including

spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

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

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

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

5. Before any work is commenced on site, including site works of any description, each of the trees to be retained shall be securely fenced off by a chestnut paling or similar fence erected in a circle round each tree to coincide with the extremity of the canopy of the tree. Within the areas so fenced off the existing ground level shall be neither raised nor lowered, and no materials or temporary buildings or surplus soil of any kind shall be placed or stored thereon during the period of construction works. If any trenches for services are required in the fenced-off areas during construction works they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cms or more shall be left unsevered.

Reason: To protect the existing trees on the site during the course of building work in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

6. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the local planning authority. The plan shall include:
 - a. An appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
 - b. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
 - c. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season).
 - d. Persons responsible for:

- i) Compliance with legal consents relating to nature conservation;
- ii) Compliance with planning conditions relating to nature conservation;
- iii) Installation of physical protection measures during construction;
- iv) Implementation of sensitive working practices during construction;
- v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
- vi) Provision of training and information about the importance of the 'Wildlife Protection Zones' to all construction personnel on site.

All construction activities shall be implemented with the approved details and timing of the plan unless otherwise approved in writing by the local planning authority'.

Reason: To afford protection to animal and plant species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

7. Notwithstanding the submitted details, prior to the commencement of the development, a Habitat Management Plan shall be submitted to and approved in writing by the Local planning Authority. The plan shall include:
- a) Purpose, aims and objectives of the scheme.
 - b) A review of the site's ecological potential and constraints.
 - c) Description of target habitat features to be restored.
 - d) Selection of appropriate strategies for achieving habitat restoration.
 - e) Selection of specific restoration techniques and practices for re-establishing vegetation.
 - f) Sources of habitat material.
 - g) Method statement for restoration of vegetation.
 - h) Extent and location of proposed works.
 - i) Aftercare and long-term management.
 - j) Personnel responsible for works.
 - k) Timing of works.
 - l) Monitoring.
 - m) Disposal of arisings.

All restoration works will be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority. Any amendments to the Habitat Management Plan during the operation of the windfarm required as ongoing monitoring shall be submitted to and approved in writing by the Local planning Authority prior to their implementation.

Reason: To enhance and afford protection to animal and plant species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

8. Before any works start on site, existing and proposed levels (including relevant sections) shall be submitted to and approved in writing by the Local

Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons: To protect residential and visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

9. 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.

10. The stable building and ménage hereby approved, shall be used for private equestrian purposes only and for no other purpose, including any commercial equestrian use. The stable building shall not be converted to residential use.

Reason: In order to define the scope of the permission and in the interests of highway safety in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

11. Prior to the commencement of construction of the development hereby approved full drainage details shall be submitted to and approved in writing by the Local Planning Authority, and beneficial use of the stables, storage shed and ménage shall not commence until drainage works have been carried out in accordance with the approved plans.

Reason: To ensure that drainage from the development does not cause or exacerbate any flooding on the development site, adjoining properties, environment and existing drainage infrastructure in accordance with Policy AW10 of the Rhondda Local Plan.

12. Prior to commencement of the beneficial use of the development hereby approved the vehicular access to the site shall be laid out, constructed and retained thereafter with 2.4m x 40m vision splays.

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

13. Surface water run-off from the proposed development shall not discharge onto the public highway or connected to any highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding in accordance

with Policies AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

14. Notwithstanding the approved details and prior to the beneficial use of the stables commencing the details of any exterior lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed and operated in accordance with the agreed details.

Reason: To prevent light pollution and to protect the amenities of neighbouring residential properties and to afford protection to animal species in accordance with Policies AW5, AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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