

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, it's 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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