

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013-2014

**DEVELOPMENT CONTROL
COMMITTEE**

17 APRIL 2014

**REPORT OF THE
DIRECTOR LEGAL AND
DEMOCRATIC SERVICES**

Agenda Item No.4(3)

**SITE MEETING
APPLICATION NO. 13/0916 – CREATION
OF EQUESTRIAN TRACK FROM INERT
MATERIALS – TYNEWYDD FARM, EFAIL
ISAF, PONTYPRIDD**

Author: Mrs.Z.Maisey, Principal Officer, Committee Services

1. PURPOSE OF THE REPORT

To consider the outcome of the site inspection in respect of the above-mentioned proposal and to determine the application, as outlined in the report of the Service Director, Planning, attached at Appendix 1.

2. RECOMMENDATION

To refuse the application in accordance with the recommendation of the Service Director, Planning.

3. BACKGROUND

- 3.1 In accordance with Minute No. 207 (Development Control Committee, 20 March 2014) a site inspection was undertaken on Monday, 31 March 2014 to consider highways, ecology, land drainage and environmental health issues concerning the proposed development.
- 3.2 The meeting was attended by the Chairman and Vice-Chairman of the Development Control Committee (County Borough Councillors R.B. McDonald and D.Weeks respectively) and County Borough Councillor E.Webster in consultation with Local Members for Llantwit Fardre (County Borough Councillors J.Bunnage and J.S.James).
- 3.3 At the commencement of the meeting, County Borough Councillor J.S.James declared a personal interest in the application stating “at the

applicant's request, I met with him to discuss the application, mainly to hear his intentions. In doing so I do not believe I prejudiced my position."

- 3.4 Members viewed the application site which was accessed via single track lanes from Efail Isaf.
- 3.5 Members were informed by the Development Control Officer that full planning permission was being sought for the creation of a new access and equestrian track from inert material. The proposed track, which had been commenced in part, was intended to be approximately 3.2km in length and follow and looped circuit around the perimeter of Tynewydd Farm. The track would comprise of hardcore inert construction waste laid to a width of 4m and a depth of 250mm in an earth bund of 0.5m height. Where the track crossed ditches, the typical treatment would involve the installation of a 6m section of 2m diameter concrete pipe over which the fill material and track would be laid. The track was intended for horse riding and to permit easier vehicular access to the Farm.
- 3.6 The Development Control Officer stated that the applicant had advised that the remainder of the track, as shown in the submitted planning application, would amount to approximately 15,000 tonnes and would take no more than 12 months to complete on the basis of 4 lorry deliveries of inert material per day. No haulage operations would start before 8 a.m. or continue after 5 p.m., Monday-Friday.
- 3.7 The Development Control Officer informed Members that the application was recommended for refusal as there was no evidence of need for the development to support a rural enterprise at this location and in a Special Landscape Area. It was decidedly weak and did not carry sufficient weight to override the national and local planning policies which protect the countryside from unjustified and harmful development. Also, the proposal was not accompanied by sufficient information to properly consider its impacts upon the ecology of sensitive habitat and watercourses at the site.
- 3.8 Following consideration of the application at Committee (Appendix 1), further correspondence had been received from the applicant's agent in which he had provided more information regarding the applicant's future intentions for the land and confirmed that an ecology survey had been undertaken, however, this had yet not been received by the Planning Department.
- 3.9 The Transportation Officer confirmed no objection to the proposal but pointed out that this was on the basis that the development was for private equestrian use only at the site. There would be concerns about any commercial activities being carried out and the resulting further intensification of use of the sub-standard access leading to the site that

- would create additional hazards to the detriment of safety of all highway users and free flow of traffic.
- 3.10 The Public Health & Protection Officer confirmed that advice and comments had been provided in respect of hours of construction operations, noise, dust, waste and potential contamination.
 - 3.11 The Local Members enquired about the drainage and ecological impact of the proposed development and in response the Council's Ecologist stated that he awaited sight of the ecology survey undertaken by the applicant before he could respond fully and the Land Drainage Officer stated that more information was needed from the applicant before a full response could be forthcoming.
 - 3.12 Members, therefore, noted that more detailed information was required from the applicant regarding the proposal prior to determining the application.

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APPENDIX 1

APPLICATION NO: 13/0916/10 (PB)
APPLICANT: Mr K Roberts
DEVELOPMENT: Creation of equestrian track from inert materials
LOCATION: TYNEWYDD FARM, EFAIL ISAF, PONTYPRIDD, CF38
1AA
DATE REGISTERED: 12/09/2013
ELECTORAL DIVISION: Llantwit Fardre

RECOMMENDATION: Refuse

REASONS:

This proposal will involve a relatively modest waste importation operation over a fairly short timescale and will not have unacceptable consequences for either local residential amenity or highway safety provided the resultant equestrian use remains private and does not escalate into a commercial enterprise that risks causing an unacceptable intensification of traffic movements on the substandard highway at this location. However, the evidence of need for this development to support a rural enterprise at this location in the countryside and in a Special Landscape Area is decidedly weak and does not carry sufficient weight to override the national and local planning policies that otherwise presume in favour of countryside protection. For these reasons, the proposal fails to satisfy policies AW2, AW5 and SSA23 of the Rhondda Cynon Taf Local Development Plan in that it amounts to unjustified development in the countryside that would be harmful to the character and appearance of the area and the Special Landscape Area at this location. The proposal also is not accompanied by sufficient information to properly consider its impacts upon the ecology of sensitive habitat and watercourses at the site, therefore fails to satisfy policy AW8 of the LDP.

APPLICATION DETAILS

Full planning permission is sought for the creation of a new access and equestrian track from inert material on land at Tynewydd Farm, Efail Isaf. The proposed track, which has been commenced in part, is intended to be approximately 3200m (3.2km or 2 miles) in length and follow a looped circuit

around the perimeter of the farm. In typical cross-section the track will comprise of hardcore inert construction waste laid to a width of 4m and a depth of 250mm in an earth bund of 0.5m height. Where the track crosses any ditches the typical treatment will involve the installation of a 6m section of 2m diameter concrete pipe over which the fill material and track will be laid.

The proposed route of the access and riding track will enter the farm from the established access to the south-west of the site. The track then descends to the west of Dryscoed Farm, some 110m east of Parc Nant Celyn before following a circular route along the alignment of existing hedgerows and field boundaries wherever possible, minimising the number of ditch crossings and utilising existing gaps in hedgerows to avoid the need to fell any trees.

As stated above, part of the track was laid but works have since ceased pending the outcome of this planning application. The volume of inert tipped material deposited to form the initial part of the track amounts to 250 – 300 cubic metres (c. 500 – 600 tonnes). The volume of inert material required to complete the remainder of the track, as shown in the submitted planning application, will amount to 7500 cubic metres (c.15,000 tonnes). The applicant has advised the remainder of the track would take no more that 12 months to complete on the basis of 4 lorry deliveries of inert material per day (each delivery being 9 cubic metres/20 tonnes). The tipped material has so far and will continue to comprise inert road arisings and builders' rubble. No haulage operations would start before 8 a.m. or continue after 5 p.m. Monday to Friday. The applicant has a road sweeper that is based on site and will be available on a daily basis for road cleansing should the need arise.

The track is intended for use for horse riding and to permit easier vehicular access to the farm holding, which will provide opportunities for economic diversification at the farm and help bring erstwhile neglected agricultural land back into productive use.

SITE APPRAISAL

Tynewydd Farm is an agricultural holding located east of Efail Isaf. The holding is gently undulating though comparatively level and fairly low lying towards the northern boundary, and comprises predominantly poorly drained marshy grassland. The holding stables a number of horses under livery, though there was little visible evidence of any significant agricultural activity at the time of last site inspection (January 2014). The site is surrounded by open countryside with the nearest dwellings being situated to the west at Parc Nant Celyn. Vehicular access to the site entrance/exit is gained via single track lanes from Efail Isaf to the west and Treforest to the east.

PLANNING HISTORY

07/0363	Tynewydd Farm Efail Isaf	Improvements to access tracks farmland using imported inert waste materials and areas of currently unusable	Refused 17/08/07
02/0869	Tynewydd Farm Efail Isaf	Retention and completion of access tracks to fields and hard standing pad for baled silage	Granted 26/07/02
92/0684	Tynewydd Farm Efail Isaf	Erection of dwelling for occupation for agricultural purposes	Granted 31/12/92

PUBLICITY

Neighbouring properties have been notified of the application that has also been the subject of site notice publicity.

No public response has been forthcoming.

CONSULTATION

Transportation Section - no objection subject to conditions.

Land Reclamation and Engineering – reply waited.

Public Health and Protection – offers advice and comments in respect of hours of construction operations, noise, dust, waste and potential contamination.

Natural Resources Wales – advises that:

The site currently holds an exemption for the Use of Waste in Construction, for use within farm tracks not exceeding 1000 tonnes. An Environmental Permit may be required;

The area is very wet and made up of peat, therefore drainage required would need to be substantial and the amounts of gravel required likely to exceed that stated in application. Sustainable approach to surface water management required.

Site may need to register for an Environmental Permit from NRW for discharging to surface water or groundwater.

Draws attention to the applicant's duty of care for dealing with waste materials and for any off-site movement of wastes.

Parks and Countryside – the proposal should be advised by (at least) a Phase I Habitat Survey which can assess the habitats and ecological features affected, assess protected species issues and help to define a route with a minimum ecological impact. The submission doesn't appear to have considered any constraints other than topography.

There are three Public Rights of Way (Llantwit Fardre 47, 50 and 63) which are crossed by the proposed track. Details of how the track will appropriately consider these PROWs in both terms of construction of the route and its operation as a horse route need to be established. There doesn't appear to be any details on this matter in the submissions.

The scheme will evidently affect various ditches, some (or all) of which may count as ordinary watercourses and the land drainage treatment of these needs to be discussed and agreed.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is unallocated and lies outside the settlement boundaries within the Efail Isaf, Garth and Nantgarw Western Slopes Special Landscape Area (policy ref SSA 23).

Policy AW2 - advises that development proposals on non-allocated sites will only be supported 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 – permits development only where it would not cause harm to features of importance to landscape and nature conservation, including ecological networks, the quality of natural resources and the natural drainage of surface water.

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

Policy AW14.2 safeguards resources of sandstone from development.

Policy SSA23.8 defines the Special Landscape Area of Efail Isaf, Garth and Nantgarw Western Slopes and requires development within it to be of the highest standards.

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales

Chapter 4 (Planning for Sustainability),
Chapter 5 (Conserving and Improving Natural Heritage and the Coast),
Chapter 7 (Economic Development),
Chapter 8 (Transport),
Chapter 13 (Minimising and Managing Environmental Risks and Pollution),
set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 6: Planning for Sustainable Rural Communities;
PPW Technical Advice Note 15: Development and Flood Risk;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 21: Waste;

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.

The application proposal is described as the creation of a farm access and equestrian track from inert waste materials. It is evident from the application

details and information obtained from the applicant that to achieve the design and length of track proposed (3.2 km) will involve the deposit of a significant volume of inert builders rubble and road arisings over a period lasting almost 12 months. This of course assumes that the waste is deposited on a continuous basis at the rate specified in the application. Therefore, the key considerations are whether or not the proposal is reasonably necessary for the purposes of agriculture and/or some rural enterprise, and whether or not a need, if justifiable, is sufficient to outweigh the impacts of the development at this location.

Main issues:

The need for the development

Tynewydd Farm is situated in the countryside east of Efail Isaf and does not appear to be actively farmed, though horses are kept under livery at the farm buildings. Unlike neighbouring farm holdings, Tynewydd Farm comprises extensive tracts of low-lying marshy grassland that, so it is understood, renders it unattractive and unproductive in its current state as a viable agricultural enterprise. It is the applicant's intention to construct the proposed access track around the perimeter of the holding to facilitate vehicular access so that sustainable agricultural activity could take place. The same track would be available also for equestrian use by riding school members (not the general public) thereby facilitating diversification of the activities at Tynewydd Farm.

Local and national planning policy places considerable emphasis on the protection of the countryside from unjustified and harmful development unless there is an overriding need for development to support the rural economy. In this context and taken at face value, the applicant's proposals to improve accessibility to the agricultural unit and to diversify its activity are at a general level the kinds of proposals that qualify as exceptions to prevailing countryside protection policies.

However, a number of factors suggest the development to all intents and purposes would be a waste disposal operation. Firstly, it is understood from the applicant that the waste importation and disposal operations would be undertaken by a construction company: the waste would be the by-product of the company's day to day operations. Secondly, whilst formation of the track may well improve vehicular accessibility at the farm, it will not fundamentally alter the condition the land which will remain poorly drained and difficult to productively farm without other measures being taken to deal with those circumstances. Thirdly, aside from the livery use, there is no clear evidence submitted with the application that a sustainable agricultural and/or other rural enterprise is currently being undertaken at the farm though it is acknowledged there is an expressed intention to commence one. Fourthly, on the basis of the planning history of the site unjustified tipping of waste materials to form access tracks and carry out improvements to unusable agricultural land evidently has occurred at this site in

the past and been the subject of a refusal of planning permission as recently as 2007.

It is concluded that there is insufficient evidence of need for the development to support and sustain a rural enterprise at Tynewydd Farm that might warrant countryside protection policies being set aside.

Impact on character and appearance of the area and Special Landscape Area

As stated earlier in this report, the proposed access and equestrian track will extend for 3.2km (2 miles) around Tynewydd Farm and will in effect be a continuous 4m wide bund raised approximately 0.5m above the height of the adjoining land level. Whilst on the face of it the bund will not be excessively high, nevertheless, in combination with its width and length, the bund will be an artificial man-made structure in the landscape and will be visible in places where the farm comes in close proximity to and is capable of being overlooked from the public highway. If there was an overriding need for the development then this might outweigh the harm to the landscape at this location. However, in the absence of a justification for the development it is considered the formation of the track will be unnecessarily harmful to the character and appearance of the landscape at this location. Moreover, Tynewydd Farm lies with the Efail Isaf, Garth and Nantgarw Western Slopes Special Landscape Area, which has been designated because of its acknowledged landscape quality. This designation places an even greater onus on the proposed development to ensure it doesn't harm the unspoilt lowland and gentle valley slopes that form a backdrop to the settlements of the area.

Ecology

On its western edge the track skirts the wet grasslands of SINC 138 and although it appears to mainly stick to the drier more improved grassland (of relatively low ecological value) it does cut across some wetter areas. Elsewhere it crosses a number of hedge and ditch lines as well as wooded sections. In several places, the plan identifies areas which are crossed as having been 'unable to survey due to dense vegetation'. As a consequence there is therefore enough potential for hedgerow and tree impacts and implications for overgrown areas and wetter grasslands for the proposals to have ecological impacts, including protected species, and as such the Council's Ecologist considers the proposal should be advised by (at least) a Phase I Habitat Survey which can assess the habitats and ecological features affected, assess protected species issues and help to define a route with a minimum ecological impact. The submission doesn't appear to have considered any constraints other than topography.

There are three Public Rights of Way (Llantwit Fardre 47, 50 and 63) which are crossed by the proposed track. Details of how the track will appropriately

consider these PROWs in both terms of construction of the route and its operation as a horse route need to be established. There isn't any detail on this matter in the submissions although this matter is capable of being dealt with under rights of way legislation.

The scheme will evidently affect various ditches, some (or all) of which may count as ordinary watercourses and the land drainage and ecological treatment of these has not been properly considered by the applicant.

Residential Amenity

The importation of inert waste material and its formation into and use as an access and equestrian track has considerable potential to affect the amenities of residents living in close proximity to the proposal. The proposed track at Tynewydd Farm largely avoids proximity to residential dwellings other than a comparatively short stretch of the westernmost part of track, which approaches to a field width from houses at the eastern end of Parc Nant Celyn, Efail Isaf. However, given the extent of physical separation of the proposed track from the nearest dwellings it is not considered that either the construction or subsequent use of the track would be likely to have any undue impact upon the living conditions of occupiers of those properties. No adverse comments were raised during the publicity period of the application, which lends additional weight to this judgement.

Highway safety

The importation of inert waste to form the access and equestrian track has the potential to generate significant movements of commercial vehicles during the construction phase and other traffic associated with its subsequent use. The only means of travelling to and from the site is via the local highway network from the direction of Efail Isaf to the west and Treforest Industrial Estate/Taffs Well to the east. Both routes are along severely sub-standard country lanes that are in places very narrow and with numerous bends and variations in level. In addition, the narrow access lanes are severely sub-standard in terms of carriageway width to cater for safe two-way traffic flows, horizontal alignment and forwards visibility which are lacking structural integrity, drainage and street lighting. As a result, there would be highways concerns regarding any proposal which would generate an intensification of use that would impact and create additional hazards to the detriment of safety of all highway users.

An existing gated field access is to be utilised for the proposal which is not set back from the highway to allow vehicles to be clear of the road for access/egress purposes, which is a cause for concern in terms of highway safety. Any intensification of this sub-standard access would result in vehicles standing on the highway creating an obstruction to the free flow of traffic creating additional hazards to the detriment of safety of all highway users.

The section of highway in the vicinity of the site access has a speed limit of 60 mph, though in reality the configuration of the highway at this location means that actual traffic speed is likely to be substantially below the speed limit. The national speed limit would require that the site access be served by vision splays of 2.4m by 215m in accordance with TAN 18 Transport, but the achievable splays are 2.4m by 19m to the right and 2.4m by 56m to the left, significantly less than the standard required for a road of this speed which raises concerns in terms of highway safety if use of the access is intensified. Parking and turning space provision is considered adequate at the site.

Although it is acknowledged there are shortcomings with regard to the standard of the access and highway network serving the site, the key highway safety concerns are likely to arise in the event of any significant intensification of traffic movements caused by the development. Give the relatively short timescale for waste importation phase of the development and the relatively low frequency of attendant lorry movements, it is considered unlikely the construction phase of the development will intensify traffic movement to an extent that would pose an unacceptable hazard to highway safety. There is a lack of information in terms of the type and number of equestrian users of the facility and whether or not it would be used commercially, which would be unacceptable. Provided the use of the tracks was to be limited to private equestrian purposes it would be acceptable from a highway perspective. It is on this basis that the Transportation Section offers no objection to the application.

OTHER ISSUES

The following other material considerations have been taken into account though were not key determining factors in reaching the recommendation.

Drainage

Natural Resources Wales (NRW) has suggested that surface water management and drainage via Sustainable Urban Drainage techniques are recommended. If this proposal were otherwise acceptable these could be capable of being achieved by means of conditions in the event of planning permission being forthcoming.

Pollution

The waste material proposed to be imported is inert builder's rubble and road arising, which is not intrinsically hazardous. No objections to the application on pollution prevention issues have been raised by either NRW or Public Health and Protection.

Sandstone Resources

The application site lies in an area of known Sandstone mineral reserves, which policy AW14 seeks to avoid sterilising by other development. In that the proposed tracks cover a relatively small total land area, and given the abundance of the Sandstone reserves in Rhondda Cynon Taf, the proposed development would not conflict with Policy AW14 to a significant extent.

Conclusion

In summary, on the one hand this proposal will involve a relatively modest waste importation operation over a fairly short timescale and will not have unacceptable consequences for local residential amenity and highway safety provided the equestrian use remains private and does not escalate into a commercial enterprise that risks causing an unacceptable intensification of traffic movements on the substandard highway at this location. On the other hand, however, the need for this development to support a rural enterprise at this location in the countryside and in a Special Landscape Area is decidedly weak and does not carry sufficient weight override the national and local planning policies that otherwise presume in favour of countryside protection. For these reasons, the proposal fails to satisfy policies AW2, AW5 and SSA23 of the Rhondda Cynon Taf Local Development Plan in that it amounts to unjustified development in the countryside that would be harmful to the character and appearance of the area and the Special Landscape Area at this location. The proposal also is not accompanied by sufficient information to properly consider its impacts upon the ecology of sensitive habitat and watercourses at the site, therefore fails to satisfy policy AW8 of the Local Development Plan.

RECOMMENDATION: Refuse

1. The proposal amounts to unjustified development in the countryside that is not reasonable necessary to support a rural enterprise at Tynewydd Farm, therefore would be unacceptably harmful to the character and appearance of the area and the Special Landscape Area at this location. For these reasons the proposal fails to satisfy policies AW2, AW5 and SSA23 of the Rhondda Cynon Taf Local Development Plan.
2. Insufficient information has been submitted to consider the consequences of the proposal for ecologically sensitive habitat and watercourses at the site. Therefore the proposal fails to satisfy policy AW8 of the Rhondda Cynon Taf Local Development Plan.

LOCAL GOVERNMENT ACT 1972

As amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

17 APRIL 2014

REPORT OF THE DIRECTOR, LEGAL AND DEMOCRATIC SERVICES

SITE MEETING

**APPLICATION NO. 13/0916 – CREATION OF EQUESTRIAN TRACK FROM
INERT MATERIALS – TYNEWYDD FARM, EFAL ISAF, PONTYPRIDD**

Minute No. 207 (Development Control Committee, 20 March 2014)

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