



PLANNING & DEVELOPMENT COMMITTEE

17 MAY 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

APPLICATION NO: 17/1334 - LAND ADJACENT TO PEN-Y-BRYN BUNGALOW, PENRHIWFER ROAD, PENRHIWFER, TONYPANDY

1. PURPOSE OF REPORT

Members are asked to consider the determination of the above planning application.

2. RECOMMENDATION

That Members consider the report in respect of the application and determine the application having regard to the advice given.

3. BACKGROUND

This application was reported to the 19th April 2018 meeting of Planning and Development Committee meeting with an officer recommendation of refusal. A copy of the original report is attached as **APPENDIX A**. At that meeting, Members were minded to approve the application contrary to the officer recommendation. Members were of the view that the proposed development would not have an adverse impact upon the amenity of the occupiers of neighbouring residential properties arising from noise, odour generation and general disturbance (Minute No. 181 refers).

As a consequence, it was resolved that the matter should therefore be deferred to the next appropriate meeting of the Planning and Development Committee for a report from the Service Director Planning, if necessary in consultation with the Director Legal & Democratic Services, upon the strengths and weaknesses of taking a decision contrary to recommendation, prior to determining the matter.

4. PLANNING ASSESSMENT

The officer concerns regarding the potential impact of the proposal on the amenity of surrounding residential properties are outlined in the original report, however, a brief summary is provided below:

The application site is located in close proximity to a number of residential properties with the closest being positioned approximately 7 metres away from the northern boundary. Whilst the position of the stable block

(approximately 23 metres away) would not adversely affect the amenities of residents on its own, the use of the site to keep a number of horses, even for the minor recreational use proposed, will result in a considerable degree of noise disturbance and odour generation, both from the presence of horses and from the storage of waste on site.

Whilst it is noted that the applicant proposes a number of measures to keep the level of noise/smell disturbance to a minimum, which would include turning out the horses at a nearby farm during the day, it would not be reasonable or enforceable to use planning conditions to require the horses to be kept elsewhere during the day and the horses could therefore be kept on the land full time. Furthermore, given that the site is relatively open with low-level boundary treatments at the common boundaries with residential properties and that the stables would require numerous openings to allow for natural ventilation, significant concerns remain with regard to the level of noise and odour that would be experienced by nearby residents.

If however, having considered the above advice and after further consideration, Members remain minded to grant planning permission, the conditions set out below are recommended:

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 plans and documents received by the Local Planning Authority on 12th February 2018.

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

3. No development shall commence until all relevant matters outlined on the attached Planning Requirements Relating to Flood Risk Management including full drainage details have been approved in writing by the Planning Authority. These details shall indicate how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage.

4. The stables and use of the land hereby approved shall only be accessed via the existing access arrangements serving the dwelling known as Pen-y-Bryn Bungalow, as indicated on the amended plan received on 12/02/18.

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

5. The stables and use of the land, hereby approved, shall be used for private equestrian purposes by the occupiers of Pen-y-Bryn Bungalow only and for no other purpose, including any commercial equestrian use or conversion to residential use.

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



PLANNING & DEVELOPMENT COMMITTEE

19 APRIL 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 17/1334/10 (KL)
APPLICANT: Mr M Merriot
DEVELOPMENT: Change of use of the land for the keeping of horses and proposed construction of stables (Amended Description 18/01/18) (Amended Plan Received 12/02/18)
LOCATION: LAND ADJACENT TO PEN-Y-BRYN BUNGALOW, PENRHIWFER ROAD, PENRHIW-FER, TONYPANDY, CF40 1RX
DATE REGISTERED: 18/01/2018
ELECTORAL DIVISION: Tonyrefail West

RECOMMENDATION: REFUSE DUE TO THE FOLLOWING:

REASONS:

The application site is located in close proximity to a number of residential properties and it is therefore considered that the proposed development would result in an adverse impact upon the amenity of the occupiers of the neighbouring properties arising from noise, odour generation and general disturbance.

REASON APPLICATION REPORTED TO COMMITTEE

- A request has been received from Councillor Davies-Jones for the matter to come to Committee in order for Members to consider:
- The visual impact of the proposal;
- The impact the proposal would have on the amenity of surrounding residential properties;

APPLICATION DETAILS

Full planning permission is sought for the change of use of a vacant parcel of land to the north of Pen-y-Bryn Bungalow for the keeping of horses. The proposal also includes the construction of a stable block.

The proposed stable block would be located centrally within the site. It would have an 'L' shaped footprint which would measure a maximum of 15.1 metres in width by a maximum of 10.3 metres in depth with a pitched roof design that would measure 3.4 metres in height to the ridge and 2.7 metres in height to the eaves. A total of 4 stables would be provided within the structure as well as a tack room and hay room. External materials would consist of prefabricated timber with a black 'onduline' roof.

Access to the stables would be facilitated via the existing access to Pen-y-Bryn Bungalow, the property to which the stables would be associated. A small number of coniferous trees would need to be removed at the northern boundary of the property to facilitate access through to the site. This part of the scheme represents an amendment to the proposal originally submitted in which access was proposed directly off the private access lane to the north of the site.

Details submitted with the application indicate that the land and stables would be used for private use only and not for any commercial use. It is also detailed that hay would be delivered to the site in wrapped bales on an annual basis and that bagged horse feed would be purchased and transported to the site as and when required by the applicant. The horses would be transported to and from a farm on the nearby mountainside on a daily basis where they would graze (weather permitting). The applicant confirms that the horses would be transported to the farm on foot.

SITE APPRAISAL

The application site relates to an irregular shaped parcel of land at the rear of Pen-y-Bryn Bungalow which is located off Penrhiwfer Road, Penrhiwfer. Ground levels within the site gradually fall away towards the most north-eastern boundary, although the small section of land closest to this boundary falls away more significantly.

The most southern boundary, which adjoins the curtilage of the existing bungalow, is lined with coniferous trees whilst a low-level brick wall and timber fence lines the most northern boundary. The most eastern boundary is enclosed by bushes and vegetation.

The surrounding area is predominantly characterised by residential properties with the nearest being located in Llys Alwyn (no's 1-4) to the north and Penrhiwfer Road to the north-west (no's 2 & 3). Williamstown Primary School is located at a lower ground level, approximately 70 metres to the east.

PLANNING HISTORY

08/0333	Land rear of Ashdale Road, Penrhiwfer	Erection of dwelling	Granted 06/11/08
07/0458	Land rear of Ashdale Road, Penrhiwfer	Erection of two houses and garages	Withdrawn 19/03/08

PUBLICITY

The application has been advertised by means of direct neighbour notification letters and through the erection of site notices in the vicinity of the site. A total of 4 letters of objection have been received in relation to the original scheme submitted and are summarised as follows:

- The stables will be in view of my windows and a breeze or wind that blows across from the site will blow smells directly toward my house;
- The use will probably encourage rodents;
- The stables will devalue properties and make it difficult to sell in future;
- The use of our garden will be restricted greatly if the proposal goes ahead;
- The keeping of horses will be accompanied by smell and flies and it is highly unlikely that manure will be collected from the field after being trodden in with horse urine;
- Manure and hay could be in place for weeks, possibly months, until it is full;
- Unwanted spillage and waste from the site would flow towards the school;
- The stables and horses would be close enough to see, hear and smell which is not desirable;
- The smell would be overpowering;
- The land is very open so there will be no screening the view or scent of the horses;
- Access to my property may be impacted by horses and large transport vehicles using the lane;
- There are issues with turning into the lane itself as it is often not possible to see what is round the corner until the turn has been made;
- There may be mess made by the horses on the lane;

Following the submission of additional information by the applicant, the application has been amended to include the change of use of the land for the keeping of horses (initial proposal was only for the construction of stables) and was subsequently re-advertised, as detailed above. A further letter of objection has been received which largely reiterates the points outlined above, however, further comments have been received in relation to the proposed access and these are summarised as follows:

- Access for Llys Alwyn was denied through the lane due to limited views onto Penrhiwfer Road;
- Penrhiwfer Road is already very busy and traffic will be increased due to it being the main route from the Rhondda to the new super school 6th form at Tonyrefail.
- The access should be blocked off altogether;

A further plan was subsequently submitted by the applicant to relocate the proposed access from directly off the lane to the south-eastern boundary to enable access through the curtilage of Pen-y-Bryn Bungalow. The amended plan was re-advertised and one further letter of objection has been received which reiterates the points outlined above.

The applicant has also recently submitted a petition of support for the proposal which includes 81 signatures. Although 1 signature relates to a property in close proximity to the site, the majority relate to residents of the wider area of Penrhiwfer as well as neighbouring villages, Tonypandy, Trealaw, Edmondstown, Williamstown and Trebanog.

One separate letter of support has also been received from a nearby resident.

CONSULTATION

Land Reclamation and Engineering – no objection subject to condition.

Public Health and Protection – no objection subject to condition.

Transportation – no objection subject to condition.

Welsh Water – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies inside the defined settlement boundary and is unallocated.

Policy AW2 - supports development 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 AW10 - development proposals must overcome any harm to public health, the environment or local amenity.

Supplementary Planning Guidance

Access, Circulation and Parking
Design and Placemaking

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 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 8 (Transport) and 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: Noise;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The proposal relates to the change of use of land for the keeping of horses for the private use of the applicant, along with the construction of a stable block to accommodate up to 4 horses.

The application site is located within the defined settlement boundary and within an area which is predominantly characterised by residential properties. The wider area to the south of the site is semi-rural in nature and it is considered that the relevant policies of the Rhondda Cynon Taf Local Development Plan and national guidance make provision for horse-related uses in such locations. This, however, is providing that the proposal complies with the other provisions set out in the Local Development Plan.

As such, it is considered that the principle of the proposed development is acceptable, subject to an assessment of the criteria discussed below:

Impact on residential amenity and privacy

A number of objections have been received from residents of surrounding residential properties in relation to the potential impact the proposed change of use and stables would have on their amenity. The objections raise concerns with regard to the level of noise and odour associated with the keeping of horses as well as the possibility of vermin being attracted to the area.

The application site is located in close proximity to a number of residential properties with the closest being positioned approximately 7 metres away from the northern boundary of the site. The stable block would be positioned a distance of approximately 23 metres away from the front elevation of the nearest property and whilst it is not considered that the stable block would adversely affect the amenities

of neighbouring residents on its own, it is considered that the use of the site to keep a number of horses, even for the minor recreational use proposed, will result in a considerable degree of noise disturbance and odour generation, both from the presence of the horses and the storage of waste on site, during the day and night.

It is acknowledged that in certain circumstances it may be possible to employ sound/smell reduction measures within this type of development to limit potential noise/smell disturbance. The applicant has confirmed that waste would be stored in a small covered trailer which would be kept behind the stables to ensure that it would not be visible to residents. It would then be taken to the nearby farm to be emptied as and when required. In addition, the applicant confirms that the horses would be turned out at the farm on the nearby mountainside during the day (weather permitting), thus reducing the level of noise and waste experienced by residents. Whilst these points are acknowledged, the horses will inevitably have some access to the land surrounding the stables with the stables requiring various openings to allow for natural ventilation. Furthermore, it would not be reasonable or enforceable to use planning conditions to require the horses to be kept elsewhere during the day and therefore the horses could be kept on the land full time. The site is relatively open with low-level boundary treatments at the common boundaries with residential properties and, as such, significant concern remains with regard to the level of noise and odour that would be experienced by nearby residents.

The applicant is also of the view that a temporary stable structure could be erected at the site without the need for planning permission. This, however, would only be the case where the horses were being used for traditional agricultural uses. The utilisation of land for grazing purposes is considered to be agricultural providing that the horses are fed from it. If they are kept on the land for any other purpose, such as recreational use or for exercise, grazing would be incidental and would not be considered to be agricultural. Given that the applicant has confirmed that the horses would only be kept at the site for recreational purposes, it cannot be argued that the site would be used for agricultural purposes. Furthermore, the site is considered insufficient for grazing purposes. The British Horse Society stipulates standard guidelines of approximately 2 horses per hectare. In the case of this application, the site measures approximately 0.177 hectares (1767m²) and would be used for up to 4 horses.

It is also noted that shelters or looses boxes erected within the curtilage of a dwelling house for horses kept as 'pet animals for the domestic needs or personal enjoyment of the dwelling house' also enjoy permitted development rights. However, the application site does not form part of the residential garden curtilage of Pen-y-Bryn Bungalow and the site would therefore not benefit from any permitted development rights in this regard.

A petition with 81 signatures of support for the application has also been submitted by the applicant, however, it is noted that a large number of the addresses listed are not located in the vicinity of the site (i.e. appear to be in the wider area of Penrhiwfer and in the nearby villages of Tonypany, Trealaw, Penygraig, Williamstown, Edmondstown and Trebanog). The majority of the signatories would therefore not be directly affected by the proposal.

Consequently, by virtue of the nature of the proposed use, it is considered that the development has the potential to result in a significant detrimental impact upon the amenity of surrounding properties and the application would therefore not comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Impact on character and appearance of area

The proposed stable block is considered to be acceptable in terms of the impact it would have on the character and appearance of the surrounding area. The scale and design of the proposed stable is considered to be relatively simplistic and typical of stable-type structures associated with the keeping of horses. It would also be finished to a high standard and it is therefore not considered that the stables would be visually detrimental to the surrounding area.

Impact on highway safety

A number of objections have also been raised in relation to the proposed access to the application site and the impact that this would have on the lane and the junction at Penrhiwfer Road. Whilst the concerns raised are appreciated, the proposal has been assessed by the Council's Transportation Section and no objection has been raised.

The consultation response received acknowledges that access to the public highway would be via the un-adopted lane off the B4278 Penrhiwfer Road which currently provides primary access to Pen-y-Bryn Bungalow and up to 4 other properties as well as secondary access for the rear of numerous neighbouring properties. The lane is considered to be sub-standard in terms of its vertical and horizontal alignment, width, junction radii and visibility at its junction with the B4278 and, as such, any intensification of its use would be detrimental to highway safety and free flow of traffic on the B4278. This is of particular concern given the strategic importance of the B4278 which serves as a bus route and as a diversion route should the A4119 be closed to traffic. Furthermore, the concern is exacerbated by the larger, slower moving vehicles that the proposed development is likely to generate (i.e. specific horse box vehicles/trailers towed by a vehicle).

Notwithstanding the concerns raised, the Transportation Section indicates that the proposed stables would be accessed via the existing access arrangements for Pen-y-Bryn Bungalow and the applicant is currently able to access this property with a motor home or caravan, which are comparable in size to that of a horse box vehicle or trailer towed by a vehicle. Furthermore, the applicant confirms that the stable would be for his sole personal use, which can be ensured via a suitably worded planning condition. It is therefore not considered that the number of trips by said vehicles would be significant to warrant a highway objection.

Whilst the plans do not indicate any parking or turning provision within the development site, sufficient parking and turning opportunities are available within the grounds of Pen-y-Bryn Bungalow which would ensure that there would be no overspill parking or reversing manoeuvres onto the public highway. The proposal is therefore considered to be acceptable in terms of the impact it would have on highway safety in the vicinity of the site.

Public Health

The Council's Public Health & Protection Section have raised no objections to the proposal, however, a number of conditions have been suggested in relation to hours of operation, noise, waste and dust. Whilst these comments are appreciated, it is considered that issues relating to hours of operation, noise, dust and waste can be more efficiently controlled by other legislation and the suggested conditions are not considered necessary. An appropriate informative note is considered to be sufficient in this instance.

Other:

Drainage and flooding

It is noted that objectors raise concern with regard to land drainage and the potential for unwanted spillage and waste from the site to flow towards the nearby school. However, no objection has been received from the Council's Land Reclamation and Engineering Section in this regard. It is noted that the applicant proposes to discharge surface water via a soakaway system but has not provided any details within the application. It is therefore recommended that a condition be appended to any grant of planning consent to ensure that full drainage details are submitted and agreed by the Local Planning Authority prior to any works commencing on site.

Other issues raised by objectors

One objection raises concern that the proposed stables would devalue properties in the area and that it would make them difficult to sell in the future. Whilst this is acknowledged, it is not a material planning consideration and cannot be taken into consideration in the determination of the application.

A further concern has also been raised with regard to the potential mess that may be made by the horses on the lane. The applicant has confirmed that the horses are occasionally brought to the garden of Pen-y-Bryn Bungalow and any mess made has been cleaned up immediately. Notwithstanding this, it would not be a reason to refuse planning permission.

Community Infrastructure Levy 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

Whilst the principle of the proposed development is considered to be acceptable, there is significant concern with regard to the impact the proposed use and stables would have on the amenity of residential properties immediately to the north of the

site. It is noted that the applicant has put forward suggestions for the way in which the site would be managed in terms of waste removal, however, it is not considered that these would satisfactorily address the concerns raised and any planning conditions imposed to control these activities on site would be very difficult to monitor and enforce. As such, the application is recommended for refusal.

RECOMMENDATION: REFUSE DUE TO THE FOLLOWING:

1. The proposed development would result in an adverse impact upon the amenity of the occupiers of neighbouring residential properties arising from noise, odour generation and general disturbance. As such, the proposal conflicts with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan and Planning Policy Wales.