



PLANNING & DEVELOPMENT COMMITTEE

18 OCTOBER 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/0209/10
(EL)
APPLICANT: Mr & Mrs Agnew
DEVELOPMENT: Indoor Equestrian Arena for use solely with existing livery yard (part retrospective)
LOCATION: LIVERY STABLES AND MENAGE, CRAIG YR ALLT FARM, UPLANDS, NANTGARW, TAFFS WELL, CF15 7TP
DATE REGISTERED: 26/02/2018
ELECTORAL DIVISION: Ffynon Taf

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 continued use of the land for equestrian purposes, along with the construction of a new building to provide a covered equestrian arena for the exercise of horses kept and cared for at the site is considered to be compatible with surrounding land uses, given its semi-rural location. Furthermore, appropriate mitigation to limit ecological impacts has been identified in the accompanying ecological management Plan. Overall, the scheme 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

The proposal is not covered by determination powers delegated to the Service Director Planning.

Application Details

Full planning permission is sought (partially in retrospect) for the construction of an indoor equestrian arena at Craig Yr Allt Farm, Uplands, Nantgarw, Taffs Well.

The application involves the erection of a steel portal-framed building to provide all-weather cover for an existing well-established livery enterprise. It would be used to supplement existing facilities for livery clients only. The building would enable training and exercising of the liveried horses to be undertaken in all weather conditions; these activities are presently weather limited, particularly during the winter when ground conditions surrounding the stabling area are unsuitable for riding.

The proposed indoor arena would be contained within a steel portal building measuring 42.7m x 22.0m with an eaves height of 5.0m and a ridge height of 8.6m. The building would be clad with 'Ventair' juniper green, polyester-coated, metal profile sheeting with natural grey fibre cement roofing with four roof lights per bay to provide natural daylight. 'Ventair' profiled sheets provide efficient ventilation of a building but prevent wind-borne rain entering due to the louvre pattern of the profile. There is also an increase in light penetration compared to solid sheeting.

The arena surface would comprise a proprietary fibre-sand material laid on a membrane, which is laid on top of a base layer of stone. The surface would provide sure footing for the horses which are being schooled or exercised. The surface would require regular maintenance and levelling with a tractor drawn implement to ensure surface uniformity and safety for both horse and rider. As such, there would be double sliding doors sited centrally in both east and west elevations to allow access by machinery necessary to maintain the arena surface.

The facility would provide an added attraction to the existing livery clients and would increase income. It is not proposed to increase livery numbers above the stated 11 horses in the business plan and there is no intention to let the facility to outside riders. As such, there would be no intensification of use of the site or increase in traffic volume to the site.

SITE APPRAISAL

The application site consists of a parcel of land within Craig Yr Allt Farm, Nantgarw. The farm and holding comprises a series of buildings on land occupying a total of 45 acres, however it is noted that the applicants also make use of 9 acres of land and associated buildings, which directly adjoins the farm (at Bwlch Y Maen and is within the control of the applicants parents.) A dwelling, existing stable block and barn are located around a central yard, which also provides a turning area for vehicles. A further block of livery stables along with the proposed arena are served off an internal access track, to the north east of the main building group.

The application site is located upon land which is designated as a SINC (Site of Important Nature Conservation). At the time of the site inspection, the land had been levelled to create a plateau upon which the proposed training area would be constructed. Due to the need to create a level plateau, the base has been dug into

the hillside on one small section where the land rises steeply. The excavated area at this point is some 5.3m deep with an open ditch dug around the perimeter to prevent rain and springwater flowing onto the site. The immediate area surrounding the levelled site comprises bracken and bramble with some gorse, rushes and scrub. There is mature woodland to the north and improved pasture to the south.

The land and buildings known as Craig Yr Allt are accessed off Caerphilly Road (A468), where the vehicular access road narrows to a track as it approaches the farm. Sections of this track also form a Public Right of Way. It is noted that the wider site is crossed by a Public Right of Way (PROW 80 – Caerphilly), which in-part follows the route of the access track, off Caerphilly Road, passes through the farm yard, toward the listed Bwlch y Maen farmhouse and then in an easterly direction across the farm land and countryside.

Planning History

17/0911	Livery Stables, Craig-Yr-Allt Farm, Duffryn Ffrwd, Nantgarw, Cardiff	Portal steel framed building to be used for the stabling of horses.	Granted with conditions	29/11/17
13/1046	Craig-Yr-Allt Farm, Duffryn Ffrwd, Nantgarw, Cardiff	Variation of the house type design – approved under planning permission 11/1421/10	Granted with conditions	08/04/13
11/1421	Craig-Yr-Allt Farm, Duffryn Ffrwd, Nantgarw, Cardiff	Demolition of existing barn and stable block and construction of bungalow ancillary to the operation of the rural enterprise.	Granted with conditions	04/12/12
10/0291	Craig-Yr-Allt Farm, Duffryn Ffrwd, Nantgarw, Cardiff	Demolish the existing disused cattle stable and construct new stable block and ancillary storage for ten horses.	Granted with conditions	07/06/10
09/1099	Bwlch Y Maen Barns, Bwlch Y Maen Farm, Duffryn Ffrwd, Caerphilly Road, Nantgarw, Cardiff,	Application for a Lawful Development Certificate for an existing use - Land and buildings being used for Equestrian activities and horse	Granted	30/11/09

breeding as well as
breeding and rearing
sheep and cattle.

88/0934 Bwlch-y-Maen Dwelling houses Withdrawn 19/04/89
Farm Nantgarw

PUBLICITY

The application was advertised by direct neighbour notification and site notice. Two letters of representation (from the same household) have been received, these are summarised as follows:

- Concerns are expressed that conditions associated with earlier planning permissions have not been discharged.
- Landscaping for the earlier approved stables has never been planted.
- Improvements to the road junction at the access to the site have not been completed.
- Concerns are expressed with regard to drainage at the site. They comment that water from the hillside and the applicant's property drains onto their property. Questions are also raised with regard to the drainage arrangements in place for the existing dwelling.
- Concerns are expressed that the proposals would adversely impact upon the access and traffic movements. Reference is made to the fact that the bridge has a weight restriction and that some of the material and equipment deliveries are significant.
- Concern is expressed that a number of trees have been cleared to create the development.
- Concern is expressed that works have progressed so far without the applicants applying for planning permission.

CONSULTATION

Transportation Section – no objections raised subject to a condition which restricts the use of the riding arena.

Public Health & Protection – no objections raised.

Land Reclamation and Drainage – no objections raised, condition suggested.

Dwr Cymru/Welsh Water – 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, in a site of important nature conservation 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 SSA23.9 Craig yr Allt).

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

As set out above, this application proposes the construction of a steel portal-framed building to provide an all-weather covered riding arena for an existing well-established livery enterprise. To enable the erection of the building, engineering operations are required. At the time of the site inspection, this element of the works had been undertaken. They essentially involve the creation of a plateau as a level base for the arena and building.

The building would be located within the holding Craig Yr Allt Farm and livery and therefore, the current application does not seek to change the use of the land but to provide improved facilities, required in connection with the operation of the existing business. As such, the key considerations in the determination of the application are the impact of the development on the character, appearance and ecology of the immediate area and the impact of the development on the amenity and privacy of the occupiers of adjacent residential properties. The potential impacts of the resulting scheme upon highway safety are a further consideration.

Character, appearance and ecology

As set out above, the application site forms part of the holding of Craig Yr Allt Farm, Nantgarw, which comprises a series of buildings, on land occupying a total of 45 acres. Whilst the dwelling and main group of buildings lies within a Special Landscape Area, areas to the north east of the holding also form part of a Site of Important Nature Conservation. It is within this area that the riding arena is proposed. As set out above, the application is made partially in retrospect, with the engineering operations required to create a plateau for the building having been complete at the time of the site inspection.

Policy AW8 sets out the criteria for the protection and enhancement of the natural environment and specifically seeks to limit impacts upon SINC sites. In the case of the current scheme, it is apparent that the engineering operations have clearly resulted in an adverse impact upon the SINC by way of the loss of some tree cover and vegetation. Whilst it is not possible to restore what has already been lost, following consultation with the Council's Countryside Section, it was considered reasonable to require the applicants to undertake an assessment of what was likely to have been lost and to develop mitigation measures to off-set those impacts. This could be completed by surveying adjacent areas of SINC site, which also lie within the applicant's control, as they are likely to be of similar characteristics to the habitat which was removed.

In line, with this request, the applicant commissioned 'Be Ecological Ltd.' to prepare an ecological management plan for the site. The plan firstly identified the likely habitat that has been lost and secondly, provides detail on how the remaining areas of SINC within the applicant's ownership can be best managed to benefit the habitats it has been designated for, as well as other wildlife. The document confirms that the main aim of the ecological management plan is to restore the extent of the grassland areas within the red line boundary; and increase the botanical diversity therein.

This will benefit a range of important habitats as well as a number of UK protected species. It is also intended to result in land being brought back into productive use as well as providing a more aesthetically pleasing aspect to the land. To this end therefore, it is intended that the habitats present will become more flower rich and that those habitats will provide a variation in structure to benefit as wide an array of species as possible.

Having reviewed the document, the Council's Ecologist has confirmed that the provisions within the management plan are acceptable, with the document setting out a rolling 5 year programme of works, with a commitment for not less than 25 years. As such, whilst it is acknowledged that some loss of habitat has resulted from the engineering operations already undertaken on site, since the reversal of these works would not automatically result in the restoration of the SINC, it is considered that the mitigation presented in the current management plan represents a viable alternative to manage and limit any further impacts in the long-term. As such, no objections are raised subject to a number of conditions including those to ensure that the management and monitoring works will be undertaken and supervised by an

appropriately qualified ecologist and that an annual monitoring report is submitted to the Local Planning Authority.

In terms of visual impacts, it is acknowledged that the application proposes the construction of a large building in an area defined as open countryside. However, the building would be utilised in connection with an established rural enterprise and visually, would be read in the context of a series of existing buildings, used as stabling. Furthermore, the topography and existing landscape features would offer some natural screening of the development. Whilst the holding occupies a hillside position elevated above the main settlement of Nantgarw, distant views of the building would be screened by a band of mature trees that define the north western line of the access track that adjoins the site. Therefore, whilst it is accepted that the application proposes a large building, outside of settlement, it is considered that its use in connection with the established business is justified; and on balance, due to its position and the presence of existing landscape features, its visual impacts would be adequately managed so as not to result in a significant adverse impact upon the setting of the wider special landscape area

Amenity

As set out above, although the site is located in a semi-rural location, two residential properties are located in the vicinity of the site. These are Bwlch y Maen and Bramble Cottage. Both of these are connected with rural enterprises, with Bramble Cottage also operating a commercial livery from the site.

Whilst it is acknowledged that the creation of a formal riding arena presents the addition of a new facility at the site, the agent has confirmed in their supporting statement that it be used to supplement existing facilities for livery clients only. The facility would not be hired out to other users or be available as a training facility for those not liveried on the yard premises. The building would enable training and exercising of the liveried horses to be undertaken in all weather conditions; these activities are presently weather limited, particularly during the winter when ground conditions surrounding the stabling area are unsuitable for riding. This would mean that a premium could be charged for liveries at the site. On occasion the facility would also provide exercise opportunities for horses being stabled at the site under the care of veterinary practice which forms an associated part of the business enterprise. As such, the operation of the riding arena would not significantly increase the amount of activity at the site or result in an intensification of the business. Rather the scheme seeks to provide improved facility to complement and enhance the existing operations.

Whilst it is accepted that residents may experience a degree of disturbance during the construction phase of the development, this would only be for a relatively short period of time. Furthermore, given the combination of the separation distances between the nearest dwelling and proposed building, topography and natural screening it is not considered that occupiers of the neighbouring properties would experience a loss of privacy that would warrant refusal of the application.

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 comments that the site is served off the A468 Caerphilly Road, Nantgarw via an existing private road. Their response expresses some concern with regard to the intensification of use of the existing private access road, however it is commented that there are sufficient passing bays (3 in total) along the private road to ensure vehicles can pass each other.

Their assessment notes that the width of the access track, leading to the site, on its approach to the junction with the A468 is only 4.5m wide. Whilst this is sufficient to cater for two cars to pass, it is not sufficient to enable a car and a large vehicle such as a delivery, emergency and service vehicle to pass each other. Given the type of vehicle trips the proposal will generate, i.e. horse box vehicles and horse box trailers, the proposal could result in an increased potential for vehicular reversing movements at the Junction between the A468 and the private road, which is of concern. Furthermore, it is noted that due to the nature of the vehicle trips the proposal would generate, the proposal may also result in additional slow moving vehicles turning off and onto the A468.

However, consideration must be given to the fact that planning permission was approved for the construction of a dwelling on the site (in connection with the rural enterprise) in 2011 (with an amendment to the house approved in 2013 ref. no.'s 11/1421 and 13/0146). This application was accompanied by a scheme to provide improvements at the junction of the private road and A468, (shown on the drawing produced by Djialli Associates titled 'Proposed Improvements to Existing Access Track & Passing bays', drawing no. '960-05') which were accordingly conditioned as part of the planning approval.

The improvements involve widening the approach to the junction between the private road and the A468 Caerphilly Road to 5.5m and would alleviate the above concerns to an acceptable level. It is acknowledged that these improvements have not yet been implemented; however the matter is currently being pursued by the Council's Planning Enforcement Section. It is on this basis, that their observations conclude that the proposal is reluctantly considered acceptable.

Consideration is also given to the fact that the indoor equestrian arena would be used solely in connection with the existing livery business at the site. As such, any additional trip generation resulting from the proposal would be minimal. As such, their observations conclude by raising no objections to the scheme subject to a suitably worded condition to limit the use of the proposed indoor equestrian area.

Other Matters

Stability

Given the degree of engineering works required to enable the development, consultation was also undertaken with the Council's Structural Engineer. Having considered the scheme, their response confirms that embankment slope has been formed at a reasonable profile, but more importantly, the excavated ground is made

up of a strong clay with good self-supporting qualities. As such, no concerns are raised with regard to the stability of the development.

Drainage

It is noted that in their letters of representation, the adjoining landowners express concern with regard to the fact that they have experienced problems with surface water run-off at their property. In their letters they suggest that water runs off the mountain and land within the applicant's control and discharges onto their property. They express concern that the current scheme will exacerbate this problem.

Having considered the scheme, the Council's Land Drainage Section have raised no objections to the proposal, however on the basis that the applicants have indicated that they intend to use a soak away system to deal with surface run-off generated by the development, they recommend the use of a planning condition, requiring the applicant to provide a full drainage strategy and calculations in connection with the development.

It is noted that in their letters of representation, the adjoining landowners also express concern that conditions associated with the construction of the dwelling, requiring highway improvements at the junction with the A468 have not be complied with. This matter was covered in greater detail in the preceding section of the report and is subject to a separate planning enforcement case. Therefore, the fact that this matter has not yet been resolved would not in itself warrant the refusal of the current application.

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 improved facilities, in connection with the operation of the existing business.

Furthermore, it is considered that the scale and appearance of the physical works are acceptable and via the submission of an management plan, any adverse ecological impacts resulting from the development can be adequately mitigated. The development is also considered acceptable in terms of its impacts upon the residential amenity of neighbouring occupiers and 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 Ref RAC/7900/1 1:2500
- Site plan Ref RAC/7900/2 scale 1:2500
- Equine Arena Ref RAC/7900/3 1:100
- Excavation diagram RAC/7900/4 1:200

and documents received by the Local Planning Authority on 26/02/18 and 02/07/18 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 indoor equestrian arena hereby approved shall be used solely in connection with the existing businesses registered at the site and for the owners' private use. It will not be used for any other third party use, unless agreed otherwise in writing by the Local Planning Authority.

Reason: For the avoidance of doubt as to the extent of the permission and in the interests of highway safety.

3. The development shall be undertaken in accordance with the recommendations of the Ecological Management Plan prepared by Be Ecological Ltd. dated June 2018.

Reason: In the interest nature conservation in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

4. The initial scheme of management works, as required by the Ecological Management Plan prepared by Be Ecological Ltd. dated June 2018, shall be supervised by an appropriately qualified ecologist and all subsequent monitoring shall be undertaken by an appropriately qualified ecologist, to be agreed in advance by the Local Planning Authority.

Reason: In the interest nature conservation in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

5. In accordance with the Ecological Management Plan, for the period of the plan, a short annual monitoring report shall be submitted to the Local Planning Authority at the end of each summer period. The report shall summarise the works undertaken in that year, the monitoring results and any suggested management arrangements. The Local Planning Authority shall provide a response to the monitoring report within 28 days of its submission.

Reason: In the interest nature conservation in accordance with Policies

AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

6. The erection of the riding arena shall not commence until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The riding arena shall not be brought into beneficial use until the approved drainage works have been completed in accordance with the approved plans.

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

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