

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
17/0739/FULL 20.11.2017	Mr H Al-Khafaji C/O Horizon Lettings Catherine Street Cathays Cardiff	Provide a rectangular (30 x 50 metre) fenced horse-riding menage in the outdoor arena to the west of Ruperra Castle, with a 1200mm wide pathway all around the menage Ruperra Castle Estate Rudry Road To Craig Llan Rudry

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Ruperra Castle, Rudry, Caerphilly.

Site description: The proposal site lies within the grounds of Ruperra Castle, which is a scheduled ancient monument, a grade II* listed building and within a site where there are other (Grade II) listed buildings and curtilage buildings, this site being delineated by a random rubble stone boundary wall. The site also lies within the Ruperra Castle Conservation Area designated on 29/09/1998, as well as being included on the 2000 Cadw and ICOMOS UK Register of Landscapes, Parks and Gardens of Special Historic interest in Wales (Part 1: Parks and Gardens) as Grade II. The SSSI (date of notification 30 March 2011) lies just outside of and to the North and East of the application site's boundary. Very little of the original historic landscape character has survived unaffected and unaltered. Over the years the grounds have overgrown with wild vegetation and have been rendered unmanageable with limited significance. The landscape of the specific area within which the 'manege' has been proposed is dotted with a few low quality trees, some of which require improvement works, as identified in the Arboricultural Survey and Tree Survey submitted by Graham Chesterton Arboriculture. Whilst all trees are protected by virtue of being within a conservation area, there are currently no TPOs identified on the site.

The application is supported by a BS5837 2012 Tree Survey, Arboricultural Report prepared by Graham Chesterton Arboriculture, Design and Access Statement prepared by Davies Sutton Architects, Preliminary Ecological Appraisal and protected Species Survey prepared by Wildwood Ecology. The applicant has subsequently submitted a Biodiversity Method Statement and Management Plan prepared by Wildwood Ecology to address the ecological concerns raised by NRW and this Council's Ecologist,

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Development: Full planning consent is sought in respect of a 30 x 50m Manege/Outdoor Riding Area or horse schooling and exercise area as well as a 1200mm wide gold flint stone pathway all around its perimeter.

Materials: The manege will be finished with a silica sand surfaced area. It will have a natural, unfinished air-dried oak, timber post and rail fencing around it of 1.395m in height, with a 300mm deep timber kickboard and single swing gate.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2005 TO PRESENT

P/02/0774 - Refurbish existing building and construct new houses and access road. Withdrawn 05.07.2006.

P/02/0773 - Refurbish castle, outbuildings and ancillary works for residential purposes and the construction of eighteen new dwellings with access road and change of use of the Generator House to a bat roost. Refused 24.01.2008.

POLICY

Local Development Plan: Outside of the settlement boundary, within the Ruperra Castle and Grounds, Draethen Site of Importance for Nature Conservation (SINC) identified by Policy NH3.179, within the Rudry Visually Important Local Landscape identified by Policy NH2.4 and within the Ruperra Castle and Park Rudry Conservation Area.

Policies

Local Development Plan:

Strategic Policies

Policy SP3- Development Strategy in the Southern Connections Corridor, Policy SP10 - Conservation of Natural Heritage,

Countywide Policies

CW2 - Amenity, CW3 - Design Considerations (Highways), CW4 - National Heritage Protection, CW6 - Trees, woodlands and hedgerow Protection, CW15 - General locational constraints,

National Policy:

Para 6.5.9 of Planning Policy Wales Edition 9 Nov 2016 Chapter 6 The Historic Environment states that 'LPAs are required to consult with Welsh Ministers on any development proposals that is likely to affect the site of a scheduled monument, or where development is likely to be visible from a scheduled monument and meets certain criteria.'

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Para 6,6,5 states that 'where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ'.

Technical Advice Note 5 (2009) Nature Conservation and Planning.

Technical Advice Note 24: The Historic Environment (May 2017) and in particular paras. 1.26, 1.27, 1.28, 1.30 - 1.34 'Nature Conservation and the Historic Environment.'

Technical Advice Note 12 - Design.

Conservation Principles for the Sustainable Management of the Historic Environment (Cadw 2011)

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not an issue in respect of this planning application.

CONSULTATION

Countryside And Landscape Services - Has no objection subject to conditions.

Natural Resources Wales - Recommend that planning permission should only be granted if conditions requiring a method statement to address the sensitive clearance of vegetation required to facilitate the development is submitted and agreed with the Local Planning Authority; no lighting is to be erected, and the mitigation for tree loss as set out in the submitted Arboricultural Report prepared by Graham Chesterton and the Biodiversity Method Statement and Management Plan prepared by Wildwood Ecology shall be implemented.

Senior Arboricultural Officer (Trees) - Has no objection to the development but recommends a condition is attached to any consent requiring a detailed Arboricultural Method Statement.

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Rights Of Way Officer - The route of footpath 1 in the Parish of Llanfedw is shown crossing the application site, and abuts the proposed menage. No works are to affect the Public Right of Way. The definitive Map is conclusive evidence in law of the existence of a Public Right of Way.

There is evidence recorded that the path follows a route to the west of the property wall. The applicant is advised to contact this Council's Legal Department to amend the line of the Public Right of Way because a Legal Modification Order will be required.

CADW - Consider the proposed development will not cause any damage to the setting of scheduled monument Ruperra Castle (GM379) and only a minor adverse impact on the Ruperra Park and Garden. They have no objections to the impact of the proposed development on the scheduled monument or the registered park and garden.

Conservation & Design Officer - The proposed changes will be complementary to the rural nature of the site as well as ancillary and within close proximity to the existing grade II listed stables.

The proposals are considered to be sympathetic and in keeping with the particular character and appearance of the Ruperra Castle and Park Conservation Area, indeed could be considered to enhance it. The scheduled monument and surrounding listed buildings would not be detrimentally affected in any way by these proposals. The effect of the proposed development on the registered park or garden or its setting is also a material consideration in the determining of this application, and it is not considered that it would be harmed in any way.

Natural Resources Wales - Have significant concerns with the proposed development and planning permission should only be granted subject to a requirement to provide a Tree Survey for Bats. If this is provided then they request conditions are attached to any consent requiring a lighting scheme to ensure no lighting is to be erected that would impact on the SSSI and European Protected Species. Also a Method Statement addressing the sensitive clearance of vegetation required to facilitate the development to be agreed with the local planning authority and finally mitigation for tree loss should be carried out in accordance with Section 4.7 of the Arboricultural Report.

Head Of Public Protection - No adverse comments.

Transportation Engineering Manager - No objection subject to a condition being attached to any consent that the menage shall be limited to that ancillary and incidental to the domestic use within the site, and for no commercial purposes.

Senior Engineer (Land Drainage) - Request a condition is attached to any consent requiring a scheme of land and surface water drainage to be submitted and agreed by the Local Planning Authority. Advice is provided to be conveyed to the developer.

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ADVERTISEMENT

Extent of advertisement: The application was advertised in the press, by means of a site notice and two neighbour letters.

Response: One from the Ruperra Castle Preservation Trust.

Summary of observations: Ruperra Castle Preservation Trust - 1. Are concerned that the application should be refused on the grounds that it is premature as any development could prejudice future plans for the preservation and restoration of the SAM and Grade II* listed Ruperra Castle.

2. Queries that the Trust has been consulted by the applicant as stated in the DAS.

3. Queries whether horses are to be stabled overnight and if this would necessitate someone to live on site.

4. Queries whether this application is the first in a line of planning applications that would otherwise as a whole be subject to EIA Regulations.

5. Requests information referred to in the DAS

6. Queries suitability of access to serve development.

concerned that the site will alter views of the castle and will take up the best location for a site compound for work to be carried out on the south Porch and subsequent work to preserve the integrity of the castle walls.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?

None.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? There are a number of European protected species associated with this site.

The application is accompanied by a Biodiversity Method Statement and Management Plan, prepared by Wildwood Ecology and dated November 2017. These documents have been considered by this Council's Ecologist along with a previously submitted draft preliminary Ecological Appraisal.

General Comments

The application boundary relates to the red line boundary shown on the submitted location plan. Further clearance is proposed to facilitate the manege development that lies outside the planning application boundary, and mitigation measures and

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replacement landscape planting also lies outside of the planning application boundary but within the blue line ownership boundary of the applicant. The application boundary and area proposed for additional clearance and mitigation planting relating to the development, is identified as area 8 as shown on Figure 4 and Table 2 of the submitted Biodiversity Method Statement and management plan. The biodiversity method statement and management also shows proposals for other clearance works within the blue line boundary, but this work is unrelated to the planning application and as a result, other than area 8 referred to above, has not been considered further as part of this application.

The application lies within Ruperra Castle and Grounds Site of Importance for Nature Conservation (SINC) (Policy no NH3.179 in the Local Development Plan), designated for its Greater and Lesser Horseshoe Bats and for the presence of Great Crested Newts. The planning application boundary lies adjacent to Ruperra Castle and Woodlands Site of Special Scientific Interest (SSSI) designated for its greater horseshoe bat nursery roost, one of only 5 nursery roosts in Wales.

The application site supports several mature trees and scrub, although part of the site had been cleared of scrub prior to the submission of the application. The proposal will require the removal of three trees within the footprint of the manege and the removal of an additional 3 trees immediately adjacent to the manege, together with the removal of limbs from a further 8 trees on the west and southern edges of the manege. There will be a requirement to remove remaining above ground scrub from the application boundary and adjacent areas which together are identified as Area 8 on Figure 4 and Table 2 of the submitted Biodiversity Method Statement.

Bats

The preliminary survey identified several trees within and adjacent to the proposal as having potential to support bats. A tree climbing survey on the 7th November 2017 confirmed that two trees on the edge of the application had moderate potential to support bats although no protected bats were found during the survey. These trees are both standing deadwood, and the Biodiversity Method statement (Table 2 Area 8) proposes that these trees will be felled following an aerial bat survey and felled under licenced ecological supervision. Although no bats were observed during the aerial inspection of the trees for bats, the use of these tree by bats for roosting cannot be ruled out, and as two potential roost sites will be lost, compensation measures for the loss of tree roosting opportunities for bats needs to be provided (for example bat boxes) at suitable locations in adjacent mature trees. This may be addressed by attaching a condition to any consent.

The preliminary survey indicated that the trees within and adjacent to the manege are used for commuting and foraging by several species of bat including common and

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soprano pipistrelle and brown long-eared bat. The proposals include the planting of three heavy standard/semi mature trees between the manege and the boundary wall, and to provide a new hazel hedgerow between the new trees to improve woodland connectivity along the western edge of the site. This will in time improve adequate mitigation for the loss of trees for foraging and commuting bats from in and around the application boundary.

The applicant has indicated that there will be no lighting installed as part of the application. In order to ensure that the remaining vegetation provides a dark route for bats, a lighting condition should be placed on any consent restricting the use of light in and around the manege.

As there are no confirmed roosts that will be lost or affected by the development and mitigation has been proposed to ensure commuting and foraging bats are not adversely affected, a bat derogation licence is unlikely to be required. The three European tests for impact on bats do not therefore need to be applied to this application.

Great Crested Newts

Great crested newts are known to breed in an ornamental pond that lies 70m to the east of the proposed manege. There is therefore potential for Great Crested Newts to use the terrestrial habitat within the application site. Much of the site has already been cleared of vegetation, however remaining scrub and woodland is potentially suitable terrestrial habitat for this species. The Biodiversity Method Statement proposes to check the site for great crested newts prior to scrub removal, using brush cutter and hand tools, with above ground material being removed in winter, and below ground material such as root balls removed after May. However further details on how great crested newts are to be safeguarded during different stages of the manege development has not been fully set out, and a detailed method statement for area 8 and mitigation for loss of great crested newt terrestrial habitat needs to be provided. As Area 8 represents only a small part of the terrestrial habitat of the great crested newt, the impact on this species is likely to be low and the method statement can therefore be provided by condition. This has also been requested by Natural Resources Wales.

Dormice

With regards to Dormice, the Preliminary Ecological Appraisal identified the potential for dormice to be using the site, and although no dormouse survey has been submitted with the application, the Biodiversity Method Statement states that a dormouse survey has been undertaken, but no evidence of dormice was found. Further details of the dormouse survey has been requested for our records. Although no dormice were recorded, the habitat is suitable and the presence of dormice on site cannot be ruled out. The applicant has therefore included measures for the sensitive clearance of remaining vegetation within Area 8 of Figure 4 and Table 2 and provision of new

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connecting habitat in the form of a hazel hedge and standard trees. The Biodiversity Method Statement proposes to check the site for dormice, prior to scrub removal, using brush cutter and hand tools, with above ground material being removed in winter, and below ground material such as root balls removed after May. However further details on how dormice are to be safeguarded during different stages of the manege development has not been fully set out, and a detailed method statement for area 8 and mitigation for loss of dormouse habitat needs to be provided. As Area 8 represents only a small part of the habitat for dormouse and other suitable habitat is present nearby, the impact on this species is likely to be low and the method statement can therefore be provided by condition. This has also been requested by Natural Resources Wales.

With the exception of commuting and foraging bats, no evidence of European Protected Species has been confirmed within the application site. As a result derogation licences are unlikely to be required, unless bats, dormice or great crested newts are subsequently found during the course of the development. The three European tests do not therefore need to be applied to this application, and with the provision of additional details provided by condition, the impact on these species is likely to be minimal.

Other Protected Species - Reptiles, other amphibians and Nesting Birds

There is potential for reptiles and other amphibians to be present on the application site and immediate adjoining area. Measures to safeguard these species are likely to be similar to those measures required for Great Crested Newts. No additional mitigation is therefore required for these species. With regards to nesting birds, the clearance of scrub outside of the bird nesting season as proposed for Dormice will ensure that nesting birds are not adversely affected. No additional measures are therefore required for these species.

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies: The application has been considered in accordance with national policy and guidance, local plan policy and supplementary planning guidance.

The proposed manege is located some 30m west of the scheduled monument Ruperra Castle. It will be some 30m x 50m surrounded by a 1200mm wide gravel pathway and surfaced with equestrian silica sand. It will be fenced with natural unfinished air-dried oak fencing which will be left unfinished to silver back naturally due to weathering, which will make it less conspicuous against the monument in the background.

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The siting and layout of the proposed 'open to the sky' manege or horse schooling and exercise area have been carefully considered with regard to its relationship with the existing buildings and structures, including those of the scheduled monument, conservation area, historic park and garden and where they sit in relation to key sight-lines. Section 66 of the Listed Building and Conservation Areas Act 1990 requires special regard to be had to the desirability of preserving the listed building or its setting or any features of architectural or historic interest which it possesses. Given that equestrian activities were historically carried out in this area, it is considered that the proposed development will not cause any damage to the setting of the scheduled monument, nor to any features or historic interest.

The proposed location to the west of the castle, respects historic routes through the registered park and garden and will not interrupt views across the site or across the parkland from the castle.

The applicant has confirmed in the Biodiversity Method Statement and Management Plan submitted that the development proposes "to remove accumulations of bramble and vegetation across the site. There are sensitive areas present which will not be managed. These are with respect to the greater horseshoe bat roost within the Generator Block; bat commuting routes along the boundaries and vegetation to the east of the pond for the benefit of great crested newts (as per earlier agreed method statement). The works will be completed as according to this statement and following acceptance by NRW.

The applicant has confirmed the manege is for private use only and a supplementary facility to the existing stabling on site. The application does not alter any existing movement or circulation to and from the site. No new lighting is proposed as part of the application.

The application is for minor development in association with one of the existing listed buildings (stables) and the scale of the development will have a negligible impact on the settings of other important heritage assets on the site, i.e. the listed buildings and scheduled monument. It can only add to the rural character of the Ruperra estate. Section 72 of the Listed Building and Conservation Area Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposed will enhance the conservation area by introducing an equestrian activity closely associated with the listed buildings.

Comments from Consultees: The concerns of the statutory consultees referred to above may be addressed by attaching appropriate conditions to any consent.

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Comments from public: No comments from the public but the Ruperra Conservation Trust have raised concerns and queries as listed above and they are considered in turn below: -

1. Are concerned that the application should be refused on the grounds that it is premature as any development could prejudice future plans for the preservation and restoration of the SAM and Grade II* listed Ruperra Castle. - The merits of the planning application have been considered as set out in the report above and the development is considered acceptable in planning terms. Any future planning applications in respect of Ruperra Castle will be also be considered on their merits and in accordance with national and local plan policies.

2. States that the Trust has not been consulted by the applicant as stated in the DAS under paragraph 2.6 Opportunities - The local planning authority cannot comment on this other than to indicate that the wording in the DAS suggests there is an opportunity to work with others including the Ruperra Castle Preservation Trust during the course of any development to secure the long term future of the heritage assets that comprise the Ruperra Castle and its associated buildings, historic garden and parkland.

3. Queries whether horses are to be stabled overnight and if this would necessitate someone to live on site - It is fact that there are existing stables on site and a residential use currently exists in the Laundry building. The applicant has confirmed this is a private facility and the application does not propose a commercial application. As such the stabling arrangement is to be maintained as existing, including the stabling of horses overnight.

4. Queries whether this application is the first in a line of planning applications that would otherwise as a whole be subject to EIA Regulations.- The proposed development is minor and is neither Schedule 1 or Schedule 2 development requiring the submission of an Environmental Impact Assessment in accordance with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.

5. Requests information referred to in the DAS. The Trust can contact the developer directly in this respect but the developer has been requested to provide a copy of the information referred to be placed on file for completeness.

6. Queries suitability of access to serve development - The proposed development does not alter any existing movement or circulation to or from the site. This Council's Group Manager (Transportation and Highways) has raised no objection to the development.

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7. Concerned that the site will alter views of the castle and will take up the best location for a site compound for work to be carried out on the south Porch and subsequent work to preserve the integrity of the castle walls. - It is considered that the proposed development is acceptable as discussed above. Any suggested alternative use of the site is a matter for the landowner and where required subject to the necessary planning consents.

Other material considerations:

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) Prior to the commencement of any site/vegetation clearance, a detailed method statement setting out measures to protect European and UK protected species within Area 8 on Figure 4 of the submitted Biodiversity Method Statement and Management Plan prepared by Wildwood Ecology dated November 201, shall be prepared and submitted to the Local Planning Authority for agreement. The development shall be carried out in accordance with the agreed details.
REASON: to ensure adequate protection to protected species.
- 03) No artificial lighting shall be erected in and around the manege unless otherwise agreed in writing with the Local Planning Authority
REASON: To ensure adequate protection to protected species

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- 04) Where any species listed under the Conservation of Habitats and Species Regulations 2010 and its amendment 2012 is present on the site (or other identified part) in respect of which this permission is hereby granted and a Natural Resources Wales Protected Species licence is required, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof (including the licence method statement) has been produced to the local planning authority.
REASON: to ensure adequate protection to protected species
- 05) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts in trees adjacent to the manege shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the removal of potential bat roosts.
REASON: to ensure adequate protection to protected species
- 06) Works shall be carried out in accordance with the mitigation for tree loss as set out in Section 4.7 of the submitted Arboricultural Report titled "BS5837:2012 Development Site Tree Survey and Report for the Construction of a Manege at Ruperra Castle, Lower Machen Caerphilly, NP10 8GG" prepared by Graham Chesterton and in Sections 3.30 -3.32 and Table 3 of the submitted "Biodiversity Method Statement and Management Plan" prepared by Wildwood Ecology Ltd, dated November 2017.
REASON: To ensure adequate protection to protected species

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: policy CW4.

The applicant is advised of the comments of Senior Engineer (Land Drainage), Public Rights of Way, Natural Resources Wales.

