

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2013-2014**

**DEVELOPMENT CONTROL  
COMMITTEE  
16 JANUARY 2014**

**REPORT OF: SERVICE  
DIRECTOR PLANNING**

<b>Part 1</b>	<b>Agenda Item No. 6</b>
<b>APPLICATIONS RECOMMENDED FOR REFUSAL</b>	

**1. PURPOSE OF THE REPORT**

Members are asked to determine the planning applications outlined in Appendix 1.

**2. RECOMMENDATION**

To refuse the applications subject to the reasons outlined in Appendix 1.

1. Application No. 13/0719 - Listed Building Consent for full demolition of Former Bingo Hall, Porth, Former Bingo Hall, Hannah Street.
2. Application No. 13/0988 - Single family detached dwelling, Ty Berw Cottage, Hafod Lane, Pantygraigwen, Pontypridd.

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## APPLICATIONS RECOMMENDED FOR REFUSAL

**APPLICATION NO:** 13/0719/22 (GW)  
**APPLICANT:** Citi Group Estates Ltd  
**DEVELOPMENT:** Listed Building Consent for full demolition of Former Bingo Hall, Porth  
**LOCATION:** FORMER BINGO HALL, HANNAH STREET, PORTH, CF39 9RA  
**DATE REGISTERED:** 16/07/2013  
**ELECTORAL DIVISION:** Porth

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### RECOMMENDATION: Refuse

#### REASONS:

The building is listed for its special interest as a well preserved inter-war cinema. The applicant has not demonstrated that all reasonable efforts have been made to sustain an existing use or find a viable new use or buyer for the property, and it fails to comply with government guidance, regarding the demolition of listed buildings.

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### APPLICATION DETAILS

Listed Building Consent is sought for the demolition of the former bingo hall on Hannah Street in Porth. The building is grade II listed. It is detailed the demolition is to enable a future re-development of the site. However, no specific details are provided.

The application is accompanied by the following:

- 1) A Design and Access Statement – This states the previous use ceased in 2007 and the building has fallen into a poor state of repair. It has also become a target for vandalism and the state of the building is deteriorating.

With regard its qualities; it states the exterior walls provide little architectural design and are noted in a poor state of repair. Many of the windows have been replaced with later windows not sensitive to the aesthetic. The front façade is noted as the only elevation which has some architectural heritage. The roofs have failed, which has created significant dampness and the building is not currently habitable for any use. Internally, it is noted the foyer and stairs are the only spaces to contain internal features of merit. Investigations indicate there is minimal amount of the cinema ceiling left, behind the current main hall ceiling and no detailing is left to the perimeter of the main hall.

It states the demolition of the site will clear the application of the existing buildings in order for a more viable development to come forward. It would result in the loss of a building which provides little enhancement to the streetscape.

An assessment of the significance of the building is provided drawn on guidance from Cadw's Conservation principles. This concludes the building is not of national importance and has little local townscape value and its artistic and historical values are limited to the front elevation and small parts of the interior. It states the building has some historical community value, but the building is in a poor state and the removal will be seen to have a positive impact leading to regeneration.

The statement concludes that the information provided, such as its vacancy, poor condition, maintenance costs and comparable examples of similar buildings in Rhondda Cynon Taf (detailed below), make the costs of maintenance on its own unviable and that conversion to another use would not be possible. It also clarifies the applicant considers the building of low heritage significance. Furthermore it states a conversion would not comply with Disability Discrimination Act (DDA) regulations and if the building is not removed for a more modern development that it will remain vacant and deteriorate further.

2) A letter from emanuel jones chartered surveyors. This states the building has been marketed by them and has been vacant for a number of years. It also states it has been marketed in the past by a number of other agents including Brinsons. It states retail demand is poor due to its configuration. Only some interest has been shown by retailers, but on a new build basis.

3) Sales and lease details for various buildings in Rhondda Cynon Taf, including £35,000 per annum for the Former Stardust bingo Hall in Pontypridd, Freehold sale details of former Bingo Hall at Canon Street, in Aberdare and £149,500 sale details of the Savoy Bingo Hall in Tonyrefail.

4) A schedule of required maintenance costs provided by Bruton Knowles. This totals to £287,500. The Design and Access statement details this shows retention of the building is unviable.

5) A number of photos submitted detailing the outside and interior. Some show damage to the inside of the building.

## **SITE APPRAISAL**

The building is situated in the centre of town on the prominent junction of Hannah Street and Pontypridd Road. It is grade II listed for its special interest as a well-preserved example of an inter-war cinema. From the buildings listing description; it was built between 1919 and 1926, possibly under construction in 1919, and a

successor to the building retaining terracotta frontage in Pontypridd Road opposite. The former cinema was converted to a bingo hall in the 1970s.

The main Hannah Street frontage is painted and rendered with some classical detailing. The Pontypridd Road frontage has a part of rendered return with some features. The rest is coursed rubble with brick surrounds to long segmental arched blocked windows. Inside, the foyer has heavily moulded plaster cornice, elliptical arch mouldings with keystone, lion's head capitals and decorative wall panels. The wide stairs have decorative metal balusters and heavily moulded wooden handrail; wall mouldings for lights. The main interior space retains some architectural features and the double swing doors. The walls and ceiling of the main interior space has been relined, however the listing states the original plasterwork is reported to survive beneath. Notwithstanding this, the reveals carried out by the applicant does not indicate this. The balcony is supported on slender cast iron piers with Ionic capitals. The seats have been removed downstairs, but are still in situ in the raked balcony. Another area of note in the listing is the rear projection room with a metal fire door.

## **PLANNING HISTORY**

98/6301	Bingo Hall, Hannah Street, Porth	Listed Building Consent for Wrought Iron Railings	Refused 12/02/1999
96/0192	Bingo Hall, Hannah Street, Porth	Provision of kitchen and stores	Not Development

## **PUBLICITY**

The application was advertised via direct neighbour notification and site notice. No correspondence has been received.

## **CONSULTATION**

Council for British Archaeology - strongly objects. The building has special interest. Its present condition cannot be used as justification for demolition and there is a presumption in favour of retention in Planning Policy Wales. It has potential to again be a focus for the community.

Countryside, Landscape and Ecology - a protected species report is required.

Glamorgan Gwent Archaeological Trust - strongly objects. Contrary to the applicant's opinion the building has significant historical merit. The applicant doesn't provide justification in line with government policy and guidance.

Natural Resources Wales - no adverse comments.

Public Health and Protection - no objection subject to conditions on demolition, hours of operation, noise, dust, waste and past land use.

Royal Commission on the Ancient and Historic Monuments of Wales - the demolition would be a loss to the Porth townscape and small number of surviving pre-war cinemas in South Wales. If consent is granted a photographic record would be required.

The Cinema Theatre Association - strongly objects as they consider the building has architectural importance to the area.

The Theatres Trust - objects to demolition as the building is a Grade II listed heritage asset. It is a valuable representative of a building of its time and a local landmark within Porth Town Centre. Its exterior makes a positive contribution to the street scene. The building has potential as a cultural and community facility and should be restored. The application does not provide any long term plan for the site or substantial evidence that the building cannot be reused and conflicts with Welsh planning policy.

Structural Engineer - has advised that current Building Regulations could be complicated in the conversion of the building. The condition report submitted is however not detailed. A site visit has been made to inspect the roof and parapet wall. At the time of the visit this structure is currently not a danger to the public.

## POLICY CONTEXT

### Rhondda Cynon Taf Local Development Plan

The site is inside the settlement boundary and is within Porth retail zone.

**Policy CS1** - sets out criteria for achieving strong sustainable communities including, promoting residential development in locations which support the role of principal towns and settlements and provide high quality, affordable accommodation that promotes diversity in the residential market.

**Policy AW5** - sets out criteria for new development in relation to amenity.

**Policy AW7** states development proposals which impact upon sites of architectural and / or historical merit will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character and appearance of the site.

**Policy AW8** sets out criteria for the protection and enhancement of the natural environment.

**Policy AW10** protects the environment from pollution

**Policy NSA18** identifies Porth as a key retail settlement

### 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 Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 6 (Conserving the Historic Environment) and Chapter 7 (Economic Development) 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 12: Design;

**Supplementary Planning Guidance - The Historic Built Environment (2011)** provides detailed guidance regarding land and buildings within the historic built environment including, listed buildings and conservation areas.

**Welsh Office Circular 61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas.**

Provides guidance on the demolition of listed buildings and the tests for Local Authorities to assess applications against.

## **REASONS FOR REACHING THE RECOMMENDATION**

Section 16(2) Planning (Listed Buildings and Conservation Areas) Act 1990 state that in considering whether to grant Listed Building Consent for any works the Local Planning Authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### **Main Issues:**

Listed Building Consent is sought for the demolition of the former bingo hall in Porth, that was listed for its special interest as a well preserved example of an inter-war cinema. Policy and guidance on dealing with such applications is contained within Policy AW7 of the Local Development Plan, Planning Policy Wales and Welsh Office Circular 61/96.

### **Principle of the proposed development**

The advice contained in Planning Policy Wales advises that there will very occasionally be cases where demolition of historic buildings is unavoidable and Circular 61/96 outlines specific guidance in relation to demolition of listed buildings. The principle of demolition of this particular building is therefore dependant on the assessment of the proposal against this guidance.

The guidance details, convincing evidence must be demonstrated that all reasonable efforts have been made to sustain existing uses or find viable new uses, and that these have failed; that preservation in some form of charitable or community ownership is not possible or suitable; or that development would produce substantial benefits for the community which would decisively outweigh the loss. It is stated consent should not be given simply because redevelopment is economically more viable to the developer than repair and re-use of the historic building.

There are several tests which should be applied and these are summarised and assessed below.

(i) The building's contribution to local character and its current condition; the cost of repair in relation to its importance and the value derived from continued use.

As shown in the consultation responses received, there are a number of organisations which consider the building has significant historical character and should not be demolished. The applicant however considers the building is not of significant national merit and has only limited local merit. However its significance is also recognised by its listing.

The applicant details the building is in poor condition and has been subject to theft and vandalism. Whilst its condition is appreciated a full structural survey has not been submitted and the applicant indicates in the Design and Access Statement that no maintenance has taken place since they have bought it in 2007. The lack of maintenance could possibly have led to some of the deterioration to the building; for example the failure of the roofs and damp inside. It is considered the buildings condition on its own, is therefore not of such significant weight to approve demolition.

It is also detailed the costs of maintenance and conversion are not viable. The cost of maintenance detailed in the application (£287,500) is relatively significant. These figures detailed by the applicant could actually be higher. A survey carried out by the Council's Corporate Estates section detail the roof is not repairable and needs replacing. The costs for this are detailed at £275,000 with a contingency of £25,000. It is also detailed that a provisional sum of £20,000 would need to be set aside for the treatment of dry rot. There was concern with regard the condition of the parapet wall requiring urgent action and further costs, however the Council's structural engineer has detailed this would not be currently required.

Furthermore, the Circular advises that in cases where it is clear that a building has been deliberately neglected, less weight should be given to the cost of repair.

Where it is acknowledged that the cost of carrying out repairs to the building that would facilitate re-use are relatively high, it is not considered that this in itself justifies the proposed demolition.

The sales and lease details provided (for other similar buildings in Rhondda Cynon Taf) show similar buildings have relatively low sale and lease values compared to the maintenance costs provided. However no details of the cost or value of the former bingo hall building have been provided. Whilst these relatively low values are appreciated, no convincing evidence has been provided in terms of the value of the building, where the maintenance schedule came from, when it was taken and relationship to any structural survey. No information has been submitted detailing whether any grants etc have been sought which could help with maintenance. Indeed the lack of maintenance over the previous years could have led to the need for further maintenance and costs that could have been avoided. Furthermore, no costs and figures have been provided of conversion or re-use and the types of values that could be obtained once the building has been converted.

#### (ii) Efforts made to retain the building's use or an alternative use

Clearly the building does not have an existing use and has been vacant for some time. The applicant has provided a letter detailing the premise has been marketed for a number of years with only interest for demolition and re-build from a couple of large retailers. No information has been provided, for example: where the property has been marketed, for how long and for what price. In addition, no evidence has been submitted to suggest that any direct marketing has taken place with relevant organisations or companies that could use or help find a user for the building. For example, The Theatres Trust state in their comments they take a pro-active role in encouraging reuse of existing theatre/cinema type buildings. Furthermore and in relation to a community type use and the examples provided by the applicant of similar buildings in Rhondda Cynon Taf, the Savoy Theatre in Tonyrefail is an example of success where a community use has been established in a similar type of building.

The applicant's agent had contacted the Local Planning Authority, prior to submitting the current application. This was to request pre-application advice in terms of converting the building to a new use. No detailed or clear plans were submitted however a new use was not discounted and it was suggested a single commercial user (pub or restaurant) or a mixed use such as part residential and part retail conversion could be appropriate. No marketing evidence has been provided detailing whether these types of end users have been contacted.

#### (iii) The merits of the alternative proposal

Members should note that in considering the consent for demolition Government guidance suggests an alternative scheme should be submitted in conjunction with an application for demolition. No scheme has been submitted. The applicant states however the site would be subject to future re-development. Members will

appreciate, that in such a prime location it would no doubt be developed, however this could not be guaranteed. Furthermore it is not considered the removal of the building is so desirable that it would itself improve the character of the area and aid regeneration. Even in its current condition the building is an intrinsic component of the historic and architectural qualities of the area. In addition, as suggested in the consultation responses it also one of the last remaining pre-war cinemas in the wider South Wales area and as such adds to its importance.

### **Summing up the tests**

In summing up the above tests; the consultation responses and the buildings listing suggest it to be a building of significant historical and architectural character for the area. The information provided by the applicant, in relation to the tests, doesn't provide sufficient evidence to recommend approval for demolition. It could be argued the maintenance costs now required, particularly to the roof to stop further deterioration of the building, are a direct result of a lack of maintenance since the applicant has owned the property. There is lack of detail with regard costs and values from conversion or re-use to retain the building. In addition the efforts made to find an alternative user is considered limited and does not add weight to the buildings demolition. There is also a lack of an acceptable alternative proposal and furthermore it has not been justified that the removal of the building is so desirable that it would add to a community benefit or to the character of the area. Therefore it is considered the application would not meet the relevant tests, and the principle of demolition is not acceptable. Furthermore the loss of this building would fail to comply with Policy AW7 as the proposed demolition would fail to preserve or enhance the character and appearance of the site.

### **Protected species**

With regard to protected species the applicant has not submitted a protected species survey with the application. The Council's Ecologist state a protected species survey (in particular bats) would be required. As the application is being recommended for refusal, it would be currently onerous on the applicant to provide a bat survey. Therefore insufficient information has been submitted to assess the impact of the demolition of the building on protected species.

### **Environmental Impact Assessment (E.I.A.)**

Demolition projects which have a significant impact on the environment may require an (E.I.A.). Such developments can come under Schedule 2.10(b) (urban development projects) to the Town and Country Planning (Environmental Impact Assessment) Regulations 1999. However taking into account the size of the site it is not considered an E.I.A. would be required.

### **Other Issues:**

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

### **Need for remedial enforcement action to repair building.**

The Local Authority normally only has powers to control proposed changes and demolition of Listed Buildings via Listed Building Consent applications. Repairs can however be carried out as part of an Urgent Works Notice if the listed building is in poor condition. There would however be a financial risk to the Council if repayment for the works is successfully appealed against by the owner. From the information provided from Corporate Estates the roof and associated dry rot works would likely be in the region of £295,000 - £320,000. In addition, the Council's Structural Engineer states there are no current urgent works required in terms of public safety, that could be secured under the dangerous building legislation.

Members are advised, whilst there is no statutory requirement to actively maintain listed buildings, this should be the owner's responsibility. Notwithstanding this, the Council could require further works to be carried out if the building became a dangerous structure.

### **Conclusion**

In conclusion it is apparent by its listing that the former cinema building is of significance to the area in historic and architectural terms. The guidance on dealing with such applications suggests there must be convincing evidence to justify demolition. As detailed above it is considered the applicant's evidence does not justify the buildings demolition in terms of the character of the building and the relevant tests. Whilst it is recognised the building is vacant and could deteriorate further and the cost of repair is high; the evidence provided does not suggest that an alternative user or viable alternative use for the building has been fully explored. Furthermore its removal and lack of any alternative proposal does not support demolition in terms of both the impact on the character of the area and whether any re-development of the site would result in a significant community benefit. Therefore taking all the above into account, it is recommended that Listed Building Consent for demolition be refused.

### **RECOMMENDATION: Refuse**

1. The proposal fails to comply with government guidance contained in Welsh Office Circular 61/96 in relation to the demolition of listed buildings and is contrary to policy AW7 of the Rhondda Cynon Taf Local Development Plan.
  2. Insufficient information has been submitted to enable the Local Planning Authority to assess the impact of the demolition on protected species. As such the application is contrary to policy AW8 of the Rhondda Cynon Taf Local Development Plan.
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**APPLICATION NO:** 13/0988/13 (PB)  
**APPLICANT:** Mr Mark Tambini  
**DEVELOPMENT:** Single family detached dwelling  
**LOCATION:** TY BERW COTTAGE, HAFOD LANE,  
PANTYGRAIGWEN, PONTYPRIDD, CF37 2PF  
**DATE REGISTERED:** 30/09/2013  
**ELECTORAL DIVISION:** Rhondda

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**RECOMMENDATION:** Refuse

**REASONS**

The proposal is for a single dwelling on land that lies in the countryside beyond settlement limits. No special justification is put forward, such as need for the dwelling to support a sustainable rural enterprise, therefore the proposal squarely conflicts with local and national planning policies which seek to resist sporadic, unjustified, unsustainable housing development in the countryside. Moreover, in the absence of any overriding justification, the proposal would be harmful to the visual qualities of the Llwyncelyn Slopes Special Landscape Area at this location, and detrimental to highway safety due to the substandard access.

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**APPLICATION DETAILS**

Outline planning permission is sought for a detached dwelling on land to the south east of Ty Berw, Hafod Lane, Pantygrraigwen, Pontypridd. The proposed dwelling would be located approximately 35m to the south east of the existing property, Ty Berw with the indicative access to the dwelling being shown as off the existing lane access to that property.

The application is in outline form with all matters reserved for future consideration. The applicant has submitted the following measurements for the minimum and maximum dimensions of the dwelling and these are as follows:

	Minimum	Maximum
Length	13.5m	16m
Width	8m	8m
Height	6.5m	6.5m
Footprint	108 sq.m	128 sq.m

An indicative site plan shows a detached dwelling with attached garage, a parking area and a large residential curtilage of approximately 40m by 35m (1400sq.m).

The application is accompanied by a Design and Access Statement which details the applicant's aspirations to build a family home that would be in keeping with the local environment in both style and construction methods. Although no detailed designs are offered as part of this application several examples of barn type buildings have been included for illustrative purposes.

An earlier application for this development (application ref: 13/0638) was refused planning permission on 6 September 2013 under powers delegated to the Service Director Planning for the following reasons:

1. *The proposed development would be contrary to Policies AW2, AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan in that it is sporadic, unjustified and unsustainable housing development outside development limits which is not required in respect of a special need for which land within the settlement area cannot reasonably be made available, or for agricultural or forestry workers to live at or near their place of work.*
2. *The proposed development is contrary to Policies AW2, AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan for the following reasons:*
  - i. *Hafod Lane is sub-standard in terms of geometry, street lighting, drainage, structural integrity, vision splays, forward visibility, and any intensification of use would be to the detriment of safety of all highway users.*
  - ii. *The private shared access is sub-standard in terms of geometry and vision splays at its junction with Hafod Lane and therefore any intensification of use would be to the detriment of highway safety.*
  - iii. *The use of private vehicles as the only mode of transport to and from the proposed development site would result in the site being un-sustainable in terms of national advice and policy on transport.*

The present application is a resubmission of that proposal and is reported to Committee as it is understood from the application details that the application land is in the ownership of a member of the Council.

The application is accompanied by a Design and Access Statement.

## **SITE APPRAISAL**

The site is a roughly rectangular shaped piece of undeveloped hillside land located approximately 35m to the south east of Ty Berw. The site slopes steeply from the highway at Hafod Lane to the south of the site and offers prominent to cross-valley views over the lower Rhondda valley.

The site is an existing field within the larger 53 hectares of land that is farmed as part of Trefechan Farm and appears to be used for the grazing of sheep. The application site is accessed off an unmade single track lane that winds up the hillside from a junction with Hafod lane and serves an existing neighbouring dwelling at Ty Berw. Hafod Lane is an adopted single track lane that extends along the hillside from Pontypridd to Llwynelyn, Porth.

## **PLANNING HISTORY**

13/0638	Land adjoining Ty Berw, Hafod Lane, Hopkinstown	Outline residential - single dwelling	Refused 06/09/13
90/0685	Land adjoining Ty Berw, Hafod Lane, Hopkinstown	Outline residential development	Refused 15/03/91
88/0393	Ty Berw Cottage, Hafod Lane, Hopkinstown	Alterations and repairs	Conditions 31/05/88
87/0922	Ty Berw Cottage, Off Hafod Lane, Hopkinstown	Alterations, adaptations and repairs	Refused 26/01/88
87/0532	Ty Berw Cottage, Coed yr Hafod, Fawr Uchaf, Hafod Lane, Hopkinstown	Section 53 application – conversion of farmhouse and linked cow shed into 2 storey dwelling	Permission Required 11/09/87

## **PUBLICITY**

The application was advertised by neighbour notification letters and a site notice. No responses have been received.

## **CONSULTATIONS**

Transportation section – reply awaited.

Land Reclamation and Engineering – no objections subject to conditions to secure adequate drainage arrangements to the development.

Public Health and Protection Division – reply awaited.

Natural Resources Wales – reply awaited.

Dwr Cymru/Welsh Water – reply awaited.

## POLICY CONTEXT

### Rhondda Cynon Taf Local Development Plan

The site is outside of the defined settlement limits of Pontypridd and its surrounds and within a Special Landscape Area (Policy NSA25.3 – Llwyncelyn Slopes).

**Policy AW1** focuses on the delivery of new housing and includes the development of unallocated land inside the settlement boundary.

**Policy AW2** supports development proposals in sustainable locations and includes sites that do not unacceptably conflict with surrounding land uses. Within the reasoned justification for this policy (paragraph 5.10) it is stated that applications for Rural Enterprise Dwellings will be considered in accordance with Planning Policy Wales and Technical Advice Note 6.

**Policy AW5** sets out the criteria for new development, noting that proposals will be supported where;

- The scale, form and design of the development would have no unacceptable effect upon the character of the site and surrounding area.
- There would be no significant impact upon the amenities of neighbouring occupiers
- The development would be compatible with other uses in the locality.
- The development would provide adequate car parking facilities would have safe access to the highway and would not cause or exacerbate traffic congestion.

**Policy AW6** supports development proposals that provide landscape, planting and open space provision to enhance the site and the wider context. Amongst other criteria the policy also supports development that has a high level of connectivity and accessibility to existing transport modes.

**Policy AW8** sets out the criteria for the protection and enhancement of the natural environment.

**Policy NSA25.3** – Development in Special Landscape Areas will be expected to conform to the highest standards of design, siting, layout and materials. The application site is located within the Llwyncelyn Slopes Special Landscape Area

### Planning Policy Wales

5.3.2 While the value of all the landscapes of Wales is recognised local planning authorities should have regard to the relative significance of international, national and local designations in considering the weight to be attached to nature conservation interests and should take care to avoid placing unnecessary constraints on development.

4.5.4 The countryside is a dynamic and multi-purpose resource. In line with sustainability principles, it must be conserved and, where possible, enhanced for the

sake of its ecological, geological, physiographic, historical, archaeological and agricultural value and for its landscape and natural resources, balancing the need to conserve these attributes against the economic, social and recreational needs of local communities and visitors.

9.3.6 New house building and other new development in the open countryside, away from established settlements, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area. Isolated new houses in the open countryside require special justification, for example where they are essential to enable rural enterprise workers to live at or close to their place of work in the absence of nearby accommodation.

#### Technical Advice Note (TAN) 12: Design (2009)

Sets out the objectives of good design and aims to encourage good design in all aspects of development.

#### Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities

### **REASONS FOR 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**

#### Sustainability of the proposed development

The application proposal is located in the countryside beyond the settlement limits of Pontypridd and its surroundings as defined in the Rhondda Cynon Taf Local Development Plan. Residential development in such situations is the subject of strict planning control and is normally only permitted where it is demonstrated to be sustainable development that contributes to the rural economy. At the outset it is stressed that proposal is not supported by any specific justification in terms of being necessary to support a rural enterprise, such as a agricultural business, which might otherwise justify the need for the development of a single dwelling at this location. Whilst it is noted that the applicant has made a strenuous attempt to justify the proposed development in his Design and Access Statement, it is considered that the proposed dwelling would comprise and a sporadic development on the hillside in a relatively isolated location that would not have a high level of connectivity to local

facilities and a range of transport modes because of its comparatively remote location. The occupants of the proposed dwelling would be reliant on private motor vehicle to travel to work, school, shopping and so on, with the nearest bus stop over a mile away. Consequently, it is considered the proposal squarely conflicts with policies AW2, AW5 and AW6 of the LDP in that it is sporadic, unjustified, unsustainable housing development beyond the settlement limits of Pontypridd and therefore as a matter of principle is unacceptable.

### Impact on Special Landscape Area

The application site is located in the Llwyncelyn Slopes Special Landscape Area as defined in the LDP (policy reference NSA 25.3). Special Landscape Areas (SLAs) have been designated to protect areas of fine landscape quality with Rhondda Cynon Taf. In order to protect the visual qualities of the SLAs, development proposals within their areas will normally be required to meet the highest possible design standards. As the application is in outline only, there is no detail of the design of the proposed dwelling at this stage, though the applicant has supplied illustrations of the type of dwelling in mind for the site. In the absence of any overriding need for the development at this location it is considered a dwelling, together with its associated paraphernalia such as an upgraded access track, situated on this hillside slope will be sporadic, unduly prominent development, and will detract from the visual qualities of the SLA. As a consequence it is considered the proposal conflicts with Policy NSA 25 of the LDP and is therefore unacceptable.

### Highway safety

In terms of the effect of the development on highway safety the proposal would be accessed off Hafod Lane then via un-made single track stone lane that currently serves a single dwelling at Ty Berw. Hafod Lane is adopted highway which is single width for the majority of its length with limited passing bays that in turn could lead to potential reversing movements along this section of road to the detriment of safety of all highway users. There is no segregated pedestrian route which means pedestrians are forced to share the same surface as moving vehicles. This coupled with the lack of street lighting and narrow width of carriageway is a significant drawback of the proposal. Any increase in vehicular and pedestrian movement along this section of road generated by this development is of concern.

Moreover, the access track leading to the proposed site is sub-standard in terms of width for safe two-way vehicular movement with no passing bays, steep gradient, sub-standard visibility at the junction with Hafod Lane and no turning areas for emergency service and delivery vehicles. The developer has indicated that the access track would be surfaced in permanent materials (tarmac), however, the width of access track would now require widening to a minimum of 4.1 metres with passing bays widened to 4.8 metres as it is now proposed to be used as a private shared access with Ty Berw. Such works would increase the visual prominence of the access and contribute to the harmful impact of the overall development upon the

Special Landscape Area at this location and merely reinforces the view that the site is unsuitable for residential development. The proposal has attracted an objection a highway objection from the Transportation Section.

In conclusion it is considered that the proposal would amount to sporadic, unjustified and unsustainable development beyond the settlement boundary and would be unacceptably harmful to the visual qualities of the Llwyncelyn Slopes Special Landscape Area. Additionally, the development would intensify the use of the existing sub-standard highway network to the detriment of highway safety. Consequently, the proposal is considered to be contrary to the requirements of local and national planning policy and is therefore recommended for refusal.

**RECOMMENDATION: Refuse**

1. The proposed development is contrary to policies AW2, AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan in that it is sporadic, unjustified and unsustainable housing development outside development limits in the countryside, and is not required in respect of a special need for which land within the settlement area cannot reasonably be made available, or for agricultural or forestry workers to live at or near their place of work.
2. The proposed development is contrary to policy NSA 25 of the Rhondda Cynon Taf Local Development Plan as it sporadic would be prominent development on the open hillside that would be unacceptably harmful to the visual qualities of the Llwyncelyn Slopes Special Landscape Area.
3. The proposed development is contrary to policies AW2, AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan for the following reasons:
  - (i) Hafod Lane is sub-standard in terms of geometry, street lighting, drainage, structural integrity, vision splays, forward visibility, and any intensification of use would be to the detriment of safety of all highway users;
  - (ii) The private shared access is sub-standard in terms of geometry and vision splays at its junction with Hafod Lane and therefore any intensification of use would be to the detriment of highway safety;
  - (iii) The use of private vehicles as the only mode of transport to and from the proposed development site would result in the site being un-sustainable in terms of national advice and policy on transport.

**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**

**16 JANUARY 2014**

**REPORT OF: SERVICE DIRECTOR PLANNING**

**REPORT**

**OFFICER TO CONTACT**

**APPLICATIONS RECOMMENDED  
FOR REFUSAL**

**MR. J. BAILEY  
(Tel: 01443 425004)**

**See Relevant Application File**

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