

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013-2014

**DEVELOPMENT CONTROL
COMMITTEE**

20 FEBRUARY 2014

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

Agenda Item No.3(2)

**SITE MEETING
APPLICATION NO. 13/0988 – SINGLE
FAMILY DETACHED DWELLING – TY
BERW COTTAGE, HAFOD LANE,
PANTYGRAIGWEN, PONTYPRIDD**

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

1. PURPOSE OF THE REPORT

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

2. RECOMMENDATION

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

3. BACKGROUND

- 3.1 In accordance with Minute No.166 (Development Control Committee, 16 January 2014) a site inspection was undertaken on Monday, 27 January 2014 to consider highways issues.
- 3.2 The meeting was attended by the Chairman and Vice-Chairman of the Development Control Committee (County Borough Councillor R.B. McDonald and D.Weeks respectively) and County Borough Councillor E.Webster in consultation with Local Member, County Borough Councillor R.W.Smith.
- 3.3 The Development Control Officer stated that outline planning permission was being sought for a single dwelling on land that lies in the countryside beyond the settlement limits of Pontypridd and its surroundings as defined in the Rhondda Cynon Taf Local Development Plan.

- 3.4 The application site was an existing field on the hillside east of Hafod Lane and below an existing dwelling at “Ty Berw”. The Development Control Officer pointed out that the proposed development was not supported by any specific justification in terms of being necessary to support a rural enterprise such as an agricultural business which might justify the need for the development of a single dwelling at this location. It was considered that the proposed dwelling would result in a sporadic development on a 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. Also, in the absence of any overriding justification, the proposed development would be harmful to the visual qualities of the Llwynceilyn Slopes Special Landscape Area defined in the Local Development Plan.
- 3.5 The Transportation Officer confirmed highway objection to the proposal as the development would intensify the use of the existing sub-standard lane to the detriment of safety of all highways users. The application site would share an access with “Ty Berw” off Hafod Lane via a steep sub-standard narrow track. It was noted that Hafod Lane was an adopted single width highway with limited sub-standard informal passing bays with no segregated pedestrian route or street lights. It was pointed out that the application site was not in a sustainable location as private motor vehicles could be the only mode of travel.
- 3.6 The Officers comments were noted but the Local Member pointed out that a bus stop was located closer to the site than indicated in the report.

APPENDIX 1

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

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.

APPLICATION DETAILS

Outline planning permission is sought for a detached dwelling on land to the south east of Ty Berw, Hafod Lane, Pantyygraigwen, 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 Llwyncelyn, 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 – Llwynceilyn 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 Llwynceilyn 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 Llwynceilyn 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 Llwynceilyn 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 Llwynceilyn 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

20 FEBRUARY 2014

REPORT OF THE DIRECTOR, LEGAL AND DEMOCRATIC SERVICES

SITE MEETING

**APPLICATION NO. 13/0988 – SINGLE FAMILY DETACHED DWELLING – TY
BERW COTTAGE, HAFOD LANE, PANTYGRAIGWEN, PONTYPRIDD**

Minute No.166 (Development Control Committee, 16 January 2014)

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