

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2016-2017:**

**DEVELOPMENT CONTROL  
COMMITTEE  
17 NOVEMBER 2016**

**REPORT OF: SERVICE  
DIRECTOR PLANNING**

	Agenda Item No. 5
<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>	

**1. PURPOSE OF THE REPORT**

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

**2. RECOMMENDATION**

To approve the applications subject to the conditions outlined in Appendix 1.

1. Application No: 16/0839 - Demolition of existing school buildings and the construction of 98 residential units and associated access engineering and landscaping works (including modified access to sports centre and Pupil Referral Unit) at former Aberdare High School, Aberdare, Aberdare High School, Cwmdare Road, Cwmdare, Aberdare.
2. Application No: 16/0978 - Domestic Garage, Roma, 15 Maindy Grove, Ton Pentre, Pentre.

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## **APPLICATIONS RECOMMENDED FOR APPROVAL**

**APPLICATION NO:** 16/0839/10 (HW)  
**APPLICANT:** W D Lewis Homes Ltd.  
**DEVELOPMENT:** Demolition of existing school buildings and the construction of 98 residential units and associated access engineering and landscaping works (including modified access to sports centre and Pupil Referral Unit) at former Aberdare High School, Aberdare.  
**LOCATION:** ABERDARE HIGH SCHOOL, CWMDARE ROAD, CWMDARE, ABERDARE, CF44 8SS  
**DATE REGISTERED:** 29/07/2016  
**ELECTORAL DIVISION:** Aberdare West/Llwydcoed

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**RECOMMENDATION:** Approve

**REASONS:** This is a windfall site within the settlement boundary, and it is considered that the 98 houses proposed will make a notable contribution to the provision of housing in the Northern Strategy Area of the County Borough. The development is considered acceptable in all other respects.

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### **REASON APPLICATION REPORTED TO COMMITTEE**

The application is being reported to the Development Control Committee as it comprises more dwellings than can be considered without reporting the matter to the Committee. In addition, the site is currently owned by the Council and three objections have been received to the scheme.

### **APPLICATION DETAILS**

Full planning permission is sought for 98 dwellings on the site of the former Aberdare Boys School. 30 of the dwellings proposed are affordable.

Of the 68 open market houses proposed, 40 would be four bedroom houses and 28 three bedroom houses. The houses are largely detached, but seven pairs of semi detached houses are also proposed.

The affordable housing will be developed on two parcels of land in the north of the site, and will comprise 4 four bedroom houses, 4 two bedroom bungalows, and 22 one bedroom flats. This will be a 100% social rented scheme. The affordable housing is notable due to its unique modern design, comprising metal clad roofs, much full length glazing (using curtain walling systems), balconies and external decks.

The development will utilise the existing vehicular access from Cwmdare Road. A pathway is proposed to the south of the site to link in with the existing Public Right of Way which runs adjacent to the western boundary of the site.

As well as the plans an Ecology Survey, Bat Survey, Tree Survey, Site Investigation Report, Transport Statement, Drainage Strategy and Design and Access Statement have been submitted with the application.

## **SITE APPRAISAL**

The site is 3.38 hectares in size and is largely occupied by the vacant former Boys School and the associated playing fields, but part of the site has been developed to accommodate the Ty Gwyn Pupil Referral Unit and the Cwmdare Community Sports Centre. These will remain and will be accessed via the main access road that would run through the proposed housing development.

Surrounding the site are the Community Playing Fields in the west, Pen Llew Court flats and the allotments to the south, Cwmdare Road to the north, with the current Coleg y Cymoedd Campus opposite the site entrance, and properties on Cemetery Road and properties built behind these to the east. The closest residential properties are Whitehaven, which is immediately adjacent to the eastern corner of the site, and flats in Pen Llew Court, which are immediately adjacent to the south of the site.

## **PLANNING HISTORY**

The relevant planning history for this site is as follows:

06/0118	New sports hall and external works.	Granted 05/05/06
04/0189	New sports hall, parking, vehicular access and external works.	Granted 19/03/04
97/4269	Extension to provide additional changing rooms, showers, stores and toilets.	Granted 16/09/97

## **PUBLICITY**

Site notices were placed in the vicinity of the site and letters were sent directly to neighbouring properties. In addition a notice was placed in a local newspaper due to this being a major application that impacts on a Public Right of Way.

Objections from three neighbouring properties have been received to this proposal. The concerns raised are summarised as follows:

- The development will cause problems on Cwmdare Road due to the volume of traffic;

- Disturbance from noise and traffic;
- Loss of privacy, and light, and overshadowing of neighbouring properties;
- Disruption during construction;
- The development will impact on wildlife.

## **CONSULTATION**

Highways Development Control - no objections raised subject to conditions.

Countryside - no objection raised, subject to conditions and a Section 106 agreement for management of public areas and three trees that are to remain adjacent to the southern boundary of Ty Gwyn.

Housing Strategy - have queried whether additional affordable housing should be requested due to the unusual situation regarding the delivery of the affordable housing proposed for this site.

Public Health and Protection - no objection raised, subject to conditions.

Land Reclamation and Engineering - no objection subject to a condition.

Education - have requested provision for primary school places.

Natural Resources Wales - no objection, subject to a condition.

Dwr Cymru/Welsh Water - no objection raised, subject to conditions.

Coal Authority - no objection, subject to a condition.

Sport Wales - object, due to the loss of playing fields.

Glamorgan Gwent Archaeological Trust - no objection.

South Wales Fire and Rescue Service - no objection raised.

South Wales Police - have made design recommendations.

Wales and West Utilities - the developer must not build over any plant or enclose any apparatus.

Corporate Estates - no comments made.

Parks - no comments made.

Western Power Distribution - no comments made.

## **POLICY CONTEXT**

## **Rhondda Cynon Taf Local Development Plan (LDP)**

The site is within the settlement boundary.

The following policies are considered relevant to this development:

**Policy CS1** - Development in the North.

**Policy CS4** - Housing Requirements.

**Policy CS5** - Affordable Housing.

**Policy AW1** - Supply of New Housing.

**Policy AW2** - Sustainable Locations.

**Policy AW4** - Community Infrastructure Levy and Planning Obligations.

**Policy AW5** - New Development.

**Policy AW6** - Design and Placemaking.

**Policy NSA10** - Housing Density.

**Policy NSA11** - Affordable Housing.

**Policy NSA12** - Housing Development within and adjacent to Settlements.

The following Supplementary Planning Guidance (SPG) is considered relevant:

Design and Placemaking

Planning Obligations

Access, Circulation and Parking

Development of Flats

Employment Skills

### **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.

Chapter 9 - Housing is considered relevant to this development.

### **REASONS FOR REACHING THE RECOMMENDATION**

The site is within the settlement boundary and the provision of 98 dwellings on this windfall site would make a significant contribution to the development of housing in the north of the County Borough. The provision of housing is considered important in respect of the economy and regeneration of the north. Given these factors, the principle of the development is considered acceptable.

The key issue for consideration in the layout of the site is the impacts on the amenity of neighbouring residential properties. The closest properties are to the south and east of the development. Those that are considered to be most impacted by the development are "Whitehaven" and the flats at "Pen Llew Court".

In respect of Whitehaven, the level of the site rises up in a slope from Whitehaven at the boundary. It is noted that the house at Whitehaven is very close to the bottom of this slope. The owner has raised concerns regarding overlooking of the windows on this side elevation. The rear of plot 11 faces this elevation, but it is considered that the respective levels of the two properties and the close proximity of the site boundary to Whitehaven is likely to mean that all that will be visible from the side windows at Whitehaven is the proposed boundary fence, and that the rear windows proposed in plot 11 will look straight over Whitehaven's roof. The house at plot 10 has been moved forward to lessen the impact on Whitehaven's rear garden. There is considered to be a satisfactory distance (13 metres) between Whitehaven and the house at Plot 11 to prevent an unacceptable impact on light to Whitehaven

In respect of Pen Llew Court, concern was raised originally that plot 18 was too close to this, but the layout has been revised to overcome this concern. The development is considered acceptable in relation to neighbour amenity in all other respects.

## **OTHER ISSUES**

While Sport Wales' concerns regarding the loss of playing fields are noted, it is considered that as these were for the use of the school only, the moving of the school and the associated provision being made elsewhere has rendered these surplus to requirements. Therefore, the loss of the playing fields is not considered to be a significant issue.

In respect of the traffic concerns raised by neighbours, Highways Development Control have noted that the Transport Statement demonstrates that the proposed development would generate less traffic than the previous school use of the site. The development is therefore considered acceptable in this respect.

Education have raised that both the nearest English and Welsh medium primary schools are operating at near capacity and therefore an education contribution is requested in line with the Planning Obligations SPG. The need for ensuring appropriate education provision for the site is accepted. However, the Council currently owns this site, which hinders the ability of the developer to enter into a Section 106 agreement at present. Therefore, it is considered that it would be more expedient in this particular case to address this matter through the process of the sale of the land.

In respect of wildlife, while it is recognised that the school is a bat roost, mitigation measures are proposed and Natural Resources Wales have not objected to the demolition, although a European Protected Species Licence will need to be sought. There are not considered to be any other significant issues in respect of wildlife on the site, but a precautionary condition in respect of wildlife protection during construction is recommended.

In respect of Countryside's request for a Section 106 Agreement for the management of grasslands and trees, it is considered that the public areas referred to, including the three poplar trees by the boundary of Ty Gwyn, are small. Given

the wider impacts of the provision and management of natural grassland are likely to be limited due to the small size of the areas available, it is considered the provision of this where possible as referred to in the Ecology Report can be addressed through the recommended landscaping condition (condition 11 refers). In addition, it is noted that the house and garage at plot 7 has been altered so it does not fall within the root protection of the poplar trees, which potentially lessens the tree management issues associated with the site. It is likely the developer will seek adoption of the public areas by the Council.

In respect of affordable housing, the provision is an unusual situation as a Registered Social Landlord (RSL) is proposing to buy the land from the applicant and build the proposed Social Housing as a separate entity, where as more usually in this situation the applicant would build the houses and hand them over to the RSL. The affordable housing in this situation therefore is able to attract Social Housing Grant from the Welsh Government to build the houses, where as normally on such development sites it would not. This causes some concern to Housing Strategy as it potentially lessens the grants available for further provision of affordable housing on other sites.

However, while the concern is appreciated, in terms of planning policy, 10% affordable housing is required, and the provision here is 30%. The mechanics behind the funding are not considered a planning issue, and therefore unfortunately it is not considered reasonable in planning terms to request further affordable housing to be contributed from the portion of the site that the applicant is building.

While 30% affordable housing, as discussed above, is proposed as part of this application, it is considered a condition is required to ensure affordable housing is provided in accordance with Policy NSA11 if the affordable housing is not built as planned. Therefore an appropriate condition has been recommended below (condition 14 refers). This allows for rented housing, as proposed by the scheme subject of this application.

In addition, the Employment Skills SPG requires an Employment Skills plan to support training and employment in the local area for the developments of over 25 dwellings. Again, a condition is recommended to provide this (condition 15 refers).

## **COMMUNITY INFRASTRUCTURE LEVY (CIL) LIABILITY**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014. The application is for a kind that is liable for a charge under the CIL Regulations 2010 (as amended). However, the application lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

## **CONCLUSION**

For the reasons above, the development is considered acceptable, and it is therefore recommended that planning permission is granted.



**RECOMMENDATION: Grant**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s) 10098-203 rev B, 10098-001-04 rev B, ABE1-15-04-04 rev A, 53.01/01 rev A, 353.01/02 rev A, ABE1, 15-04-02 rev B, ABE1-15-04-01 rev A, ABE1-15-04-03 rev A, AH-CAP-Z2-00-DR-A.050001- rev 2, AH-CAP-Z4-00-DR-A-50001- rev 2, AH-CAP-Z5-XX-DR-A-50002- rev 2, AH-CAP-Z5-XX-DR-A-50001- rev 2, AH-CAP-Z5-XX-DR-A-050003 rev 2, ABE1-15-04-05, AH-CAP-XX-XX-DR-A-91003-rev 3, AH-CAP XX-XX-DR-910004-rev 2, AH-CAP-Z3-00-DR-A-050001 rev 2, AH-CAP-Z6-000-DR-A-050001-rev 2 and Anglesey, Ashford. Laugharne, Llangenith, Mewslade, Oxwich, Oxwich Bay, Pembroke, Rhossili, Whitland, Windsor and garage plans and elevations and documents received by the Local Planning Authority on 29/7/2016, 11/10/16 and 20/10/16, 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.

3. Prior to the commencement of development, a detailed site investigations report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground condition. The development, hereby permitted, shall be carried out in accordance with the approved site investigations report.

Reason: The site may be unstable and as such a stability report is required in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:

1. A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
2. A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been agreed in writing with the Local Planning Authority.
3. A written method statement for the remediation of contamination affecting the site

Reason: In the interest of health and safety and environmental amenity and so as to accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the local planning authority. The plan shall include:
  - a. An appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
  - b. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
  - c. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season).
  - d. Persons responsible for:
    - i) Compliance with legal consents relating to nature conservation;
    - ii) Compliance with planning conditions relating to nature conservation;
    - iii) Installation of physical protection measures during construction;
    - iv) Implementation of sensitive working practices during construction;
    - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
    - vi) Provision of training and information about the importance of the 'Wildlife Protection Zones' to all construction personnel on site.

All construction activities shall be implemented with the approved details and timing of the plan unless otherwise approved in writing by the local planning authority.

Reason: To afford protection to animal and plant species in accordance with policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

6. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority.

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

7. Prior to the commencement of development, a European Protected Species Licence shall be obtained and submitted to the Local Planning Authority, or confirmation shall be submitted to the Local Planning Authority from Natural Resources Wales that such a licence is not required.

Reason: To ensure the protection of bats, in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

8. Notwithstanding the approved plans, development shall not commence until full engineering design and details of the access to be constructed from Cwmdare Road as shown on layout plan ABE1-15-04-02 Rev B by Urban Illustrate, including longitudinal and cross sections, street lighting details, surface water drainage, diversion or protection to services within the proposed new access road, including construction details have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial occupation unless otherwise agreed in writing by the Local Planning Authority.

Reason: To facilitate safe access and egress from the proposed development in the interests of highway safety, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. Notwithstanding the approved plans, development shall not commence until full engineering design and details of the internal road layout shown on layout plan ABE1-15-04-02 Rev B by Urban Illustrate and AH-CAP-XX-XX-DR-A-910003 Rev 3 by Capita, including longitudinal and cross sections, street lighting details, traffic calming, parking bay layout/allocation, surface-water drainage and details of private shared accesses and associated bin storage, including construction details have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial occupation.

Reason: To ensure the adequacy of the proposed development, in the interests of highway safety, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for;

- a) the means of access into the site for all construction traffic,
- b) the parking of vehicles of site operatives and visitors,
- c) the management of vehicular and pedestrian traffic,
- d) loading and unloading of plant and materials,
- e) storage of plant and materials used in constructing the development,
- f) wheel cleansing facilities,
- g) the sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. No development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

12. Building operations shall not be commenced until samples of the roofing materials and wall finishes proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

13. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will in keeping with the surrounding area and to protect residential amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development

Plan.

14. Prior to the commencement of development an Education and Skills Plan shall be submitted to and approved in writing by the Local Planning Authority, detailing the measures that shall be taken to train and employ local people during the construction of the development. The plan shall be implemented in accordance with the development details.

Reason: To ensure the development contributes to local training and employment in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

15. Prior to commencement of development a scheme for the provision of social rented housing shall be submitted to and approved in writing by the local planning authority. The social rented housing shall be provided in accordance with the approved scheme. The scheme shall include: i) the numbers, type and location on the site of the social housing provision to be made which shall consist of not less than 10 % of housing units/bed spaces; ii) the timing of the construction of the social rented housing and its phasing in relation to the occupancy of the market housing; iii) the arrangements for the transfer of the social rented housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)]; iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure provision of affordable housing, in accordance with Policy NSA11 of the Rhondda Cynon Taf Local Development Plan.

16. No dwelling, hereby permitted, shall be occupied until the measures approved in the scheme (referred to in Condition 4) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

17. If during development works any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to the Local Planning Authority. The development shall not re-commence until the additional proposals have been agreed in writing by the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

18. No dwelling shall be occupied until the 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.

19. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

20. Construction works on the development shall not take place other than during the following times:

- i) Monday to Friday 0800 to 1800 hours;
- ii) Saturday 0800 to 1300 hours;
- iii) Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

21. The Developer shall provide the occupier of each dwelling with a Travel Plan/Welcome Pack prior to beneficial occupation containing the following:

- a) Bus/Train Service providers, their contact details, frequency of service, timetable, bus stops/train stations, current ticket costs and financial incentives to encourage use of public transport;
- b) Park and Ride/Park and Share facilities and associated costs and restrictions on use of such facilities;
- c) Pedestrian links to public transport services, to local facilities, areas of employment, education and leisure;

- d) Local and national cycle routes; and
- e) Any other measures that would encourage use of sustainable modes of travel.

Reason: To ensure reduction of road traffic and promotion of sustainable modes of travel in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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<b>APPLICATION NO:</b>	<b>16/0978/10</b>	<b>(LJH)</b>
<b>APPLICANT:</b>	<b>Mr Lewis Thomas</b>	
<b>DEVELOPMENT:</b>	Domestic Garage.	
<b>LOCATION:</b>	<b>ROMA, 15 MAINDY GROVE, TON PENTRE, PENTRE, CF41 7EY</b>	
<b>DATE REGISTERED:</b>	<b>29/09/2016</b>	
<b>ELECTORAL DIVISION:</b>	<b>Pentre</b>	

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**RECOMMENDATION: Approve**

**REASONS:** The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact and the impact it has upon the amenity and privacy of the neighbouring residential properties.

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## **REASON APPLICATION REPORTED TO COMMITTEE**

The application is being reported to Committee as three objection letters have been received.

## **APPLICATION DETAILS**

Full planning permission is sought for the extension of a domestic garage within the garden curtilage of no. 15 Maindy Grove, Ton Pentre. It is noted that the garage has already been constructed.

The proposed garage would be sited at the most eastern part of the garden curtilage with access provided via the lane which runs adjacent to the eastern boundary of the site. It would measure 7 metres in width by 4.7 metres in depth at its deepest point reducing to 3.6 metres in depth and would incorporate a flat roof design which would measure a maximum of 2.8 metres in height from ground level. A roller shutter door would be positioned within north-eastern facing front elevation with a uPVC window being provided within the south-western facing rear elevation. The addition would also be accessed from the previously approved attached garage. The external walls of the garage would be finished with render.

## SITE APPRAISAL

The application site is located within a residential area of Ton Pentre and consists of a two-storey, detached property which has been externally finished with render, concrete roof tiles and white uPVC windows and doors. It is set within a large, irregular shaped plot with the south-west facing principal elevation being set back from the turning head at Maindy Grove by a long, private driveway. Enclosed gardens are positioned to the north-east facing rear and south-east facing side elevations with ground levels falling significantly from west to east.

The site is bound by neighbouring properties to the west (no. 14 Maindy Grove) and south-east (no. 16 Maindy Grove) with an un-adopted lane running along the full length of the eastern boundary. A vacant plot of land is positioned to the northern boundary. Further neighbouring properties are positioned to the east of the site (no's 17-20 Maindy Crescent) with the rear gardens of these properties backing onto the lane.

The lane from which the proposed garage would be accessed allows access to a number of other residential garages belonging to properties in Maindy Crescent as well as 18 lock-up type garages to the south of the application site.

## PLANNING HISTORY

10/0911	15 Maindy Grove, Ton Pentre	Residential development (outline) (amended plans received 27/10/10)	Refused 29/11/10
15/1633	15 Maindy Grove, Ton Pentre	Build new domestic garage and retaining wall.	Granted 07/03/16

## PUBLICITY

The application has been advertised by means of direct neighbour notification. Three letters of objection have been received from the occupants of nos. 16, 17, and 18 Maindy Crescent respectively which are all located to the east of the application site.

The first objection letter raises the following points:

- The extension has already been built, again before planning agreement has been given.
- The access to this building does not appear to facilitate the use of the building as a garage.
- If this building is not going to be used as a garage then what will be its use.

The second objection letter raises the following points:



- The domestic garage has already been built, being virtually completed before the application was submitted. This reflects a total disregard for planning regulations.
- There is already a garage in place and the addition of this second garage would extend the overall garages length to 17 metres which will be a large, imposing, intrusive and unattractive development within just 5 metres of my rear boundary.
- The garage entrance door is directly opposite my property providing a direct viewpoint towards my bathroom and rear bedroom and would be a significant and unacceptable loss of privacy.
- The access/egress garage door of the development is directly opposite my house, the dividing lane is just 5 metres in width and does not provide sufficient space for safe turning into the garage and the risk of damage to my property is significant.
- With the garage door being directly opposite there is a serious and alarming risk to the safety of my family and myself as a consequence of a vehicle exiting the garage and driving directly over my boundary wall and into my rear garden which is a drop of 1.8 metres.
- The planning application for the first garage imposed conditions by the highways authority as to the safe access/egress from the garage which do not appear to have been introduced/imposed and cannot now be complied with as a consequence of the current application.
- The planning application is for a domestic garage though it is anticipated it will be used for other purposes, a gymnasium which will be transferred from an existing area adjacent to the applicant's house, imposing the associated noise of both equipment and people, including foul language on the residents of Maindy Crescent. You should consider if this represents a misrepresentation of the intended use of this development and if it constitutes a residential use which has previously been denied.

The third objection letter raises the following concerns:

- I would like to express my concern about the effect building work might have on the drain outside my back gate in the lane, particularly as this lane is unadopted. The catchment area of rainfall runs towards the drain, the lowest point that runs under my property and any building material that might be washed into this drain will have serious consequences for me.
- The lane is already heavily congested by the fact that there are so many garages and hard stands, and a number of houses in Maindy crescent are having building work being carried out with associated vehicles.

These points will be discussed further in detail in the main body of the report.

## **CONSULTATION**

Highways and Transportation – no highway objections are raised subject to conditions.

## **POLICY CONTEXT**

## **Rhondda Cynon Taf Local Development Plan**

The application site lies inside the settlement boundary for Pentre and is not allocated for any specific purpose.

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

**Policy AW6** - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

### **Supplementary Planning Guidance:**

Design and Placemaking  
A Design Guide for Householder Development  
Access, Circulation and Parking

## **National Guidance**

In the determination of planning applications, regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

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

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

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

The application relates to the construction of a domestic garage within the curtilage of an existing residential dwelling and the principle of development is therefore acceptable subject to the criteria set out below.

### **Impact on the character and appearance of the area**

The proposed garage would be sited at the most eastern part of the garden curtilage and would be set at a significantly lower ground level to the main property. Given this position, the garage would not impact on the principal elevation of the property or the wider street scene at Maindy Grove. Whilst it is acknowledged that the garage would be visible from the access lane to the east, the area is already characterised by a number of residential and lock-up style garages of varying scales and designs.

Whilst it is acknowledged that the proposal in addition to the existing garage will result in a larger than what would usually be considered to be typical of a domestically scaled garage, it would incorporate a flat roof design of an appropriate height which would limit its visual dominance in the surrounding area. In addition to this, the garage would be largely screened from public view with only a maximum of 0.8 metres of its height being visible above the existing boundary treatments.

The garage would have a typical garage appearance with a flat roof design and roller shutter doors within the front elevation. Furthermore, it would be finished with appropriate external materials which would match the main property and it is not considered that the garage would be too dissimilar to other garage developments along the lane, nor would it form an overly prominent addition to the surrounding area.

Whilst comments received by the objectors in terms of the size of the resulting garage are appreciated, even though the resulting width would be 17 metres along the boundary the height will only be 2.8 metres maximum and it is considered that the width would not be out of keeping with the area due to the number of existing garages on the lane including a bank of 18 garages. With regards to the objectors' comment of it being an unattractive development, the garage apart from the roller shutter door and the 0.8 metre top of the garage which can be seen above the fence line, most of the garage is screened from view by wooden feather-edge fencing and concrete fencing. Although if this was not the case the view is taken that the garage is of simple design which has been built to a high standard and is quite attractive as far as garages go.

As such, the proposal is considered to be acceptable in terms of its siting, scale, design and overall visual appearance and it would therefore not have a significant or detrimental impact on the character and appearance of the existing property and the surrounding area.

### **Impact on residential amenity and privacy**

The proposed garage is not considered to have a significant overbearing, overshadowing or overlooking impact on the occupants of the nearest neighbouring properties.

The proposed garage would be set at a significantly lower ground level to no. 16 Maindy Grove with this property being sited approximately 18 metres to the south-west. Although there is a window proposed within the west facing side elevation, it would be of a high-level nature and would not result in significant levels of overlooking on the rear garden of no. 16.

In terms of the impact on properties to the east (no's 16-20 Maindy Crescent), there would be an adequate separation distance (in the form of the access lane) between the proposed garage and the rear boundaries of these properties. The garage would be of a limited height with 0.8 metres of this projecting above the existing boundary treatments at the site and it is therefore not considered that it would have a significant overbearing or overshadowing impact on those properties. An objector raises concerns that the garage will be imposing and intrusive, however, as discussed above it is believed that this will not be the case due to its limited height and screening. In addition to this, the rear gardens of properties in Maindy Crescent are adequately screened from the lane by domestic garages and/or 2 metre high (approx.) boundary walls which would further limit any potential overbearing or overshadowing impact.

It is acknowledged that one of the objectors raises concern that the proposed garage door within the east facing side elevation would overlook the rear of properties in Maindy Crescent. However, the door in its nature would only be open when in use and would not provide a constant view as a window would, therefore, it is not considered that the door would result in any increased overlooking to the rear elevations or rear gardens of those properties. In addition to this, and as mentioned above, the rear elevations and rear gardens of properties along Maindy Crescent are screened from the lane by domestic garages and/or 2 metre high boundary walls and the garage would not have a harmful impact on the privacy of surrounding properties.

An objector also raises concern with regards to their belief that the garage will be used as a gymnasium; they are concerned that if used as a gymnasium the associated noise of both equipment and people including foul language will be imposed on the residents of Maindy Crescent. Whilst the objectors' concern is appreciated, issues regarding noise and anti-social behaviour would be controlled via The Council's Public Health Department.

The proposal is therefore considered to be acceptable in terms of the impact it would have on the residential amenity and privacy of surrounding properties.

## **Highways and Parking**

The proposed garage would be accessed via a private lane which is primarily used by the occupants of properties in Maindy Crescent to the east and the users of the

lock-up type garages to the south. The Council's Highways Department considers the lane to be sub-standard in terms of its width for safe two-way vehicular movement, lack of street lighting and lack of segregated footway facilities. However, the lane would be used as a secondary access for domestic purposes only and it is therefore considered that the proposal would have a minimal increase in vehicular movements, and thus noise pollution, along the lane. Given that the proposal would provide additional off-street car parking for the application property, it is, on balance, considered to be acceptable in this regard. Additionally, it is noted that no objection is raised by the Council's Highways Department; however, this is subject to a number of conditions being added to any grant of planning permission.

The site is not considered to be suitable for a business use, nor is it considered to be suitable for a separate residential unit. Conditions are therefore considered necessary to restrict the use of the garage to domestic use only and also to prevent the future conversion of the garage to a residential unit.

The Council's Highways Department also suggest two further conditions; to ensure that details of the means of access to the proposed garage are subsequently submitted (i.e. demonstrating that a vehicle can access/egress the garage, perform a turn and exit the lane in a forward gear) and; to ensure that surface water run-off does not discharge onto the public highway or connect to any drainage system.

In the objection letters received the objectors raise concerns regarding vehicular access/egress to/from the garage, drainage, and the use of the garage. It is considered that the conditions imposed by the Highways Section address all of these concerns.

### **Other Issues Arising From Consultation Process:**

Two of the objection letters raise an objection to the garage because it has already been built and this is in fact a retrospective application. Even though the garage was originally built without planning consent it does not mean that the application should automatically be refused. The application will be assessed on its own merits and if the development is deemed acceptable then a recommendation will be made to approve the application.

One objector raises concerns regarding damage to their property and a risk to their safety that may be caused by unsafe access/egress to/from the garage. One of the suggested Highways conditions addresses the safety risk as the applicant will be required to provide design and detail of the proposed garage access including swept path to ensure vehicles can access / egress the lane in forward gear. The reason for this is "In the interests of highway safety". With regards to the potential of any damage caused to the objector's property, this is a private matter that will need to be resolved between the applicant and objector if this was to occur.

With regards to compliance of the conditions which were imposed on the previous consent for the first element of the garage, an objector states that "The planning

application for the first garage imposed conditions by the highways authority as to the safe access/egress from the garage which do not appear to have been introduced/imposed and cannot now be complied with as a consequence of the current application". In answer to this, the condition mentioned above which was also imposed on the previous application would not be able to be complied with as the second element of the garage is in place of the originally approved garage entrance. However, as stated above Highways deem it necessary for the condition to be placed on this consent therefore it will be re-imposed.

In addition to the above, the objector raises concern that the garage would not be used for parking a car but for a gymnasium instead. Whilst this concern can be appreciated, this use is likely to be considered as an ancillary use to the application property and would not require planning permission. It is noted that the site would not be suitable for a commercial/business use or for a separate residential unit and, as mentioned above, conditions restricting the use of the garage are considered necessary.

### **Community Infrastructure Levy Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL regulations 2010 (as amended).

### **Conclusion**

It is not considered the proposal would have a significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties. As such, the application is considered to comply with the relevant policies of the Local Development Plan (Policies AW5 and AW6).

### **RECOMMENDATION: Approve**

#### **RECOMMENDATION: Grant**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans and documents received by the Local Planning Authority on 05/09/2016, 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.

3. The garage hereby permitted shall be finished with materials to match the existing dwelling house.

Reason: To ensure that the extension is in keeping with the existing building in the interests of visual amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

4. The use of the garage hereby approved shall at all times be restricted to purposes normally associated with a domestic use. No trade or business use shall be carried out therein.

Reason: For the avoidance of doubt as to the extent of this consent, in the interests of the safety of all highway users and in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. The building, hereby approved, shall be used for purposes ancillary and incidental to the use of no. 15 Maindy Grove and at no time shall it be converted to a room or living accommodation to be enjoyed as part of the dwelling.

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

6. Within 2 months of the date of this permission, the applicant shall provide design and details of the proposed garage access to ensure that vehicles can access/egress the lane in a forward gear.

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

7. Surface water run-off from the proposed development shall not discharge onto the public highway or connect to any highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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**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**

**17 NOVEMBER 2016**

**REPORT OF: SERVICE DIRECTOR PLANNING**

**REPORT**

**APPLICATIONS RECOMMENDED  
FOR APPROVAL**

**OFFICER TO CONTACT**

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**See Relevant Application File**