



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2020-2021:

**PLANNING AND
DEVELOPMENT COMMITTEE
6 AUGUST 2020**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No.
APPLICATION NO: 20/0091 – CONSTRUCTION OF 3 NO. GARAGES. (AMENDED PLANS RECEIVED 28/05/20), LAND ADJACENT TO JAMES STREET, CWMDARE, ABERDARE	

1. 1. Purpose of the Report

Members are asked to consider the determination of the above planning application.

2. Recommendation

That Members consider this report in respect of the application and determine the application having regard to the advice given.

3. Background

This application was originally reported to the 2nd July 2020 meeting of the Planning and Development Committee with an officer recommendation of approval. A copy of the original report is attached as **APPENDIX A**. At that meeting Members were minded to refuse the application contrary to the Officer recommendation. Members considered that the garages have been constructed in a manner such that the intended use is not achievable, and consequently there would be an adverse impact upon highway safety in the vicinity of the site (Minute No. 223 refers).

As a consequence it was resolved to defer determination of the application for a further report from the Director of Prosperity and Development to highlight the potential strengths and weaknesses of taking a decision contrary to officer recommendation.

4. Planning Assessment

The Officer considerations in respect of the potential impact the development works could have upon highway safety within the vicinity of the site are set out in the original Committee report, however a brief summary is set out below:

The Council's Transportation Section did not object to the application as it was considered that, whilst the garages are inadequate to facilitate a standard vehicle to

access and egress in forward gear, the proposal would facilitate off-street parking for small vehicles in the area, which would go some way to reducing on-street parking demand. As such, Members are advised that this proposal, albeit sub-standard for larger vehicles, could provide a wider benefit to this area in terms of providing off-street parking, thus improving highway safety and the free flow of traffic which is attributed to indiscriminate on-street parking in the locality.

Members are also advised however that the garages, as built, do not meet the relevant Council specifications in respect of access and turning space and therefore only small cars could navigate the entrance apron. As such concerns were expressed by the Transportation Section during their consideration of the scheme and the original highway safety considerations were taken 'on balance'. This clearly highlights that it would be entirely reasonable to conclude that the development could result in a detrimental impact upon highway safety in the locality, contrary to Policy AW5 of the LDP.

Therefore, whilst the application is recommended for approval, if, having considered the above advice and after further consideration, Members remain of a mind to refuse planning permission, it is suggested that the following reason would reflect those views:

REASON: The garages and forecourt as constructed are sub-standard for a standard vehicle with regard to the access/reversing width required for safe access/egress. The proposed development would therefore result in unsafe vehicle movements to the detriment of highway safety within the vicinity of the site. Consequently, the development is contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

PLANNING & DEVELOPMENT COMMITTEE

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/0091/10 (JE)
APPLICANT: Mr M Agostini
DEVELOPMENT: Construction of 3 no. Garages. (Amended Plans received 28/05/20)
LOCATION: LAND ADJACENT TO JAMES STREET, CWMDARE, ABERDARE
DATE REGISTERED: 17/02/2020
ELECTORAL DIVISION: Aberdare West/Llwydcoed

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

REASONS:

The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact, the potential impact it would have upon the amenity and privacy of the neighbouring residential properties, and its potential impact upon highway safety in the vicinity of the site.

APPLICATION DETAILS

Full planning permission is sought for the retention and completion of 3no. garages at land adjacent to James Street, Cwmdare. This application follows approval of a similar scheme at the site (application ref. 15/0125/10) that was approved in 2015 but has not been built in accordance with the approved plans. As such this application seeks to retain the development as being built.

The garages would be set back from Dare Road by a paved driveway/apron to the front.

The block of three garages would measure a width of 10.3 metres by a depth of 5.6 metres. The garages would have a mono pitched roof design which would measure a maximum height of 3.1 metres on the rear elevation sloping to 2.7 metres at the eaves. 3no. roller shutter doors would be installed along its front elevation. The proposal would incorporate 2no. windows and an access door on its rear elevation.

The three garages would be interconnected by lockable internal access doors which the applicant has detailed would allow the unit to be rented out as more than one unit if required.

The site would be enclosed by 1.5 metres high feather edge fencing along its eastern and southern boundary with James Street.

SITE APPRAISAL

The application site is a roughly rectangular parcel of land located between two short rows of terraced dwellings, James Street to the north and David Street to the south respectively. The site fronts and is accessed from Dare Road which links the settlement of Cwmdare with the Dare Valley Country Park. It is bounded by the rear gardens of two properties within David Street to the south and directly abuts James Street along the northern boundary. The topography of the area falls from north to south and as such the site is set at two separate terraced levels. The northern section is located at the same level as James Street with the southern section being located at a slighter higher level than the adjacent highway, but at a higher level than the properties along David Street to the south. At the time of the Officers site visit works had commenced on site with the footprint and external walls of the garages in place.

PLANNING HISTORY

The most recent planning applications on record associated with the site are:

06/2253/13: LAND BETWEEN 1A JAMES STREET AND 1 DAVID STREET, CWMDARE, ABERDARE.

Residential Development - One Dwelling (Outline)

Decision: 02/01/2007, Refuse

15/0125/10: LAND ADJACENT TO JAMES STREET & DAVID STREET, CWMDARE, ABERDARE.

Erection of three garages.

Decision: 24/06/2015, Grant

PUBLICITY

The application has been advertised by direct notification to neighbouring properties as well as notices displayed at the site.

Four Letters of objection have been received following consultation from neighbouring occupiers and are summarised below:

- Application is a front for a dwelling on the site.
- Disruption caused during construction through noise and disturbance.
- Current unfinished appearance of site.
- The proposed development would be out of keeping with the surrounding area.
- Overlooking from proposal into neighbouring properties.
- Use of proposed garages.
- Drainage issues.
- The proposal would increase vehicular movements to the detriment of highway safety.

CONSULTATION

Transportation Section: No objection raised subject to conditions.

Public Health and Protection: No objection although conditions suggested with regards to hours of operation, noise, dust and waste.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Aberdare and isn't allocated for a specific purpose.

Policy AW2 – Supports development in sustainable locations.

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.

Policy AW10 – does not permit development which would adversely impact upon the amenity of neighbouring occupiers.

Policy NSA12 – supports development within and adjacent to the settlement boundary in the Northern Strategy Area.

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 Edition 10 sets out the Welsh Government's current position on planning policy, which incorporates the objectives of the Wellbeing of Future Generations (Wales) Act in to planning.

It is considered that the current proposals meet the seven wellbeing of future generation's goals inasmuch as they relate to the proposed development and the site is being brought forward in a manner consistent with the five ways of working.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking as defined by Chapter 2 People and Places: Achieving Wellbeing through Placemaking of the policy document and that the proposal is also consistent with the following insofar as they relate to the development proposed –

Chapter 1 Managing New Development.

Chapter 3 Strategic and Spatial Choices.

Chapter 4 Active and Social Places

Chapter 5 Productive and Enterprising Places

Chapter 6 Distinctive and Natural Places.

Other policy guidance considered:

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 seeks to retain and complete 3no. domestic garages and associated works located on a previously vacant plot between James Street and David Street, Cwmdare. The site is located within the settlement boundary and benefits from existing planning consent (15/0125/10) for 3no. domestic garages. As such, the principle of the development is considered acceptable subject to the below criteria:

Impact on the character and appearance of the area

With regard to visual amenity, it is acknowledged that the proposed garages would form a prominent feature along Dare Road. However, they are considered to be of an acceptable domestic scale and would be of a similar design to other domestic garage blocks located across the County Borough. In addition, the scale and overall design of the proposal has not significantly changed since the previously approved scheme at the site.

Furthermore the proposed boundary treatment which consists of 1.5 metre high feather edge fencing would be consistent with its domestic setting and would be in keeping with the residential character of the surrounding area.

As such, it is considered that the proposal will not detract from the character or appearance of the area.

Impact on residential amenity and privacy

It is noted that there has been a number objections received from local residents in this regard, however, it is not considered that the proposed garage block would have a significant impact upon the levels of amenity and privacy currently enjoyed by neighbouring properties.

The garages would be sited towards the north east corner of the site, set back from the highway by a minimum of 4.5 metres. Therefore, given the relationship they would have with the closest properties along both James Street and David Street, and the fact that they would be of an acceptable domestic design, scale and height, there would be no undue impact from issues such as loss of sunlight and overbearing affects.

Further objections have been raised with regard to the potential of the garages being used for commercial purposes that could result in noise and disturbance and a loss of privacy. Members are advised that the application details the garages are proposed

for domestic use for the parking of motor vehicles only. Furthermore, if permission were to be granted, a condition requiring the garages are only used for the parking of vehicles or storage for domestic purposes could be attached. It is acknowledged that domestic use could also result in some noise and disturbance from the comings and goings of users, however, it is considered the impact would not be significantly greater than the existing use of the road for access to the nearby Country Park.

It is noted the residents of Ty'n y Waun opposite the application site have commented that the use of the garages may lead to car headlights shining into their property when it is dark. However, given the fact that the property opposite is sited over 25 metres from the application site, is enclosed by a mature hedgerow, the limited domestic use of the use of the proposed garages and the proposed boundary screening, it is not considered that there would be a significant impact in this respect.

Therefore, taking this into account, it is not considered the development would result in a loss of amenity to neighbouring residents significant enough to warrant refusal of the application.

Highway Safety

The Council's Transportation Section were notified during the consultation period in order to provide comments on the suitability of the application with regard to highway safety. Their comments are as follows:

The proposed is served off an adopted highway Dare Road 4.5m wide leading to the Dare Valley Country Park. There are no footways leading to the proposed plot which means pedestrians share the same surface as moving motor vehicles which is of concern. However, given there is sufficient width of carriageway for vehicles to pass pedestrians and vehicular movements at this location are limited, no highway objection is raised.

There are limited off-street car parking facilities available in the vicinity of the site leading to on-street car parking narrowing the available width of the carriageway to single file traffic to the detriment of safety of all highway users.

Access to the garages is via a 6.0m wide vehicular access which is acceptable for safe movement. However, the garage entrance door of 2.5m requires a minimum reversing width of 5.5m for the garages to be accessible by a standard family car. At present there is only a 4.5m reversing width which is not acceptable for use by a standard vehicle. The garages as part constructed on site are suitable for a small vehicle only to access / egress which would make the garages less desirable for use. However, this would not warrant a highway objection.

There is a considerable drop off from the proposed land to Dare Road which raises cause for concern. Therefore, a condition for design and detail of vehicular containment along the boundary fronting Dare Road has been suggested. Design and detail of the proposed access ramp and tie in with Dare Road will also be required in the interests of safety of all highway users and free flow of traffic.

Taking, the above into consideration, on balance, the application is considered acceptable with regard to its potential impact upon highway safety within the vicinity of the site.

Other issues

A number of objectors have commented that the approval of garages on the site would set an unwanted precedent for future residential development due to the design of the proposal and that the garages benefit from water and foul connection. As detailed above, a previous application of 1no. residential dwelling was refused due to its potential impact upon the character and appearance of the locality and amenity of surrounding occupiers. Whilst the objectors concerns are acknowledged, this application seeks consent for 3 garages only and any future application for residential development would be considered and determined on its own individual merits.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

It is not considered the proposal would have a significant impact upon the character and appearance of the locality, the residential amenity of the surrounding neighbouring properties, or upon highway safety. As such, the application is considered to comply with the relevant policies of the Local Development Plan and is recommended for approval

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

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):

- A.03.1 – Received 28/05/20

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. Before the garages hereby approved are brought into beneficial use, design and detail of the garage entrance apron and tie in with Dare Road shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the LPA prior to beneficial use.

Reason: To prevent damage to the public highway, in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. Before the garages are brought into beneficial use, design and detail of vehicular containment along the frontage of Dare Road shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the LPA prior to beneficial use and remain in place thereafter.

Reason: To prevent damage to the public highway, in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. The use of the garages hereby approved, shall at all times be restricted to purposes normally associated with a domestic use and no trade or business 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 in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. The vehicular access to the site shall be laid out, constructed and retained thereafter with 2.4m x site frontage vision splays prior to beneficial use of the garages hereby approved.

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

7. No obstruction or planting when mature, exceeding 0.9m metres in height shall be placed within the required vision splay areas.

Reason: To ensure that adequate visibility is retained, in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

PLANNING AND DEVELOPMENT COMMITTEE

6 AUGUST 2020

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATION NO: 20/0091 –
CONSTRUCTION OF 3 NO.
GARAGES. (AMENDED PLANS
RECEIVED 28/05/20), LAND
ADJACENT TO JAMES STREET,
CWMDARE, ABERDARE**

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