

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2015-2016

**DEVELOPMENT CONTROL
COMMITTEE**

18 JUNE 2015

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

Agenda Item No.5(1)

**SITE MEETING
APPLICATION NO.15/0125 – ERECTION
OF THREE GARAGES – LAND
ADJACENT TO JAMES STREET AND
DAVID STREET, CWMDARE, ABERDARE**

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

3. BACKGROUND

3.1 In accordance with Minute No.200(2) (Development Control Committee, 14 May 2015), a site inspection was undertaken on Friday, 29 May 2015 to consider the highway impact on the surrounding area.

3.2 The meeting was attended by the Chairman of the Development Control Committee (County Borough Councillor G.Stacey) and Committee Members - County Borough Councillors (Mrs) S.Jones and (Mrs) S.Rees. Non-Committee/Local Member – County Borough Councillor A.Crimmings was also in attendance.

3.3 Apologies for absence were received from Committee Members - County Borough Councillors J.Bonetto, M.Griffiths, P.Jarman, (Mrs) J.S.Ward, P.Wasley and E.Webster. Non-Committee/Local Member – County Borough Councillor J.Davies had also submitted an apology for absence.

- 3.4 Members viewed the site and were informed that full planning permission was being sought for the erection of a block of three domestic garages on the vacant plot of land located between James Street and David Street, Cwmdare. It was noted that the land concerned was disused, overgrown, and in a poor visual condition. It formed an undeveloped infill plot within a residential area. The Development Control Officer stated that it was not considered the proposed garage block would have a significant impact upon the levels of amenity and privacy currently enjoyed by neighbouring properties.
- 3.5 It was noted that a number of applications for a two-storey dwelling on the site had been previously refused due to the potential impact upon the character and appearance of the locality and the amenity of surrounding residents. However, the previous refusals had been taken into account by the applicant and the erection of a single storey, domestically scaled garage structure on-site would be compatible with surrounding land uses.
- 3.6 Members referred to the concerns of local residents that approval of garages on the site could set an unwanted precedent for future residential development and in response, the Development Control Officer stated that for the reasons stated above, a two-storey dwelling was not considered acceptable on the site and any future application for residential development would have to be considered and determined on its own individual merits.
- 3.7 With regard to residents' concerns about the potential of the garages being used for commercial purposes, Members were advised that the application was for domestic use for the parking of motor vehicles only and conditions would be imposed to ensure that they could not be used for any other purpose.
- 3.8 Although a number of concerns had been raised by local residents in respect of the potential impact upon highway safety, the Highways Officer confirmed there was no objection to the proposed development subject to conditions. He stated that the proposal would provide off-street car parking in an area where there was considerable demand. He was satisfied that the proposals facilitate access and egress in a forward gear and there were no concerns regarding highway safety.
- 3.9 A number of objectors had stated that the proposed development might exacerbate existing drainage problems in the locality and in this regard, a condition would be added to any consent requesting full drainage details be submitted to and approved by the Local Planning Authority prior to the commencement of any works on site. The Local Member confirmed the existence of drainage problems in the locality.

- 3.10 Non-Committee/Local Member – County Borough Councillor A.Crimmings questioned the need for the proposed garages for local residents as she was unaware of any interests being expressed by anyone living closeby although she accepted this was not a planning matter. She also had some concerns about access off Dare Road which links the community of Cwmdare with the Dare Valley Country Park. She also felt strongly that the proposed roller shutter doors on the garages were not in keeping with the surrounding area and that if consent was given, an alternative design should be considered.

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APPENDIX 1

APPLICATION NO: 15/0125/10 (MF)
APPLICANT: Mr M Agostini
DEVELOPMENT: Erection of three garages.
LOCATION: LAND ADJACENT TO JAMES STREET & DAVID STREET, CWMDARE, ABERDARE.
DATE REGISTERED: 11/03/2015
ELECTORAL DIVISION: Aberdare West/Llwydcoed

RECOMMENDATION: Approve

REASONS:

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

APPLICATION DETAILS

Full planning permission is sought for the erection of a block of 3 no. domestic garages on land between James Street and David Street, Cwmdare.

The garages would be set back from Dare Road, 1 metre from the rear, eastern boundary, of the site having a paved driveway/apron to the front from which they would be accessed. The block would measure 11.2 metres in width by 5.6 metres in depth, incorporating a fibreglass, mono-pitched roof to 3 metres in height. 3 roller shutter doors would be installed along the front elevation and 3 wooded pedestrian doors would be installed along the rear to allow front and rear access to each individual garage. It is proposed the structure be finished in fined down sand/cement render and painted magnolia.

The application is accompanied by the following:

- Design and Access Statement.

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 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. The site is enclosed by a mixture of boundary treatments including walls, fencing and hedgerows. It is overgrown with various shrubs/bushes sited throughout and two disused caravans have been left on site.

PLANNING HISTORY

A number of previous planning applications have been submitted at the site:

11/0790	Land between James Street and David Street, Cwmdare	Detached two bedroom dwelling with car space	Refused 19/08/11
06/2253		Residential development – one dwelling (outline)	Refused 02/01/12
02/0096		Bungalow	Refused 29/03/02
90/0148		Bungalow	Granted 05/06/90

PUBLICITY

The application has been advertised by means of direct neighbour notification and site notices. Five letters of objection have been received from occupiers of the surrounding dwellings, making the following comments (summarised):

- The proposed garages would increase traffic movements in the locality having a detrimental impact upon highway and pedestrian safety.
- Access/egress to and from the site is inadequate along a country lane.
- Further traffic movements along Dare Road would increase pollution emissions in the locality.
- Car headlights would shine directly into the property opposite, Tyn y Waun.

- The use of the garages will cause general noise and disturbance to the surrounding residents.
- The plot has not been maintained for some time. There is concern that any future development at the site would also not be maintained.
- Residents in the vicinity of the site already have parking spaces. Therefore the new garages may be used by people outside of the immediate locality.
- The proposed garages would overlook the neighbouring properties.
- The proposal would overshadow the adjacent properties.
- The site is not used for caravan storage as suggested by the applicant. The previous owner simply left two caravans on site before it was sold on.
- Two planning applications for a detached dwelling have been refused at the site. There are concerns that if approval is granted for the garages, it will set a precedent for a dwelling to be constructed in future.
- The proposed garages would exacerbate the existing drainage issues on and around the site.
- The proposed garages would be out of keeping with the character and appearance of the surrounding locality.

CONSULTATION

Transportation Section – no objection, subject to conditions.

Countryside, Landscape and Ecology – no objections.

Land Reclamation and Engineering – no objection, subject to conditions.

Public Health and Protection – no objection, subject to conditions.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Aberdare but is not allocated any specific purpose.

Policy CS1 – sets out the criteria for development in the Northern Strategy Area.

Policy AW2 – states that development on non-allocated sites will only be supported in sustainable locations, which includes sites that are within the defined settlement boundary.

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 and biodiversity.

Policy NSA12 – identifies the criteria for assessment of development proposals within and adjacent to settlement boundaries.

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.

Principle of the Proposed Development

As set out above, the application proposes the erection of a block of 3 no. domestic garages at a vacant plot between James Street and David Street, Cwmdare. The site is located within the settlement boundary and the parcel of land forms an undeveloped infill plot within a residential area. It is noted that a

number of applications for a two-storey dwelling on the site have been previously refused due to the potential impact upon the character and appearance of the locality and the amenity of the surrounding residents. However, it is considered that the previous refusals have been taken into account by the applicant and the erection of a single storey, domestically scaled garage structure onsite would be compatible with surrounding land uses. As such, the principle of the development is considered acceptable, subject to an assessment of its potential impact upon the character and appearance of the surrounding area, the amenity and privacy of the neighbouring properties, and upon highway safety.

Visual Impact

In terms of visual amenity, whilst it is acknowledged that the proposed garage block would form a prominent feature along Dare Road, the site is currently disused, overgrown and in a poor visual condition. It is therefore considered that the redevelopment of the plot would improve its current character and appearance. Additionally, the rear and side boundaries of the site benefit from existing boundary treatments that would screen the proposed building from the adjacent properties on both James Street and David Street. It is also noted that the proposed structure is of a domestic scale, single storey nature and would utilise acceptable finishing materials (that could be further controlled through condition) that would arguably enhance the existing visual amenity of the locality.

It is therefore considered that the proposal would essentially tidy up the site and would have no significant, adverse affect upon the character and appearance of the surrounding locality.

Residential Amenity

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 over 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. 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 of the garages could also result in some noise and disturbance from the comings and goings of their 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, and the limited domestic use of the use of the proposed garages, 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

A number of concerns have been raised by local residents in respect of the potential impact of the development upon highway safety. However, following consultation with the Transportation Section, no objections have been raised subject to the imposition of a number of standard conditions.

The Transportation Section commented that the site is served off Dare Road, an adopted highway 4.5 metres in width leading to the Dare Valley Country Park. There are no footways leading to the plot which means pedestrians share the same surface as moving motor vehicles which is of concern. However, given that there is sufficient width of carriageway for vehicles to pass pedestrians and vehicular movements at this location are limited, no highway objection is raised. Furthermore, 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 carriageway to single file traffic to the detriment of safety of all highway users.

Therefore, the proposal will provide off-street car parking in an area where there is considerable demand which is acceptable. However, taking into account the sub-standard nature of the road leading to the site with regards to the lack of pedestrian facilities and width of carriageway, a condition has been suggested limiting the use to that associated with a domestic use with no trade or business use permitted. Consequently the development is considered acceptable in this regard.

Drainage

It is acknowledged that a number of objectors have stated that the proposed development may exacerbate existing drainage issues in the locality. Following

consultation, the Land Reclamation and Engineering Section has examined the proposed scheme of drainage and commented that whilst it is difficult to assess the full impact of the proposal based on the information provided, no objections are raised, subject to a condition being added to any consent requesting full drainage details be submitted to and approved by the Local Planning Authority prior to the commencement of any works on site. Consequently, although drainage may be an issue, it is considered that satisfactory drainage can be provided at the site, subject to conditions.

Other Issues

Following consultation with the Public Health and Protection Division and Countryside Landscape and Ecology Section, no adverse comments have been raised subject to a number of standard conditions being added to any consent.

A number of the objectors have commented that they would not want the approval of garages on the site to set an unwanted precedent for future residential development. As detailed above, it has been previously considered that a two-storey dwelling would not be acceptable on the site due to its potential impact upon the character and appearance of the locality and the amenity of surrounding residents. Whilst the objectors concerns are noted, this application seeks consent for the erection of 3 garages and any future application for residential development would be considered and determined on its own individual merits.

It is also noted that the objectors have raised concerns regarding the past and future maintenance of the site and the use of the proposed garages by people who do not live in the immediate vicinity of the site, however these points are not material to the planning application and cannot be taken into consideration during its determination.

Community Infrastructure Levy (CIL) Liability

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

This application relates to the erection of a block of domestic garages. As such, the application is for development of a kind that cannot be 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

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 ref. Site Location Plan and 2014/01 and documents received by the Local Planning Authority on 28/01/15 and 24/02/15, 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. 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.

4. The garages shall not be brought into use 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.

5. Before the development is brought into use the means of access, together with the parking and turning facilities, shall be laid out in accordance with the submitted plan 2014/01 and approved by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policy AW 5 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. 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.

7. Surface water run-off from the proposed development shall not discharge onto the public highway or connected 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.

8. 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.

9. 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) Nor 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 AW10 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

DEVELOPMENT CONTROL COMMITTEE

18 JUNE 2015

REPORT OF THE DIRECTOR, LEGAL AND DEMOCRATIC SERVICES

SITE MEETING

**APPLICATION NO. 15/0125 – ERECTION OF THREE GARAGES – LAND
ADJACENT TO JAMES STREET AND DAVID STREET, CWMDARE,
ABERDARE**

Minute No.200(2) (Development Control Committee, 14 May 2015)