



PLANNING & DEVELOPMENT COMMITTEE

4 FEBRUARY 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/1213/10, Retention and completion of garage block (re-submission of application 20/0091/10)

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 7th January 2021 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 resolved that they were minded to refuse the application contrary to the officer recommendation as they did not consider the alterations made to the scheme since the previously refused application overcame the concerns identified in respect of the previously refused planning application (ref: 20/0091). Members considered 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. 73 refers).

As a consequence, it was resolved to defer determination of the application for a further report from the Service 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:

Following consideration of the scheme no objections were raised by the Council's Transportation Section. In their assessment they commented that whilst the garages are inadequate to facilitate a standard vehicle to access/egress in forward gear, the proposal would facilitate off-street parking for small vehicles in the area. It was considered this would go some way to reducing on-street parking demand, providing a wider benefit to this area and thus, improving highway safety and the free flow of traffic which is attributed to indiscriminate on-street parking in the locality.

Notwithstanding the above, it is accepted however that the garages, as built, do not meet the relevant Council specifications in respect of access and turning space and therefore only small vehicles could navigate the access/entrance apron. This could be considered inappropriate and unacceptable as it would be difficult to control the types of vehicle that would use the garages/apron, resulting in larger vehicles trying to navigate the access off the highway and apron, resulting in reversing and turning movements in the highway, to the detriment of safety of all users.

This view was originally expressed by the Transportation Section during their initial consideration of the scheme, with their final comments being an 'on balance' view. This view highlights that it could be reasonable to conclude that the development would 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 for refusal would reflect those views:

REASON:

1. The garages and their associated access and apron, 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

7 JANUARY 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/1213/10 (JE)
APPLICANT: Mr M Agostini
DEVELOPMENT: Retention and completion of garage block (re-submission of application 20/0091/10).
LOCATION: LAND ADJACENT TO JAMES STREET, CWMDARE, ABERDARE
DATE REGISTERED: 03/11/2020
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.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received from occupiers of neighbouring properties.

APPLICATION DETAILS

Full planning permission is sought for the retention and completion of 3no. garages at land adjacent to James Street, Cwmdare. The application is a re-submission of previously refused planning application ref. 20/0091/10 which was refused because it was considered the proposal would result in unsafe vehicle movements in the vicinity of the site, to the detriment of highway safety.

The resubmission proposes no changes to the scale of the garage block which would be set back from Dare Road by a paved driveway/apron to the front (minimum of 4.5m). The block measures a width of 10.4 metres by a depth of 5.7 metres and would incorporate a flat roof design to a maximum height of 2.7 metres once completed. 2no. up and over garage doors and 1no. smaller double door would be installed within its front elevation. 2no. windows and a pedestrian access door would be sited within its rear elevation.

The 3no. garages would be interconnected by lockable internal access doors which the applicant has detailed would allow the unit to be rented out as either 1no. 2no. or 3no. separate units if required. The previously refused application proposed 3no. roller shutter doors on the front elevation of the garage block. However, the amended scheme would see the northernmost and central units now incorporating traditional up and over garage doors of 2.5m in width, with the opening of the southernmost unit reduced to a width of 1.6 metres. It is proposed that the northernmost and central units could accommodate cars, however it is detailed that the southernmost unit would be used for motorcycle and/or domestic storage purposes only, hence the smaller door here and not a traditional garage door.

Both this current application and the previously refused application (20/0091/10) follow approval of a similar scheme at the site in 2015 (application ref. 15/0125/10) which is not being built in accordance with the approved plans. As such this application seeks to retain the development as being built.

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. 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, and a higher level than the properties along David Street to the south.

At the time of the Officer's 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

19/0598/38: LAND ADJACENT TO JAMES STREET, CWMDARE, ABERDARE.

Discharge of conditions 3 (samples of materials) and 4 (site drainage) of previous planning application 15/0125/10.

Decision: 04/02/2020, Withdrawn by Applicant

20/0091/10: LAND ADJACENT TO JAMES STREET, CWMDARE, ABERDARE

Construction of 3 no. Garages. (Amended Plans received 28/05/20).

Decision: 13/08/2020, Refuse

PUBLICITY

The application has been advertised by direct notification to neighbouring properties as well as notices displayed at the site. 3no. letters of objection have been received following the consultation process from neighbouring occupiers (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.
- Lights shining in to neighbouring properties.

CONSULTATION

Transportation Section: No objection raised subject to conditions to restrict the use of the garages and construction details to be submitted to and approved by the Local Planning Authority.

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 but is not allocated for any 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 placemaking, 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 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

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 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. It is therefore considered the principle of the proposed development is acceptable and has already been established.

Impact on the character and appearance of the area

It is acknowledged that the proposed garages would form a visible feature along Dare Road, however it is not considered the finished structure would result in an overly prominent addition to the street scene, or an impact significant enough to warrant refusal of the application.

The proposed garages are considered to be of an acceptable domestic scale and would be of a comparable design to other domestic garage blocks located in the wider area and throughout the County Borough. Furthermore, they would be finished in appropriate external materials that would match that of many other buildings in the locality; the wider apron would be appropriately landscaped to reduce any impact; and the proposal would result in an improvement to the visual appearance of what was previously an unkempt site.

It is also noted that the overall scale and design of the garage block proposed has not altered significantly from that previously approved at the site (15/0125/10). The only noticeable difference would be garage openings, instead of 3no. uniform traditional garage door openings on its front elevation, as set out above, the opening of the southernmost unit would be reduced to restrict its use.

It is subsequently considered that the proposal will not detract from the character or appearance of the area and is acceptable in this regard.

Impact on residential amenity and privacy

It is noted that a number of objections have been received from local residents in this regard, however, whilst it is accepted that the proposed development would inevitably result in a degree of impact to the levels of amenity and privacy currently enjoyed by the nearest residents, it is not considered that any potential impact would be significant enough to warrant refusal of the application.

The proposed 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, David Street and Dare Road; and the fact that they would be of an appropriate domestic design, scale and height, it is not considered they would result in any undue impact upon these properties 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 would be used for the parking of private motor vehicles and domestic storage only. Furthermore, if permission were to be granted, a condition restricting the use of the garages to the parking of private motor vehicles and domestic purposes could be attached and is suggested below. It is

acknowledged that a domestic use could 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 adjacent highway 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.

Finally, it is noted that objectors have commented that the construction of the garages has resulted in noise and disturbance to surrounding residents and that this would continue should the application be approved. Whilst these comments are appreciated, construction noise/disturbance would only occur for a limited time and can be controlled by other legislation available to the Council if necessary.

Therefore, taking the above 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 previous planning application ref. 20/0091/10 was submitted at the site on 17/02/20. The scheme proposed a similar development of 3no. garages and was refused because it was considered the proposal would result in unsafe vehicle movements within the vicinity of the site, to the detriment of highway safety. This resubmission has proposed that the 1no. of the garages would be used for motorcycle and/or domestic storage purposes only to address the earlier concerns in relation to access.

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

The application site is served off a 4.5m wide adopted highway (Dare Road) that leads to the Dare Valley Country Park. There are no footways leading to the plot which means that pedestrians share the same surface as moving motor vehicles which is of concern and 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. 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 in this respect.

Access to the garages is via a 6m 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. Therefore the garages as part constructed on site are only suitable for a small vehicle to access / egress which would make the garages less desirable for use. The third garage has only a 1.6m wide double access door which is accessible for motorbikes or storage only. However, the use of the garages would be driven by the market and these concerns are not significant enough to warrant a highway objection.

It is noted however that there is a drop off from the application site to Dare Road which raises some cause for concern. However, it is considered this concern could be overcome through the installation of vehicle containment along the boundary with Dare Road. Therefore a condition is suggested in this respect.

A further condition is also suggested in respect of the design and detail of the proposed access ramp and tie in with Dare Road to ensure this aspect of the scheme is constructed correctly.

In light of the above comments from the Transportation Section, whilst the views of the objectors in relation to the impact of the proposed development upon highway safety are acknowledged, on balance, the application is considered acceptable in this regard.

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 because the garages benefit from water and foul connection. Whilst the objectors concerns are acknowledged, this application seeks consent for 3no. garages only and can only be determined based on that fact. 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 in the vicinity of the site. The application is therefore considered to comply with the relevant policies of the Local Development Plan and is recommended for approval.

RECOMMENDATION: Grant

1. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s)

- 2008.PLG01 – Received 29/10/20
- 2008.PLG02 – Received 29/10/20
- 2008.S01 – Received 29/10/20

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.

2. Within 28 days of the date of this consent, 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 Local Planning Authority prior to beneficial use and shall 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.

3. Within 28 days of the date of this consent, 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 Local Planning Authority prior to beneficial use and shall 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.

4. Prior to the garages hereby approved being brought into beneficial use, the vehicular access to the site shall be laid out, constructed and retained thereafter with 2.4m x site frontage vision splays. The vision splays shall remain in place thereafter.

Reason: 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 and in the interests of the safety of all highway users, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. 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.