



## **PLANNING & DEVELOPMENT COMMITTEE**

**17 DECEMBER 2020**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/0845/10 (LJH)  
**APPLICANT:** Ms C Kennedy  
**DEVELOPMENT:** Garage (Amended plans received 06/11/2020 - roller shutter door widened to 5 metres).  
**LOCATION:** MEMORIAL GARDEN, GROVE TERRACE, LLANHARAN CF72 9PR  
**DATE REGISTERED:** 06/11/2020  
**ELECTORAL DIVISION:** Llanharan

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#### **RECOMMENDATION: GRANT SUBJECT TO CONDITIONS**

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

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

- The application is reported to Committee for determination as three or more objections have been received.

#### **APPLICATION DETAILS**

Full planning permission is sought for the construction of a detached garage on land at the Memorial Garden, Grove Terrace, Llanharan.

The proposed garage would be sited at the northern-most part of the garden with access provided via the highway which runs adjacent to the eastern boundary of the site, Grove Terrace. It would measure 6 metres in width by 8 metres in depth and would incorporate a mono pitch roof design which would measure a maximum of 3.1 metres in height from ground level sloping to 2.5 metres at its lowest point.

A roller shutter door would be positioned within the southern facing front elevation which originally proposed to measure 1.6m in width but has since been amended to measure 5m in width (amended plans received 06/11/2020). A uPVC pedestrian access door and window would also be provided within the eastern facing side elevation. The garage would be constructed from concrete blocks and would have a corrugated profile sheet roof.

It is proposed that the garage be used by Llanharan Community Council for storage of tools and gardening equipment in association with the maintenance of the garden. The remainder of the Memorial Garden is to undergo refurbishment as per the proposed layout plan provided. Members are advised however that this aspect of the scheme does not require planning permission.

## **SITE APPRAISAL**

The application site is located within a residential area of Llanharan and consists of an irregularly shaped parcel of land located on the junction between Grove Terrace and Brynna Road. The site used to accommodate an ambulance station but has been used as a memorial garden for the station since its removal. The garden is in a poor condition and in need of refurbishment. It is currently being used informally by local residents as an off-road parking area.

The site is bound by residential properties to the west (nos. 10-12 St. James Mews) and east (nos. 12-15 Grove Terrace) with a Public Right of Way (PSM/50/1) being located adjacent to the western boundary. Four lock-up garages are sited immediately to the north with the southern boundary running parallel with the footway at Brynna Road.

## **PLANNING HISTORY**

No previous planning applications have been submitted at the application site in the last 10 years.

## **PUBLICITY**

The application has been advertised by means of site notice and direct neighbour notification. Five letters of objection have been received in total, including three from the occupants of nos. 14, 15 & 17 Grove Terrace which are located directly to the east of the application site. The concerns raised are summarised below:

- The proposal would be detrimental to the safety of children and residents who use the area.
- The memorial garden is used by residents for off-street car parking as Grove Terrace is often overly congested. This would be lost.

- Damage may be caused to parked vehicles by vehicles/equipment accessing/egressing the garage.
- The use of the garage will impact on the quality of life of surrounding residents with increased traffic and noise disturbance.
- The current memorial garden has never been used for its intended purpose as a meeting/relaxing area.
- The garage may attract unwelcome attention of opportunist thieves to the area.
- The area would become a gathering place for youngsters late at night which may cause distress to local residents.
- It is suggested that the garage be located at the playing fields on the opposite side of Brynna Road.
- The garage will impede views from the fronts of the properties along Grove Terrace and will block light to the front gardens and windows.
- The garage will negatively affect the house prices of properties at Grove Terrace.
- Who will be responsible for the up-keep of the garden as it has not been kept tidy and maintained in the past?
- There is currently no plaque and the local residents do not know who the garden is meant to represent.
- The garage is proposed to be built very close to or even on top of a culvert. The additional weight could damage the culvert.

Since receipt of the amended plans, the application has been re-advertised by means of site notice and direct neighbour notification. One further letter has been received from an existing objector and is summarised as follows:

- It is still felt that consideration needs to be given to the on and off-street parking in Grove Terrace. If the off-road parking area on the Memorial Garden is removed it will severely disrupt the ability to park in our own street which could have a knock on effect upon surrounding streets.

## **CONSULTATION**

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

Flood Risk Management – No objections are raised, or conditions suggested.

## **POLICY CONTEXT**

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

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

**Policy AW2** - supports development in sustainable locations and includes sites that are accessible by a range of transport modes and would not unacceptably conflict with surrounding uses.

**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  
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 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 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 storage building within an existing community, memorial garden. The building would allow for better maintenance of the garden and subsequently provide a beneficial space for local residents. The principle of development is therefore considered acceptable, subject to compliance with the criteria set out below.

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

The proposed garage would be sited at the northern-most element of the memorial garden and would be set at a lower ground level than the adjacent properties along Grove Terrace. Whilst it is acknowledged that the garage would be visible from the adjacent properties, the immediate area is already characterised by a number of lock-up style garages which are sited immediately to the north. As such it is considered a storage unit of this type would not be out of keeping in this location.

Furthermore, whilst it is acknowledged that the proposal will result in a larger unit than what might usually be seen at such sites, it would be of an appropriate design and scale, incorporating a single-pitched roof design of an acceptable height which would limit its prominence within the surrounding area. The structure would have a typical garage appearance with a roller shutter door within the front elevation and a pedestrian access door and window within the side elevation facing the highway. Additionally, it would be finished with appropriate external materials which are common for a garage of this type.

As such, whilst the concerns raised by the objectors in this respect are acknowledged, it is not considered that the garage would form an overly prominent addition within the surrounding area or result in a detrimental impact upon the character and appearance of the wider area.

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

It is not considered the proposed garage would result in a detrimental impact to the amenity and privacy standards currently enjoyed by surrounding residents.

In terms of the impact upon properties to the east (Grove Terrace), it is considered there would be an adequate separation distance (in the form of the highway, footway, and grass verge) of approximately 12 metres between the proposed garage and the front boundaries of these properties to ensure no undue overbearing or over overshadowing impact would occur, or a loss of outlook. In addition, the adjacent properties are set at a higher ground level than the application site which will further reduce any impact.

Although there is a window proposed within the eastern facing side elevation, due to the difference in ground levels and the proposed use of the building (storage), it would

not result in any undue overlooking towards the front elevations of properties along Grove Terrace.

An objector has raised concern with regards to the use of the garage; they are concerned that when moving equipment stored within the garage that the associated noise of both equipment and people will result in a detrimental impact to the amenity standards of surrounding residents. The objectors also raise concern that the garage will attract youngsters and opportunist thieves to the area which may lead to anti-social behaviour. Whilst the objectors' concerns are appreciated, it is not considered the construction of a small storage unit at the existing memorial garden would lead to significantly more noise and disturbance that currently occurs, or any increased anti-social behaviour in the area.

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

### **Highways and Parking**

The proposed garage would be accessed via a driveway off Grove Terrace which is primarily used by the occupants of properties along this street and the users of the lock-up type garages to the north. The Council's Transportation Section notes that the highway is mostly narrowed in width to single file traffic due to the on-street parking demand in this location and that the Memorial Garden is currently being used as an unofficial off-street car park by the residents, which reduces on-street parking in the area. However, the landowner could enclose this area at any time and prevent the informal parking of vehicles on this land, which will be the case to facilitate the refurbishment of the memorial garden. As such, whilst the loss of off-street parking in this location is regrettable, no objections are raised in this respect.

Additionally, vehicles currently mount and cross the footway to access the land for parking to the detriment of pedestrian safety and increasing maintenance liability to the Council with the potential for third party claims. These issues would be removed if the scheme were to be approved.

The Transportation Section also noted that the garage and its driveway could result in reversing movements to and from the highway which raises cause for concern, however taking into account the limited additional vehicular movements that the development would generate, it is considered that the proposal would have a minimal increase in vehicular movements and is therefore also considered acceptable in this regard. In addition, it is noted that there are a number of garages within the vicinity of the site which cause reversing movements to and from the highway with no reported problems.

The Transportation Section has however suggested two conditions be added to any consent, the first to ensure that details of the means of access to the proposed garage/driveway are submitted to and approved by the LPA; and the second to ensure

that surface water run-off does not discharge onto the public highway or connect to any highway drainage system.

Therefore, whilst the concerns raised by the objectors in this respect are noted, it is considered the scheme is acceptable in this regard.

### **Drainage and Flooding**

An objector has commented that the proposed garage may affect a culvert along the western boundary of the site. Following consideration of the scheme the Council's Flood Risk Management Section have confirmed that a culvert runs close to the western boundary of the site however it is not expected the construction of the small garage of this scale would have any impact, but the applicant should be made aware of the risks of building in such close proximity of the culvert and potential future surface water flooding risks. In light of these comments the scheme is considered acceptable in this regard.

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

With regards to the potential of any damage caused to the objector's vehicles/property, this is a private matter between the two parties that the Council could not enter in to.

Two of the objectors query why the garage is proposed to be sited on this parcel of land rather than within the boundary of the playing fields on the opposite side of Brynna Road. Whilst their query is acknowledged, the application has to be considered based on the site in question and proposal for which it has been submitted.

One of the objectors also queries what or who the Memorial Garden is in remembrance of and who will be responsible for maintaining the garden in future. In answer to this, Llanharan Community Council has confirmed that the Memorial Garden is in memorial of the former Ambulance Station that used to be located on site and that there is a plaque currently at the site in respect of this which will be included and re-used as part of the refurbishment of the site. Furthermore, it will be the responsibility of the Community Council to maintain the Memorial Garden, however this application relates solely to the construction of the proposed garage and not the refurbishment of the garden.

The objectors also raise concern that the garage will affect future house prices of the properties along Grove Terrace and their ability to sell should they wish to in future. Whilst this concern is appreciated, property values are not a material planning consideration and therefore cannot be taken into consideration during the assessment of the proposal.

### **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, upon the residential amenity of the surrounding neighbouring properties, or upon highway safety in the vicinity of the application site. As such, the application is considered to comply with the relevant policies of the Local Development Plan (Policies AW5 and AW6).

## **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: Proposed Garage and Store for Community Assets, Council Storage Shed Rev. B, Llanharan Memorial Garden (Version 2), and documents received by the Local Planning Authority on 14/08/2020, 25/09/2020, 01/10/2020, and 06/11/2020 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 commence on site until full details of the proposed vehicle footway crossing have been submitted to and approved in writing by the Local Planning Authority. The garage shall not be brought into beneficial use until the vehicular footway crossing has been provided in accordance with approved details.

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