



PLANNING & DEVELOPMENT COMMITTEE

4 NOVEMBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/0895/10 (JE)
APPLICANT: Mr Higgins
DEVELOPMENT: Single domestic garage.
LOCATION: SIDE OF 22 CLARENCE STREET, TON PENTRE,
PENTRE, CF41 7LP
DATE REGISTERED: 15/07/2021
ELECTORAL DIVISION: Pentre

RECOMMENDATION: APPROVE

REASONS: The principle of development at the site is considered acceptable. In addition, it is not considered the proposal would have a significant impact upon the character and appearance of the area, the residential amenity of the surrounding neighbouring properties, or highway safety within the vicinity of the site. The application is therefore considered to comply with policies AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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 construction of a detached domestic garage on land to the rear 22 Clarence Street, Ton Pentre. The garage would measure 3 metres in width by a depth of 6 metres. The proposed garage would have a mono pitch roof design measuring a maximum height of 3.5 metres sloping to 3 metres at the eaves. The garage would front a northerly direction onto the lane which is situated in-between Ton Row and Clarence Street.

The garage would have a roller shutter door, box profile steel sheet roof and would have textured render exterior walls.

SITE APPRAISAL

The application site forms a small, rectangular parcel of land situated to the rear of Clarence Street, Ton Pentre. It is located within an area where there are a number of garages served by an access point off the highway of Ton Row. The application site is situated to the north-east of number 22 Clarence Street and approximately 11 metres from the River Rhondda to the east. The site is flat in level but is elevated slightly above the rear garden of number 22 and the area of ground immediately to the south with a small retaining wall along its southern boundary. At the time of the Officer's site visit there was a storage container located at the site.

PLANNING HISTORY

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

15/0345/10: LAND TO REAR OF 23 CLARENCE STREET, TON PENTRE, CF41 7LP.

Single detached garage with blockwork construction and flat roof. (Amended plans received 30/04/15)

Decision: 25/06/2015, Grant

20/0061/38: LAND TO THE REAR OF 23 CLARENCE STREET, TON PENTRE, CF41 7LP

Discharge of condition 3 - Drainage arrangements of planning permission 15/0345/10.

Decision: 14/04/2020, Refuse

PUBLICITY

The application has been advertised by direct notification to neighbouring properties as well as notices displayed at the site. 5 letters of objection have been received, with the points raised summarised below:

- Clarence Street is already experiencing parking and traffic issues associated with the nearby Ton Pentre Infants School which would be exacerbated by the proposed development.
- Limit turning capacity at the bottom of Clarence Street.
- Nearby garages already used by people outside of the vicinity which creates existing parking/access issues.
- Land is used frequently for people accessing the nearby field.

CONSULTATION

Transportation Section: No objection subject to conditions.

Dwr Cymru/Welsh Water: No objection.

Flood Risk Management (Drainage): No objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Ton Pentre but is not allocated for a specific purpose.

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

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 that would result in an adverse impact upon the health and/or amenity.

Supplementary Planning Guidance

- 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 11) (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. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is 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.

Given the minor scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme

aligns with the overarching sustainable development aims of FW2040, it is not considered the policies set out in the document are specifically relevant to this application.

Other national 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 relates to the construction of a detached garage for domestic use on an unallocated site within the settlement boundary for Ton Pentre. The application site is situated in an area where there are a number of similar domestic scale garages fronting onto the adjacent lane. Subsequently, there would not be a conflict of uses in land use terms. In addition, planning permission was granted for a similar development at the site in 2015. As such, it is considered that the principle of the development has already been established and the proposal is acceptable subject to an assessment of considerations set out below.

Impact on the character and appearance of the area

As noted above, the application site is situated in an area that has a number of similar garages abutting the rear gardens of Clarence Street. Although it is accepted that the land immediately surrounding the application site has remained undeveloped, it is difficult to sustain an argument that the erection of the proposed garage would be visually harmful in the context of a rear street scene that is already host to a number of comparable garages. The proposed garage is also of a limited scale and is smaller than the existing garages situated to the west of the site. As such, it is not considered that the garage would adversely impact on the character of the surrounding area.

Impact on residential amenity and privacy

The proposed garage would be sited to the west and rear of number 22 Clarence Street. It is not considered to be of a scale or siting which would be overbearing to or result in a significant loss of light to the garden area of number 22.

In addition, the application proposes the erection of a garage for domestic purposes only. Therefore, it is not considered that such a use would result in a level of noise and disturbance which would be harmful to the existing levels of amenity of those living closest to the site. It is noted that the applicant does not live within the area, however, this alone is not a justified reason dispute its domestic use. And should the applicant seek to use the garage for a commercial use in future, a separate planning application would be required.

A restrictive condition is also suggested below that would also ensure the use of the garage is limited to domestic purposes only.

Subsequently, the proposal is considered to be acceptable in this respect.

Highway Safety and Parking Provision

A number of concerns were raised following consultation with residents in relation to access and parking. These concerns were focused around the highway at Clarence Street and the loss of the turning head. Members should note that the proposal would be served by the rear access lane and would have no impact upon the turning head at Clarence Street. Nevertheless, the Council's Transportation Section were consulted during the consultation period in order to provide comments with regard to highway safety. The following response was received:

The proposed garage would be served off an access lane via Ton Row to the north west of the site. The lane leading to the proposed garages is not metalled and lacks visibility at the junction with Ton Row. Any further intensification of use of this sub-standard junction would be to the detriment of highway and pedestrian safety. Ton Row has traffic calming measures along its length to reduce speeds to in the region of 20Mph which requires a vision splay of 2.4m x 22m in accordance with TAN 18. On street car parking in close proximity to the junction of the lane with Ton Row impacts further on the sub-standard visibility.

There are concerns with regards the intensification of use of this sub-standard access. However, the proposed garage is sufficient to contain one vehicle and would be of domestic use which will generate on average two trips per day. There are also a number of existing garages and a caravan storage business served by the lane.

Taking the above into account, whilst there is some concern regarding the intensification of use of the sub-standard lane with regards to poor visibility and structural integrity, when considering the vehicular speeds along Ton Row and the proposal could potentially remove some on-street car parking in the area, on balance,

the proposal is considered acceptable subject to a condition restricting its use to domestic purposes only.

Drainage

The applicant has noted that surface water run-off from the proposed development would be dealt with by the use of a soakaway. Nevertheless, concern was originally raised by the Council's Flood Risk Management team due to the site's location within a high surface water flood risk zone. However, following confirmation from the applicant that the site levels would not be lowered, and that the storage container would be removed from the site, it was concluded that the proposed development will not increase surface water flood risk in the area. As such, the application is considered acceptable in this regard.

Dwr Cymru/ Welsh Water noted in their response that there are a number of assets on this site and it is understood that this could restrict the development of the site. Members should note however that the applicant has entered into a deed of release with DCWW which satisfies the concerns around foul sewers. DCWW have also advised that following discussions with the applicant, they are confident that the garage would be separated by more than 3 metres from the public sewer. As such, DCWW are satisfied with the proposal subject to the works being overseen by a DCWW Site Controller. In addition, the granting of planning permission does not override legislation held by other statutory bodies. It is applicant's responsibility to ensure that all necessary permissions are obtained prior to the commencement of the development.

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

The principle of development at the site is considered acceptable and already established. In addition, it is not considered the proposal would have a significant impact on the character and appearance of the area, the residential amenity of the surrounding neighbouring properties, or highway safety within the vicinity of the site. The application is therefore considered to comply with policies AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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):

- Sheet 1
- Sheet 2
- Sheet 3
- Block Plan

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 use of the garage 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 residential amenity and the safety of all highway users in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. 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.