

PLANNING & DEVELOPMENT COMMITTEE

17 MARCH 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0088/10 (AM)
APPLICANT: Mr C Robbins
DEVELOPMENT: Construction of a single garage.
LOCATION: LAND OPPOSITE 16 BRYNHEULOG TERRACE,
TYLORSTOWN, FERNDALE
DATE REGISTERED: 25/01/2022
ELECTORAL DIVISION: Tylorstown

RECOMMENDATION: Approve

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

REASON APPLICATION REPORTED TO COMMITTEE

- A request has been received from Councillors Bevan and Adams so that Members can consider the impact of the development upon the loss of allotment land.

APPLICATION DETAILS

Full planning permission is sought for the construction of a detached garage on a parcel of land opposite 16 Brynheulog Terrace, Tylorstown.

The proposed garage would be located to the front of the site and accessed from the highway at Brynheulog Terrace. The garage would be sited on a recently constructed raised hardstanding which has been built at street level. This structure also forms part of the application. The garage and hardstanding would measure a width of 3.9 metres by a depth of 8 metres. The proposed garage would incorporate a mono-pitched roof design measuring a maximum height of 3 metres sloping to 2.9 metres from street level.

External materials would include box profile sheeting to the roof, side and rear elevations and timber cladding to the front. A wooden garage door would be sited within the front elevation.

It is proposed the garage be used for domestic storage purposes only.

SITE APPRAISAL

The application site forms a parcel of vacant land opposite 16 Brynheulog Terrace, Tylorstown. The site is split into two separate elements, the front occupied by an existing raised hardstand with a feather edge fence and gates fronting the public footpath, and the rear at a lower ground level and overgrown. The site is bound by three similar existing garages to the northwest and vacant but overgrown land to the rear and southeast. Traditional terraced residential properties are sited opposite.

There are a number of existing detached garages of varying design and scale located along Brynheulog Terrace, several of which are comparable to that proposed, including three directly to the northwest.

PLANNING HISTORY

There are no recent applications on record associated with this site.

PUBLICITY

The application has been advertised by direct notification to neighbouring properties as well as notices displayed at the site. 1 letter of objection has been received, which raised the following points (summarised):

- Removal of allotment land;
- Issues with ground stability;
- The land may belong to the end cottage (no. 2 Brynteg Cottages).

CONSULTATION

Highways and Transportation

No highway objection is raised subject to conditions.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it has been reviewed and a replacement is in the process of being produced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LPD for determining planning applications until replaced by a

further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary for Ferndale and 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.

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

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 domestic garage on a parcel of unallocated land within the settlement boundary for Tylorstown. The principle of development is therefore acceptable subject to compliance with the relevant criteria set out below.

Impact on the character and appearance of the area

The proposed development is considered to be acceptable in terms of the design, siting, massing, scale, materials and overall visual appearance. This view is taken for the following reasons:

Policy AW5 stipulates that the scale, form and design of a development should not have a detrimental effect on the site or surrounding area. Similarly, Policy AW6 is supportive of proposals that are of a high standard of design, reinforce attractive qualities, and that are appropriate to the local context.

It is acknowledged that the proposed garage would be a visible addition to the street scene given its position directly fronting Brynheulog Terrace. However, it is considered to be of an acceptable domestic scale and design, similar to that of several other garages along the street, including three directly to the northwest of the site; and would be of appropriate external materials. Therefore, when viewed in the wider context of the street scene, it is not considered the proposal would form an overly prominent feature or be out of character with its surroundings.

As such, the proposal is considered acceptable in terms of its siting, scale, design, and overall visual appearance, in accordance with Policies AW5 and AW6 of the Local Development Plan and the Supplementary Planning Guidance.

Impact on residential amenity and privacy

Neighbouring properties located at the opposite side of Brynheulog Terrace are separated from the site by 14 metres and are located higher in elevation. Therefore, the proposed garage would not have any overbearing or overshadowing impact to these properties.

It is accepted that the garage may result in a degree of noise and disturbance in the immediate locality, but given its domestic use and minor scale, it is not considered any impact would be significantly greater than that which already occurs as a result of the existing garages here.

Further, whilst it is noted that the neighbouring properties located at East Road to the rear of the site are significantly lower in elevation, as the proposed garage would be separated from the rear elevations of these properties by 43 metres and existing boundary treatments and vegetation exist in-between giving an element of screening, it is not considered any impact would occur to these properties.

It is therefore considered the proposal complies with the relevant policies of the Local Development Plan (AW5 and AW6) in this regard.

Impact on highway safety

The proposal would allow for vehicular access to the application site off Brynheulog Terrace. The Highways and Transportation section have no objection to the scheme but did note that there is some concern that no details of a vehicular crossover have been submitted and that the proposed garage doors may open out over the highway. However, conditions requiring these details be submitted to the Local Planning Authority prior to beneficial use would overcome any concern.

The Highways and Transportation section also noted that the proposed garage entrance is insufficient to provide access for a car or larger vehicle, but taking account that it would be sufficient to provide access for motorbikes and small vehicles which will decrease on-street parking demand in the area, on-balance, the proposed is considered acceptable in this regard.

Other issues

With regard to the objections raised that have not been covered above, a search of Council records has found that the site is not currently and was not formally allocated as allotment land. It is instead privately owned land that may have been informally used as allotments by previous owners.

In regards to ground stability, while the objector's comments are acknowledged, the application site is not located within an area at high risk from former underground coal mining works and as such, no Coal Mining Risk Assessment is required. Furthermore, during the Officer site visit, there was no visible evidence of ground stability issues at the site or at the existing adjacent garages.

Further, any concerns regarding land ownership are a civil matter between the relevant parties that the Council cannot enter in to. Members are advised however that the applicant has signed Certificate A of the application forms and confirmed that they are the sole owners of the application site.

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 considered the proposal would not have a significant impact on the character and appearance of the locality, the residential amenity of the surrounding neighbouring properties, or highway safety in the vicinity of the site. The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5 and AW6).

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) Proposed Elevations, Proposed Floor Plan and documents received by the Local Planning Authority on 20/01/2022, 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 garage, sited as shown on the submitted plan, shall be fitted with inward-opening doors or a roller shutter, which will not open over the highway. No doors shall be added or replaced which would open over the highway thereafter.

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

4. 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 the safety of all highway users, in accordance with Policy AW5 of the Rhondda Cynon Taff Local Development Plan.

5. Notwithstanding the details shown on the submitted plans, no further development shall commence until design and details of the vehicular crossover along with garage entrance apron tie-in have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial use.

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

6. Surface water run-off from the proposed development shall not discharge onto the public highway or be 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 Taff Local Development Plan.