

## **PLANNING & DEVELOPMENT COMMITTEE**

**22 June 2023**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/1443/10 (HB)  
**APPLICANT:** Miss R Bailey  
**DEVELOPMENT:** Roller shutter doors  
**LOCATION:** LAND TO THE REAR OF 257, TREBANOG ROAD,  
TREBANOG, PORTH  
**DATE REGISTERED:** 03/03/2023  
**ELECTORAL DIVISION:** Cymer

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

**REASONS:** The erection of a roller shutter door within this rear lane location is considered an acceptable form of development that complies with the requirements of planning policy.

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

- Three or more letters of objection have been received.

#### **APPLICATION DETAILS**

Full retrospective planning permission is sought for the construction of the following at land to the rear of 257 Trebanog Road, Porth:

- Grey roller shutter doors to the front elevation of an existing domestic garage. The doors are 2.6m in height, 2.7m in width and 0.3m in depth. Due to the existing garage having a pitched roof from east to west the western edge of the doors are 0.3m above the existing ridge line.

#### **SITE APPRAISAL**

The site is an area of triangular land to the western side of number 20 Glanffrwd, Trebanog, and to the rear of 255 – 257 Trebanog Road with access off an unclassified track to the front via Glan Ffrwd Street to the east. To the rear are gardens of Ton Hywel at a higher ground level. The plot has a garage outbuilding in situ under planning reference 09/099/10 upon the east side, with a subservient garage structure with mono-pitched box profile sheeting and cement rendered walls directly adjacent to

the west elevation where the roller shutter doors subject to this planning application are sited. There are fenced boundary treatments to the front, side and rear elevations. Several properties within the vicinity benefit from rear garage structures and there are further detached structures to the west of the application site.

## **PLANNING HISTORY**

09/0099/10	Proposed erection of detached single garage. (Amended plans received 23/04/09 and new description)	Grated	05/06/2009
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## **PUBLICITY**

The application has been advertised by means of direct neighbour notification and site notice. 4 objections have been received making the following comments (summarised):

- Loss of amenity space for children to play
- Drainage/ flooding impact
- Impact upon the character and appearance of the area
- Commercial use of the garage
- Pollution and disturbance

## **CONSULTATION**

Highways and Transportation Section: Raise no objection.

## **POLICY CONTEXT**

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and is in the process of being replaced. 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 LDP 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.

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

The site is within a settlement boundary as defined by the Rhondda Cynon Taf Local Development Plan and is unallocated.

**Policy AW2** - The policy provides for development in sustainable locations which are within the settlement boundary; would not unacceptably conflict with surrounding uses; and have good accessibility by a range of sustainable transport option.

**Policy AW5** – The policy identifies the appropriate amenity and accessibility criteria for new development proposals. It expressly states that the scale, form and design of the development should have no unacceptable effect on the character and appearance of the site and the surrounding area. There should also be no significant impact upon the amenities of neighbouring occupiers and should, where appropriate, retain existing features of natural environmental value. In addition, the development would require safe access to the highway network and provide parking in accordance with the Council's SPG.

**Policy AW6** - The policy supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness. Furthermore, proposals must be designed to protect and enhance landscape and biodiversity by providing measures for mitigation and enhancement, where appropriate.

#### Supplementary Planning Guidance

1. Design and Placemaking
2. 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) was issued on 24<sup>th</sup> February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

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.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

1. Policy 2 – Shaping Urban Growth – Sustainability/Placemaking

2. Policy 3 – Supporting Urban Growth – Council and /Placemaking/developers/regeneration/sustainable communities'/exemplar developments.

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 development**

The application seeks retrospective planning permission for the erection of a roller shutter door to the front of an existing domestic garage structure. The general principle of such works is wholly acceptable.

#### **Impact on highway safety**

Following consultation, the Highways and Transportation section commented that the application relates to the installation of a roller shutter door only with the garage structure already in place. As such there would no impact upon highway safety and no objection is raised or conditions suggested.

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

In terms of visual amenity, the objectors have raised concerns regarding the impact the shutter has on the visual character of the area. The roller shutter doors are adjacent to an existing set of roller shutter doors of a similar scale and appearance at the adjoining garage. There is also a garage with roller shutter doors opposite and several further examples of detached garages with roller shutter doors to the west of the site. As such, this type of development is typical of the area. Therefore, given the relatively minor scale of the structure and many examples of similar developments in the immediate area, it does not have any detrimental impact to the character of the area or exiting views enjoyed by residents, being seen as an extension to the existing outbuildings nearby. The scheme is therefore considered acceptable in this regard.

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

In terms of the impact on existing levels of residential amenity, the scheme is considered acceptable. Comments have been received with regard to the impact upon the space for children to play, the potential commercial use of the garage, disturbance and pollution. The roller shutter doors are small in scale and do not impact upon the public realm or subsequently any outdoor amenity space. Further, the proposal relates to the construction of the roller shutter door only, the garage structure itself is existing and does not form part of this application. Therefore, while in a residential area, there would not be any physical detriment to the amenities of surrounding neighbours and the use of the existing garage is not a consideration of this application, although it appears to be in domestic use. Finally, the introduction of the roller shutter would not introduce any further intensification of use. As such there would be no further noise and disturbance to existing residents. The scheme is therefore considered acceptable in this regard.

## **Other matters**

### ***Flooding***

Concerns from residents have been raised with regards to potential flooding of the site given the siting of the door and adjoining structure is within 3m of a culvert. While these comments are acknowledged, given the very minor nature of the development it is not considered it would result in any further surface water issues in the area than that which already occur.

### ***Existing garage constructed without consent***

From aerial imagery it is clear the building was constructed between 2013 – 2016 and therefore is at least 4 years in situ. Consequently while it would have needed planning permission, it is now exempt from enforcement action for the physical construction, although can still be enforceable if the use is unacceptable, i.e. commercial.

## **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 siting of garage roller shutter doors in this location is considered an appropriate and acceptable form of development which is considered to comply with the relevant requirements of planning policy.

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

1. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s):
  - Application form dated 20/03/2023
  - Location Plan 1:1250
  - Block Plan 1:500
  - Site Plan 1:100
  - Elevations 1:50

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.