

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: 23/0039/10 (JE)
APPLICANT: Mr B Jones
DEVELOPMENT: Construction of garage/store/workshop (Amended Redline Boundary and Plans received 17/03/23)
LOCATION: REAR OF 2, CRICHTON STREET, TREHERBERT
DATE REGISTERED: 17/03/2023
ELECTORAL DIVISION: Treherbert

RECOMMENDATION: APPROVE

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

REASON APPLICATION REPORTED TO COMMITTEE

- More than 3 letters of objection have been received

APPLICATION DETAILS

Full planning permission is sought for the construction of a garage at land to the rear of 2 Crichton Street, Treherbert. The garage would be sited on an area of land which currently accommodates 3no. garages that would be removed from the site.

The proposed garage would have an irregular footprint and would measure a maximum width of 17.7 metres by a maximum depth of 11.2 metres. The garage would have a mono pitched roof design measuring a maximum height of 3.2 metres sloping to 2.3 metres at the eaves. The proposal would also see a 1 metre access path located along the northern side which would allow access to the rear amenity space of No.3 Crichton Street. Access to the garage would be made via a single entrance door located on the front elevation.

Members are advised that a revised redline boundary along with amended plans showing a structure of a reduced height were submitted following information being

submitted with regard to land ownership and concerns being raised with regard to the scale of the proposal.

SITE APPRAISAL

The application site relates to an irregular shaped parcel of land which extends to approximately 0.012ha in size. The site is located to the rear (west) of properties along Crichton Street and currently accommodates 3no. single garages with the site enclosed by mech fencing and sheeting between the garages. The nature of the area slopes from north – south with a change in levels seen across the site. To the front of the site is a cross junction of rear lanes with an open area of tarmac. The site is bounded by the 2 and 3 Crichton Street to the east, no.4 Crichton Street and a substation to the north and access lane to the west and south.

The surrounding area is residential in nature and is characterised by traditional linear terraces. There are also a number of existing garages of varying scale and design located to the rear of neighbouring properties which adjoin the rear access lanes.

PLANNING HISTORY

There are no recent planning 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.

A total of 7 letters of objection have been received following consultation. The points raised have been set out below:

- The development is completely out of proportion for the local areas. A 4.5 metre high building will stick out like a sore thumb and encourage other similar development in the area.
- Misrepresentation of the ownership of the plot shown on the block plan as part of the land is not owned by the applicant.
- The size and density of the proposed rear garage and store/workshop is excessive and out of keeping with the surrounding area in contravention of the area wide policies contained in the Rhondda Cynon Taf Local Development Plan.
- The applicant has misrepresented on the application form that there has been a discussion with neighbours. This is incorrect.
- The proposed garage and store/workshop is likely to be used for commercial activity
- The proposed plans block right of way access to adjacent properties
- Will block light and view from neighbouring properties.
- The plans build over a garage owned by a neighbouring occupier.
- Plan will impact future property value.

- The proposed structure will significantly reduce the entry/ egress into the already narrow lane. If there is a fire, how will emergency service vehicles have enough space to access the substation.
- Commercial use will result in increased noise and traffic
- Proposal which measures 4.5 metres high is significantly higher than the existing small garages.
- Overshadow neighbouring gardens and comprise access to natural light
- Structure lacks any sort of architectural design and will be very unattractive in this neighbourhood which consists of mostly Victorian housing.

Following the submission of the revised redline boundary and amended plans further consultation was undertaken. During the process the additional comments were received:

- The proposal continues to misrepresent the ownership of the plot shown in the block plan as the area of land accommodates a garage not owned by the applicant.
- The proposal would continue to fail to satisfy the requirements of the applicable planning policy.

CONSULTATION

Transportation Section: No objection subject to conditions.

Public Health and Protection: No objection although conditions suggested with regard to hours of construction, noise, dust and waste.

Flood Risk Management (Drainage): No objection subject to condition.

Welsh Water/ Dwr Cymru: No objection although condition requested with regard to surface water drainage.

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 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.

The application site lies within the settlement boundary for Treherbert and isn't allocated for a specific purpose.

Policy CS1 – sets out the criteria for new 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 place making, including landscaping.

Policy AW10 – Does not permit proposals where they could cause or result in a risk of unacceptable harm to health and/or amenity.

Policy NSA12 – Identifies the criteria for assessment of development proposals within and adjacent to settlement boundaries.

Supplementary Planning Guidance

- Design and Placemaking
- Access, Parking and Circulation

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.

Furthermore, 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 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 detached garage on a site within the settlement boundary for Treherbert. As such, the principle of development is therefore acceptable subject to the criteria set out below.

Impact on the character and appearance of the area

Whilst the proposal would form a large addition to the site that would result in a prominent addition when viewed from the adjacent rear lanes. With the garage located to the rear of neighbouring properties at Crichton Street, Church Street and Dumfries Street which largely screen the site from view from the adjacent streets, the proposed garage is not considered to result in a dominant or incongruous feature in the area surrounding the site. It is also noted that the resulting appearance would not be dissimilar from blocks of garages which are widely seen in such locations within rear lanes. In addition, there are a number of existing garages of varying designs located to the rear of neighbouring properties within the surrounding area. As such, it is considered that the proposals will not detract from the character or appearance of the area.

Taking the above into account the application is considered acceptable in this regard.

Impact on residential amenity and privacy

Whilst the garage would be larger in scale in comparison to a typical single or double domestic garage. When considering the height of the garage at 3.2 metres which

would be reduced to 2.5 metres along the areas closest to No.3 and 4 Crichton Street due to the ground level being lowered. It is not considered that any impact would be significant and it would be similar to existing relationships between properties and garages within the vicinity. As such, any impact in this regard would not be significant enough to warrant a refusal of the application

The objections received have set out concerns that the garage would be used for commercial purposes and result in an adverse impact through noise and disturbance. Whilst these concerns are noted the applicant has set out that the garage would be used for domestic purposes and a condition has been set out below restricting the use of the garage.

Taking the above into account, the proposal is not considered to adversely impact upon residential amenity and is considered acceptable in this regard.

Highways

Concerns were raised by the objectors with regard to highway safety and the use of the access lane. As such, the Council's Transportation Section were notified during the consultation period in order to provide comments on the suitability of the proposal with regard to highway safety. The following comments were received:

The proposed garage will be served off an un-metalled lane approximately 2.7 metres in width to the rear of Crichton Street/Dumfries Street which is accessible from Crichton Street and Church Street. The lane to the rear of Crichton Street extends to a maximum of approximately 13.5 metres in width to the rear of the property providing sufficient space for vehicles to turn allowing vehicles to access and egress the side lanes in a forward gear which is considered acceptable.

The proposed provides off-street parking facilities within the garage reducing on-street parking demand in the interests of highway and pedestrian safety which is considered acceptable.

The proposed will utilise an existing access and provide off-street parking facilities which will decrease on-street parking demand in the interests of highway and pedestrian safety and therefore, is considered acceptable.

Drainage

Following consultation, the Council's Flood Risk Management Team and Welsh Water have requested a condition be attached to any consent with regard to surface water drainage. In this instance the applicant has submitted detail indicating water run-off from the proposed discharging internally. As such, it is not considered that these conditions would be necessary.

Public Health and Protection

The Council's Public Health and Protection Division have raised no objection to the proposal; however a number of conditions have been suggested in relation to hours of operation, noise, waste and dust. Whilst these comments are appreciated, it is considered that these issues can be more effectively controlled by other legislation and the suggested conditions are therefore not necessary. An appropriate informative note would be sufficient

Other points raised by the objectors

The original objections set out that the development includes an area of land outside of the ownership of the applicant. Following information being received with respect to the original redline boundary which included an area of the rear garden of No.4 Crichton Street. Members are advised that the redline boundary was subsequently amended to include land solely within the ownership of the applicant. The objections also set out that an existing garage at the site is owned by a neighbouring occupier which is disputed by the applicant. Therefore, whilst the above concerns are noted any issues with respect to land ownership on site would form a civil matter between the relevant parties and are not material to the determination of this planning application

The right to light and impact upon property values were also raised within the objector's comments. Whilst these points are noted, they do not form material planning considerations and cannot be taken into account during the consideration of this application.

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, highway safety and upon the residential amenity of the surrounding neighbouring properties. 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 numbers:
- SGI 01C – Received 17/03/23
 - SGI 02C – Received 17/03/23
 - SGI 04C – Received 17/03/23

and documents received by the Local Planning Authority, 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 and at no time shall it be converted to a room or living accommodation to be enjoyed as part of the dwelling.

Reason: For the avoidance of doubt as to the extent of this consent, in the interests of the residential amenity and highway safety in accordance with Policy AW5 of Rhondda Cynon Taf Local Development Plan.