

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: 23/0312/10 (HB)
APPLICANT: Mr J Starkey
DEVELOPMENT: Proposed garage
LOCATION: LAND ADJACENT TO TYDFIL HOUSE, HIGH STREET, CYMER, PORTH, CF39 9ET
DATE REGISTERED: 20/03/2023
ELECTORAL DIVISION: Cymer

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

REASONS: The erection of a garage for domestic use within this lane location is considered an acceptable form of development that complies with the requirements of planning policy.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received.

APPLICATION DETAILS

Full planning permission is sought for the construction of the following at land adjacent to Tydfil House, Porth.

- 1 no. detached garage at the north-west edge of the site, set back from the north curtilage boundary by 2.6m. The garage would be 5m in width, 6m in depth, and would have a mono-pitched roof with a ridge of 3.6m at the front falling to 2.7m at the rear. It would be finished with profiled steel roof sheeting and sand render.
- There would be a 4m wide roller shutter door to the front along with a 4m wide area of consolidated hardcore as a means of access.

SITE APPRAISAL

The site is a vacant area of land at the edge of the settlement in this area of Porth, outside of but directly adjacent to the settlement boundary. Access is off an unclassified track via High Street located to the west. The site is directly to the east

of Tydfil House, with the rear gardens and garages of properties along High Street to the north. The unclassified track continues to the east where there is an area of woodland. Land to the rear forms part of the Trebanog Slopes SINC (Site of Important Nature Conservation).

The site is a large area of scrubland with a boundary picket fence and access gate to the front which is slightly banked from the access track. There are various examples of garages within the vicinity of varying appearance and scale.

PLANNING HISTORY

No recent or relevant planning history within the previous 10 years.

PUBLICITY

The application has been advertised by means of direct neighbour notification and site notice. 6 objections have been received making the following comments (summarised):

- Loss of amenity and overshadowing
- Impact to habitat and ecosystems
- Increase in footfall
- Building work pollution and disturbance
- Drainage/ flooding impact
- Potential crime to property

CONSULTATION

Highways and Transportation Section: Raise no objection, subject to the imposition of conditions.

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 outside of but directly adjacent to the settlement boundary as defined by the Rhondda Cynon Taf Local Development Plan and is unallocated.

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.

Policy AW8 - Seeks to protect and enhance the natural environment from inappropriate development.

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 24th 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), WG's 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 permission for the erection of a detached garage at the site for domestic use. While it is accepted the site is located outside of settlement limits it is located directly adjacent to the settlement boundary and off a rear lane, in an area that relates more with the adjacent urban area to the north than the countryside to the south. Such developments are commonplace in these locations and similar examples are apparent in the wider locality. As such, it is not considered the structure would be out of keeping with its surroundings and given the relatively minor scale and domestic use, would generally comply with planning policy and is acceptable in principle.

Impact on highway safety

In relation to the impact on highway safety, the objectors have raised concerns with regard the potential impact the proposal could have on the junction with High Street which also serves a nearby school. However, following consultation and assessment of the scheme the Highways and Transportation section have no objection to the proposal. It was noted in their comments that the proposed access is acceptable and that the garage would provide off-street parking in an area of high demand which is acceptable. It was noted however that a condition should be added to any consent restricting the use of the garage to domestic purposes only as the access lane is not suitable for commercial use. It is considered this condition is reasonable and is therefore set out below. The scheme is therefore considered acceptable in this regard.

Impact on the character and appearance of the area

In terms of visual amenity, the site is outside of but directly adjacent to the settlement boundary of Cymer and therefore any development here will undoubtedly alter the site's semi-rural character and appearance. However, the garage would occupy a currently disused and unmaintained site in what is essentially a rear lane location adjacent the curtilage boundary of Tydfil House whereby the garage would occupy a space close to an existing similar outbuilding at Tydfil House.

The structure is single storey in nature and would utilise acceptable finishing materials, consistent with a standard domestic garage style. Furthermore, there are several garages within the immediate street-scene of the lane many of similar design and scale to that proposed. As such, given the relatively minor scale of the structure it is unlikely to significantly alter the character of the area or exiting views enjoyed by residents, being seen as an extension to the existing outbuildings nearby.

It is therefore considered that the proposal would have no adverse impact on the character or appearance of the site or existing locality.

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 amenity of Tydfil House, however, the new structure would be erected adjacent to an already existing outbuilding of Tydfil House which would ensure no undue overshadowing or overbearing impact would occur. Furthermore, the condition suggested by Highways and Transportation relating to the domestic use of the garage only will further ensure the amenity of the residents is not impacted significantly, limiting movements associated with it. There are also no concerns with regard privacy as there are no side elevation windows proposed.

It is accepted there will be a degree of impact to surrounding residents during the construction phase, but this will be over a short period of time only and would not be significant given the minor scale of the proposal.

It is therefore considered that the proposal would have no adverse impact on the residential amenity of residents.

Ecological impact

Concerns from residents have been raised with regards to the impact upon the local wildlife, given the site's location adjacent to the SINC. The Council's Ecologist has been consulted on the matter and has not raised any concerns or requested any ecological work given the existing state of the site and minor works proposed.

Other matters

Flooding

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

Crime

The objector's have commented that the proposed garage could result in additional crime in the area. No evidence has been submitted to substantiate this view, but in any case, it is not considered the construction of a domestic garage would increase levels of crime in the area.

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 a domestic garage 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 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):

- Application form dated 20/03/2023
- Proposed erection of a domestic garage of land adjacent to Tydfil house at the rear of High street, Cymmer, Porth: Proposed and Existing elevations and plans, Scale 1:50

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

3. The garage, hereby approved, shall be used only for domestic storage. At no time shall it be converted to independent living accommodation and no business shall be carried out therein.

Reason: The garage would be unacceptable for independent residential or commercial use and to protect the amenities of neighbouring residents, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.