

**Committee Report produced for Planning Committee  
on 05 January 2017**

**APPLICATION NO:** 16/0819/10  
(HW)  
**APPLICANT:** Rhondda Housing  
**DEVELOPMENT:** Proposed residential development of 26 flats, car parking, landscaping and access. (Amended plans received 12/10/16)  
**LOCATION:** **SOUTHGATE GARAGE, CROSS INN ROAD, LLANTRISANT, PONTYCLUN, CF72 8AY**  
**DATE REGISTERED:** 27/07/2016  
**ELECTORAL DIVISION:** Town (Llantrisant)

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**RECOMMENDATION: Approve**

**REASONS:** This is a proposed infill development on a brownfield site within the settlement boundary of Llantrisant. The key issue in the determination of this application is considered to be the impact on the amenity of surrounding residential properties. While it is accepted that the development will impact on residents, it is not considered that its impact is unacceptable in planning terms and therefore it is recommended that planning permission is granted.

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**REASON APPLICATION REPORTED TO COMMITTEE**

The application is being reported to the Development Control Committee as it comprises more dwellings than can be considered under the scheme of delegation. In addition, more than 3 objections have been received to the scheme. The Local Member has also indicated that he wishes to request a site visit.

**APPLICATION DETAILS**

Full planning permission is sought for 26 one bedroom flats on the site of the former Southgate Garage in Cross Inn Road, Llantrisant.

The development is proposed as a social rented development. It comprises two L-shaped blocks, both of which are partially two storey and partially three storey in height. Both blocks will front Cross Inn Road and a new access and turning area is proposed between the blocks from Cross Inn Road, which gives access to the parking area to the rear of the blocks. Some communal garden area, two cycle stores and bin stores are also proposed as part of the development.

The blocks proposed are quite traditional in shaped with standard ridged roofs, and are proposed to be finished in a mix of artificial slate, stone cladding, brickwork and render. The 3 storey elements are a maximum of 12 metres in height and the 2 storey elements are a maximum of 9.2 metres in height.

As well as the plans, a Planning Statement, Design and Access Statement, Transport Statement, Noise Impact Assessment, Geotechnical/Geoenvironmental Report and Drainage Strategy have been submitted with this application.

## **SITE APPRAISAL**

The site is a former garage site that is currently vacant. The garage building on the site was demolished in 2011. The site has a long frontage of 90 metres in length, and is 29 metres deep. It is rectangular in shape with a long frontage along Cross Inn Road. To the east of the site is a large domestic garage with a row of traditional cottage style houses beyond this. To the west is an operational car repairs garage.

The site is supported to the rear by a retaining wall of approximately 2.5 metres in height, which raises the level of the site from the houses in Greenlands Road and Summerfield Drive behind.

## **PLANNING HISTORY**

The relevant planning history for this site is as follows:

85/0424	Sign Panels.	Approved 01/08/85
83/0011	Office and cloakroom extension to garage.	Approved 02/02/83
75/0274	Advertisement Sign.	Approved 09/07/75

## **PUBLICITY**

The application was advertised by means of site notices and a press notice, due to it being a major application. Direct letters of notification were also sent to adjoining neighbours.

Letters of objection have been received from 23 properties. The concerns raised are summarised below. In addition to this, the Local Member wrote to advise that he had some concerns regarding the development in the form that it was originally submitted.

### Residential Amenity

- The development would cause a huge loss of privacy to residents in Greenlands Road, particularly as it is significantly higher and there are a number of windows to the rear;
- The development would cause overlooking of both the houses and gardens in Greenlands Road;
- The development would be overbearing on neighbours;
- The development would cause overshadowing of neighbouring properties;
- The development would result in increased noise and disturbance;

- Concern that the parking area for Block 1 will impact on the properties behind, due to its proximity to the boundary, it being raised above neighbouring gardens, loss of privacy, car lights and noise;
- High walls or fences to resolve privacy concerns could result in loss of light.

### Visual Impact

- The three storey elements of the development cause concern as there are no three storey developments in the area;
- The development will be much higher than the original structure on the site;
- The proposal is visually detrimental to the surrounding area;
- The flats would be out of character with the area, including with the cottages on Cross Inn Road;
- The frontages are further forward than the existing;
- One bedroom flats would lead to a change of character of the area;
- The development is out of scale to others in the area;
- The site is too small for the number of flats proposed;
- The proposal is an over development of the site- there is not enough space on the site for the number of units proposed;
- The Cross Inn/ Llantrisant/ Talbot Green area has already had a lot of development recently is becoming unacceptably over developed.

### Parking, Traffic and Highway and Pedestrian Safety

- Insufficient parking is proposed as part of the development;
- There should be two parking spaces per flat, plus parking for visitors;
- Under the relevant guidance , 36 parking spaces should be provided;
- The development would cause further parking on Cross Inn Road, which is already needed for existing developments, leading to concerns regarding not enough parking being available;
- There is concern other roads could be used for overspill parking as a result of the development;
- Concern that the development may result in further parking restrictions on Cross Inn Road- double yellow lines along much of its length already makes it very difficult for people to find somewhere to park;
- The development would increase levels of traffic in the area, and traffic congestion is already a problem;
- The development would increase the risk of accidents on Cross Inn Road- there were two in one day recently;
- The new access on to Cross Inn Road will impact on highway safety;
- Children living in the new development may be in danger due to Cross Inn Road being so busy;
- The traffic calming measures on Cross Inn Road may not cope with the development;
- The speed humps and parking that takes place along it already make driving along Cross Inn Road hazardous and walking along it dangerous for pedestrians, and more traffic will exacerbate these situations;
- Pedestrians have to cross the road at one point as the footway finishes, this is on a bend and already dangerous and more traffic will make it more so;
- It is not safe to move the bus stop as proposed due to junctions and the sharp corner;
- The land should be turned into a car park.

### Other

- Concern that there is contamination on the site as there are underground fuel tanks remaining from the former Southgate Garage, and this could be detrimental to health when the ground is disturbed;
- Contaminants already seep through the wall into neighbours' gardens, and any disturbance of the ground could make this worse;
- Concern regarding the condition of the retaining wall; at the rear of the site;
- The noise and traffic due to the building work would be considerable and may impact on wild birds living on the hillside;
- The social housing is needed in the north of the County Borough rather than here;
- Local services and infrastructure are already strained;
- There is concern that there are insufficient school places, healthcare capacity and play/ leisure facilities for existing residents;
- This will put more pressure on the Community Council;
- Previous planning applications for housing on the site have been rejected;
- The view to the Caeu'r Llan Slopes will be obstructed;
- The development will not be for families and there is concern regarding who might live there;
- Concern that due to crime rates in a nearby development managed by the same Housing Association, crime could be an issue;
- There will be an impact on house prices;
- Concern that there has been insufficient publicity in relation to this application.

### Revised Plans

- The revised plans do not address the concerns previously raised;
- There is concern that Block 2 has been moved back so it is closer to the houses behind.

## **CONSULTATION**

Highways Development Control - no objections raised, subject to conditions.

Public Health and Protection - no objections raised, subject to conditions.

Housing Strategy - no objections raised.

Countryside - no objections raised, subject to conditions.

Coal Authority - no objections raised.

South Wales Police - have provided design advice in relation to crime.

Land Reclamation and Engineering - no objection raised, subject to a condition.

Dwr Cymru/Welsh Water -no objection raised, subject to a condition.

Wales and West Utilities - no comments made.

Western Power Distribution - no comments made.

Llantrisant Community Council - object due to the following concerns:

- The availability of parking;
- Exacerbation of highway/pedestrian safety issues on Cross Inn Road;
- The impact of the three storey element of the development;
- Impacts on neighbour amenity;
- Lack of outdoor amenity space;
- Pressure on existing facilities;
- Contamination of the land.

The Community Council requests that the Development Control Committee carry out a site visit prior to determining the application.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan (LDP)**

The site is unallocated and within the settlement boundary.

The following policies are considered to be relevant:

**Policy CS2** - Development in the South

**Policy CS5** - Affordable Housing

**Policy AW1** - Supply of New Housing

**Policy AW2** - Sustainable Locations

**Policy AW5** - New Development

**Policy AW10** - Environmental Protection and Public Health

**Policy SSA13** - Housing Development within Settlement Boundaries

The following Supplementary Planning Guidance (SPG) is considered relevant:

Access, Circulation and Parking

Development of Flats

Employment and Skills

### **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.

Chapter 9 - Housing is considered relevant to this development.

## **REASONS FOR REACHING THE RECOMMENDATION**

The site is unallocated for development and is within the settlement boundary of Llantrisant within a predominantly residential area. Therefore, the principle of residential development on this site is considered to be acceptable. In respect of the type of units proposed, substantial shortfalls of smaller social rented units have been identified in the current Local Housing Market Assessment within Llantrisant Ward, and development of this site would contribute to meeting strategic housing priorities within the County Borough. The key issue in the determination of this application is considered to be the impact of the development on residential amenity.

On Cross Inn Road, the proposed development is immediately adjacent to a large domestic garage on the western side, with the residential property at no. 20 to the side of this, and a commercial garage to the east. The proposed blocks follow a similar building line to residential properties along Cross Inn Road and are of a similar depth, and are therefore not considered to have a significant impact on the amenity of these properties.

In respect of the residential properties behind the development, the application site sits on a retaining wall of about 2.5 metres in height, making the development site significantly higher than the garden levels of the properties behind. The site backs on to nos. 11, 13, 15, 17 and 19 Greenlands Road, and no. 19 Summerlands Drive.

It is acknowledged that the proposed development will impact on the residents of these properties through an intensive development of a site that has been vacant for sometime. It is also acknowledged that the height of the site itself and the three storey elements of the buildings will exacerbate those impacts.

Concern was raised with the developers originally as the elements of the blocks that projected back towards the properties behind were to be three storeys in height and it was considered that these could have an adverse impact on residential amenity by appearing imposing on residents, due to the additional height from the retaining wall. The height of the projecting elements was then reduced to two storeys, removing two flats from the scheme (although parts of the blocks at the front remain three storeys in height).

With the changes made, there is considered to be a sufficient distance between the blocks and the properties behind for the development to have an acceptable impact on residential amenity in planning terms. The closest part of either of the buildings to the rear boundary of the site is 12.5 metres. The closest part of either building to one of the rear dwellings is 16 metres (Block 1 to 19 Summerlands Drive) but this is not directly facing that dwelling. In respect of the properties on Greenlands Road, the nearest dwelling is 29 metres away from the closest part of Block 2.

It is considered that these distances are sufficient for the development not to have an unacceptable impact in terms of privacy and loss of light, and will not result in the development being unacceptably overbearing, although it is appreciated that this is a significant change for the residents in comparison to their current outlook.

In respect of concerns regarding the location of parking along the boundary, it is considered that as these are residential parking spaces, the amount of movement to and from them is not likely to create an unacceptable disturbance, providing a

standard 1.8 metre boundary fence/wall is erected, as would be expected in this type of development. The applicant has confirmed it is their intention to erect a wall or fence of this height and this can be provided under the recommended condition 10.

## **OTHER ISSUES**

The level of parking provision is considered to be acceptable taking into account these are all one bedroom flats and the level of car ownership associated with social rented housing is likely to be lower than for market housing. Further parking restrictions are not considered to be required on Cross Inn Road as part of this development. It is considered the proposed new junction is acceptable in terms of highway safety and that the traffic generation from the development would not have an unacceptable impact on traffic or highway/pedestrian safety in the area.

In respect of concerns regarding the visual impact of the buildings, particularly the three storey elements, while it is acknowledged there are currently no three storey dwellings in the immediate locality, it is not considered that the three storey elements of the development would have an adverse impact of the character of the area, in the context of the design of the scheme as a whole. The three storey elements are a relatively small part of the footprint of the buildings in the middle of the scheme, to either side of the proposed access. Their character is considered to be acceptable as part of the scheme. The two storey element of Block 2 alongside the cottages on Cross Inn Road has been set back to be in line with these cottages and therefore follows the existing building line until a step is made out to the three storey element. This step is considered acceptable as part of the scheme design and the two storey stepped in part adjacent to the cottages is considered to help the scheme be more in keeping with its surroundings.

In respect of contamination it is acknowledged that the ground is contaminated, and this includes hydrocarbons from the previous use as a petrol station/garage. The Contaminated Land Officer from Public Health and Protection is confident that contamination issues can be resolved through the recommended conditions and notes the works are the most likely way remediating any problems of contamination resulting from the historic use of the site. In respect of the retaining wall, the Structural Engineer has advised that substantial rebuilding is unlikely to be required, but the top of the wall lacks capping stones to prevent water ingress which is probably why the render is in poor condition. It is considered this can be addressed via remedial works, which can be covered under condition 5. It is not considered that the development would have a significant impact on wildlife, nor the Site of Importance for Nature Conservation or Special Landscape Area opposite due to its infill nature and it being on a brown field site, nor would it have a significant impact on local infrastructure. It is noted that as the flats proposed are all one bedroom flats, no assessment is required for a contribution towards school places under the Planning Obligations Supplementary Planning Guidance.

Residents have referred to a previous application for housing on the site being refused, but no records can be found of this.

In respect of concerns about crime, while this is a material consideration, it can not be assumed that because there are high crime rates in one development managed

by the applicant that this proposal will attract the same level of crime. In respect of crime, the developer will have to seek the “Secured by Design” standard to receive Social Housing Grant to fund the development, and therefore it is considered more appropriate for this matter be addressed through this process, as “Secured by Design” is not a planning requirement.

## **PLANNING OBLIGATIONS**

It is considered that in this case, a Section 106 Agreement is required to ensure the site is developed as affordable housing. This is due to the Highway observations regarding the levels of parking provided which may not be considered acceptable for market housing development as levels of car ownership tend to be lower in affordable housing schemes and the need to ensure at least 20% of the units are affordable to meet the requirement of the Local Development Plan. Following discussion with the applicant, a Section 106 Agreement for 100% affordable housing is recommended. In addition an Employment and Skills Plan is required as the development is over 25 units, and it is therefore recommended this is included as part of any Section 106 Agreement.

## **COMMUNITY INFRASTRUCTURE LEVY (CIL) LIABILITY**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014. The application is for a kind that is liable for a charge under the CIL Regulations 2010 (as amended). The site lies within Zone 3 of Rhondda Cynon Taf’s Residential Charging Zones, where there is a liability of £85sqm for residential development . The CIL (including indexation) for this development is expected to be £156.641.84. However, the applicant is entitled to apply for social housing relief on the development.

## **CONCLUSION**

For the reasons above, the development is considered acceptable, and it is therefore recommended that planning permission is granted.

**RECOMMENDATION Approve subject to a Section 106 Agreement for the site to be developed as 100% affordable housing, the provision of an Employment and Skills Plan and the following conditions:**

### **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 plans nos 2193/100, 2193/103 - 27/07/16, 2193/101 Rev A, 2193-200-01 Rev B, 2193-200-02 Rev B, 2193-200-03 Rev A, 2193-200-04 Rev A - 12/10/16 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 development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:

1. A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
2. A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been agreed in writing with the Local Planning Authority.
3. A written method statement for the remediation of contamination affecting the site

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Notwithstanding the submitted details, no development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. No works shall commence on site, until a structural survey of the existing rear retaining wall supporting the site has been submitted to and approved in writing by the Local Planning Authority. This shall advise if any works are required to the retaining wall as part of the development and provide details and design calculations of any works to be carried out. All works recommended and approved shall be carried out in accordance with the approved details prior to beneficial occupation.

Reason: In the interests of public safety in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. No development shall take place, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority to provide for;
  - a) The means of access into the site for all construction traffic,
  - b) The parking of vehicles of site operatives and visitors,
  - c) The management of vehicular and pedestrian traffic,
  - d) Loading and unloading of plant and materials,
  - e) Wheel wash facilities,
  - a) The sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the construction process unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic, and in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the local planning authority. The plan shall include:
  - a. An appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
  - b. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
  - c. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season).
  - d. Persons responsible for:
    - i) Compliance with legal consents relating to nature conservation;
    - ii) Compliance with planning conditions relating to nature conservation;
    - iii) Installation of physical protection measures during construction;
    - iv) Implementation of sensitive working practices during construction;
    - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;

- vi) Provision of training and information about the importance of the 'Wildlife Protection Zones' to all construction personnel on site.

All construction activities shall be implemented with the approved details and timing of the plan unless otherwise approved in writing by the Local Planning Authority'.

Reason: To afford protection to animal and plant species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

- 8. Full details of a scheme for the eradication and/or control of any Japanese Knotweed (*Fallonia japonica*, *Rouse decraene*, *Polygonum cuspidatum*) present on the site shall be submitted to and approved by the Local Planning Authority prior to the commencement of work on site. The approved scheme shall be implemented prior to the occupation of any dwelling/building.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981.

- 9. Building operations shall not be commenced until samples of the roofing materials and wall finishes proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

- 10. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied.

Reason: To ensure that the new development will in keeping with the surrounding area and to protect residential amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

- 11. The site boundary fronting Cross Inn Road shall be set back from the edge of the existing carriageway to provide for a 2.0 metres wide footway, and reinstatement of the existing vehicular crossovers to full footway construction in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved scheme shall be implemented in accordance with the approved plans prior to beneficial occupation of any dwelling.

Reason: In the interests of highway and pedestrian safety, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

- 12.** Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering design and details of the new access road, tie-in with Cross Inn Road, alterations to the existing traffic calming features on Cross Inn Road, upgrading of the existing bus stops on Cross Inn Road, internal road layout, street lighting, surface water drainage and highway structures including longitudinal and cross sections have been submitted to and approved in writing by the Local Planning Authority. The highway works shall be fully implemented in accordance with the approved engineering details.

Reason: To ensure the adequacy of the proposed development, in the interest of highway and pedestrian safety, in accordance with in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

- 13.** Prior to the commencement of development, details of a safety barrier or bund to be erected adjacent to the rear boundary shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented prior to beneficial occupation, in accordance with the approved plans.

Reason: To prevent cars overshooting the parking area and hitting the rear boundary treatment of the site where it sits on top of the retaining wall, in the interests of public safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

- 14.** No dwelling, hereby permitted, shall not be occupied until the measures approved in the scheme (referred to in Condition 7) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

- 15.** If during development works any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to the Local Planning Authority. The development shall not re-commence until the additional proposals have been agreed in writing by the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and

so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

- 16.** No dwelling shall be occupied until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

- 17.** Construction works on the development shall not take place other than during the following times:

- i) Monday to Friday 0800 to 1800 hours;
- ii) Saturday 0800 to 1300 hours;
- iii) Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

- 18.** HGV's used as part of the development shall be restricted to 09:00am to 17:00pm weekdays, 09:00am to 13:00pm Saturdays with no deliveries on Sundays and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan .