



## **PLANNING & DEVELOPMENT COMMITTEE**

**8 NOVEMBER 2018**

### **REPORT OF THE SERVICE DIRECTOR, PLANNING**

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 18/0791/10  
**(GW)**

**APPLICANT:** **Wm Morrison Supermarkets Plc.**

**DEVELOPMENT:** To enable the temporary access to and from the Porth Relief Road (Ref 17/1118/10) to become a permanent left in / left out only access.

**LOCATION:** **MORRISONS SUPERSTORE, PONTYPRIDD ROAD, PORTH, CF39 9BA**

**DATE REGISTERED:** **06/08/2018**

**ELECTORAL DIVISION:** **Cymmer**

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**RECOMMENDATION: REFUSE**

#### **REASONS:**

**The access is unsuitable for permanent retention as it would undermine the efficiency of the strategic highway network and would create hazards to the detriment of safety of all highway users and the free flow of traffic.**

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

A request has been received from Councillor Caple for the matter to come to Committee for consideration of the proposal.

#### **APPLICATION DETAILS**

Full planning permission was previously granted for the creation of a new temporary access road between Morrison's superstore car park and the Porth relief road (17/1118). At the time the access was required because the existing access on Pontypridd Road was closed to facilitate Dŵr Cymru/Welsh Water works in the vicinity and Rhondda Cynon Taf Highways works to a retaining wall.

The permission required that following the completion of the works, the existing access would be reinstated and the temporary access closed and the land and car park returned to its previous state. At the time of writing this report, the works have been completed and the temporary access has been closed, albeit not to a final engineered finish (pending the results of this application) and the original access on Pontypridd Road is open.

This application is to retain the Porth Relief Road access for permanent use, in addition to the existing access to and from Pontypridd Road would also be retained.

The application is supported by:

- A Transport Statement

## **SITE APPRAISAL**

The application site is the Morrison's superstore in Porth and the existing temporary access to and from the adjacent Porth relief road. There is a level difference between the car park and road. When it was open, south bound traffic could only travel left in to the store car park and left out on to the Porth relief road.

## **PLANNING HISTORY (Relevant to application)**

17/1118	Morrisons Superstore, Pontypridd Road, Porth	Construction of temporary access road and road junction to the west of the existing car park (Morrison's) to link to the A4233/A4058, including alterations to car park and existing footpath. The closure of existing car park access and Pontypridd Road, B4278 to enable renewal works to Dwr Cymru / Welsh Water main.	Granted 23/01/18
09/0568	Co-operative retail services Ltd., Cymmer Yard, Porth	Erection of 8no. trolley bays on existing supermarket car park and erection of protection barrier.	Granted 25/11/09
97/6264	CRS Pioneer, Pontypridd Rd, Porth	Proposed extensions	Granted 10/07/97
88/0513	CRS Superstore, Pontypridd Rd, Porth	Extension of car park to provide staff parking facilities	Granted 20/09/88
87/0659	Former Rhondda Industrial Estate, Porth	Erection of superstore including restaurant, warehouse, preparation area and offices with car parking	Granted 14/07/86
85/0672	“ “	Erection of superstore including restaurant,	Granted

## **PUBLICITY**

The application has been advertised via the erection of site notices and by direct neighbour notification. No letters of correspondence have been received at the time of writing this report.

## **CONSULTATION**

Dwr Cymru/Welsh Water – no objection subject to a condition, with regard a watermain crossing the site, if further works are required.

Flood Risk Management – no objection.

Public Health and Protection – no objection subject to conditions on the hours of operation during construction, noise, dust and waste.

Transportation Section – Highway objections are raised for the following reasons:-

- (i) There is a general presumption on traffic grounds against additional accesses to “Principal” inter-urban roads, which would undermine the efficiency of the strategic highway network and create hazards to the detriment of the safety and free flow of traffic.
- (ii) The formation of a sub-standard access and circulation would create hazards to the detriment of safety of all highway users and free flow of traffic.
- (iii) The site benefits from an existing safe and satisfactory access off Pontypridd Road.

Wales & West Utilities – our pipes are in the area and maybe at risk during construction works. These must not be built over or enclosed. General guidance is provided for the applicant.

## **POLICY CONTEXT**

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

The site lies in the northern strategy area and within the defined settlement boundary as defined by the Rhondda Cynon Taf Local Development Plan and is unallocated. The site includes the Coal Authority’s Development High Risk Area, C2 Flood Zone, Historic Landscape area, a Retail Zone and a Site of Important Nature Conservation.

**Policy CS1** - sets out criteria for achieving strong sustainable communities

**Policy AW2** - development proposals will only be supported in sustainable locations, including sites within the defined settlement boundary, which would not unacceptably conflict with surrounding uses, have good accessibility by a range of sustainable transport options, have good access to key services and facilities and support the roles and functions of the Principal Towns.

**Policy AW5** - sets out criteria for new development and requires the scale, form and design of new development to have an acceptable effect on the character and appearance of the site and surrounding area and existing features of the built environment to be retained. Development must have no significant impact on the amenities of neighbouring properties, be compatible with other uses in the locality and to design out the opportunity for crime and anti social behaviour. Development must be sustainable, have safe access and provide car parking in accordance with the Council's Supplementary Planning Guidance (SPG).

**Policy AW6** - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

**Policy AW8** - sets out criteria for the protection and enhancement of the natural environment.

**Policy AW10** - development proposals must overcome any harm to public health, the environment or local amenity.

**Policy NSA18** – Identifies Porth as a Key Settlement.

**Policy NSA19** – provides criteria for retail development in the principal town and key settlements...uses that will add vitality and viability to the retail centre by attracting footfall that benefits the daytime and evening economy will be permitted.

## **Supplementary Planning Guidance**

Access Circulation and Parking

Design and Placemaking

Nature Conservation

## **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 Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 7 (Economic Development), Chapter 8 (Transport), Chapter 9 (Housing) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution) sets out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 4: Retailing and Commercial Development;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 15: Development and Flood Risk;

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 23: Economic Development; and

Manual for Streets.

## **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.

### **Principle of the proposed development**

The site is inside the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan (LDP). Planning permission has been previously granted for a temporary access to Morrison's car park (17/1118); as the existing access was required to be closed while essential works to the nearby water pipes and retaining walls along the river are carried out. Whether the access is acceptable for permanent retention would be subject to the following material planning considerations, which are discussed below:

### **Access and highway safety**

It is noted the access provides an additional and easier access to the car park for shoppers in vehicles using the Porth Relief Road. The applicant's Transport Statement supports the retention of the access permanently and identifies the following:

- (i) The temporary access junction is operating within capacity and will operate with even more spare capacity when traffic is split between two junctions.
- (ii) From speed surveys taken before and after the implementation of the temporary access has resulted in a traffic calming effect. The average speed from the survey before was 36mph and after it was 29.2mph.
- (iii) A review of the available personal injury accident data (prior to the construction of the temporary access) shows that there are no historic accident trends which would give rise to concern over the safety of the junction with the A4058 and A4233.

The Council's Transportation Section however objects to the application for the following reasons:

- (i) There is a general presumption on traffic grounds against additional accesses to "Principal" inter-urban roads, which would undermine the efficiency of the strategic highway network and create hazards to the detriment of the safety and free flow of traffic.
- (ii) The formation of a sub-standard access and circulation would create hazards to the detriment of safety of all highway users and free flow of traffic.

(iii) The site benefits from an existing safe and satisfactory access off Pontypridd Road.

In summing up, the retention of the access could be beneficial for ease of access to the store for vehicles on the Porth relief road. It is also noted the applicant states the temporary access has had a traffic calming affect due to a reduction in speed. However, it should be noted that this has not been tested when both accesses are open. An objection has however been raised by the Council's Transportation Section and the application should be refused due to the detriment to highway safety and the free flow of traffic. However, the reason that the site already contains a safe and satisfactory access is not considered to be a reason that would warrant a refusal.

**Other material considerations**

There would be no objection in relation to all other material planning considerations.

**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 application is considered not to comply with the relevant policies of the Local Development Plan in respect of the impact on highway safety (Policy AW5).

**RECOMMENDATION: REFUSE DUE TO THE FOLLOWING:**

1. The retention of the temporary access is unacceptable for the following reasons:
  - (i) The addition of the access onto the principal inter urban road would undermine the efficiency of the strategic highway network and create hazards to the detriment of safety and the free flow of traffic.
  - (ii) The formation of a sub-standard access and circulation would create hazards to the detriment of safety of all highway users and free flow of traffic.

As such, the development would be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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