



## **PLANNING & DEVELOPMENT COMMITTEE**

**27 JUNE 2019**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 18/1378/08  
**(GH)**  
**APPLICANT:** Rhondda Cynon Taf County Borough Council  
**DEVELOPMENT:** New 30 Space Park and Ride facility to include new vehicular access, boundary fence and streetlighting. (Description amended 04/01/2019)  
**LOCATION:** **ABER-RHONDDA ROAD, PORTH, CF39 0LE**  
**DATE REGISTERED:** 13/12/2018  
**ELECTORAL DIVISION:** Porth

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

#### **REASONS:**

The proposed car park would provide a welcome expansion of the existing oversubscribed park and ride facilities for Porth railway station, and thus accord with local and national planning policies which support the use and promotion of sustainable public transport.

In addition to being of an acceptable design and layout, the improved appearance of the site would be beneficial to the street scene and its use as a car park would not be detrimental to the amenity of the closest neighbouring occupiers.

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

The application has been submitted by the Council on land owned by the Council, where the Council's interest is of more than a minor nature.

#### **APPLICATION DETAILS**

Full planning consent is sought to construct a new car park on disused land at Aber-Rhondda Road, Porth.

It is proposed that the site would accommodate a new 30 space car park to support the existing park and ride provision at Porth Railway Station. The car park would have

a tarmacadam surface and, except for that side facing the highway, would be enclosed by a pedestrian guard rail.

A replacement vehicular access point would be created further to the south and the footway fronting the car park is proposed to be resurfaced. At the rear of the site the existing fence abutting the railway line would be replaced with new palisade fencing to a height of 1.8m.

In addition to the plans and drainage details of the proposed development, the application is accompanied by a Flood Consequences Assessment, a Flood Risk Management Plan and a Principal Wall Inspection Report undertaken by the Council's Structural Engineer.

## **SITE APPRAISAL**

The application property is a parcel of unallocated land, located north of Porth Town Centre and within the defined settlement boundary.

Comprising a surface area of 1228m<sup>2</sup>, the land is roughly triangular in shape and is enclosed by the rail line to the south-west, the Rhondda River to the west and the B4278 Rheola Road to the north-west.

Although the land, which is owned by the Council, was most recently used as a compound for Welsh Water to undertake works in the area, no buildings have occupied the site since a short terrace of houses and club were demolished in the 1980s.

The site is mostly level and has a surface of compacted hardcore around which scrub and vegetation has grown. There are no specific environmental designations affecting the site, other than for the adjacent river and its banks being part of a SINC. However, due to the proximity of the river and topography, the site is classed as C2 Flood Zone.

## **PLANNING HISTORY**

There are no recent or relevant applications on record with this site

## **PUBLICITY**

The application has been advertised by direct notification to four neighbouring properties and notices were erected on site.

No letters of objection or representation have been received.

## **CONSULTATION**

Dwr Cymru/Welsh Water - following discussion with the applicant, in respect of the position of the fence posts in relation to the mains pipes crossing the site, DCWW's previous objection has been removed.

Highways and Transportation - no objection, however an informative note in respect of electric car charging is proposed

Countryside Ecologist - conditions are recommended for an ecological method statement and landscaping scheme. However, with regard to the former, it is considered that an informative note, in respect of nesting birds, would be most appropriate.

Natural Resources Wales - the Flood Consequences Assessment does not sufficiently demonstrate that flooding can be successfully managed in line with TAN 15

Public Health and Protection - conditions are recommended in respect of demolition, noise, dust, waste and hours of operation. However, it is considered that these can be best addressed by appending an informative note to any consent.

Western Power Distribution - any new service connection or diversion will require consent from WPD.

Wales and West Utilities - a plan and list of conditions has been provided for the benefit of the developer.

Land Drainage - the application has demonstrated that the surface water flood risk can be adequately accommodated within the confines of the site boundary.

Structural Engineer - the design details are satisfactory providing that any additional loading, from vehicles, will remain 2m from the inside face of the retaining wall.

No other consultation responses have been received within the statutory period.

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary for Porth

**Policy CS1** - promotes the re-use of under used and previously developed land and buildings and investment in public transport improvements.

**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** - supports development proposals which are not unacceptably harmful to public health or the environment.

### **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.

The Welsh Government published Planning Policy Wales 10 on 5<sup>th</sup> December 2018, and the document aims to incorporate the objectives of the Well-being of Future generations Act into Town & Country Planning.

It is considered that this proposal meets the seven wellbeing of future generations goals inasmuch as they relate to the proposed development and that the site has been brought forward in a manner consistent with the five ways of working.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking as set down in Chapter 2 People and Places: Achieving Well-being Through Placemaking, of PPW10 and is also consistent with the following inasmuch as they relate to the development

Chapter 1 (Managing New Development)

Chapter 2 (Maximising Well-Being and Sustainable Places through Placemaking)

Chapter 4 (Active and Social Places)

Other policy guidance considered:

PPW Technical Advice Note 12 - Design

PPW Technical Advice Note 15 - Development and Flood Risk

PPW Technical Advice Note 18 - Transport

## **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 car park and associated infrastructure on vacant land within the settlement boundary. The principle of development is therefore acceptable.

Noting that the sites falls within a C2 Flood Zone, the opportunities for development are limited, by TAN 15, to those classed as 'less vulnerable development'. Since car parks qualify as less vulnerable, there would be no conflict in principle with either TAN 15 or LDP Policy AW10, although in respect of the former and the consultation response from Natural Resources Wales, this matter is discussed further below.

In respect of Policy CS1, this is supportive of the car park proposal on the basis that it would result in the beneficial re-use of a previously developed site and one at risk of

becoming unsightly, if not derelict; whilst the Policy also supports developments which promote accessibility via investment in public transport improvements.

Consequently, the principle of the development is considered to be acceptable, subject to the material considerations below.

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

Given the current appearance of the site, its redevelopment as a car park would be beneficial to the public realm, inasmuch as it would regularise any existing use of the land for parking and remove the straggly growth from around the perimeter.

Furthermore the remaining green areas would be left at the corners of the site, and these are proposed to be maintained as grass verge and landscaping. This more formal treatment, as suggested by the recommended condition considered below, is considered to be more appropriate for the urban location.

### **Impact on neighbouring occupiers**

Since the proposed development does not involve the creation of substantial structures above ground, there are no concerns that the works would be capable of causing overshadowing or detriment to the outlook from the nearest neighbouring properties.

The closest dwellings to the site are located on the opposite side of the railway line to the south, at Mary Street further to the east, and to the north beyond the Porth river bridge.

Given the location of the site close to a busy rail line and main highway links, and the existing park and ride car park extension, it is considered unlikely that use of the new car park would be harmful to the amenity of residents or be incompatible with surrounding land uses.

Therefore, in terms of the impact of the development on neighbouring occupiers and in the absence of any representations to the contrary, the application is considered to be acceptable.

### **Highways and accessibility**

The application property is accessed from Aber-Rhondda Road which has a carriageway width of 7.6m and 2m wide footways on both sides. The highway benefits from traffic calming features designed to reduce vehicular speeds to around 20mph.

Aber-Rhondda Road is also a bus route and carries substantial amount of vehicular traffic given its location close to Porth Town Centre and Rail Station.

The proposal provides for a 30 space car park for use of the Park and Ride Rail Station and would require a new access point onto Aber-Rhondda Road and the removal of the existing vehicular entrance.

The application plans demonstrate that a 6m wide access road would be provided, with vision splays in accordance with TAN 18. This would be acceptable for safe two-way vehicular movement and safe access and circulation within the site.

Lastly, paragraph 4.1.3.9 of Planning Policy Wales requires 10% of car parking spaces to have ULEV charging point or making provision “passive” with the necessary underlying infrastructure and activation in future. Therefore, consideration should be given to compliance with this.

## **Flood Risk**

The applicant has provided revised Flood Consequence Assessments (FCA) in response to two previous objections from Natural Resources Wales.

NRW has confirmed that the most recent FCA has addressed their concerns in respect of the impacts of flood risk elsewhere, and assesses the risks and consequences of flooding to the access/egress route. However, NRW is not satisfied in relation to how flood depths and velocities could be mitigated and maintains its objection.

NRW’s Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and the 0.1% (1 in 1000 year) annual probability flood outlines of the River Rhondda Fach, and their records show that the proposed site has also previously flooded from the River Rhondda Fach in December 1979.

Although the park and ride facility would be considered to be ‘less vulnerable development’, as defined by TAN15, NRW has noted that in the case of a 1 in 100 year (1%) plus an allowance for climate change flood event, the FCA demonstrates that the proposed development is predicted to flood to a depth of 640mm, and the predicted maximum velocity of floodwaters is 0.50m/s. This is contrary to A1.14 of TAN15 which advises that development should be flood free up to the predicted 1% (plus an allowance for climate change) flood event.

In addition, during the 0.1% (1 in 1000 year) flood event, the proposed development is predicted to flood to a maximum depth of 1140mm with a velocity, at that point, of 2.00m/s. (It should be noted that the maximum velocity predicted is 2.80m/s (point 12 of table 6.2)). This is significantly in excess of the indicative tolerable conditions set out in A1.15 of TAN15, which recommend a maximum flood depth of 600mm and a maximum velocity of 0.3m/s during a 0.1% event.

Whilst the application of hazard ratings is not required by TAN15, NRW has suggested that they are a helpful tool to illustrate the kind of danger that flood conditions would represent. Hazard ratings are derived from the Defra/EA R&D Technical Report FD2320/TR2 dated October 2005, which combines flood depth and velocity to assess the danger to people. In this case, the flood depths and flow velocities predicted in the 1% plus climate change event correspond to a “Danger for some” hazard rating.

In the 0.1% flood event (based on a predicted velocity of 2.00m/s and a predicted maximum flood depth of 1140mm) the hazard rating is “Danger for all”, which includes the emergency services. NRW noted that under section 6.3.7 and appendix 9 of the FCA it states that the hazard rating is “Danger for Most” in the 0.1% flood event, however, they do not agree with this conclusion.

Nonetheless, the FCA includes mitigation measures to manage a flood event, and a floor risk management plan has been provided. Section 7 of the FCA states that appropriate information signage would be erected within the development site to outline the following:

- Flood Risk within the site;
- Evacuation procedures;
- Parking bays which are at the highest risk of flooding.

National Rail standard 1.8m palisade fencing is proposed adjacent to the railway, as well as unclimbable fencing adjacent to the river. The fencing will be designed to be permeable to floodwaters and be sufficiently strong enough to prevent vehicles from drifting out of the site boundary during flood conditions.

Barriers have not been included in the design at the access/egress point as there will be no means to stop car parking from 17:00hrs to 08:00hrs. In the event of a flood occurrence, the FCA considered that common sense would prevail in the decision not to use the facility, and that temporary signage, as part of the flood risk management plan to be actioned by the applicant, will be used to warn visitors not to use the car park if there is a flood warning in place.

The applicant has confirmed a wish that the application is determined on the basis of the fourth revised FCA and has highlighted a concern that if the car park development does not go ahead, as a result of TAN15, then further town centre regeneration developments are at risk of not emerging.

NRW has stated that it is a matter for the planning authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15. The TAN advises that development within zone C2, including transport infrastructure, can be justified where it is part of a local authority strategy to sustain an existing settlement and, furthermore, providing that the development concurs with the aims of PPW and meets the definition of previously developed land.

Notwithstanding NRW's view and noting that the existing station, its car park, existing park and ride car park and a significant part of Porth town centre are already within land designated as zone C2; it is considered that, on balance, the development is acceptable terms of flood risk.

### **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 proposed car park would provide a welcome expansion of the existing oversubscribed park and ride facilities for Porth railway station, and thus accord with

local and national planning policies which support the use and promotion of sustainable public transport.

In addition to being of an acceptable design and layout, the improved appearance of the site would be beneficial to the street scene and its use as a car park would not be detrimental to the amenity of the closest neighbouring occupiers.

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

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 drawing numbers P069-71-0002 Rev P02; P069-71-0003 Rev P02 and P069-71-0004 Rev P04, and documents received by the Local Planning Authority on 13th December 2018 and 11th April 2019, 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. No development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan

4. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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