

**APPLICATION NO:** 19/0526/10 (CHJ)  
**APPLICANT:** Apollo Capital Projects  
**DEVELOPMENT:** Proposed two-storey primary care health centre, with associated car parking, bin store and bicycle store.  
**LOCATION:** LAND AT HENRY STREET, MOUNTAIN ASH  
**DATE REGISTERED:** 20/05/2019  
**ELECTORAL DIVISION:** Mountain Ash West

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## **REASONS FOR REACHING THE DECISION**

### **REASONS:**

**The application represents a much needed and long-awaited facility for the residents of Mountain Ash.**

**The new health centre is located within a highly sustainable location accessible by the full range of transportation and pedestrian options.**

**The facility will also enhance the vitality and viability of the town centre.**

**The site is located within a C1 Flood Zone and, clearly, gives cause for concern however, the applicant has satisfactorily demonstrated that these risks are clearly identified and can be managed through the operation of the facility. While the “significant concerns” of NRW are acknowledged it is felt that these risks are acceptable and, on balance, are outweighed by other material planning considerations.**

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## **APPLICATION DETAILS**

This is a detailed application for the construction of a building on an area of land (approximately 0.26 hectares) off Henry Street and Miskin Road in Mountain Ash town centre.

It will provide accommodation for a primary health care facility (surgery) with associated infrastructure (car parking, landscaping, drainage, etc.).

The proposed development has been the subject of the statutory Pre-Application Consultation (PAC). The resultant application was also accompanied by:

- a Flood Consequence Assessment (FCA),
- a Design & Access Statement (DAS),
- an Ecology Assessment,
- a Drainage Strategy,
- a Noise Survey

- a Transport Statement (TS)
- a PAC Report.

The new building will replace the existing facilities at Cardiff Road which Committee will note from the **PLANNING HISTORY** section below has been the subject of an application for temporary consent for the use of Portakabin type buildings that has been subject to a number of renewals.

In approving a further extension of time at the November meeting of Committee, Members expressed serious concerns over the lack of progress being made in respect to the provision of a new health care facility and asked that the Local Health Board set out firm timetabled proposals for its provision. The timetable was subsequently provided and progress has been made in accordance with it. A copy of the timetable is provided as **APPENDIX 1** for Members' information.

The proposed building is of an "L" shape design with its greatest mass backing onto Henry Street and its open aspect and main entrance facing onto Miskin Road. It measures 49.10 metres long and between 12.6 metres wide at its narrowest end elevation and 23.20 metres long at its widest end elevation. It is of a two storey construction measuring approximately 9.00 metres high onto Miskin Road sloping to 7.80 metres where it faces Henry Street. It is a modern "box-like" construction but the roof slopes gently from one side to the other to enable the dispersal of surface water. The roof will also incorporate PV (solar) panels.

The ground floor is proposed to be clad in stone with the first floor being clad in a factory finish burnt timber (known in architectural circles as "shou-sugi-ban"). The external doors and windows will be constructed and finished in grey powder coated aluminium. The applicant has advised that the materials have been chosen "*to provide a neat, contemporary and high-quality appearance that will highlight the building as modern and assist passers-by with understanding the nature of its use.*" Committee is advised that as an aide to visualising the proposed building, an artist's impression of the principal elevations has been included as **APPENDIX 2** but that additional material will also be included as part of the Committee presentation.

The application proposes 28 car parking spaces and an ambulance drop-off / pick up area served from the existing access onto Miskin Road. Of these 28 spaces, 2 are dedicated to persons with disability. A bicycle store is also proposed adjacent to the main car park. In addition, 11 staff parking spaces are also proposed, 1 of which is dedicated to persons with a disability. These will be served off the Henry Street car park.

A bin store is also located within the staff car parking area.

The applicant has also proposed to secure the site with a combination of a 0.90 metre high vertical bar metal fence and a 1.50 metre high timber close-boarded fence.

## SITE APPRAISAL

The site measures approximately 0.26 hectares (0.64 acres). The application site has a “bullet-tip” shaped appearance having a curved profile to its easternmost boundary. It is relatively flat in appearance and has been largely devoid of any meaningful vegetation for some time (the site having been previously considered to be of development potential) although some regrowth has inevitably returned.

It sits between Henry Street to the north and Miskin Road (leading to Oxford Street) to the south – each of these respective roads forming part of the town’s one-way system for vehicles.

The site has few buildings in very close proximity to it (the telephone exchange being, perhaps, the most distinct design) and where they do exist there is no overarching architectural influence against which any new building would be judged although it is clear that the site is in a very prominent location and any design will need to be of a high standard and finished in quality materials and hard and soft landscaping to compliment the style.

The site is in close proximity to the Mountain Ash town centre and, as such, is easily accessible to a range of transport including trains, buses, cycling and walking as well as by car.

The railway line (and station) is located to the north of the site.

The River Cynon is also located to the north of the site and, as a result, **the site sits within Flood Zone C1 of NRW’s Development Advice Maps.**

The site is located within the recently designated Mountain Ash Town Centre Regeneration Framework (November 2018) and is specifically included as part of a number of projects that include Rhos (Guto) Square, the Mountain Ash Cross Valley Link, the Town Centre Maintenance Grant, the Community Hub and the redevelopment of 1-4 Oxford Street.

## PLANNING HISTORY

05/0164	Construction of the Mountain Ash Town Centre Relief Road	Approved 09/11/06
06/2260	Two storey primary care centre comprising GP practice, Social Services and Local Authority One-for-All Centre with associated parking and landscaping.	Withdrawn (finally disposed of) – 11/01/14.

While not on the same site, there are a number of related applications for temporary facilities on land at Cardiff Road (including renewals) as follows:

18/0982	Variation of Condition 1 of application 16/1019/10 extend the temporary period (for an additional 24 months, <i>up until 23 October 2020</i> )	Approved 09/11/18
17/1071	Variation of Condition 1 of application 16/1019/10 to extend the temporary period (for an additional 24 months). ( <i>NOTE: Whilst permission was sought for a further 24 months permission was only granted for an additional 12 months, i.e. until 23 October 2018</i> ).	Approved 22/11/17
16/1019	Variation of Condition 1 of application 15/0667/10 - to extend the temporary period (maximum 1 year as at 23rd October 2015) for an additional 12 months with effect from 23rd October 2016.	Approved 10/11/16
15/1476	Application for a non-material amendment (NMA) to previously approved application 15/0667 to reduce the overall width of the block of Portacabin type modular units from 9.15m to 7.5m and to provide external fire escape staircase on the car park side elevation of the units rather than the rear.	Approved 04/12/15
15/0667	Remove existing 2 no. ground floor level Portacabin units at the rear of the surgery building and replace them with 12 no. Portacabins (6 no. at ground floor and 6 no. above).	Approved – Temporary permission for 12 months only, granted 23/10/16
05/0152	Temporary siting of modular buildings at rear of existing building giving two consulting rooms, one treatment room and disabled WC.	Cond. Perm. 14/04/05

## **PUBLICITY**

As part of the application process 10 Notices were placed on and within the vicinity of the site (including the town centre) in addition to a Notice being placed in the press. No correspondence has been received.

Members may also wish to note that the size of the application meant that it was also subject to a formal Pre-Application Consultation (PAC) by the applicant. Details of this can be found in the PAC Report which accompanied this application.

## CONSULTATIONS

As part of the application process the following were consulted. A brief precis of responses have been included for Committee's information. Where relevant, these responses are afforded further explanation in the **REASONS FOR REACHING THE RECOMMENDATION** section of this report.

### RCT (Internal)

**Transportation Section** – no objections subject to conditions

**Drainage Section** – no objections

**Public Health & Protection** – no objections

**Countryside** - no objection subject to a condition

**Corporate Estates** – no response received

**Spatial Planning (Development Plans)** - The proposal for new health care services in a highly sustainable location will contribute towards the Council's regeneration strategy in Mountain Ash retail centre. The proposal is therefore welcomed and there is no objection to the proposal in principal, provided that:

- a) The FCA is acceptable and complies with Section 7 and Appendix 1 of TAN 15; and
- b) The Council's Transportation Section are satisfied that the proposal would have safe access to the highway network and would include sufficient car parking provision, in accordance with policy AW 5.2 and the 'Access, Circulation and Parking Requirements' SPG.

### External

**NRW** – Has "significant concerns" in respect of flooding.

**Welsh Water / Dwr Cymru** – no objections to development

**Electricity Utility Provider** – advise on the location of infrastructure

**Gas Utility Provider** – advise on the location of infrastructure

**Fire Service** – no objections

**Police Authority** – no objections

## POLICY CONTEXT

### LDP Policy

#### Proposals Map Allocation

The site is located in the northern strategy area, inside the defined settlement boundary.

#### Core LDP Policies

**Policy CS1** – The policy emphasis is on sustainable growth in the northern strategy area, achieved by promoting the large scale regeneration of Mountain Ash and supporting the re-use of previously developed land.

#### Area Wide LDP Policies

**Policy AW2** – The policy ensures that development proposals are only supported when located in sustainable locations.

Such locations:

- 1) are within a defined settlement boundary;
- 2) would not unacceptably conflict with surrounding uses;
- 3) have good accessibility by a range of sustainable transport options;
- 4) have good access to key services and facilities;
- 5) are justified if within TAN 15 Zone C floodplains; and
- 6) support the roles and functions of the Key Settlements.

**Policy AW5** – The policy sets out criteria for appropriate amenity and accessibility on new development sites.

**Policy AW6** – The policy requires that development proposals are of a high standard of design and are appropriate to the local context in terms of siting, appearance, scale, height, massing, elevational treatment, materials and detailing.

#### Relevant SPG

- Design and Placemaking
- Delivering Design and Placemaking: Access, Circulation and Parking Requirements

#### **National (Wales) Planning Policies**

##### Planning Policy Wales (Edition 10)

Paragraph 3.3 promotes good design.

Paragraph 3.46 encourages major generators of travel demand, such as doctor's surgeries, to locate within existing urban areas or areas which can be reached by walking or cycling and well served by public transport.

Paragraph 3.51 promotes the re-use of previously developed (brownfield) land wherever possible, in preference to Greenfield sites.

Figure 8 on page 48 illustrates the Sustainable Transport Hierarchy, showing which types of sustainable transport needs to be prioritised when determining planning applications i.e. walking and cycling at the head of the hierarchy, followed by public transport, then ultra-low emissions vehicles and finally other private motor vehicles.

Paragraph 4.1.26 explains that The Active Travel (Wales) Act 2013 means that walking and cycling is the preferred option for short everyday journeys such to access health services and facilities.

Paragraph 4.1.39 encourages planning authorities to seek a minimum of 10% of car parking spaces to have ULEV charging points for new non-residential development. The paragraph gives criteria for how many ULEV charging points should be sought

Paragraph 6.6.17 stipulates that new developments where the area covered by construction work equals or exceeds 100 square metres require approval from the Local Authority's SuDS Approval Body (SAB) before construction can commence.

#### Technical Advice Note (TAN) 15: Development and Flood Risk 2004

This document outlines a precautionary framework for the assessment of development in sites considered to be at risk of flooding. It outlines the planning requirements and acceptability criteria for development in each of the flood zones. It outlines a general resistance against residential development in flood risk zone C and that emergency services development should only be permitted in Zone C1 if determined by the Local Planning Authority, to be justified in that location.

#### **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies within the plan should not be allowed, unless material planning considerations justify the grant of planning permission.

It is considered that the principal considerations in the determination of this application are: design and place-making, transport and highway safety, conformity with the development plan and other planning policy and guidance, any ecological interest on the site, the potential for contamination of the river (proximity) and (perhaps of greatest significance) flood risk (having regard to the advice contained within TAN15 - Flood Risk and Development).

If Committee is minded to approve the application it will be necessary to include a time limit for the consent to be implemented (this is added to ALL consents). Members will note from **APPENDIX 1** that the applicant has a tight timescale for the construction and it is planned that construction works will commence in the near future. While it is open to Committee to grant a shorter or longer period this is rarely done and it is considered reasonable to add the "standard" condition which allows 5 years – although this will not preclude commencement of the scheme immediately upon discharging any "pre-commencement" conditions.

#### ***Condition***

***The development hereby permitted shall be begun before the expiration of five years from the date of this permission.***

***REASON: To comply with Section 92 of the Town and Country Planning Act 1990.***

#### Design and Placemaking

As part of the application, the applicant has prepared a Design and Access Statement.

A Design and Access (DAS) statement is a short report accompanying and supporting a planning application. It provides a framework for applicants to explain how a proposed development is a suitable response to the site and its setting, and demonstrate that it can be adequately accessed by prospective users.

A DAS must explain the design principles and concepts that have been applied to the development. It must also demonstrate how the proposed development's context has influenced the design. The Statement must explain the applicant's approach to access and how relevant Local Plan policies have been taken into account, any consultation undertaken in relation to access issues, and how the outcome of this consultation has informed the proposed development. Applicants must also explain how any specific issues which might affect access to the proposed development have been addressed.

The applicant has advised that the orientation of the building was set early on in the design process due to the constrained nature of the site and their need to have a building house a specific number of facilities within it. The site was further constrained by the ground levels and the need to raise the building out of the floodplain. They have stated that there is no over-riding architectural style in the immediate vicinity which is characterised by the prominent "box-like" telephone exchange to the south and the more domestic scaled shops within the town centre with their typical pitched roofs at a variety of heights. It was considered that, given the absence of any architectural cue, a building of contemporary design would be appropriate.

The building has been given a visually and physically robust base by facing the ground floor elevation with stone cladding helping to tie the development in with the local vernacular. Above this will be an application of shou-sugi-ban – a factory finish burnt timber cladding laid in varying orientations to add visual interest. Both materials have been selected to provide a neat, contemporary and high quality appearance that will reinforce the buildings modern appearance and provide an easily identifiable building for visitors.

The appearance is designed not to change significantly over time as the stone is UV stable and is not excessively affected by rainwater. The timber cladding will be selected of durable species with the degree of charring being such as not to significantly affect the colour or patina over time.



The photovoltaic (PV) solar panels on the roof are set back from the perimeter edge so as not to be visible.

The building has been located within the site to maintain the existing site access from Miskin Road. This access will be used by the public with the building's main entrance and car park being located on this side of the building.

The northern side of the site will be accessed from the Henry Street car park and will be used by the staff working in the facility. The applicant decided to separate the respective parking areas so as to make the use of the site more legible.

The majority of the main public and staff areas are located to the southern elevation so as to take advantage of the ability to naturally heat and light the building.

The building has a simple layout in plan form without any alcoves which naturally assists with crime prevention and an increased feeling of safety for all users.

The scale of the building sits well within its context. There is a large amount of space between it and the other buildings in the area.

The building will have a roof with a three degree pitch to ensure adequate water run-off as well as keeping the scale of the building similar to those nearby.

South Wales Police were consulted both during the pre-application and application stages. The Designing Out Crime Officer observed that the reception area provided good natural surveillance of the main entrance and corridors and the recommendations of the Police Authority have been incorporated.

There is opportunity for natural surveillance of both parking areas from rooms likely to have high occupancy (thereby increasing the opportunity to see any suspicious activity). In addition, the car park areas will be adequately lit with CCTV covering both internal and external areas. The form of the building provides no recess where someone could hide.

The building has been designed to be of BREEAM "Excellent" rating and its highly sustainable location in the town centre makes it readily accessible by bus, train, bicycle or on foot as well as by the private motor car.

The applicant has proposed to secure the site with a combination of a 0.90 metre high vertical bar metal fence and a 1.50 metre high timber close-boarded fence. While the principle of the combination of these two "means of enclosure" is acceptable, the excessive use of close boarded fences can be oppressive therefore, given the highly prominent location of the site, a condition is proposed requiring the applicant to agree the type of fences / railings and locations proposed. In addition, effective hard and soft landscaping can enhance the attractiveness of any site and therefore a condition is

proposed that seeks to agree these details prior to the commencement of development/occupation of the building.

In conclusion, the design will bring a feature building to the town and the innovative use of materials are both of high quality and of an appropriately substantial appearance deserving of such an important public building. It is a constrained site (by size, shape and susceptibility to flooding) but it is considered that, given these difficulties, the building is appropriate to its site and surroundings and is both compliant with the relevant development plan policies and the aspirations for the town.

**Condition**

***Within 6 months of the date of consent a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to, and approved in writing by, the local planning authority.***

***The boundary treatment shall be completed in accordance with any approval and prior to the first beneficial occupation of the development.***

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

**Condition**

***Within 6 months of the date of consent a comprehensive scheme of landscaping (both “hard” and “soft”) shall be submitted to, and approved in writing by, the local planning authority.***

***The approved landscaping scheme shall be carried out no later than the first planting season following the first beneficial use of the facility and retained thereafter. 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 available planting season, unless the Local Planning Authority gives written consent to any variation.***

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

The building is in a prominent location at the gateway to the town centre so it is important that the materials used are of good quality and attractive. The materials proposed are included in the **APPLICATION DETAILS** section of the report and, in principle are considered acceptable. Given the importance of this building within the community it is considered prudent to require the applicant to submit a sample of the external materials. Accordingly the following condition is proposed:

**Condition**

***Notwithstanding the details submitted and prior to incorporation into the building hereby approved, samples of all external finish materials shall be submitted to, and approved in writing by, the local planning authority. The building shall be constructed in accordance with the materials as approved.***

***REASON: To ensure that the appearance of the proposed development will be acceptable in this prominent location in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.***

### Policy Considerations

The site is located within a zone C1 floodplain and the proposal meets the definition of 'highly vulnerable development' as set out in TAN 15 (Development and Flood Risk).

TAN 15 states that such a proposal can only be situated within zone C1 where certain justification is met. This includes the following:

- Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; and
- It concurs with the aims of PPW and meets the definition of previously developed land; and
- The potential consequences of flooding for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

Mountain Ash Town Centre was the subject of the Mountain Ash Town Centre Regeneration Study – Phase 2 Final Report (2002) which was in force at the time that the LDP was being prepared. It is now the subject of a new Local Authority Regeneration Strategy (Mountain Ash Town Centre Regeneration Framework – November 2018).

Although the proposed health centre was not specifically included as an element of the first regeneration strategy, the proposal would have assisted the strategy by helping to sustain the settlement, through (a) enabling provision of better health services, and (b) through providing a prominent gateway building on the southern main approach to the retail centre that would enhance perceptions of the settlement. This would have been a material planning consideration in assessing the first application for this facility back in 2006/7. The current regeneration strategy specifically includes this site and allocates it for the use that is being proposed but, would still provide the same stated benefits. Furthermore, Henry Street was built as a regeneration project on disused railway sidings to an alignment designed to create the application site as a development opportunity.

The site has been identified for development for the last 17 years and it is considered that it meets the definition of brownfield development (previously developed land) as set out in PPW10. **It is considered that the “justification test” set out in TAN 15 is therefore clearly met**, provided that the FCA submitted in conjunction with the application is considered acceptable in accordance with Section 7 and Appendix 1 of TAN 15.

Appendix 1 of TAN 15 advises that *“Any new development on a flood plain will generally result in additional risks. The main criteria for deciding whether such a development is acceptable will depend on whether those factors can be effectively managed”*

It further advises *“To satisfy these criteria a site should only be considered for development if the following conditions can be satisfied;*

- *Flood defences must be shown by the developer to be structurally adequate under extreme overtopping conditions*
- *The cost of future maintenance for all new/approved flood mitigation measures, including defences must be accepted by the developer and agreed with the Environment Agency (NRW now)*
- *The developer must ensure that future occupiers of development are aware of the flooding risks and consequences*
- *Effective flood warnings are provided at the site*
- *Escape/evacuation routes are shown by the developer to be operational under all conditions*
- *Flood emergency plans and procedures produced by the developer must be in place*
- *The development is designed by the developer to allow the occupier of the facility for rapid movements of goods/possessions to areas away from the floodwaters*
- *Development is designed to minimise structural damage during a flooding event and is flood proofed to enable it to be returned to its prime use quickly in the aftermath of the flood*
- *No flooding elsewhere*

*Responsibility for satisfying the above criteria primarily will be the developer”.*

### Flood Risk

As part of the application process the applicant prepared and submitted a Flood Consequence Assessment (FCA). Upon receipt, Natural Resources Wales (NRW) were consulted. A copy of the NRW consultation response has been included as **APPENDIX 3** and in reaching a decision, Committee will need to have specific regard to its content.

The response states:

*“As you are aware, the planning application proposes highly vulnerable development (Health Centre). Our Flood Risk Map, which is updated on a quarterly basis, confirms the site to be partially within Zone C1 of the Development Advice Map (DAM) contained in TAN15 and the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the Afon Cynon. Our records also show the site previously flooded during the December 1979 flood event.*

*Section 6 of TAN15 requires your Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If the LPA consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the Applicant to demonstrate, through the submission of an FCA, that the potential consequences of flooding can be managed to an acceptable level.*

*In our letter to your Authority, dated 07 June 2019, we required three matters to be addressed. The applicant has now submitted an FCA addendum, produced by CAPITA, dated June 2019, in response to our concerns. As such, we provide further advice in relation to the three concerns that we raised, below.*

***1. The development, including the staff car park, should be flood free during the predicted 1% plus an allowance for climate change flood event.***

*As you are aware, the original FCA showed that the staff car park is predicted to flood to a depth of 540mm, with a velocity of floodwaters of up to 1.8m/s. This is not in line with section A1.14 of TAN15. We have reviewed the addendum and we note that this risk has not changed. We understand that levels within the car park have been lowered to provide compensation for the raised area (the building). However, to be acceptable, the car park should be flood free during the predicted 1% plus an allowance for climate change flood event. We therefore maintain our concerns in relation to this matter.*

***2. There should be no increase in flood risk elsewhere.***

*As a result of the proposed flood mitigation, there is an increase in flood depth ranging between 30mm and 110mm in the Henry Street car park. This is not in line with the guidance set out in TAN15. We agree that the modelling predicts some betterment to the public highway (B4275) downstream of the site, as a result of this development, however this should not be used to offset any increases in flood risk to third party land outside the boundary of the site. TAN15 is clear that there should be no increase in flood risk elsewhere as a result of the development. We therefore maintain our concerns in relation to this matter.*

***3. Clarification regarding the retaining wall at the bottom of Henry Street car park as shown in drawing reference 18053-101 E.***

*From the information provided in the FCA addendum, it appears that the purpose of this retaining wall is to facilitate land raising behind it and it is not acting as a flood defence. This addresses our concerns and we therefore have no further comments to make on this matter.*

*In consideration of the above, we confirm that our concerns relating to the flood risk to the staff car park and impact on flood risk elsewhere remain.*

*If no further information is submitted, or a revised FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we object to this application.”*

NRW go on to state:

*“As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding.”*

In respect of this proposal, Members are advised that in reaching a decision Committee need to (a) acknowledge that the development **does not comply** with TAN15, (b) accept that **there are risks** in approving the development and (c) **be satisfied that these risks are acceptable** taking into account all other material planning considerations.

That said, Committee is advised that the development **does not comply with TAN15** insofar as **the staff car park will flood** to a depth of 540 millimetres with a velocity of floodwaters up to 1.8 metres per second **and** the development results in detriment (increased flooding) to third party land. The rest of the development appears to be broadly compliant with TAN15.

Committee is advised that it is noteworthy that the development of a car park, per se, in a C1 Flood Zone is classed as “less vulnerable” development and it could be open to the applicant to withdraw this element of the current application and resubmit separately. While the flooding consequence, in combination, would be identical the broader considerations of the respective applications would seem to be more straightforward.

In addition, the development also results in detriment to “third party” land. In this case the land in question belongs to the Council (the Henry Street car park).

Following receipt of the NRW response, discussions were held with the applicant’s consultants with a view to understanding any risks the development will have so that Committee can fully understand the risk involved and deliberate over whether that risk is acceptable.\*

\*In setting out the figures, and to give Members a “frame of reference” the height of a “normal” door is 2 metres (6ft 6in).

Committee is advised that the Henry Street car park (adjoining the development) currently floods (even if the development did not proceed). In a 1-30 year flood event levels will reach 2.3 metres (7ft 7in). As a result of the development this will increase to 2.33 metres (7ft 8in) – **an increase of 0.03 metres (1 inch)**. In a 1-100 year event the figures are 2.6m (8ft 6in) to 2.66m (8ft 9in) – **an increase of 0.06 metres / 3 inches**. In a 1-100 year (with climate change) event the figures are 2.7m (8ft 11in) to 2.705m (9ft) – **an increase of 0.05 metres / 2 inches** and in a 1-1000 year event the figure are 3m (9ft 10in) to 3.10m (10ft 2in) – **an increase of 0.11 metres / 4 inches**. Therefore the increases as a result of this development range from 0.03m (1 inch) to 0.11m (4in)\*.

\*Committee is advised that the imperial figures (inches) have been “rounded” for convenience

When considering developments that have flooding consequences it is important that those areas “downstream” are taken into account so that any problems are not just diverted elsewhere. As part of the FCA the developer considered the impact on the B4275 towards Our Lady of Lourdes School and The Bailey Public House (approximately 100 metres “downstream” of the roundabout). It was found that in a 1-30 year event there would be **no additional flooding**. In a 1-100 year event this would actually **decrease (reduce flooding) by 0.31m (1ft)**. In a 1-100 (plus climate change) event it would **decrease flooding by 0.21m (8 inches)** and would again **decrease flooding by 0.07m (3in)** in a 1-1000 year event.

Should Committee decide to approve the application (and it is subsequently constructed) the application site will flood in in a 1-100 year event however the flooding is contained to the staff car park at the northern end of the site. The building itself will be raised out of the flood plain. The application site will also flood in the 1-1000 year event however the building itself has been designed to withstand this (unlikely) event.

In terms of how flooding will occur, Committee is advised that modelling shows the initial breach occurs around the B4275 bridge on the south bank and then travels down towards the town to the lowest points in the Henry Street car park. From the initial breach to the car park, modelling indicates that this will take between 40-45 minutes. In the event of a significant flood, it will take over 16 hours to start to disperse with areas along Miskin Road (leading towards Miskin) being the first to clear. Henry Street car park will take longer and may require clearing and cleaning up prior to allowing vehicles to pass. Access to the health facility can be maintained along Miskin Road via Darran Street if required, except in a 1-1000 year event.

Committee is advised that both Cynon Vale and Rhos House are also currently within the flood zone. The Health Board have advised that they both have business continuity plans that cater for flood events. Services can be delivered at YCC Hospital in the period where a flood event causes issues with access to the new building.

During a 1-100 year event, Henry Street will be under 2.66 metres of water so will be unpassable for any vehicles and, as it is part of the “one-way” system, the only access from the north will be via Pryce Street, across Duffryn Street and down Darran Road. From the south, much of Miskin Road will remain largely unaffected in a 1–100 and a 1-100 year plus climate change event so access can be maintained (although not in a 1-1000 year event). In addition, the Mountain Ash Cross Valley Link will provide alternative access north to south.

The applicant has prepared a “Flood Emergency Plan” to inform the occupants of the building on what measures they need to take in the event of a flood. These measures range from relocating cars, cancellation of appointments, relocation of services and a full evacuation protocol via Miskin Road and Darran Road.

While not strictly being a principal reason for approving this application, Committee is advised that the current surgery at Rhos House is susceptible to flooding and the building will flood in a 1-100 year event. The Cynon Vale Surgery on Cardiff Road is also in the 1-100 year flood zone and is also susceptible to flooding and probably to a greater extent than the proposed building due to the “temporary” nature of the construction. It is therefore considered that the proposal improves access to health facilities in the area in a flood event.

Committee is advised that approving any development that is contrary to TAN15 should never be taken lightly, **however desirable the proposed development may be**. That said, it would seem that the principal risk would be only to a staff car park and the remainder of the development has been designed to be as robust as possible in the event of a catastrophic 1-1000 year event. The amount of additional flooding at or near the site seems limited as the development actually decreases the amount of flooding / the impacts downstream.

In light of the above it is considered that the risks associated with this development are minimal and have been mitigated as far as possible. The Health Board have a clear plan in respect of maintaining services in the event of a flood and NRW’s “early warning” system should provide sufficient time to prepare for such an event so that any risk to life and limb is minimised.

While acknowledging NRW’s “significant concerns” in respect of the development’s performance against TAN15 it is considered that it is in accordance with Policy AW2 of the Rhondda Cynon Taf Local Development Plan and that the risks associated with the development are both limited and acceptable.

### Transportation and Highway Considerations

The proposed new health centre would provide a range of health services provided by up to 19 practitioners, including GPs, Nurses and Phlebotomists. The proposals include 39 car parking spaces across two parking areas, as well as 12 cycle parking spaces and an ambulance bay. In accordance with the formula included within the



SPG (Access, Parking & Circulation) the development requires up to 83 spaces (staff and patients) – which it cannot provide within the curtilage of the application site. In addition PPW would require 10% of the parking spaces provided to include ULEV charging points. In their consultation response, the Council's Transportation Section expressed some concern that there is a 44 space shortfall however, given the facility's sustainable location and access to a number of forms of transport, it is acceptable subject to the conditions set out below.

In conclusion, the site is located in a highly sustainable location; within the settlement boundary, and accessible by a full range of sustainable transport modes including train, bus, foot and bicycle. The proposal therefore concurs with the aims of PPW in compliance with national policies including the Sustainable Transport Hierarchy (PPW10, Figure 8) and the Active Travel Wales Act 2013. The proposal is also supported by LDP policy AW 2, again on the basis that the FCA is found to be acceptable.

**Condition:**

***Before the development is brought into use the means of access, together with the vision splays, parking and turning facilities, shall be laid out in accordance with the submitted site plan HPA-001 REV L and approved by the Local Planning Authority. The off-street car parking facilities shall remain for the parking of vehicles in association with the medical centre thereafter.***

***REASON: In the interests of highway safety and to ensure vehicles are parked off the highway.***

**Condition:**

***A minimum of 4 parking spaces shall be provided with ULEV charging points.***

***REASON: To promote sustainable modes of travel in accordance with PPW10.***

**Condition:**

***Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering design and details of the traffic calming, vehicular crossover, mowing strips for street furniture, existing access reinstated in full footpath construction, surface water drainage 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 to the satisfaction of the Local Planning Authority prior to beneficial occupation of the proposed development.***

***REASON: To ensure the adequacy of the proposed development, in the interest of highway and pedestrian safety.***

**Condition:**

**No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted 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) storage of plant and materials used in constructing the development,**
- f) wheel cleansing facilities,**
- g) the sheeting of lorries leaving the site.**

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

**REASON: In the interests of the safety and free flow of traffic.**

#### Ecology

As part of the application an Ecology Report was submitted by Acer Ecology (dated Jan 2019)

The Council's Ecologist is satisfied that it covers the potential ecological issues adequately. It concludes that the site has low ecological potential but identifies some precautionary measures for nesting birds, reptiles and hedgehogs, as well as some enhancement measures (bird & bat boxes and landscaping)

The Council's Ecologist is further satisfied that the proposed development is acceptable subject to conditioning all recommendations in Section 5 of the Report (except in the hedgerow planting where they should remove blackthorn planting – it is far too thorny and spiteful to be used in such an urban location).

A condition is proposed (below) to this effect should Committee be minded to approve the application.

#### **Condition:**

**The development shall be constructed and completed in accordance with the recommendations set out in Section 5 of the Acer Ecology Report (dated January 2019) unless written justification is submitted to and agreed in writing by the Local Planning Authority.**

**REASON: To protect areas of ecological interest in accordance with Policy AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.**

#### Land Contamination

The proposed development site is near the Afon Cynon. NRW have advised that the application has identified the historic land use of the proposed development site as railway sidings and, to avoid unacceptable risks to the environment, they have requested the Council (as LPA) attach the following conditions to any planning permission granted. Committee is advised that, given the proximity of the development to the river, the inclusion of these conditions are considered reasonable and appropriate to minimise any possibility of contamination and the consequences of such an event.

**Condition**

***Prior to the commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:***

- 1. A preliminary risk assessment which has identified:***
  - all previous uses***
  - potential contaminants associated with those uses***
  - a conceptual model of the site indicating sources, pathways and receptors***
  - potentially unacceptable risks arising from contamination at the site.***
- 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.***
- 3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.***
- 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.***

***REASON: To protect the controlled waters at the site from contamination in the interests of the environment in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.***

**Condition**

***Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages,***

***maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.***

***REASON: To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.***

***Condition***

***Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.***

***REASON: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure there are no longer remaining unacceptable risks to controlled waters following remediation of the site and to comply with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.***

***Condition***

***If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.***

***REASON: It is considered possible there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated and to comply with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.***

***Condition***

***No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.***

***REASON: There is an increased potential for pollution of controlled waters from inappropriately located infiltration systems such as soakaways, unsealed***

***porous pavement systems or infiltration basins and to comply with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.***

**Condition**

***Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated there is no resultant unacceptable risk to groundwater***

***REASON: There is an increased potential for pollution of controlled waters from inappropriate methods of piling and to comply with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.***

**CONCLUSION**

The proposal will provide a long-awaited and much needed facility for the residents of Mountain Ash. The site is in a highly sustainable location and is accessible by a full range of transportation and pedestrian options. The design of the building will provide an attractive feature and will add vitality and viability to the town centre as patients and staff are likely to combine their visit with purchases from the town's retail offer. The town centre will flood (in an extreme event) with or without this development but the applicant has demonstrated that the construction of the building will not have any significant increases in the risk rating for the area and that a flood event can be appropriately managed. The development even results in some betterment downstream.

Having considered all material planning considerations, the following RECOMMENDATION is made:

**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 Section 92 of the Town and Country Planning Act 1990.

2. Within 6 months of the date of consent a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to, and approved in writing by, the local planning authority.

The boundary treatment shall be completed in accordance with any approval and prior to the first beneficial occupation of the development.

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

3. Within 6 months of the date of consent a comprehensive scheme of landscaping (both “hard” and “soft”) shall be submitted to, and approved in writing by, the local planning authority.

The approved landscaping scheme shall be carried out no later than the first planting season following the first beneficial use of the facility and retained thereafter. 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 available planting season, unless the Local Planning Authority gives written consent to any variation.

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

4. Notwithstanding the details submitted and prior to incorporation into the building hereby approved, samples of all external finish materials shall be submitted to, and approved in writing by, the local planning authority. The building shall be constructed in accordance with the materials as approved.

Reason: To ensure that the appearance of the proposed development will be acceptable in this prominent location in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. Before the development is brought into use the means of access, together with the vision splays, parking and turning facilities, shall be laid out in accordance with the submitted site plan HPA-001 REV L and approved by the Local Planning Authority. The off-street car parking facilities shall remain for the parking of vehicles in association with the medical centre thereafter.

Reason: In the interests of highway safety and to ensure vehicles are parked off the highway.

6. A minimum of 4 parking spaces shall be provided with ULEV charging points.

Reason: To promote sustainable modes of travel in accordance with PPW10.

7. Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering design and details of the traffic calming, vehicular

crossover, mowing strips for street furniture, existing access reinstated in full footpath construction, surface water drainage 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 to the satisfaction of the Local Planning Authority prior to beneficial occupation of the proposed development.

Reason: To ensure the adequacy of the proposed development, in the interest of highway and pedestrian safety.

8. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted 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) storage of plant and materials used in constructing the development,
  - f) wheel cleansing facilities,
  - g) the sheeting of lorries leaving the site.

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

Reason: In the interests of the safety and free flow of traffic.

9. The development shall be constructed and completed in accordance with the recommendations set out in Section 5 of the Acer Ecology Report (dated January 2019) unless written justification is submitted to and agreed in writing by the Local Planning Authority.

Reason: To protect areas of ecological interest in accordance with Policy AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

10. Prior to the commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
1. A preliminary risk assessment which has identified:
    - all previous uses

- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: To protect the controlled waters at the site from contamination in the interests of the environment in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the



decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure there are no longer remaining unacceptable risks to controlled waters following remediation of the site and to comply with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

13. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: It is considered possible there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated and to comply with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

14. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: There is an increased potential for pollution of controlled waters from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins and to comply with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

15. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated there is no resultant unacceptable risk to groundwater

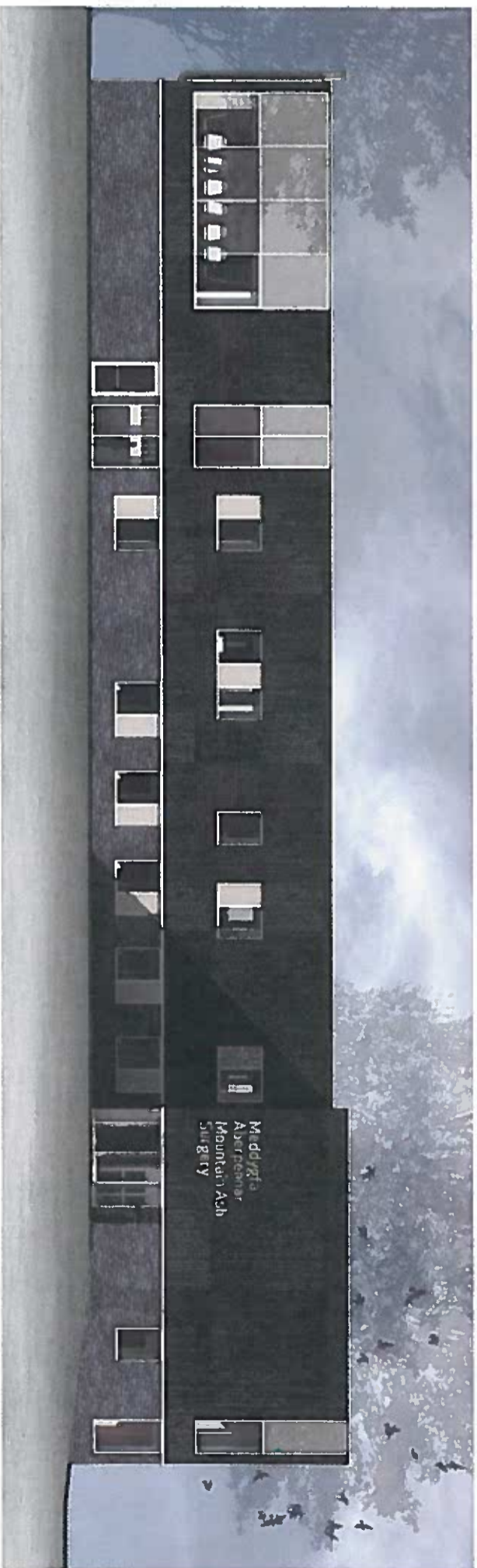
Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling and to comply with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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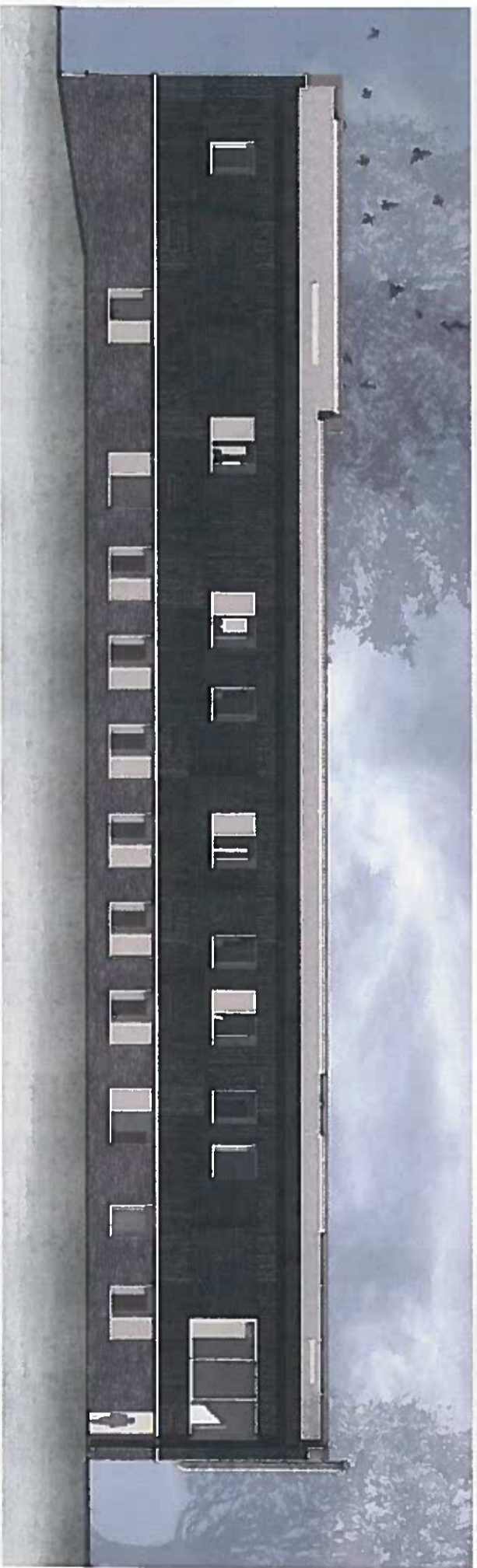


18. Completion																Completion anticipated end of Q3 2020. WG funding to support build must be complete by March 2021	
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APPENDIX 2



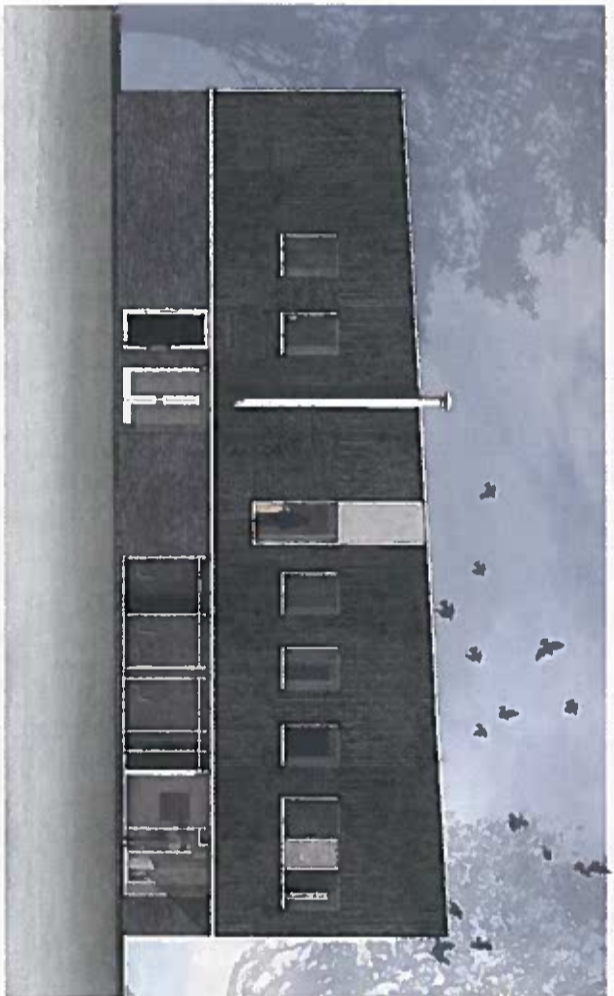
South Elevation



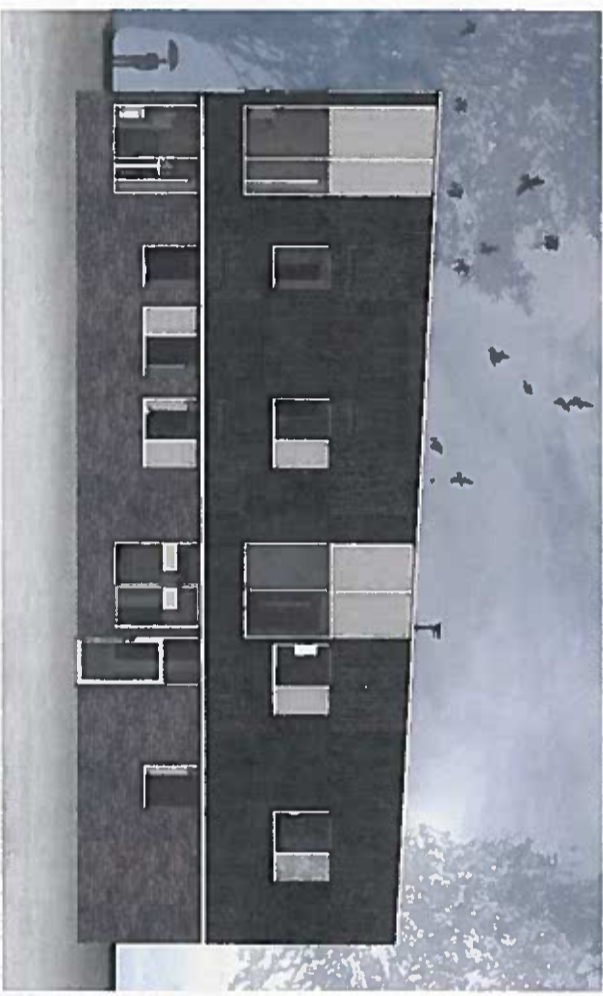
North Elevation

Proposed Coloured Elevations - NTS

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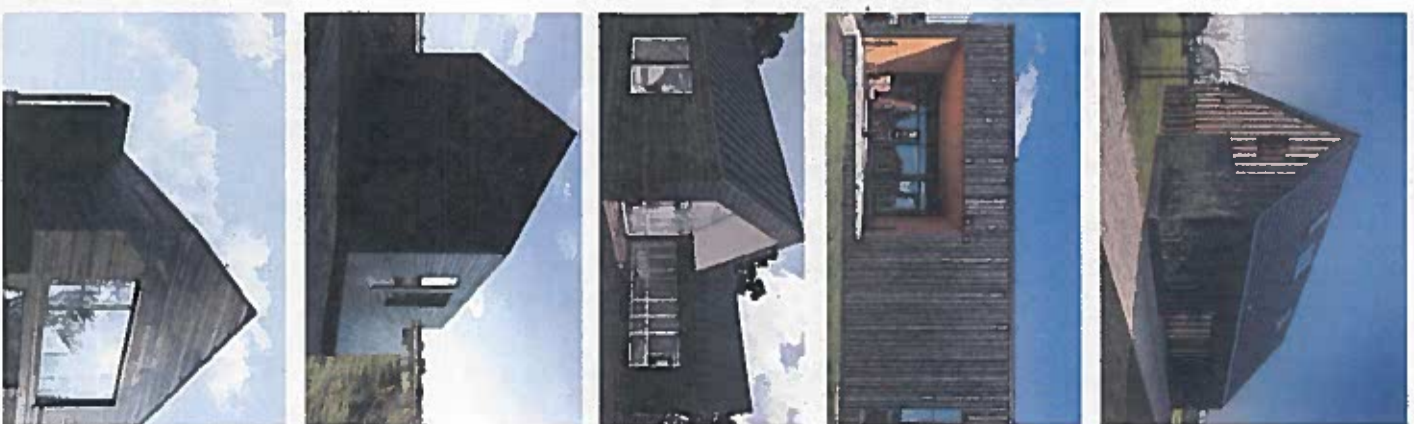


West Elevation



East Elevation

Proposed Coloured Elevations - NTS



Precedents

Hatcher Prichard 

Mountain Ash Surgery  
 Planning Submission  
 Project No. 1845



Proposed Sketch Perspective - NTS

*[The text in this block is extremely faint and illegible, appearing as a vertical column of light gray marks.]*



**Cyfoeth  
Naturiol  
Cymru  
Natural  
Resources  
Wales**

Ein cyf/Our ref: CAS-92248-S5G5  
Eich cyf/Your ref: 19/0526/10

Rivers House  
St Mellons Business Park  
Fortran Road  
Cardiff  
CF3 0EY

Ebost/Email:  
[southeastplanning@cyfoethnaturiolcymru.gov.uk](mailto:southeastplanning@cyfoethnaturiolcymru.gov.uk)  
Ffôn/Phone: 03000 653 055

Rhondda Cynon Taf CBC  
Sardis House  
Sardis Road  
Pontypridd  
CF37 1DU

**FAO: Chris Jones**

16 July 2019

Annwyl Syr/Madam / Dear Sir/Madam

**Proposed two-storey primary care health centre, with associated car parking, bin store and bicycle store at LAND AT HENRY STREET, MOUNTAIN ASH**

Thank you for referring us to the additional information submitted in support of the application above, which we received on 27 June 2019.

We continue to have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirement and you attach the conditions listed below. Otherwise, we would object to this planning application.

**Requirement: Flood risk - The application should demonstrate that the risks and consequences of flooding can be managed to an acceptable level in accordance with TAN15.**

**Conditions 1-6: Land contamination.**

Further information is given below.

### **Flood Risk**

As you are aware, the planning application proposes highly vulnerable development (Health Centre). Our Flood Risk Map, which is updated on a quarterly basis, confirms the site to be partially within Zone C1 of the Development Advice Map (DAM) contained in TAN15 and the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the Afon Cynon. Our records also show the site previously flooded during the December 1979 flood event.



Section 6 of TAN15 requires your Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If the LPA consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the Applicant to demonstrate, through the submission of an FCA, that the potential consequences of flooding can be managed to an acceptable level.

In our letter to your Authority, dated 07 June 2019, we required three matters to be addressed. The applicant has now submitted an FCA addendum, produced by CAPITA, dated June 2019, in response to our concerns. As such, we provide further advice in relation to the three concerns that we raised, below.

1. The development, including the staff car park, should be flood free during the predicted 1% plus an allowance for climate change flood event.

As you are aware, the original FCA showed that the staff car park is predicted to flood to a depth of 540mm, with a velocity of floodwaters of up to 1.8m/s. This is not in line with section A1.14 of TAN15. We have reviewed the addendum and we note that this risk has not changed. We understand that levels within the car park have been lowered to provide compensation for the raised area (the building). However, to be acceptable, the car park should be flood free during the predicted 1% plus an allowance for climate change flood event. We therefore maintain our concerns in relation to this matter.

2. There should be no increase in flood risk elsewhere.

As a result of the proposed flood mitigation, there is an increase in flood depth ranging between 30mm and 110mm in the Henry Street car park. This is not in line with the guidance set out in TAN15. We agree that the modelling predicts some betterment to the public highway (B4275) downstream of the site, as a result of this development, however this should not be used to offset any increases in flood risk to third party land outside the boundary of the site. TAN15 is clear that there should be no increase in flood risk elsewhere as a result of the development. We therefore maintain our concerns in relation to this matter.

3. Clarification regarding the retaining wall at the bottom of Henry Street car park as shown in drawing reference 18053-101 E.

From the information provided in the FCA addendum, it appears that the purpose of this retaining wall is to facilitate land raising behind it and it is not acting as a flood defence. This addresses our concerns and we therefore have no further comments to make on this matter.

In consideration of the above, we confirm that our concerns relating to the flood risk to the staff car park and impact on flood risk elsewhere remain.

If no further information is submitted, or a revised FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we object to this application.

Please inform us, in accordance with paragraph 11.7 of TAN15, if you are minded to grant permission for the application contrary to our advice.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

We provided the below advice in our previous response letter, dated 07 June 2019; we confirm it is still relevant and we include it here for completeness;

#### **Land Contamination**

The proposed development site is near the Afon Cynon. The application form identifies the historic land use of the proposed development site as railway sidings. To avoid unacceptable risks to the environment, we would request the LPA attach the following conditions to any planning permission granted.

#### **Condition 1: Universal condition for development on land affected by contamination**

Prior to the [commencement of development] / [occupation of any part of the permitted development] approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

**Reason**

We consider the controlled waters at this site are environmentally sensitive and contamination is strongly suspected at the site due to the historic use of the site.

**Condition 2: Verification report**

Prior to [commencement of development]/ [occupation of any part of the permitted development] (delete as appropriate), a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

**Reason**

To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

**Condition 3: Long-term monitoring**

Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

**Reason**

To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

**Condition 4: Unsuspected contamination**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

**Reason**

It is considered possible there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

#### Condition 5: SuDS

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

#### Reason

There is an increased potential for pollution of controlled waters from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins. Refer to: the SuDS Manual (CIRIA C753, 2015), the Susdrain website (<http://www.susdrain.org/>) and draft National Standards for SuDS (Defra, 2011) for further information.

#### Condition 6: Piling

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated there is no resultant unacceptable risk to groundwater

#### Reason

There is an increased potential for pollution of controlled waters from inappropriate methods of piling. Refer to: Environment Agency Document 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention' and Environment Agency Document 'Piling in layered ground: risks to groundwater and archaeology'

#### Further Advice to applicant

We strongly recommend developers should:

- Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination;
- Refer to WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2017) for the type of information that we require to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health;
- Refer to the groundwater protection pages on Gov.UK <https://www.gov.uk/government/collections/groundwater-protection>;
- Refer to British Standard for the Investigation of Potentially Contaminated Sites. Code of Practice (BS10175:2011).

#### **Other matters**

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is

published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents relevant to their development. Please refer to our [website](#) for further details.

If you have any queries on the above please do not hesitate to contact us.

Yn gywir / Yours faithfully

**Helen Griffiths**

Ymgynghorydd Cynllunio Datblygu / Development Planning Advisor  
Cyfoeth Naturiol Cymru | Natural Resources Wales

**Yn falch o arwain y ffordd at ddyfodol gwell i Gymru trwy reoli'r amgylchedd ac adnoddau naturiol yn gynaliadwy. | Proud to be leading the way to a better future for Wales by managing the environment and natural resources sustainably.**

**Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi. | Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.**