



## **PLANNING & DEVELOPMENT COMMITTEE**

**4 APRIL 2019**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 19/0015/08  
(MF)  
**APPLICANT:** Rhondda Cynon Taf CBC  
**DEVELOPMENT:** Redevelopment of Rhos Square (Guto Square) to increase the number of car parking spaces from 23 no. to 30 no.  
**LOCATION:** RHOS SQUARE (GUTO SQUARE), OXFORD STREET, MOUNTAIN ASH, CF45 3HB  
**DATE REGISTERED:** 04/01/2019  
**ELECTORAL DIVISION:** Mountain Ash West

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#### **RECOMMENDATION: APPROVE**

#### **REASONS:**

Whilst the loss of the site for future retail use is regrettable, there has been no interest in developing it for such use to date. Further, the proposed redevelopment works would go some way to alleviating the current on-street parking problems experienced in the town centre, whilst also enhancing the current character appearance of locality and the experience of visitors to the town, in turn enhancing the vitality and viability of the town centre as a whole. Consequently the proposed development is considered acceptable.

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

The application is reported to the Planning and Development Committee for final determination as it has been submitted by the Council and the nature of the Council's interest is more than minor in nature.

#### **APPLICATION DETAILS**

Full planning permission is sought for the redevelopment of Rhos Square (Guto Square) to increase the number of public car parking spaces from 23 no. to 30 no. (26 no. standard spaces and 4 no. disabled spaces). The proposed works would involve the enclosed parcel of land to the north of the square and the pedestrian

access between the existing car park and Oxford Street being resurfaced to accommodate 15 no. off-street parking spaces; and the existing car park area being altered and resurfaced to accommodate a further 15 no. off-street parking spaces and the associated vehicle access off Henry Street. 5 no. cycle stands would also be installed at the north eastern corner of the site and the public footways surrounding the site would be upgraded.

The proposed redevelopment works would also see the public square and public toilet block refurbished including the introduction of decorative block paving, a small landscaped area along Oxford Street, and 6 no. public benches.

The applicant has detailed the proposed works are required to alleviate current on-street parking problems experienced throughout the town centre; to improve the current public facilities in the town centre; and to generally improve the visual appearance of the town centre.

## **SITE APPRAISAL**

The application site forms a roughly rectangular plot, amounting to approximately 0.185ha, located at the heart of Mountain Ash town centre. It is sited between Oxford Street and Henry Street and comprises four separate elements that would be combined to form the proposed new car park/redeveloped public square. The four areas are currently occupied by the existing public car park (eastern half of the site); the pedestrian access between the existing car park and Oxford Street (central); a vacant plot adjacent to no. 39 Oxford Street (north-western corner); and the public square (south-western corner). The plot fronts both Oxford Street (west) and Henry Street (east) with access to the existing car park off Henry Street. The square is currently occupied by a public toilet block, a number of public benches, and a statue. The site is bounded by commercial properties at either side, with further commercial properties sited at the opposite side of Oxford Street (front). Mountain Ash train station located to the east (rear).

Given the sites town centre location, the surrounding area is mixed in terms of character and uses, primarily being comprised of varying commercial/community units.

## **PLANNING HISTORY**

Previous planning applications submitted at the site within the last 10 years:

17/0420	Relocation of open air market (Friday) situated on Henry Street car park, Mountain Ash from south end of the car park to the north end	Granted 07/08/17
11/1243	Open air market located on Henry Street car park for one day a week (Friday)	Granted 05/12/11

## **PUBLICITY**

The application has been advertised by means of site notices throughout the town centre. No representations have been received.

## **CONSULTATION**

Transportation Section – no objection.

Flood Risk Management – no objection, subject to condition.

Public Health and Protection – no objection, subject to conditions.

Dwr Cymru/Welsh Water – no objection, subject to conditions.

Natural Resources Wales – no objection, however concerns are raised as the application site is located entirely within Zone C1 as defined by the Development Advice Map referred to under Technical Advice Note 15: Development and Flood Risk and a site specific Flood Consequences Assessment has not been submitted in support of the application which demonstrates that there is no increase in flood risk as a result of the proposed works.

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary for Mountain Ash and within the Retail Centre of the town.

**Policy CS1** – sets out the criteria for development in the Northern Strategy Area.

**Policy AW2** – supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

**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** – does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

**Policy AW11** – provides criteria for alternative uses at existing employment sites.

**Policy NSA2** – sets out criteria for both residential and commercial development within the Key Settlements.

**Policy NSA17** – identifies land within the Northern Strategy Area for retail development.

**Policy NSA18** – identifies the retail hierarchy for the Northern Strategy Area with Mountain Ash being classed as a Key Settlement.

### **Supplementary Planning Guidance**

- Design and Placemaking;

- Design in Town Centres;
- Access, Circulation and Parking.

### **National Guidance**

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Welsh Government published Planning Policy Wales (Edition 10) on 5<sup>th</sup> December 2018. The document aims to incorporate the objectives of the Well-Being of Future Generations (Wales) Act (2015) into town and country planning and sets out the Welsh Government's policies on issues relevant to the determination of planning applications.

It is considered that this proposal meets the seven goals set out within the Well-Being of Future Generations (Wales) Act and the proposed development is consistent with the key principles set out in Chapter 2 (People and Places: Achieving Well-being Through Placemaking); Chapter 3 (Strategic and Spatial Choices); Chapter 4 (Active and Social Places); Chapter 5 (Productive and Enterprising Places); and Chapter 6 (Distinctive and Natural Places) of Planning Policy Wales (Edition 10).

Other relevant national policy guidance consulted:

- PPW Technical Advice Note 4: Retail and Commercial Development;
- PPW Technical Advice Note 11: Noise;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 15: Development and Flood Risk;
- PPW Technical Advice Note 18: Transport;
- PPW Technical Advice Note 23: Economic Development.

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

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

### **Principle of the Proposed Development**

Full planning permission is sought for the redevelopment of Rhos Square (Guto Square) to increase the number of public car parking spaces at the existing car park and to enhance the character and appearance of the wider public open space.

The application site forms 4 no. separate elements that would be combined to facilitate the proposed works. The site is located within the heart of the town's Retail Centre and is allocated for future retail development.

With the above in mind, the majority of the site is an existing car park and public square, with only element previously occupied by a retail use being the small enclosed plot directly adjacent to no. 39 Oxford Street, which is currently vacant and has been for many years. As such it is not considered the redevelopment of the existing car park and public square would result in any detrimental impact to viability or vitality of the wider retail centre. Furthermore, whilst the loss of the retail plot would be regrettable, being vacant for many years with no interest in redevelopment, it has fallen in to a state of disrepair, appearing derelict in the street scene, significantly affecting the character and appearance of the wider town centre. It is therefore considered that bringing a prominent plot along the main high street back into a beneficial use that will considerably enhance its current visual appearance and the experience of visitors to the town centre, would result in a significant regeneration benefit to the wider town centre as a whole.

Consequently, whilst the loss of the site for retail use is regrettable, there has been no interest in developing the land for retail use in the past, and the proposed redevelopment works would go some way to alleviating the current on-street parking problems experienced in the town centre whilst also enhancing the current character appearance of locality and the experience of visitors to the town, in turn enhancing the vitality and viability of the town centre. The proposal is therefore considered acceptable, in principle, subject to compliance with the other relevant material considerations set out below.

### **Land Drainage and Flood Risk**

As detailed above, the application site is located entirely within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15), being within both the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Cynon, a designated main river. In light of this fact, whilst no objections are raised, Natural Resources Wales (NRW) have commented that they have concerns that a site specific Flood Consequences Assessment report (FCA) which demonstrates that there is no increase in flood risk as a result of the proposed development has not been submitted in support of the application, as required by the guidance set out in TAN15.

In their comments they note that the application site is one of the areas included within a previously assessed, wider FCA produced by Capita on behalf of the Council that identified a number of sites within Mountain Ash for future redevelopment; and that in their response to the earlier FCA, it was advised that the application site would be inundated during all flood scenarios, from the 2% to the 0.1%, for both defended and undefended scenarios, and that no information was included to demonstrate that any proposed works at the application site would not increase the risk of flooding elsewhere. As such, it is suggested by NRW a site specific FCA be produced in support of this application prior to determination.

With the above in mind, the majority of the site is already in use for that proposed use, i.e. a public car park and public square, with the only element not currently in use being the small vacant plot adjacent to no. 39 Oxford Street. Furthermore, the proposed works will simply result in a considerable proportion of the site (the existing car park, the access between the existing car park and Oxford Street, and the existing public square) being resurfaced, including some minor levelling/retaining works, and the introduction of public amenity features. The only element of the site that would require more noticeable works would be the vacant plot adjacent to no. 39 which will again simply result in minor levelling (raising/lowering 0 and 1.1m) and resurfacing works that would not result in a significant alteration to its current nature. It is consequently considered that a small extension of the car park in to the adjacent plot and the resurfacing of the existing public square would not increase the risk to human health on site by way of flooding, or significantly increase the risk of flooding to the wider locality, in comparison to the risk that currently exists.

Therefore, whilst the concerns raised by NRW are acknowledged, given the minor nature of the proposed works, and the fact that the creation of car park is classed as 'less vulnerable development' within the TAN, it is not considered a site specific FCA is required in this instance and a relevant note highlighting the issue to the developer would be sufficient. Therefore, on balance, and even though no FCA has been provided, the scheme is considered acceptable in this regard.

It is also noted that no objections were raised by the Council's Flood Risk Management Section or Dwr Cymru Welsh Water, subject to standard conditions and advice.

### **Visual Impact**

The site falls gently from west to east and therefore some minor retaining works will be required along the northern boundary of the plot. However, the majority of the site is already developed and would simply be resurfaced. Therefore, whilst the proposed redevelopment works would inevitably alter the current character and appearance of the site and would form a noticeable feature in the immediate street scenes along both Oxford Street and Henry Street, it is considered the overall works would be relatively minor in nature and the resulting car park would not appear overly prominent or out of keeping within the wider locality. Additionally, given the current derelict nature of the vacant plot and the tired and dated appearance of the public square and toilet block, it is considered the redevelopment works would significantly enhance the current character and appearance of these elements of the site, as well as the general character and appearance of the wider town centre as a whole.

Therefore, in the context of the wider town centre, the proposal represents a number of relatively modest alterations that are required in order to improve current parking provision in the town along with an improvement to its visual appearance. As such it is not considered the proposed development would result in the formation of a prominent feature that would be harmful to the character and setting of the application site or the wider locality. The application is therefore considered acceptable in this regard.

## **Impact upon Amenity**

As detailed above, the application site is located at the heart of the town centre where the adjacent properties and those within the immediate vicinity of the site are predominantly commercial in character. As such, whilst it is acknowledged that the increase to the number of parking spaces at the site will inevitably intensify its use and result in some additional noise and disturbance, it is not considered the nature of the proposed development will result in significantly more impact to the amenities or operation of the surrounding commercial units in comparison to that which already occurs.

It is also noted that no objections have been received from the occupiers of the surrounding properties following the consultation process.

The application is therefore considered acceptable in this regard.

## **Highway Safety**

No objections have been raised or conditions suggested by the Council's Transportation Section following consultation. In their assessment of the scheme the Transportation Section commented that the proposed car park access off Henry Street is adequate, the car park circulation and parking spaces proposed are compliant with the Council's standards, and the proposed facility would reduce on-street parking in the town centre, improving pedestrian and highway safety.

In light of the above highways assessment, it is not considered the proposed development would impact upon highway or pedestrian safety within the town centre, and would actually go some way to improving current issues.

## **Public Health**

No objections have been received from the Council's Public Health and Protection Division. They did however suggest a number of conditions be attached to any consent in relation to construction noise, waste and dust. Whilst these comments are appreciated, it is considered that construction noise, waste and dust matters can be more efficiently controlled by other legislation. It is therefore considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.

## **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**

Whilst the loss of the site for future retail use is regrettable, there has been no interest in developing it for such use in the past. Further, the proposed

redevelopment works would go some way to alleviating the current on-street parking problems experienced in the town centre, whilst also enhancing the current character appearance of locality and the experience of visitors to the town, in turn enhancing the vitality and viability of the town centre as a whole. Consequently the proposed development is considered acceptable in principle.

It is accepted the site is located entirely within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) and a site specific FCA has not been submitted with the application which demonstrates that there would be no increase in flood risk as a result of the proposed development. However, the majority of the site is already in use for the use proposed, with the only element not currently in use being the small vacant plot adjacent to no. 39 Oxford Street, and further, the proposed works will simply result in the site being resurfaced, including some minor levelling/retaining works, that would not result in a significant alteration to its current levels or nature. It is consequently considered that a small extension of the car park in to the adjacent plot and the resurfacing of the existing public square would not significantly increase the risk to human health on site by way of flooding, or significantly increase the risk of flooding in the wider locality, over and above the risk that currently exists.

Finally, it is not considered the proposed works would result in having a detrimental impact upon the amenities or operation of the surrounding properties, or upon highway safety in the vicinity of the site.

The application is therefore considered to comply with the relevant policies of the Local Development Plan and is recommended for approval, subject to the conditions detailed below.

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

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

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans ref:

- GC2879-RED-61-XX-DR-C-0001 Rev. P01;
- GC2879-RED-61-XX-DR-C-0002 Rev. P01;
- GC2879-RED-61-XX-DR-C-0003 Rev. P01;
- GC2879-RED-61-XX-DR-C-0004 Rev. P01;

and documents received by the Local Planning Authority on 17/01/19 and 11/02/19 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 further development works shall be undertaken on site until full site drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The car park hereby approved shall not be brought in to beneficial use until the drainage works have been completed in accordance with the approved plans.

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

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