



PLANNING & DEVELOPMENT COMMITTEE

11 MARCH 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/1004/10 (GD)
APPLICANT: RCTCBC - Regeneration
DEVELOPMENT: Construction of new single storey Transport Hub with link to overhead railway bridge, including the development of a new 7 bay bus station and apron.
LOCATION: PORTH STREET, PORTH, CF39 9RR
DATE REGISTERED: 24/09/2020
ELECTORAL DIVISION: Porth

RECOMMENDATION: Approve

REASONS: The principle of the proposed development in planning terms is acceptable and the proposed development has the potential to deliver considerable regenerative benefits to Porth town centre and the surrounding locality

REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to the Director of Prosperity & Development
- The application has been submitted by, or on behalf of the Council or involving land owned by the Council, where the Council's interest is of more than a minor nature.

APPLICATION DETAILS

The current proposal promotes a substantial regeneration proposal in the heart of Porth. The proposals would deliver a bus/rail interchange north west of the existing railway station towards its northern extremity. The proposals will involve the creation of a new building comprising, a waiting room, counter service, office service store, Stairwell and lift area, cloak room, staff rest and toilet facilities, public WC's and baby changing area, maintenance and refuse stores and courtyard area. The upper floor

area other than the stairwell and lift will contain non-public areas in the form of plant room and service areas.

The building element of the proposed development is north of the current railway ticket office, adjacent to the northbound platform area. The building is L-shaped and has maximum floor dimensions of 43.2m x 11.8m. It will be a distinct building with a waveform roof. The roof will stand 9m high at the highest point flowing down to 4m at the edge of the bus bays and 6.5m on the railway side. The roof will be completed in standing seam aluminium with similarly coloured barge boards and soffits. The building external finishes will be a combination of steel structured curtain walling and split face concrete blocks. The colour scheme for the glass/curtain walls will be a combination of dark green and silver/grey. The support pillars supporting the roof canopy will be in silver/grey. The external pedestrian area will be finished in a combination of grey and blush granite setts.

An area of public open space is set between the proposed building and the northern end of Hannah Street finished with planters and a combination of hard and soft landscaping

The 7 bus bays will be set in echelon formation south west of the building with the apron area beyond that the bus bays and apron area will be finished in permeable tarmac.

The interchange would have two access/egress points at Porth Street and Station Street. The Porth Street access would be the subject of substantial improvements with the creation of a formal junction and splitter island along with footpaths into the interchange. The works will also involve the creation of new boundary walls around the site and a new access into the telephone exchange.

The application is accompanied by the following:

- Transport Statement
- Design and Access Statement.
- Ground Investigation Factual Report
- Flood Consequences Assessment

SITE APPRAISAL

The application site is an irregularly shaped area of land of some 0.507 hectare of level ground located close to the Porth Town Centre. The site was previously occupied by the Alec Jones Day Centre, Barclays Bank and Porth Farm Surgery, but the site has now been cleared of these buildings which were demolished earlier in 2020. The site lies immediately north of the designated town centre and east of a smaller group of shops on Porth Street.

PLANNING HISTORY

The planning history of the site relate largely to properties that are now demolished and has no relevance to the current proposals. The following applications are relevant though.

20/0296	Demolition of Porth Farm Surgery	Approved	25 th Mach 2020
19/1282	Demolition of the Alec Jones Day Centre and former Barclays bank	Approved	7 th January 2020

PUBLICITY

The application has been advertised by means of press notice, site notices and neighbour notification letters and one letter of objection has been received raising the following issues.

- The proposals do nothing for the residents of Powell's Place which is accessed via a single lane which it appears will be opened out for traffic.
- The access is already a very busy junction
- How are residents now to come and go safely on foot?
- Noise and fumes from buses will adversely impact the local environment.

CONSULTATION

Transportation Section – No objections subject to conditions

Flood Risk Management – NO objections, the proposals will require the benefit of a separate SUDS consent.

Public health & Protection – No Objections

Countryside – No objection in light of the fact that demolition works had due regard to protected species and were undertaken at an appropriate time of year.

Corporate Estates – No objections

Western Power Distribution – No response received

Natural Resources Wales – express significant concern with the proposed development as submitted and recommend that planning permission should only be granted if the flood consequences assessment can demonstrate that the consequences of flooding can be managed acceptably over the lifetime of the development. They also indicate that they would object if the scheme does not meet this requirement.

Dwr Cymru Welsh Water – Raise no objection to the proposed development and indicate that a sewer easement might be affected by the proposed development.

South Wales Fire & Rescue Services – No objections subject to the development providing sufficient water supplies for firefighting purposes and being designed to provide sufficient access for firefighting appliances

South Wales Police – No response received

Transport for Wales – No response received

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS1 - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

Policy CS8 – supports improvements in public transport infrastructure.

Policy AW2 - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

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 - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

Supplementary Planning Guidance

Design and Placemaking

Design in Town Centres

Access Circulation and Parking

Employment Skills

National Guidance

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

Planning Policy Wales Edition 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales 2040 which sets out the National Development Framework (NDF) for Wales this sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out

the WG's policy on planning issues relevant to the determination of planning applications.

In this instance the proposals are considered to be compliant with the following policies relevant to the development proposed –

- Policy 1 where Wales will grow – infrastructure
- Policy 2 shaping urban growth sustainability
- Policy 3 supporting urban growth – placemaking
- Policy 6 town centre first – public services.
- Policy 12 regional connectivity – active travel, metro

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in the NDF and PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Other relevant policy guidance consulted:

PPW Technical Advice Note 4: Retailing and Town Centres;
PPW Technical Advice Note 5: Nature Conservation and Planning;
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.

Main Issues:

The key considerations in the determination of this application are –

- The principle of the redevelopment of the site in the manner proposed, particularly in relation to planning policy.
- The impact of the proposed development on the character and appearance of the area.

- The impact of the proposals on amenity and privacy.
- Highway implications of the proposed development; and,
- The location of the proposals on the local floodplain.

Principle of the proposed development

Policy CS1 of the adopted Local Development Plan promotes the creation of strong, sustainable and well integrated communities with a quality built environment within key settlements. The proposed development clearly fits with this objective. The same policy also promotes the removal and remediation of dereliction through the reuse of previously developed land and buildings, which would also be a consequence of allowing the redevelopment of this site. The site is sustainably located and makes full and proper use of an area of land and buildings that had previously come to the end of its natural development cycle. The site is well located lying within settlement limits immediately adjacent to the railway station and the commercial centre of the key settlement of Porth. As such the proposed development is considered to comply with the requirements of Local Development Plan Policy AW2 insofar as it relates to its requirements and with the policies of the National Development Framework cited above.

Impact on the character and appearance of the area

Prior to the works of demolition the buildings that occupied the site were a disparate group without any relation to each other in terms of their use, purpose or orientation. As they have now been demolished the site lies vacant enclosed and unused. The redevelopment of the site as a transport hub will therefore inevitably represent an improvement in the character and appearance of the area. The building is clearly of modern design but its scale form and design are acceptable and its use of materials is sensitive to the area and when complete it will provide the centre of Porth with a new and clearly distinguishable focal point. Members should also note that the hub building is multi-functional in purpose serving not only as a transport interchange given the other uses associated with it described above. Importantly, the redevelopment of the site will provide a solution that is coherent in terms of movement not just in terms of the movement of traffic through the site but also in terms of how it will serve and be used by pedestrians making use of public transport and in the improved access it would provide to the town centre. As such the proposals are considered compliant with policies AW5 and AW6 of the Local Development Plan in as far as they relate to this aspect of the proposed development.

Impact on residential amenity and privacy

Given the location in the centre of the town, there is limited capacity for impact on residential amenity and privacy given the intended end use of the development. However, the properties at Powell's Place and Porth Place need to be given appropriate consideration. Access to the site will be derived from Porth Street and this access currently serves Powell's Place, Oldway House and the telephone exchange.

It also provides access to the rear of Squares night club and also previously served the demolished surgery. The current arrangement is largely undefined and the benefit of the proposed development is that it would provide certainty in improved access and egress arrangements serving these areas as well as the proposed transport hub. The proposals also clearly indicate that pedestrian provision in the form of clearly defined and legible footpaths will be provided into the development and within the extent of the adopted highway towards Powell's Place as well. The single objection letter also references the potential for increased noise and air pollution as a result of bus traffic. Members should note though that Public Health and Protection have not raised objections to the proposals and that the numbers involved are not sufficient to trigger the need for an air quality assessment. Moreover, the number of buses that will pass through Porth on any given day will not alter. As such it is considered that the proposals are acceptable in terms of their impact on amenity and privacy and are therefore compliant with the requirements of Local Development Plan Policy AW5 insofar as it relates to these issues.

Access and highway safety

Highways Development Control have been consulted and have given due consideration to the particulars of the case. In arriving at their conclusions they have had due regard to

- The objectives of creating the transport hub
- Proposed access arrangements
- Vision splays
- Swept path analysis
- Traffic Regulation Orders
- Parking
- Cycle parking
- Engineering design and detail
- Statutory undertakers equipment, and
- Construction method Statement.

Though there are residual concerns expressed in respect of the need for a road safety audit and designer's response, the visibility splay at Powell Place and junction arrangements, the final conclusion is that subject to conditions the proposals are acceptable.

Flood Risk

Members will note from the consultation responses listed above that Natural Resources Wales have expressed significant concern with regard to the proposed development, and set a requirement that a revised Flood Consequences Assessment which demonstrates that the consequences of flooding can be acceptably managed.

If the scheme does not meet that requirement, then they object to the proposed development.

The site lies within a designated flood zone as defined by Planning Policy Wales Technical Advice Note (TAN) 15 Development & Flood Risk. However, the type of development proposed constitutes a less vulnerable form of development as defined by the TAN and is therefore subject to a series of justification tests as set out in the TAN which requires that development including transport infrastructure will only be justified if it can be demonstrated that:-

- i. 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; or,
- ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority and other key partners, to sustain an existing settlement or region

And

- iii. It concurs with the aims of PPW and meet the definition of previously developed land; and
- iv. The potential consequences of a flooding event 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

In this case it is necessary that the development is located in zone C and is very much part of a local authority initiative aimed at sustaining an existing settlement (Porth). Additionally the site is quite clearly previously developed land and in this case the potential consequences of a flooding event have been considered, through the submission of a Flood Consequences Assessment and Evacuation Plan. Despite this Members will note the concerns expressed by NRW above which require further revision to the Flood Consequences Assessment which demonstrates that the consequences of flooding can be managed successfully over the lifetime of the development. To this end Natural Resources Wales (NRW) have reviewed the latest iteration of the flood consequences assessment (January 2021) and provide technical advice on the acceptability of flooding consequences in terms of risk to people and property.

In their response in respect of the current planning application including the latest iteration of the Flood Consequences Assessment, Natural Resources Wales provide the technical advice on the acceptability of flooding consequences in terms of risk to people and property. In essence they measure the findings of the Flood Consequences Assessment against the threshold criteria set down in Planning Policy Wales Technical Advice Note (TAN) 15 Development and Flood Risk.

In the case of flood risk at 1% plus climate change allowance event (1 in 100 plus an allowance for climate change), the development site is not predicted to be flood free, and as such does not meet the requirements of the TAN. The depth of flooding varies across the site with a predicted range of 1.1m (3'8") at the northern entrance to the site falling to 0.2m (8") at the southern exit to the site. Flood depths on the pavement along the transport hub building are broadly below 0.2m (8") and are similar to the 0.2m – 0.25m (8" – 10") depths that would be experienced along Station Road. By way of comparison the current levels of flooding for the site in its undeveloped form in the 1% plus climate change scenario would be 0.9m (3') at the site entrance and no flooding at the Station Street exit. The depth of flooding would vary across the site between 0.1m (4") and 0.8m (2'8") in an east to west direction

In the case at the 0.1% flood event (1 in 1000) the depth of flooding varies across the site predicted water depths within the hardstanding bus interchange area to the west of the site vary from 1.6m (5'3") at its northern entrance to 0.9 m (3') at its southern exit on to Station Street. Predicted flood depths are lower on the pavement to the South of the Transport Hub at 0.7m (2'4") which is again similar to depths predicted along Station Street for this type of storm event these depths exceed the guidance set out in the TAN of 0.6m (2'). Turning to the velocity of flood waters, the Flood Consequences Assessment states a maximum velocity of 0.84 metres (2'9") per second with an average velocity across the site stated as 0.3 metres (1') this meets the criteria set down by the TAN. By way of comparison in the depth of flooding on the site in its current form would be 1.5m (5') at the Porth Street entrance, 0.3m (1') at the Station Street exit. The depth of flooding across the site would vary between 0.5m (1'7") and 1.5m (5').

Turning to the rate of rise of flood waters the Flood Consequences Assessment calculates it as 0.53 metres (1'9") per hour which is in excess of the 0.3 metres (1') per hour set down by the TAN. However, the maximum speed of inundation to its peak is 2 hours 50 minutes which is in excess of the guidance in the TAN of 2 hours.

Members should note that there are some minor differences between the depths of flooding in the developed scenario vs the do nothing option and though very slightly deeper in some parts of the site in the as developed format these differences are minimal given the extent of flooding that the site will experience in any event and in the order of only 0.1m (4").

Natural Resources Wales are content that there is no concern over the proposed development increasing the risk of flooding elsewhere due to there being minimal alteration to the finished levels of the site, and they do not comment on whether safe access and egress can be achieved in all circumstances considering it a matter for the emergency services to determine. None of the emergency services has raised safe access and egress as a concern.

In summary –

- The proposed development floods at the 1% plus climate change situation contrary to requirements of the TAN
- The proposed development at the 0.1% situation exceeds the tolerable depth of flooding though overall velocities are acceptable the rate of rise of flood waters exceeds the criteria set down in the TAN whilst the speed of inundation is acceptable.
- There is no increased flood risk elsewhere.

Whilst it is recognised that the proposed development can meet some though not all of the requirements of TAN 15 it is for the Local Planning Authority to determine whether the risks and consequences of flooding can be adequately managed in accordance with the TAN. In mitigation on this point Members should note the following.

In the event of a flood the flood evacuation plan prepared in support of the development will be put into action should a flooding event occur. The plan summarises the flood risk that the developed site would face, and evaluates the potential hazard posed by the various flood events and the dangers that are regularly associated with flood waters. It then goes on to list the flood mitigation measures that have been incorporated into the design of the proposed development as follows -

The building itself has been designed with the following in mind –

- Goods and possessions can be moved to the upper level of the building in a flood event.
- The bus driver's rest area will only be used for rest periods and will not be used as a base.
- The upper level of the building is accessed by stairs and a lift and provides access to a steel footbridge and provides space for air handling plant and service distribution.
- The building is designed to prove resilient in a flood event minimising flood damage and flood proofed so as it can be restored to its prime use following a flood event. Measures include the following-
 1. Ground floor construction free of voids
 2. External wall construction is free of wood based or gypsum based materials and insulation is water resistant.
 3. Internal partitions are lightweight steel construction with water resistant wall board up to a height of 1.2m
 4. All skirtings are uPVC.
 5. All doors and door frames are powder coated steel
 6. All curtain wall members window cils and internal surrounds are powder coated aluminium
 7. All electrical wiring power and data outlets switches and fittings will be a minimum of 1m above floor level.

8. All furniture and fixtures below 1m above floor level will be in stainless or powder coated steel
9. No soft floor coverings or furniture will be used.
10. Flood guards up to 600mm (2') have been allowed for will be stored on site and put in place if and when required.

The document then goes on to advise that the site operator develop a business continuity plan to identify critical activities that need to be maintained to minimise disruption and deliver services in the event of an emergency.

It also sets out clear procedures for responding to a flood alert or warning including what needs to be done in the event of

- A flood alert
- A Flood Warning
- A sever flood warning

Additionally the document clearly sets out evacuation routes to be used in the event of a flood event along with safe egress procedures. Safe evacuation in a flood event would be to the south along Station Road and Hannah Street, with a secondary route available via the Railway Bridge and Syphon Street. Safe egress procedures involve staff being appropriately trained to direct the public in the case of a flood event, including the use of public address systems, and the use of appropriate signage and the designation of safe assembly points.

The plan also advocates the use of upper floor of the building in the event that evacuation becomes impossible and advises the provision of a flood emergency kit to be provided in the refuge to meet the immediate needs of those who might find themselves there. The plan also provides advice on prioritising matters post flood and recovery and includes a list of key contacts to be used in an emergency situation.

Though the proposed development site would be subject to exceedances in the 1 in 100 + climate change and a 1 in 1000 flood event beyond the standards set down in Technical Advice Note (TAN)15 Development and Flood Risk in this instance the risks posed are considered acceptable. This conclusion is arrived at in light of the fact that the development would have in place a detailed flood emergency plan that the operator of the site would sign up to and implement in the event of a flood event, which minimises risk to life and limb in extreme circumstances through clear procedures for closure and evacuation via safe egress routes as described above.

Other matters – Members will note that a number of the consultees have not responded in respect of the application. Though disappointing this is not considered critical in the determination of the planning application.

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 liable for a charge under the CIL Regulations 2010 (as amended) however, the CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan and the National Development Framework in all relevant key areas as described above other than where it touches on the issue of flooding. The exception here being the requirements in respect of a flooding event. In this instance the proposals cannot satisfy all of the requirements of TAN 15, however, despite this failure the benefit of the development outweighs this technical objection. In this it should also be noted that the differences in the developed and non-developed scenario for flooding at the site is negligible. The proposed development presents the opportunity to provide Porth with a much needed transport hub facility at the optimum location within the town that will help to foster its regeneration. As such, support is offered for the current proposals.

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance within the following approved plans/drawings/documents:

- Site location plan drawing no. PTI-CAP-XX-00-DR-A-910001 P00
- Site plan existing drawing no. PTI-CAP-XX-00- DR-A-910002 P00
- Site plan proposed drawing no. PTI-CAP-XX-00-DR-A-910010
- GA elevations north and south & sections drawing no. PTI-CAP-XX-00-Dr-A-062101 P01
- GA elevations east & west drawing no. PTI-CAP-XX-00-DR-A-062100 P02
- Part elevation materials drawing no. PTI-CAP-XX-XX-DR-A-062102 P00
- GA plan ground floor drawing no. PTI-CAP-XX-00-DR-A-061100 P01
- GA plan first floor & roof drawing no. PTI-CAP-XX-00-DR-A-061101 P01
- Drainage strategy layout drawing no. GC3649-RED-73-XX-DR-D-0501 P01

- Proposed boundary treatments drawing no. PTI-CAP-XX-00-DR-A-910103 P01
- Proposed landscape layout drawing no. PTI-CAP-XX-00-DR-A-910100 P00
- Proposed landscape finishes drawing no. PTI-CAP-XX-00-DR-A-910101 P00
- Proposed soft landscaping drawing no. PTI-CAP-XX-00-Dr-A-910102P00

unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: In order to define the extent by the permission hereby granted and in order to ensure that the development is carried out in accordance with the approved plans.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order) no external lighting equipment shall be erected or installed unless details have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent light pollution and to protect the amenities of neighbouring residential properties in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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

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

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

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining

buildings in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

6. Notwithstanding the approved plans, development shall not commence until full engineering design and details of the works to the existing highway Station Street, Porth Street B4278 and the Un-named improved access road leading to the proposed including sections; street lighting details and surface-water drainage details together with a Stage 1/2 Road Safety Audit/Designers response have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the adequacy of the proposed development, in the interests of highway safety.

7. 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.

8. The development shall not be brought into beneficial use until all Traffic Regulation Orders (TRO) associated with the proposed Transport Hub have been completed unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure deliverability of Traffic Management measures and restrictions in the interests of highway safety.

9. The street lamp column / statutory undertaker's equipment affected by the proposed access shall be relocated in a position to be agreed in writing by

the Local Planning Authority / statutory undertakers prior to any works commencing on site.

Reason: In the interests of highway and pedestrian safety