



PLANNING & DEVELOPMENT COMMITTEE

2 DECEMBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1190/10 (CA)
APPLICANT: RFJ Ltd
DEVELOPMENT: Change of use of a former office building (Use Class A2) to 12 no. flats (Use Class C3a) and associated works
LOCATION: MERCHANT HARRIS AND CO, BUTE CHAMBERS, 54-55 BUTE STREET, ABERDARE, CF44 7LD
DATE REGISTERED: 02/09/2021
ELECTORAL DIVISION: Aberdare East

RECOMMENDATION: REFUSE, FOR THE FOLLOWING REASON:

REASON: The proposed development is considered to represent in an over intensive use of the building, resulting in a cramped and inadequate standard of accommodation. As such, the proposal is contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

The proposal is not covered by determination powers delegated to the Director of Prosperity & Development.

APPLICATION DETAILS

This application seeks full planning permission for the change of use of a former office building (Use Class A2) to 12 no. flats (Use Class C3a) and associated works.

The proposed accommodation would be spread over three floors, with each floor consisting of four flats. All of the flats would contain an open plan kitchen/lounge, one bedroom and a shower room.

Two of the ground floor flats would have independent access from Bute Street, whilst the remaining two ground floor flats, and those located on the first and second floors, would be accessed via a shared entrance on Cross Street. A shared internal stairwell would provide further access to the first and second floors.

To facilitate the proposed change of use, the building would be rearranged internally. In addition, many of the existing stud partition walls would be removed and new walls created. A former entrance on the Bute Street side of the building would be re-opened and the existing softwood timber framed windows would be repaired on a like-for like basis. In addition, an external door would be replaced with a window on the rear elevation.

The application is accompanied by a Planning, Access and Design Statement as well as a Heritage Impact Assessment.

A separate Listed Building Consent application has been submitted which is subject to determination by Cadw.

SITE APPRAISAL

The application site consists of an attractive and prominent three storey property which is positioned on the corner of Bute and Cross Streets in Aberdare.

The site is located within the defined retail boundary of Aberdare, which is designated as a Principle Town Centre within the retail hierarchy. Surrounding land is most commonly made up of residential and commercial properties.

In addition, the site is located within the Aberdare Conservation Area and the building is an early to mid 19th Century Georgian construction, which is Grade II listed. It includes a simple classical shopfront across the whole Cross Street elevation which provides a reminder of the building's past.

PLANNING HISTORY

21/1187/12	Listed building consent for the conversion of a former office building (Use Class A2) to 12 no. flats (Use Class C3a), associated works and rear single storey extension	Pending	
00/4020/12	Repairs and Refurbishment	Granted	19/04/2000

PUBLICITY

The application has been advertised by direct notification letter to neighbouring properties, site notices were displayed and a press notice was published.

One letter of objection was received, which raises the following points:

1. It is already difficult for residents to park in this part of Aberdare and the proposal would make this situation worse.

2. The proposal would adversely impact upon house prices within the immediate vicinity.

Although no further letters of objection or representation were received directly by Planning Services, the department was made aware, via the Local Member and via the Member of the Senedd for the Cynon Valley that many local residents had raised concerns to them regarding the lack of off street car parking incorporated into the proposal.

CONSULTATION

Highways:

No objections, no conditions recommended.

Flood Risk Management:

No objections, no conditions recommended.

Public Health and Protection:

No objections, standard conditions recommended.

Ecology:

No objections, no conditions recommended.

Joint Committee of the National Amenity Societies:

No responses received.

Glamorgan-Gwent Archaeological Trust:

No objections, no conditions recommended.

The Coal Authority:

No objections

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan:

The application site is situated within the Northern Strategy Area and within the settlement boundary.

In addition, the site is positioned within the defined retail boundary of Aberdare, which is designated as a Principal Town Centre within the retail hierarchy.

The site is also located within the Aberdare Conservation Area and the building itself is Grade II listed. Furthermore, the site is located partially within the Development Coal High Risk Area.

The following policies are considered to be of particular relevance to this application:

Policy CS1 – Development in the North: Advises that in the Northern Strategy Area, emphasis will be given to building strong, sustainable communities and promoting commercial development in locations which support and reinforce the roles of Principal Towns and Key Settlements.

Policy AW1 – Supply of New Housing: Sets out how the housing land requirement in Rhondda Cynon Taf will be met.

Policy AW2 – Sustainable Locations: Provides criteria to determine whether a site is located in a sustainable location.

Policy AW5 – New Development: Sets out criteria for new development in relation to amenity and accessibility and requires development to have no unacceptable effect on the character and appearance of the site or surrounding area and no significant impact on the amenities of neighbouring occupiers. Proposals are also required to be accessible to the local and wider community by sustainable modes of transport, to have safe access to the highway network, and to not cause traffic congestion or exacerbate existing traffic congestion.

Policy AW6 – Design and Placemaking: Requires development to involve a high quality design and reinforce attractive qualities, make a positive contribution to the street scene and have a high level of connectivity and accessibility to existing centres by a wide range of sustainable transport.

Policy AW7 – Protection and Enhancement of Built Environment: Provides support for developments that would preserve or enhance the character and appearance of the site.

Policy AW10 – Environmental Protection and Public Health: This policy provides that development proposals will not be permitted where they would cause or result in a risk of unacceptable harm to health and/or local amenity because of issues such as noise, air or light pollution, flooding or any other identified risk to the environment, local amenity and public health and safety.

Policy AW11 – Existing Employment and Retail Uses: Development proposals promoting alternative uses for retail units identified within the defined retail centres will be permitted where the site is not identified by the allocating policies and the retention of retail sites for retail purposes has been fully explored without success by way of marketing for appropriate retail purposes, at reasonable market rates for a minimum of 12 months (continuous).

Policy NSA 1 – Development in the Principal Town of Aberdare: This policy is concerned with development in the Principal Town of Aberdare and sets criteria for the types of development that will be considered acceptable in the town.

Policy NSA10 – Housing Density: This policy states that proposals for residential development in the Northern Strategy Area, should be a minimum of 30 dwellings per hectare.

Policy NSA12 – Housing Development Within and Adjacent to Settlement Boundaries: This policy provides for housing development within defined settlement boundaries, where it can be demonstrated that the proposal does not adversely affect the provision of car parking in the surrounding area, and that the proposal is accessible to local services on foot, cycle or utilising a range of sustainable transport options.

Policy NSA13 – Rehabilitation/Conversion of Large Buildings: Supports the rehabilitation and conversion of large buildings for residential purposes subject to criteria.

Policy NSA19 – Retail Development in Principle Towns and Key Settlements: Sets out the criteria for new and improved retail facilities and other uses that are appropriate within the town centre will be permitted within the retail centre of Aberdare.

Supplementary Planning Guidance:

Design and Placemaking

Access, Circulation and Parking

Development of Flats – Conversion and New Build

Design in Town Centres

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: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

It is considered that the proposed development is inconsistent with the key principles and requirements for placemaking set out in PPW; and is also inconsistent 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.

It is also not considered the proposed development is compliant with the NDF.

Other policy guidance considered:

PPW Technical Advice Note (TAN) 4 – Retail and Commercial Development

PPW TAN 12 – Design

PPW TAN 15 – Development and Flood Risk

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development:

The application site is located within the defined settlement boundary and is also within the retail centre of Aberdare, which is a Principal Town in the retail hierarchy. In addition, the property is included within the designated Aberdare Conservation Area and is a Grade II listed building. The building is presently vacant and was last recorded by the Council as being in use in January 2020.

Policy CS1 (Development in the North) promotes residential development in locations which support and reinforce the roles of Principal Towns as well as result in the removal and remediation of dereliction by promoting the re-use of under used and previously developed land and buildings.

Policy NSA 1 is specifically concerned with development in the Principal Town of Aberdare, where proposals for residential development are considered acceptable, subject to certain criteria. It is acknowledged that the proposal would result in the loss of a spacious retail unit within the town centre boundary. The building is however located on the fringe of the retail area, outside of the primary retail frontage and amongst residential properties. As such, it is considered that the proposed use of the building would be compatible with surrounding land uses and would not fragment the shopping frontage.

Policy NSA12 seeks to ensure that development is carried out within the defined settlement boundary provided that the development does not adversely affect the highway network and is accessible to local services by a range of modes of transport, including on foot or bicycle, and providing that it does not adversely affect the provision of car parking in the surrounding area. As noted above, the site is situated within a highly sustainable location with access to both a bus and train station however, due to its town centre location no provision has been or can be made for off-street car parking. Whilst the Council's Highways and Transportation Section raise some concerns in this regard, no objection has been raised and the proposal is therefore considered to comply with Policy NSA12 (the impact of the proposal on highway safety is discussed in more detail below).

Policy AW 11 requires development proposals promoting alternative uses for existing retail units to be subject to a (minimum) 12 month marketing period, at reasonable rents. This period of marketing must be consecutive and for Class A uses specifically. The applicant has indicated that the building has been vacant for in excess of a year and has been on the market for approximately the same time, with at least two sales falling through and limited other interest. Given the listed status of the building and its location on the fringe of the town centre and retail area, this is considered acceptable.

In light of the above, the principle of the proposed development is considered to be acceptable, subject to an assessment of the criteria set out below.

Impact on the character and appearance of the area:

The application site is located within the Aberdare Conservation Area in a prominent corner position. Only minor external alterations are proposed to the façade of the building as part of the application, which mainly involve the repair of the existing softwood timber framed windows. It is noted that the existing shopfront would remain and be incorporated into the new use, thereby providing an indication of the building's historical past.

A doorway on the Bute Street elevation of the building would be reinstated which is considered acceptable, and an existing door would be replaced by a window on the building's rear elevation. It is noted that the rear part of the building which backs onto Dumfries Street has previously been altered to include a modern external staircase as well as replacement windows. As such, this part of the building is of lesser visual and historical value than the street facing sides.

It is acknowledged that the building is Grade II listed and therefore subject to a Listed Building Consent determination by Cadw. If necessary, within this application, large scale details of the new door on the Bute Street elevation, as well as details of finishing materials can be secured by condition should permission be granted.

In addition to the above, it is also worth noting that change of use of the building would secure the future of this currently vacant listed building and provide an opportunity for its long term maintenance.

Impact on Amenity:

The property is located on the edge of the retail area of the Principal Town of Aberdare. Consequently, there are some commercial uses within the immediate vicinity, however the majority of immediate neighbours are residential in nature.

The change of use would take place within the fabric of the existing building and therefore there would be no additional overshadowing or overbearing impacts upon adjacent properties as a result of new physical development.

The new use would utilise existing window openings, of which the majority provide direct views onto either Bute Street or Cross Street. There are no windows currently located on the part of the building which directly adjoins the terraced dwelling to the south east known as No. 53 Bute Street, and this would remain the case. It is noted that a degree of mutual overlooking would occur between the ground floor windows on the south west elevation of the existing building and Nos. 1 and 2 Dumfries Street, however this is not considered so severe as to warrant the refusal of the application, particularly as the openings on this part of the application building already exist.

The SPG relating to the development of flats provides support for proposals that do not result in the creation of undue nuisance arising from the intensity of the residential use that flats can create. It is not considered that the creation of the proposed flats within the property would result in undue nuisance to neighbouring properties.

The SPG also provides support where a high quality of accommodation and amenity can be provided for residents, however a minimum floor space requirement for each flat is not stipulated within the SPG. It is considered that there would be adequate natural light serving habitable rooms as well as sufficient ventilation and a reasonable outlook for the majority of the flats.

Concern is however raised that the rear flat on the ground floor would be cramped in nature, thereby providing its occupier(s) with poor quality accommodation. Whilst the Proposed Floor Plan shows that the bedroom within this flat could comfortably contain a bed, there is insufficient space within the room for little else, including wall space for storage units or a wardrobe. In the absence of this space, it is also noted that there are no shared facilities contained within the building, such as communal storage spaces or utility rooms. As such, it is considered that the scheme proposed would provide insufficient living space for all potential occupiers to undertake typical day to day tasks. Furthermore, all of the windows serving the ground floor rear flat would face the external yard area, which is largely enclosed by existing buildings. Whilst no details of the arrangement of bin and cycle storage have been submitted with the application, it is likely that these facilities would be contained within this location. As such, occupiers of the ground floor rear flat would not benefit from an acceptable outlook.

Overall, in terms of the impact of the proposal on the amenity and privacy of neighbouring residents the proposal is considered acceptable, however the scheme is not considered to provide suitable living conditions for the future occupiers of the proposed flats.

Impact on Highway Safety:

The Council's Highways and Transportation Section have been consulted on the proposal and note that the existing use of the building as offices within Zone 1 requires up-to a maximum of 16 off-street car parking spaces, with potential for one off-street parking space to be provided to the side of the building. In comparison, the proposed conversion to 12 no. one bedroom flats within Zone 1 would require up-to a maximum of 12 off-street car parking spaces, with a maximum of one space able to be provided. Therefore, the overall parking requirement of the new use is reduced when compared to the existing use.

It is likely that the former office staff would have used the public car parks within Zone 1, whilst it is likely that the proposed residential use (C3) would generate more long term car parking and require applications to the Council for resident's car parking permits in an area where there is already considerable demand. The residents of the proposed flats would be able to apply for parking permits in Zone 301 which includes a number of residential streets in the vicinity of the site.

There is concern that the proposed development only has the potential to provide one car parking space. However, taking into account the existing use requires 16 spaces with the residential use (C3) requiring 12 spaces as well as the fact the site is located in the centre of the Aberdare retail area, with excellent access to public transport and public car parks, it is considered that there would be less reliance placed on the private motor vehicle as the primary mode of transport. On this basis, the Council's Highways and Transportation Section have raised no objections to the proposal.

Further to the above and to promote sustainable modes of transport in accordance with PPW 11th Edition as well as to mitigate the impact of the proposal, a condition requiring secure cycle storage to be provided within the rear yard has been suggested.

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 charge under the CIL Regulations 2010 as amended, however the application lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

Conclusion:

The site is situated within a highly sustainable location with good access to a number of key local services and facilities as well as to a range of sustainable transport options. In addition, the proposed use of the site would be compatible with surrounding land uses.

It is considered that the reuse of the site would inevitably allow for the long term maintenance and preservation of the Grade II listed building as well as the preservation of the Aberdare Conservation Area.

Whilst the proposal does not provide any off-street car parking provision, the town centre location of the site ensures that public transport, public car parks and local amenities are all within easy walking distance, which would result in less reliance on the private motor vehicle for the main mode of transport.

Notwithstanding the fact that the proposed use would have a limited impacts upon the residential amenity and privacy of occupants of surrounding properties, it is considered that the development proposed results in an over intensive use of the building, to the detriment of its future occupants. It is considered that some of the new residential accommodation would be cramped in nature, resulting in poor living conditions. In addition, occupants of the rear ground floor flat would suffer from poor outlook.

RECOMMENDATION: Refuse

1. The proposed development is considered to represent in an over intensive use of the building, resulting in a cramped and inadequate standard of accommodation. As such, the proposal is contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.