

PLANNING & DEVELOPMENT COMMITTEE

22 February 2024

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/1019/10 (GD)
APPLICANT: Stables Developments Ltd
DEVELOPMENT: Development of listed building into 5 residential dwellings
LOCATION: FORMER STABLES, HEOL TY ABERAMAN,
ABERAMAN, ABERDARE
DATE REGISTERED: 08/09/2023
ELECTORAL DIVISION: Aberaman

RECOMMENDATION: Approve

REASONS:

The principle of the proposed development is considered acceptable in terms of the requirements of planning policy with the exception to those relating to areas that are vulnerable to flooding. The proposals are also acceptable in respect of other material planning considerations. Whilst the building has been identified as being vulnerable to flooding the need to revitalise it and ensure its survival as an important listed building and the fact that the property can be converted with a high degree of flood resilience built in outweighs this particular consideration.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

The proposed development seeks to convert the listed building into five three bedroom residential units, working as far as possible with the fabric of the currently roofless listed building. Specifically the works will comprise the following

- Removal of internal debris and late 20th century first floor structures.
- Removal of the existing concrete floor and reduction of internal floor levels ready for the installation of a new ground-bearing slab.

- Consolidation of the tops of walls using appropriate materials, (stone and lime-based mortar). The reconstruction of the southern gable using the original materials.
- Consolidation of walls generally removing cement based mortar and using a lime based mortar.
- Construction of a new insulated, breathable ground-bearing slab.
- Creation of new door and window openings on the rear elevation with those currently blocked to the front elevation being re used.
- A new insulated pre-fabricated roof to be finished in slate.
- Construction of new lined internal walls and staircases in timber.
- The lining of the external walls with breathable insulation boards.
- New timber doors and windows.
- Construction of garden boundary walls and landscaping.

Because of the location of the building within the floodplain, the proposals also include a series of measures to build resilience into the development including the following.

- Demountable flood barriers to be fitted within door openings.
- Underfloor heating to be provided within the floor slab to better facilitate drying out following saturation.
- Non-return valves and sealed manhole covers to be used for drainage.
- Adjacent ground to remain permeable to aid the dispersal of floodwaters.
- Service entry points to be sealed or located above flood levels.
- Internal plastering of walls to be lime based and breathable to aid drying out.
- All pointing carried out in lime.
- Ground floor layouts limiting the amount of kitchens and WC's abutting external walls, increasing the amount of exposed wall to aid drying out.
- Strip damp proof course to be inserted between external solid wall and abutting ground floor studwork.

The application is accompanied by the following:

- Design and Access Statement incorporating Heritage Impact Statement.
- Flood Risk Assessment.
- Structural Condition Survey.

SITE APPRAISAL

The application site comprises the listed derelict stable block and adjacent ground that sits within the recently redeveloped Aberaman House building site.

The land surrounding the application site has been the subject of recent redevelopment for residential purposes.

The site is relatively flat sitting as it does between new residential development associated with the rugby club and more established residential properties along Farm Road. The site benefits from good access from Heol Ty Aberaman, which itself links with the Cross Valley Link Road and the A4059. The wider area is characterised by a mix of land uses including, residential, commercial, retail and recreational functions.

PLANNING HISTORY

The most recent or relevant applications on record associated with this site are:

23/1044	Development of listed building into 5 residential properties (listed building consent)	Not yet determined
19/1013	Development of listed building into 5 residential properties (listed building consent)	Granted 11/02/20
13/0063	Development of listed building into 5 residential properties (listed building consent)	Granted 16/12/13
13/0062	Redevelopment of Listed Building to form 5 residential dwellings	Granted 24/06/15
12/1263	Residential development of 35no dwellings (adjacent land)	Granted 02/04/14
11/0199	Variation of condition to extend time for the submission of reserved matters (outline application 03/1327)	Approved 10/02/12
09/0284	Removal of Condition 3 of planning consent 03/1327 (minimum distances between windows of habitable rooms)	Approved 05/05/09
08/1911	Residential development (outline application)	Approved 20/02/12
08/1742	Residential development of 50 no. dwellings (reserved matters pursuant to outline permission 03/1327)	Approved 10/08/09
07/0584	Demolition of existing building and redevelopment for housing	Withdrawn 10/06/10
03/1327	Residential development (outline application)	Approved 16/11/05

PUBLICITY

The application has been advertised by means of press notice and neighbour notification letters. No objections or observations have been received.

CONSULTATION

Highways and Transportation – no objections subject to conditions.

Flood Risk Management – no objections subject to conditions.

Public Health & Protection – raise no objection and suggest a series of conditions relating to hours of operation.

Council Ecologist – no objection subject to conditions relating to appropriate conditions relating to bats.

Natural Resources Wales – raise objections to the proposed development as they take the view that inadequate information has been provided in support of the proposals.

Dwr Cymru Welsh Water – no objection subject to conditions.

Western Power Distribution – should the developer require a new connection or service alteration the consent of WPD would be required.

South Wales Police – no response received.

Cadw – no response received.

The Coal Authority – raise no objection to the proposals and request an informative note be attached to any consent that might be issued.

Glamorgan Gwent Archaeological Trust – no objections subject to the inclusion of a condition requiring the agreement of a written scheme of historic environment mitigation being included in any consent that might be issued.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the

provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The site is within the settlement boundary and is unallocated. The building is a Grade II Listed Building (reference no. 80700)

Policy CS1 - in the northern strategy area the emphasis will be on promoting residential and commercial development in locations which support and reinforce the Principal Towns and Key Settlements. The policy also promotes the re-use of underused buildings, seeks to protect the cultural identity of the area by protecting the historic built heritage, and provide high quality affordable accommodation that promotes diversity in the residential market.

Policy CS4 and CS5 - the policies identify that land is required to meet the housing requirements of 14,385 new dwellings in sustainable locations over the plan period. Of these, 1,770 should be affordable units, as set out in Policy CS5.

Policy AW 1 - sets provisions for the creation of new housing throughout Rhondda Cynon Taf between 2006 –2021.

Policy AW 2 - supports development proposals in sustainable locations including sites within the defined settlement boundary.

Policy AW4 - details the criteria for planning obligations that may be sought, including the Community Infrastructure Levy (CIL).

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 AW7 – refers to the protection and enhancement of the built environment. This policy states that development that impacts upon sites of architectural and historic merit will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character and appearance of the site.

Policy AW8 - the policy states that distinctive landscape features, such as trees, are important for biodiversity, consequently they will be protected in line with this policy.

Policy AW10 – requires development proposals to have an acceptable impact on health and safety and local amenity in respect of issues such as pollution control and flooding.

Policy NSA1 - supports residential and commercial developments within the defined town centre of Aberdare.

Policy NSA10 - sets the density level for the NSA at 30dph unless a lower density level is needed to protect the character of the site, protect the amenity of existing/future residents or the development still makes adequate use of the site.

Policy NSA12 - provides for housing within the defined settlement boundaries, where it can be demonstrated that:

- the proposed development does not adversely affect the highway network and is accessible to local services by sustainable modes of transport;
- the development does not adversely affect the provision of car parking in the surrounding area; and
- the development does not adversely affect the provision of open space.

Policy NSA13 - allows for the rehabilitation/conversion of large buildings for residential purposes within the Northern Strategy Area, where it can be demonstrated that:

- the building is located within the settlement boundary;
- the building is of historic or architectural importance or is prominent and makes a valuable contribution to the townscape of the settlement; or
- There is no economically viable alternative use for the building.

Supplementary Planning Guidance

Design and Placemaking

The Historic Built Environment

Nature Conservation

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.

Planning Policy Wales Edition 12 (PPW) operates 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 consistent with the key principles and requirements for placemaking set out in PPW; and is 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. The obvious exception being in relation to policy relating to flooding in this instance.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed: *(or not in the case of refusals)*

- Policy 1 – Where Wales will grow – Employment/Housing/Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
- Policy 3 – Supporting Urban Growth – Council land/Placemaking/developers/regeneration/sustainable communities'/exemplar developments.

SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP/large schemes.
- Policy 35 – Valley Regional Park – SDP/LDP/Economy/Environment/Tourism
- Policy 36 – South East Metro – SDP/LDP associated planning applications

Other relevant policy guidance consulted:

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

PPW Technical Advice Note 24 The Historic Environment

Manual for Streets

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:

In this instance, it is considered that the main issues in the determination of the planning application are the principle of the proposed development, the impact of the proposals on the character and appearance of the area, impact on residential amenity and privacy, access and highway related issues and the flooding issue.

Principle of the proposed development

The suite of planning policy affecting the current proposal is overwhelmingly in favour of the sensitive restoration of a listed building that is currently experiencing increasing dereliction to a point where it might be entirely lost. In addition to this, the property lies within defined settlement limits and in a sustainable location. The only potential area of conflict with local and national policy relates to the creation of highly vulnerable development in an area that is subject to flooding. Whilst this would normally mitigate against the development, on balance and with suitable resilience built in to the conversion work officers are of the view that the development should be allowed. The flooding issue and related matters are dealt with in more detail below.

Impact on the character and appearance of the area

In terms of this issue, it has to be kept in mind that the building is currently derelict and without a roof. In this case, the applicants are seeking consent for a sensitive restoration of the property that will enable its continued use as five residential units. The net result of this on the character and appearance of the area would be entirely positive as not only will it restore a notable local building to beneficial use it will also provide a focal point and area of interest within the housing development that has been developed around it in recent years. In effect, its restoration would represent a completion of the redevelopment of the wider area.

Impact on residential amenity and privacy

The orientation of the dwellings proposed for the stable block relative to those recently developed adjacent to this site, is an acceptable arrangement with the nearest property approximately 10m distant and gable end on to the stable building. The levels of the stable building are fixed and the newer housing has been set at a higher level in accordance with the recommendations of the Flood Consequences Assessment that supported the development. Whilst this arrangement does impact the stable building which sits noticeably lower, it is not so severe that it renders the redevelopment of the stables unacceptable, particularly as the overall impact of the proposals on local amenity are positive.

Access and highway safety

Members will note the Highways Development Control in commenting on the proposals have raised no objection to the proposed development. Access to the site is established with Heol Ty Aberaman being a fully adopted highway. Though the mews court highway construction fronting the stables remains in private ownership it is suitable to serve the development proposed. Parking provision for the proposed dwellings is considered acceptable though some will require a little modification that can be achieved through the application of appropriate planning conditions.

Flooding

Natural Resources Wales have raised objection to the proposed development. The development would take place on floodplain where highly vulnerable development, such as residential development would not normally be allowed. Technical Advice Note (TAN) 15 Development & Flood Risk sets out a series of justification and acceptability criteria that the current proposal due to the fixed nature of the existing building would, largely, find it impossible to meet. However, the applicants have indicated that they are aware and have indicated that the restoration of the building will also incorporate the flood resilience measures outlined in the description of development above. Natural Resources Wales have indicated that the resilience measures proposed are in their view insufficient, and that further measures, such as the raising of floor levels inside the building should also be considered. The applicants have indicated that they are not prepared to consider the further measures suggested by NRW and that they want the application considered as submitted. The further measures suggested by NRW would compromise the capacity of the proposals to deliver a development that the applicants would consider viable as it would restrict the overall potential of the existing building. Further, the suggestions of NRW would undermine the appearance and integrity of a listed building, as it would inevitably impact the existing original proportions and openings at the building to an unacceptable degree.

The planning application is supported with a full Flood Consequences Assessment that builds on those previously submitted to support the redevelopment of this site and takes account of recent changes the most notable of which is the provision of a flood relief channel immediately to the north of the site. The Flood Consequences Assessment reveals that, in the 1 in 1000 year flood scenario, the depth of flooding across the application site varies between 600mm and 1m due to a difference in levels across the site. At the deeper end this exceeds the maximum set down in TAN 15 Development and Flood Risk. It also reveals that the nature of the flooding is such that there is no flow through the site as the type of flooding is akin to ponding resulting from local culverts being unable to convey the exceedances/volume of water. Flow rates are therefore not an issue.

As such and keeping in mind the inherent value of restoring an important listed building to ensure its continuity, in this instance the benefit of allowing the development is considered to outweigh the policy objection on flooding grounds.

Other Issues:

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

Historic context

The application property is a grade II listed building and whilst issues relating to its status will be appropriately dealt with under the concurrent Listed Building Consent

application, Members should also note that the Glamorgan Gwent Archaeological Trust have expressed the view that this is not an impediment to the repair and refurbishment of the building as long as appropriate mitigation is employed.

Drainage

Though Flood Risk Management have suggested the use of planning conditions Members should also note the development will be required to provide a Sustainable Urban Drainage based solution to roof and yard areas of the site.

Ecology

The current state of the building did raise some concern that it might provide roosting opportunities for bats. The building has been the subject of investigation that reveals that such opportunities are in fact severely limited given the absence of the roof. The Council's Ecologist has considered the findings of the report, accepts them, and advises that opportunities for biodiversity enhancement be secured with planning conditions.

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 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.

The Section 106 requirements in this case

The proposed development does not generate a requirement for any Section 106 contributions in this instance.

Conclusion

The application is considered to comply with all relevant policies of the Local Development Plan other than AW10 that relates, amongst other things, to the issue of flooding. Similarly, other than in respect of the flooding issue, the proposals are entirely compliant with national planning policy and guidance. In light of this and the fact that the developer has given a clear indication of an ability to build in flood resilience to the conversion works the restoration of the building as five dwellings is on balance considered acceptable subject to the following conditions.

RECOMMENDATION: Approve

1. The development hereby granted consent shall be begun not later than the expiration of five years beginning with the date of this consent.

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

- Site location plan, Drawing No. A1.0
- Existing site layout Drawing No.A1.1
- Existing floor plans Drawing No.A1.2
- Existing elevations Drawing No. A1.3
- Proposed site layout Drawing No. A1.4
- Proposed ground floor plan Drawing No.A1.5
- Proposed first floor and roof plan Drawing No.A1.6
- Proposed elevations Drawing No.A1.7
- Existing and proposed sections Drawing No.A1.8

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

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

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

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. Construction works on the development shall not take place other than during the following times:

- (i) Monday to Friday 08:00 to 18:00 hours
- (ii) Saturday 08:00 to 13:00 hours

No works shall take place at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. Notwithstanding the details shown on the submitted plans, development shall not commence until full engineering design and detail of the off-street parking have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial use.

Reason: In the interests of highway and pedestrian safety.

7. HGV's used as part of the development shall be restricted to 09:00 to 16:30 hours weekdays, 09:30 to 13:00 hours Saturdays with no deliveries on Sundays and Bank Holidays.

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

8. Surface water run-off from the proposed development shall not discharge onto the public highway or connect to any highway drainage system.

Reason: In the interests of highway safety and to prevent overcapacity in the highway drainage system.

9. Prior to the commencement of development, details for the provision of bat boxes to be incorporated within the conversion scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and maintained as such thereafter.

Reason: In the interest nature conservation in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

10. Prior to commencement of the development hereby approved details shall be submitted indicating the extent of the demolition of the existing masonry walls of the building. The works shall be subject to written approval by the Local Planning Authority and carried out in accordance with the approved details.

Reason: In order to prevent the unnecessary loss of historic fabric of the building.