

PLANNING & DEVELOPMENT COMMITTEE

05 DECEMBER 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/FUL (GD)
APPLICANT: Mr Said
DEVELOPMENT: Development of listed building into 5 residential dwellings.
LOCATION: Former Stables Heol Ty Aberaman Aberaman Aberdare
DATE REGISTERED: 8 September 2023
ELECTORAL DIVISION: Aberaman

RECOMMENDATION: Refuse

REASONS: While the principle of residential development / conversion at this site has been long accepted, changes to TAN 15 and a changing emphasis on consenting “highly vulnerable” development within a C2 Flood Zone has changed the way that applications need to be assessed.

While some work has been undertaken to help mitigate any effects (as far as is possible) NRW still have significant concerns and, unless additional information is submitted by the applicant, it is not possible to recommend to Committee that granting consent would not have any impacts that could place future occupants at risk.

Given the recent impact of Storm Bert and previously by Storm Dennis, a precautionary approach would seem appropriate in the circumstances.

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 5no. 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. It 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)	Granted 08/07/24
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 (*although no objection was raised to the accompanying LBC application (23/1044) which was granted in July 2024*).

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 (now Heneb) – 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) was issued on 7th February 2024. 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.

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 – Southeast 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 (although previously well-established), 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, of perhaps greatest significance, the flooding issue.

Principle of the proposed development

The suite of planning policies 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.

The property lies both within the defined settlement limits and in a sustainable location.

The one **significant** area of conflict lies with local and national policy relating to the creation of “highly vulnerable” development in an area that is subject to flooding. The applicants are of the view that their proposal constitute as much as could reasonably be done whilst also retaining the integrity of a Listed Building. However, they have not demonstrated that their proposal complies with the requirements of **TAN 15** (Development and Flood Risk). As such, this is a significant material planning consideration that is in direct conflict with the general acceptability of the proposed development.

Impact on the character and appearance of the area

Committee will note from the presentation that the building is currently derelict and without a roof. The applicants are seeking consent for a sensitive restoration of the property that will secure the building’s architectural future as five residential units. The net result of this on the character and appearance of the area is considered to 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 considered to be an acceptable arrangement with the nearest property approximately 10m distant with its 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

Access to the site is established with Heol Ty Aberaman being a fully adopted highway. Although 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 some modification that could be achieved through the inclusion of appropriate planning conditions.

Flooding

Committee will note that Natural Resources Wales (NRW) have raised an **objection** to the proposed development.

The development would take place on floodplain where “highly vulnerable” development, (primarily residential development) would not normally be allowed.

Technical Advice Note (TAN) 15 (Development & Flood Risk) sets out a series of justification and acceptability criteria.

TAN 15 Development & Flood Risk requires that for development to be justified in areas susceptible to flooding it must:

- Assist or be part of a strategy supported by the development plan to regenerate an existing settlement or achieve key economic and environmental objectives; AND
- Its location meets the definition of previously developed land; AND
- The potential consequences of a flooding event for the particular type of development have been considered and found to be acceptable in accordance with set criteria.

The proposed development would, potentially, be able to satisfy the first two criteria but in light of the comments from NRW it fails on the third and given the other constraints of the site is unlikely to be able to satisfy it.

Consequently, as worded, would seem to only result in a recommendation for refusal.

The situation is complicated by the fact that (a) the building is already in situ (and not a new build), (b) it is a Listed Building where significant alterations are unlikely to be

considered acceptable and (c) any alterations are likely to be more expensive than developments to other buildings due to the materials and specialist skills required on a building such as this.

The applicants have advised that they are aware of the issues raised by NRW and have indicated that the restoration of the building will incorporate the flood resilience measures outlined in the description of development earlier in this report.

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 as the further measures, as suggested by NRW, would add to the costs associated with the conversion and would compromise the applicants to deliver a development that was commercially viable as it would restrict the overall potential of the existing building.

Committee is also advised that the suggestions of NRW have the potential to undermine the appearance and integrity of a Listed Building, as it would inevitably impact the existing original proportions and openings at the building to a potentially unacceptable degree.

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 also a substantial 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 Gwen 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.

CONCLUSION

Committee have been advised on numerous occasions that, at the heart of making Planning decisions, is the requirement to balance competing interests where, no matter what concessions and compromises can be made, the decision that is necessary is required to choose between incompatible issues.

In this case, 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.

There is also a significant planning history which has previously approved the current scheme which, normally, adds significant weight to the decision to be made. Previous consents could have been implemented but haven't therefore this decision would need to be taken having regard to the latest consultation responses and policy / guidance.

There is also a significant (positive) material consideration of bringing a Listed Building back into beneficial use, and, in this case, the condition of the building is such that unless development occurs in the short term it is likely to be beyond economic repair (even though there will still be a requirement to maintain and carry out reparations to the building due to its Listed status).

The proposal would also result in the construction of 5 houses in a sustainable location which would be a valuable addition to the housing stock in the Cynon Valley.

However, Committee is advised that, given the objections raised by NRW to the proposed development and the considerable weight that is rightly attached to the potential impact of flooding on a property where the future residents would have to live with the consequences of any decision that is made, it is considered that the only viable recommendation is one of refusal.

Recent events of Storm Bert and Storm Dennis would seem to make approving the application AS CURRENTLY SUBMITTED difficult.

Accordingly, the following RECOMMENDATION is made:

RECOMMENDATION: Refuse

- 1 The applicants have failed to demonstrate that the risks and consequences of flooding can be managed to an acceptable level at the proposed development. As such the proposed development is contrary to the requirements of Planning Policy Wales Technical Advice Note 15 (Development and Flood Risk) and Policy AW10 of the Rhondda Cynon Taf Local Development Plan.