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Cynulliad Cenedlaethol Cymru
National Assembly for Wales

Eich cyf . Your ref: D001-04/LOC/BKT/CNB
Ein cyf . Our ref: A-PP158-07-019
Dyddiad . Date: 14 November 2006

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990:SECTION 77
CALLED-IN APPLICATION BY ABERDARE DEVELOPMENTS FOR MIXED USE
REDEVELOPMENT TO PROVIDE RESIDENTIAL, COMMERCIAL AND LEISURE
FACILITIES
LAND OPPOSITE TOWN CENTRE, ROBERTSTOWN, ABERDARE**

1. Consideration has been given to the report of the Inspector, Stuart B Wild MRTPI MCMI who held a public local inquiry into your client's outline application for mixed use redevelopment to provide residential, commercial and leisure facilities on land opposite town centre, Robertstown, Aberdare.

2. On 15 November 2005 the National Assembly for Wales directed, under Section 77 of the Town and Country Planning Act 1990 (the 1990 Act), that the application be referred to it rather than being determined by the local planning authority. On 17 October 2006 the Assembly resolved that a committee, to be known as Planning Decision Committee (2)2006/6 be established, in accordance with Standing Order 17 to discharge the functions of the Assembly under Section 77 of the 1990 Act in respect of the application by Aberdare Developments as described above. Accordingly, the Planning Decision Committee has considered the application and has resolved under Standing Order 17.16 to adopt this letter.

3. The Inspector's appraisal and conclusions are set out in paragraphs 20 - 34 of his report, a copy of which is enclosed. The Inspector recommended that planning

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permission be refused and the Planning Decision Committee accept that recommendation.

4. The Planning Decision Committee agrees with the Inspector that the main issues in this case are whether the development conflicts with policies relating to development in flood plains, the visual and environmental implications of the proposal and the implications of the development on traffic.

5. The Planning Decision Committee noted that the residential development of Zone D would lie within the C2 zone shown in the Assembly Government development advice maps based on Environment Agency extreme flood outline equal to or greater than 0.1%.

6. The Planning Decision Committee agrees with the Inspector that while there are some features along the river banks upstream of the site which could be considered as flood defences and which may provide some localised protection from flood water these cannot be considered as existing flood defences in terms of C1 in TAN 15. The Committee also agrees with him that the justification test including acceptability of consequences referred to in TAN15 would not apply to highly vulnerable development in a C2 flood plain.

7. The Planning Decision Committee noted that the applicant relied heavily on the provision of flood defences for the whole of Robertstown as a major benefit of the scheme which would result in protection for the existing dwellings in Robertstown for a 100 year flood, and could be made the subject of a Grampian condition. However, the applicant acknowledged that in the event of a 1000 year flood the flood water would reach slightly higher levels.

8. The Inspector considered that such flood defences, to be effective in the long term, would need to be of a substantial scale and subject to permanent maintenance. On the basis of the evidence available he expressed doubts as to whether the works could be provided to the necessary standard and also whether they could be covered by a Grampian condition. The applicant considered that the provision of flood defences upstream of the site would enable the site to move from zone C2 to C1. On this point the Planning Decision Committee agrees with the Environment Agency Wales that there is no provision in the current guidance for a site to move from C2 to zone C1 if flood defences are provided, and therefore no question of the provision of infrastructure altering the fact that the development is in conflict with TAN 15, although in the Committee's view the proposals for such infrastructure could be taken into account as a material consideration in the overall consideration of the application. However, in any event, on the basis of the information available the Planning Decision Committee does not consider that it is possible to conclude with sufficient certainty that the proposed works would be adequate. Its conclusion is therefore that the proposed development would be in substantial conflict with TAN 15. The Committee also noted the Inspector's comment that he is far from convinced that zone E is not within flood plain zone C2 but it does not consider that that matter is a determining factor in the consideration of the application.

9. The Planning Decision Committee agree with the Inspector that the development would have significant benefits to the appearance of the site and its immediate

locality, particularly in bringing back to economic use of a brownfield site with modern mixed development and associated landscaping and the re-use and extension of the derelict former railway station building. In this context it noted the applicant's statement that the proposal would result in significant levels of investment and provide in the order of 680 jobs during the construction phase and 410 jobs on completion.

10. The Planning Decision Committee sees no reason to disagree with the Inspector's conclusion that the development would not have any adverse environmental and ecological effects and that the potential traffic problems are not sufficiently serious to justify withholding consent for the proposal. As regards affordable housing the Planning Decision Committee noted that this issue had been addressed in the Council Development Control Committee Report which referred to the fact that any development of the site would involve considerable costs including the provision of flood prevention infrastructure and decontamination. Having noted that some form of sheltered housing was to be provided in Zone E the Committee agrees with the Inspector that the provision of additional affordable housing was not necessary. The Committee also accepts his view that there are no other matters raised which would justify the withholding of consent.

Conclusion

11. The Planning Decision Committee accepts that the proposed development would generally be in accord with all significant national and local land use policies, with the exception of those relating to flood risk. With regard to the other material considerations which have to be weighed in the balance the Committee agree with the Inspector that there are significant benefits associated with the development involving the full use of a brownfield site in a sustainable location and the regeneration benefits, both visual and economic, of bringing forward the derelict site. However, the Committee considers that the proposed residential development of Zone D would be in clear conflict with the policy of TAN15 that only less vulnerable development should be considered in zone C2 subject to the application the justification test including acceptability of consequences. The Committee considers that the proposed provision of flood defences for the whole of Robertstown is a material factor which should be taken into account, but on the basis of the information available it does not consider that it is possible to conclude with sufficient certainty that the proposed works would be adequate.

12. Overall, the Committee's view is that there remains a clear Government policy objection to the residential development of Zone D and that the not insignificant benefits associated with the development are insufficient to overcome this. It also considers that a split decision would only be appropriate where it would not alter the substance of a proposed development, and notes that in any event the applicant has indicated that a split decision would be unsatisfactory given that the overall proposal would only be economic if it contained all aspects of the 5 zones.

FORMAL DECISION

13. Subject to the above comments the Planning Decision Committee agrees with the Inspector's conclusions and accepts his recommendation. Therefore, the

Planning Decision Committee in exercise of its powers under section 77 of the Town and Country Planning Act 1990 dismisses your client's application and hereby refuses to grant planning permission for a mixed use redevelopment to provide residential, commercial and leisure facilities on land opposite town centre, Robertstown, Aberdare.

14. A copy of this letter has been sent to the Planning, Conservation and Building Control Manager, Rhondda Cynon Taff County Borough Council and to those persons and organisations who appeared at the inquiry.

Yours faithfully

Glyn Davies AM
Chair, Planning Decision Committee (2)2006/6

Enc: Leaflet "HC" & "H"