



## **PLANNING & DEVELOPMENT COMMITTEE**

**29 APRIL 2021**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/1342/10 (GH)  
**APPLICANT:** Trivallis  
**DEVELOPMENT:** 11 affordable dwellings and associated works. Revised site layout plan (repositioned bin store and shared amenity space) and additional section/elevation drawings re plot 6, received 9th March 2021.  
**LOCATION:** **FORMER MISKIN PRIMARY SCHOOL, SCHOOL ROAD, MISKIN, PONTYCLUN**  
**DATE REGISTERED:** 09/03/2021  
**ELECTORAL DIVISION:** Pontyclun

---

**RECOMMENDATION:** GRANT SUBJECT TO THE CONDITIONS BELOW AND A SECTION 106 AGREEMENT:

**REASONS:** The site is located within the settlement boundary, where the principle of residential development is acceptable and would accord with Policies CS2, AW1, AW2 and SSA13 of the Rhondda Cynon Taf Local Development Plan.

The development would result in the beneficial re-use of a redundant and vacant building, the refurbishment of which would benefit the appearance of the site and surrounding area.

In addition, the new affordable dwellings would provide a valuable contribution towards addressing local housing needs as identified by the Council's Local Housing Market Assessment 2017/23.

---

#### **REASON APPLICATION REPORTED TO COMMITTEE**

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

#### **APPLICATION DETAILS**

Full planning consent is sought for the conversion the former Miskin Primary School, School Road, Miskin, to 11 affordable dwellings.

The proposed development would provide the following accommodation:

- 5 one-bedroom ground floor apartments
- 5 one-bedroom first floor apartments
- 1 two-bedroom duplex apartment over both floors

The main entrance would be at the front of the building facing School Road, although there would be an additional access leading to the rear car park and shared amenity area.

The conversion would involve the creation of a two storey front extension, which would be constructed within the void between the two prominent gable ends. To the rear the development would involve significant remodelling to remove the centrally located gable end and create another, together with a two storey extension of comparable form to that at the front.

The extensions are proposed to be enclosed with flat roofs, both of which would be either at or below, the existing roof lines. To provide additional natural light to the first floor rooms, the north and south-facing roof planes would incorporate a total of eight Velux style roof lights.

In terms of external finishes, the submitted plans and details state that the materials of the proposed extensions are designed to be sympathetic to the existing building with stone proposed to the ground floor walls and cladding to the first. Window detail would be retained to the front elevation of the property to help tie-in and maintain its Victorian character.

A total of 11 off-street car parking spaces and a cycle store would be provided within the site, located behind the main building. The parking area would be accessed via the existing site access alongside the north-eastern side boundary.

As a result of concerns raised during the initial consultation period, revised plans were received. These seek to set the bin store further back from the front of the site and reallocate space to the rear of the building as a shared amenity space.

Furthermore, a revision to the southern side elevation, including the removal of a gable window, are proposed to address the potential overlooking of the neighbouring house from the flat identified as Plot 6.

In addition to the plans and elevation drawings accompanying the application, the following supporting documents have been submitted:

- Bat Scoping Survey
- Bat Activity Survey
- Transport Statement
- Design and Access Statement
- Drainage Strategy
- Ground Investigation Report
- Pre-Application Consultation Report

## **SITE APPRAISAL**

The application property is the former Miskin Primary School building, located on the south-eastern side of School Road in the village of Miskin. The School closed at this site in around 1994 and the premises were sold by the predecessor authority.

The building, which is of later 19th Century origin, occupies a rectangular site extending to an area of approximately 0.11ha. Although the accommodation is single-storey it is comparable in height to a two-storey building and features two prominent gable ends to the principal elevation.

Elevations are of a dressed stone construction with limestone detailing, which are enclosed by a slate pitched roof. The site is bounded by a low stone wall set below a wooden fence and hedge to the north, east and south however the hardstand area to the front of the building is open and allows for some off-street parking provision. It is understood that the site was previously used as a training centre and by a builder's merchant.

The surrounding area is largely characterised by residential properties of varying scale and design. There are two-storey, detached properties located immediately to the north-east and south-west of the building with more recent two-storey detached properties being located on the north-western side of the road, opposite the site. A number of mature trees and associated vegetation align the south-eastern rear boundary.

## **PLANNING HISTORY**

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

- 19/5136/41:** Change of use of existing building to provide 13 affordable dwellings and associated works. Decision: 07/01/2020, Raise Objections.
- 97/2419/10:** Conversion to wine bar and restaurant. Decision: 01/08/1997, Withdrawn.
- 94/0640/10:** Alterations to form a self-contained dwelling. Decision: 31/10/1994, Granted.

## **PUBLICITY**

The application has been advertised by direct notification to thirty-four neighbouring properties and notices were displayed on site. A further consultation was undertaken on receipt of the amended details referred to above.

The initial consultation generated twenty-four letters of objection from residents, raising a range of concerns that can be summarised as follows:

Scale/Design of development/Character

- Overdevelopment of the site
- The form of the existing building should be preserved to maintain its character
- Refuse storage will take up parking space
- The development would not be in-keeping and would affect the 'sense of place' the building offers and have a major effect on neighbouring properties. The loss of chimneys and addition of a large cladded front would affect its appearance
- The current building is large; however, it fits into the street as the frontage has a large recess in the centre, which makes it less imposing.
- If the recess was to remain, it would reduce the number of dwellings by two, but the impact on the neighbourhood would be substantially less and allow for an entrance to be made within the current footprint of the building, not the extra porch and steps. It would also allow for some greenery to be planted along the front of the building, helping it to fit into the rest of the street
- Density of development is not consistent with the surrounding area
- There are five Grade II Listed structures 300m from the site
- The revised frontage would be overbearing and out of scale and character
- Not in-keeping with other executive properties in the road and in general, properties in the area
- We suggest that the owners should be asked to resubmit a scaled down development in terms of dwellings including appropriately designed outdoor space
- I fully support social housing and the re-development of a historic building in the village but feel that many people on such a small site would be overcrowded and may impact the mental welfare of the residents

## Sustainability

- There are no facilities in the village except for a bus service
- The proposed development does not upgrade the environment and does not take into consideration a low carbon Wales. The proposals do not address any environmental issues
- Poor connectivity to cycle and walking networks; a car is the only way of accessing social infrastructure and shops, (increasing noise and air pollution); public transport is expensive and inaccessible (Pontyclun station is 25 minute walk); site is not accessible for the old or disabled; there are no play areas in Lower Miskin; there are no outdoor areas/gardens or areas for local food growing
- Current Trivallis developments in the locality suggest that 60% of the residents have a permanent disability, so it is highly unlikely that the residents will walk the 2km to the shops in Pontyclun. The local bus schedules are limited and the nearest bus-stops around 1/2 mile from the Old School, so with no local taxi firms, the new residents will need to have a car to get their weekly groceries
- The site is 2km from local shops and the health centre, and 2.5km to the library and school
- Tenants of these dwellings would have no outdoor space other than the parking spaces, there seems to be no provision for drying clothes outside
- Without outdoor space, there is no room for any children living there to play and neither is there any room for elderly residents to sit outdoors. This does not

bode well for the mental health and well-being of any residents and may well cause problems further down the line

- No outside space available to residents. I believe this will not provide a healthy environment for those people who will live there. The current pandemic has highlighted the need for outside space and this proposal offers none to its residents
- The 11 dwellings will potentially leave 24 people living on top of each other with no communal space either indoors or out. The pandemic has shown us the importance of outdoor space in individual health and well-being, particularly mental health.
- The back of the property is to be a car park with 11 car parking spaces. There will be no balconies and there are no nearby parks

#### Highways:

- Traffic congestion
- Poor junction visibility
- Insufficient on-site parking
- No parking provision for visitors meaning further on road parking
- The road is very busy since the driving test centre is close by
- Cars regularly mount pavements to let speeding motorists through from the north using the road as an alternative route to the M4 and the Vale of Glamorgan
- The amount of traffic that is coming down School Road and the other road into the village has increased tremendously as motorists are trying to avoid the congestion on the A4119 to Junction 34 of the M4. This will get worse when the houses are all built on the old Cardiff Road.

#### Affordable Housing:

- The 400 houses at Cefn Yr Hendy will have a high proportion of affordable dwellings, and would be better located for access to services
- Development has been proposed and granted for up to 900 houses within one mile of the proposed development, which will provide up to 180 affordable homes.

#### Amenity

- The houses opposite, at The Grange, would be overlooked from any flats in the first floor
- The flats look directly into the back of my house from the side (proposed flats 6 and 7). Vegetation does not buffer this.
- Increase in noise and disturbance due to the development particularly the change of use to parking in garden/school yard area. There will be an increase in light and noise pollution affecting residents
- At night, the headlights from cars exiting the Old School car rear park will point directly into the bedroom windows of the houses opposite.
- More residents are working from home in the pandemic which is likely to continue for the next nine to twelve months. Any building work to the Old School

will present those home workers with much noise and dirt from the proposed works and make telephone and zoom type meetings difficult. In addition, the workers are likely to park in the road and the deliveries are going to cause noise and obstructions.

- The bin store is located adjacent to a neighbouring property which would be likely to cause smells and insect/rodent nuisance

#### Ecology/Biodiversity

- Bats forage and fly over the back gardens of Beechlea Close and School Road at dusk every night. The car park will affect protected species since artificial lighting of bat roosts, access points and foraging pathways can be extremely disturbing to bats and should be avoided
- Little or no carbon offset planting or greenery evident
- The proposal will interfere with bats and birds around the building

#### Other matters

- The site has not been publicly marketed since it was sold to the last owners in 2018. Policy AW11 requires a marketing period of 12 months for an alternative use of an existing employment site
- The site lies within the buffer zone for the Hendy Quarry, and Policy AW14 requires further safeguarding from development
- The style of development always leads to lack of ownership and personal responsibility for waste, e.g. overflowing bins and burst recycling bags
- The bin store is too small and routes to it for residents are not convenient. There is little space for sorting or storing recyclables or bulk items. The size of the development should be constrained by what essential support facilities are possible, i.e. waste management, parking and amenity space, and not the other way around

#### Non-planning matters

- Likely devaluation of adjacent and surrounding existing properties due to proximity of social housing
- Timing of this planning application is despicable; the developers have had since August to proceed and have decided on the middle of December as a good time
- The responses to the concerns raised during the PAC are disappointingly glib and dismissive
- It would be lovely to see a nursery with some sustainable shops for example
- A proposed redevelopment of this nature, as a minimum, deserves a public hearing
- The building could be utilised in many more beneficial ways to the community and be a good location for a care home for the aged or a Community Hall to benefit local residents
- This Community has not been given the opportunity to consider what potential use could be made of the facility on a cooperative basis

At the time of writing, the second neighbour consultation had resulted in the receipt of further correspondence, including eleven objections, of which eight were new representations. Whilst some of these reconfirmed the matters listed above, the following was noted:

- The minor changes made to the bin storage do not address issues with waste management, are close to the neighbouring property, have no access from the rear of the premises and are inadequate in size
- Inadequate access for fire appliances
- Absence of electric car charging points
- The provision of a tiny square labelled as a shared communal space next to a car park is inadequate for 11 dwellings
- The revised site layout does not in any way solve the problems of parking
- Very disappointing that no changes have been made to the proposed scale of the development
- Concerns about residents congregating to smoke in the small amenity area
- Mitigation from dust will be required during construction

## **CONSULTATION**

### Pontyclun Community Council

The Council supports the redevelopment of the site and the need for additional affordable dwellings in the area, but objects to the overdevelopment of the site. It is considered that conversion to 11 dwellings would be too great a density and the external space would be insufficient for quality of life. Subsequently, the Council reviewed the amended plans, but felt that the changes were insufficient to warrant altering its objection.

### Highways and Transportation

No objection, subject to conditions in respect of site access and parking, and informative notes relating to street naming and consent for works in the public highway.

### Flood Risk Management

From the perspective of the Flood Authority the key element required to satisfy TAN 15 will be the surface water discharge rate. The applicant will be required to demonstrate the pre and post catchment discharge rates and as a Brownfield site a - 30% discharge rate will be required.

Since the proposed development will encompass works with drainage implications for an area over 100m<sup>2</sup>, Schedule 3 of the Flood and Water Management Act 2010 will apply. No objection or recommendation for condition in relation to surface water flood risk is recommended for this application as this will be adequately managed by both the separate Building Regulations process and Sustainable Drainage Approval.

### Public Health and Protection

Conditions are recommended in respect of noise, dust, demolition, hours of operation and waste. It is considered that these can be considered within the scope of a construction method/management statement. In addition, a condition for the submission of a site investigation is required.

#### Natural Resources Wales

Notes that the site overlies a principle bedrock aquifer and therefore the controlled waters at the site are environmentally sensitive. Conditions are therefore recommended in respect of unidentified contamination and surface water infiltration. NRW also advises that a European Protected Species Licence will be required due to the presence of a roost on site.

#### Dwr Cymru Welsh Water

A condition, relating to the regulation of surface water flows is recommended, together with advisory notes in respect of foul and mains water services.

#### Western Power Distribution

A new connection or service alteration will require a separate application to WPD.

#### South Wales Fire and Rescue Service

The developer should consider the need for the provision of adequate water supplies on site for firefighting purposes and access for firefighting appliances, together with an appendix of standard guidance notes for various types of development.

#### Countryside, Landscape and Ecology – Ecologist

The bat survey report records a small common pipistrelle bat roost in the building, identifies the need for a NRW EPS Licence, and proposes mitigation by way of two replacement bat roosts. Although the bat usage is of a low level NRW should be consulted to ensure this is the case and confirm they are happy with the level of mitigation offered.

No other consultation responses have been received within the statutory period.

### **POLICY CONTEXT**

#### **Rhondda Cynon Taf Local Development Plan**

The application site lies within the settlement boundary for Miskin.

**Policy CS2** - The policy emphasis in the Southern Strategy Area (SSA) is on sustainable growth that protects the culture and identity of communities by focusing development within defined settlement boundaries.

**Policy CS5** - The policy identifies that there is a need to provide 1770 affordable housing units over the plan period.



**Policy AW1** - This policy is concerned with the supply of new housing within the County Borough. It stipulates that the supply will be met by the development of unallocated land within the defined settlement boundaries of the Principal Towns, Key Settlements and Smaller Settlements, including the conversion of suitable structures.

**Policy AW2** - The policy provides for development in sustainable locations which are within the settlement boundary; would not unacceptably conflict with surrounding uses; and have good accessibility by a range of sustainable transport options.

**Policy AW4** - details the types of planning obligations that may be sought in order to make the proposal acceptable in land use planning terms and that Community Infrastructure Levy contributions might apply.

**Policy AW5** - The policy identifies the appropriate amenity and accessibility criteria for new development proposals. It expressly states that the scale, form and design of the development should have no unacceptable effect on the character and appearance of the site and the surrounding area. There should also be no significant impact upon the amenities of neighbouring occupiers and should, where appropriate, retain existing features of natural environmental value. Additionally, the development would require safe access to the highway network and provide parking in accordance with the Council's SPG.

**Policy AW6** - The policy supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness. Proposals must also be designed to protect and enhance landscape and biodiversity.

**Policy AW8** - Seeks to protect and enhance the natural environment from inappropriate development.

**Policy AW10** - Development proposals must overcome any harm to public health, the environment or local amenity.

**Policy AW11** - Identifies criteria for consideration when alternative uses are proposed for employment sites.

**Policy AW14** - Seeks to safeguard mineral resources from sterilisation by development, including the nearby Hendy Quarry.

**Policy SSA11** - The policy stipulates that residential development will only be permitted where the net residential density meets a minimum of 35 dwellings per hectare.

**Policy SSA12** - The provision of 20% affordable housing will be sought on sites of 5 units or more.

**Policy SSA13** - The settlements in the Southern Strategy Area have absorbed a significant amount of new development during the last decade. In order to protect the identity of these settlements, ensure the efficient use of land and protect the countryside from urbanisation and incremental loss; the policy stipulates that development will not be permitted outside the defined settlement boundary.

### **Supplementary Planning Guidance**

- Design and Place-making
- Access, Circulation and Parking Requirements
- Affordable Housing
- Planning Obligations
- Nature Conservation
- Development of Flats

### **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), WG's 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 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.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will grow
- Policy 2 – Shaping Urban Growth
- Policy 7 – Delivering Affordable Homes

SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys

Other relevant national policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing

PPW Technical Advice Note 12: Design

PPW Technical Advice Note 18: Transport

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:**

## **Principle of the proposed development**

LDP Policies AW1, AW2 and SSA13 seek to promote development in sustainable locations in order to protect the countryside from incremental loss and urbanisation.

In this case the site is located inside the defined settlement boundary and within an established residential area which is accessible by sustainable transport options; primarily a local bus service offering travel to the nearby retail area of Talbot Green, to Cardiff City Centre and onward travel to the wider area.

These bus stops are located approximately 340m to the north of the site and 380m to the south. By way of comparison, the latter is comparable to the walking distance between the new Llys Cadwyn library and Boots store in Pontypridd town centre.

Policy CS2 also seeks to protect the culture and identity of communities by focusing development within defined settlement boundaries and promotes the reuse of under and previously developed land and buildings.

With regard to the last point, the relevance of Policy AW11 was also considered. For buildings that have been employment sites and where a change of use is proposed, the policy requires evidence of marketing to demonstrate a lack of demand for retention for employment purposes.

Nevertheless, since the closure of the school, there have been no subsequent planning applications for a Use Class A or B development. Therefore, the established lawful use is considered to remain as Class D1 which incorporates a range of uses such as clinics, health centres, creches, day nurseries, schools, non-residential education and training centres, museums, public libraries, public halls etc.

Whilst planning consent was granted for conversion of part of the building to a dwelling in 1994, it appears that this consent was never implemented. However, the building has been used more recently as a training centre by HCC, which Members will note is a Class D1 use. In light of the planning history, it is considered that Policy AW11 is not applicable.

Also considered to be inapplicable, despite the proximity of Hendy Quarry, is Policy AW14, which aims to protect mineral resources. The reason for this view is that the School site is already developed, and the proposal would not extend its curtilage or cause such mineral resources to be further sterilised, or their extraction prevented.

A further policy consideration is SSA11 where a minimum density of 35 dwellings per hectare is sought. The application site is approximately 0.11 hectares, and the proposal would result in a net residential density of roughly 118 dwellings per hectare, which is well in excess of the requirements of Policy SSA11.

Lastly, the Council's Housing Strategy Team has advised that this social rented scheme has been designed by Trivallis in dialogue with them, in order to help address the need for additional affordable housing within Miskin, and that the unit mix and

tenure proposed are in accord with the Local Housing Market Assessment 2017/23. As such, this proposal satisfies Policy SSA12.

Consequently, the site is considered to be in a sustainable location and the development would result in the refurbishment and reuse of a currently vacant building. The proposal would therefore comply with the primary objectives of the aforementioned policies and the principle of the proposed development in this location is considered to be acceptable.

### **National Sustainable Placemaking Outcomes**

PPW11 has placed great emphasis on the need for development proposals to demonstrate sustainable placemaking, and to ensure that the right development is achieved in the right place; furthermore, that these outcomes, which are contained within Chapter 2, are used to assess development proposals.

National Policy acknowledges that not every development proposal will be able to demonstrate that they can meet all of the outcomes, or that it can be proved that an attribute of a proposal will necessarily result in a particular outcome.

It is also recognised that the interpretation of the relevant criteria will depend upon the specific proposal and the context of a site, and in the planning balance, that greater material weight may be given to some attributes rather than others.

In addition to consideration of the placemaking merits of the scheme within the other sections of the report, the proposed development is considered to align particularly well with the following national sustainable placemaking outcomes:

- **Creating and Sustaining Communities:** The development density exceeds that prescribed by Policy SSA11 and would help to provide much-needed affordable homes in an area of unmet demand.
- **Making Best Use of Resources:** The development would result in the re-use and regeneration of an existing building, and would be of sufficient quality given the need for it to meet affordable housing DQR standards
- **Facilitating Accessible and Healthy Environments:** The Transport Statement demonstrates that the property would not be car dependant, would benefit from public transport links and would have access to a range of goods and services within a reasonable travelling distance.
- **Maximising Environmental Protection:** A sustainable drainage scheme will provide betterment to existing surface water flow, and the development will introduce a small areas of planting and soft landscaping, where currently there is none.
- **Growing Our Economy in a Sustainable Manner:** The development would have a positive effect in terms of construction jobs.

No negative impacts, upon any of the other national outcomes, were identified.

### **Impact on the character and appearance of the area**

The proposed development seeks to retain the existing school building, although the shell of the structure would be subject to extension and modification in order to enable the level of accommodation required by the Applicant.

Although the development would cause a marked change to the appearance of the rear of the building, the proposed extension to the front is that which would have the greater impact on the street scene, and which has been a concern of objectors.

Whilst the character of the building would undoubtedly be altered and the contemporary extensions would add substantially to its mass, it should be recognised that the property is not listed, and the site is not within or adjacent to the Miskin Conservation area.

Whilst the appropriateness of design of the development may be subject to differing opinions and individual interpretation, it is considered preferable that the Applicant has sought to convert the property rather than demolish it and replace with a modern alternative.

LDP Policies AW5 and AW6 identify the most relevant design criteria that should be considered, including that the scale, form, and design of the development would have no unacceptable effect on the character of the site and surrounding area, and that elevational treatment, materials and detailing are appropriate to the local context.

As noted during the site visit, the surrounding development in this part of the village is mostly of later 20<sup>th</sup> century construction. This includes all of the properties on the western side of School Road from the large, modern All Hallows Church at its northernmost end, and to the south, beyond its junction with The Chestnuts.

On this basis it is considered it would not be reasonable to argue that the development would be out of keeping with, or cause detriment to, the local character. Consequently, whilst the design approach of aiming to blend traditional finishes with modern elements may not suit all tastes, for the purposes of planning policy the scheme is not considered to be visually harmful or introduce any degree of incongruity sufficient to warrant a recommendation of refusal on these grounds.

## **Impact on amenity**

### Neighbouring occupiers

The conversion of the school building would not affect its physical relationship with neighbouring properties, and the development would not therefore cause harm by detriment to outlook or by overshadowing.

In this regard particular attention was given to any impact upon the two residential properties adjacent to the site boundary, and also as to whether any overlooking opportunities would be likely from the conversion.

Whilst the modifications to the rear of the school building would alter the northern side elevation facing towards Old School House, its height would not exceed that of the existing roof. Furthermore, this neighbouring house occupies a slightly higher plot,

thus the outlook from its first floor side window would not be considered to be compromised, compared with the current situation.

In respect of the adjacent house to the south, Crud yr Awel, the overall scale of the side elevation would be unchanged. As noted within the application details section further above, a revision was submitted to remove a small gable window, since it was considered possible that it might enable intrusive views towards Crud yr Awel.

Subsequently, the only first floor windows of concern - namely those neither looking towards blank elevations nor screened by existing boundary treatments - would now be roof lights. Due to their position in the relevant roof planes, both in terms of their internal/external height and set back from the eaves, it is considered they would not affect the residential privacy of either Crud yr Awel or Old School House.

Other than those matters mentioned, a condition for a construction method statement is recommended for the purposes of minimising disruption and dust issues. A further issue of concern to immediate neighbours was highlighted in respect of whether the communal amenity area would cause future residents to congregate there to smoke and cause a pollution nuisance.

The Applicant has confirmed that while smoking is not permitted in internal communal areas, such as corridors and staircases, residents are able to smoke in their flats and would not have to go outside. Otherwise, the situation would not be very different from any other residential arrangement where back gardens share a boundaries, so although the concern is appreciated, it would not provide a sustainable reason for a planning objection.

The nearest other properties to the application site are located on the opposite side of School Road. Due to the topography and distance between windows of habitable rooms in opposing elevations being no less than 24m, the conversion of the school would not cause detriment to the amenity from reciprocal intrusive views.

#### Future occupiers of development

The main considerations relating to the quality of life and amenity standards of future residents of the former school building are incorporated within the Council's SPG for the Development of Flats.

The SPG does not stipulate internal space requirements, but in this case the Welsh Government's Delivering Quality Requirements (DQR) sets minimum standards of floorspace for social housing developments built by housing associations. These standards must be met for such schemes to receive the housing grant necessary to enable their construction.

Therefore, although a number of objectors have raised concerns about the density of the scheme and the desirability of having 11 units within the extended school building, it is considered that this would not provide a sustainable planning reason for a refusal of consent.

In terms of any external amenity space, the DQR only sets a standard for houses and bungalows, requiring 40m<sup>2</sup> and 30m<sup>2</sup> respectively, although means for the drying of clothes and storage of waste are specified for flats.

Nonetheless, the Council's SPG does address this matter and states that residents of flats "should be provided with access to either private or communal outdoor space, such as a balcony or garden, unless the possibility of this is restricted by other factors. Flats without outdoor space are more likely to be acceptable where high quality public open space is located close by".

Initially, the proposed conversion did not include any communal 'garden' area, as that now allocated was identified for the benefit of the duplex apartment only. However, following representations to the Applicant's Agent, as the report previously advises, the current alteration was made.

Representations, regarding whether the amount of amenity space to be provided will be sufficient for the wellbeing of residents, have been eloquently made by a number of objectors, given the density of the scheme and the potential number of residents.

It is noted that Miskin is well-placed to access links for longer countryside walks and the village is a pleasant area in which to walk around, and although there is a large public open space further to the north west (426m as the crow flies), there are no immediately accessible formal recreation or park areas for those who may be less mobile.

The last year of lockdowns and restrictions on movement caused by Covid has highlighted the value of immediate access to quality outdoor space, and these matters have been well-covered in the media, where residents of flats have been badly hit, particularly in urban areas and inner cities.

The need to ensure such access in the future has been recognised by public and professional bodies and the Welsh Government published Building Better Places in July 2020, setting out priorities and actions for placemaking, in response to the effects of the pandemic.

Building Better Places recognises the value of green infrastructure, health and well-being and ecological resilience in general terms, as well as protecting and improving access to recreation and natural green spaces - already a national sustainable placemaking outcome. Understandably, it does not qualify or quantify what might be acceptable for a small housing scheme in an established settlement, and the judgement remains one for the decision maker.

The Applicant was asked to consider options for reducing the scale of the scheme and number of dwellings to enable more communal external space on site, and it is disappointing that the development is to be considered more or less on the same basis as originally submitted. However, the Applicant's position is also appreciated in that such requests have to be considered along with the overall viability of the scheme and the desire to deliver as many affordable homes as possible to address unmet needs.

On balance and set against the other material matters that weigh in favour of the scheme, any shortfall in communal external amenity space provision is not considered to be of sufficient detriment to warrant a recommendation of refusal in this instance.

## **Access and highway safety**

### Access

The application property is served from School Road, Miskin which has a carriageway width of 5.9m and footways to a width of 1.5m. The latter is of slight concern since the current standard footway width recommended for safe pedestrian movement is 2m.

As part of the development the vehicular access to the rear car parking area is proposed to be widened to 5.5m for a short distance to assist vehicle turning manoeuvres into and out of the access, then continuing at 3.5m in width for the remainder of its length, which is acceptable. The submitted floor plans indicate that primary access to the eleven dwellings would be via a communal entrance directly from School Road, which is considered acceptable.

The submitted plans also indicate that the kerb line on the development side of School Road is to be 'built-out' to improve available vision for vehicles exiting the parking area. Full engineering design and details of the proposed alterations to the kerb line can be secured by the recommended condition.

### Vision splays

In the vicinity of the site School Road has a speed limit of 30Mph. TAN 18 states that a visibility splay of 2.4m x 40m is required, however due to the boundary wall of the adjacent properties the visibility splay is totally obscured to the right.

As noted above, the proposed site plan incorporates a localised narrowing of School Road to 5.5m, which would allow the kerb line on the development side to be 'built-out' to improve the available vision splays. As such, the proposal offers betterment to the existing situation and given that the access is to serve off-street parking only no highway objection is raised.

### Vehicle Parking

The proposal comprises of 10 one-bed and 1 two-bed apartments. The Council's adopted SPG for Access, Circulation and Parking states that 1-2 bedroom dwellings have a maximum off-street parking requirement of 2 spaces per dwelling plus 1 space per 5 dwellings for visitors, which in this case equates to a total maximum requirement 25 spaces (22 for residents and 3 for visitors).

The submitted information indicates that 11 spaces are to be provided, resulting in a shortfall of 12 spaces, which gives cause for concern. However, considering that the majority of the dwellings would be 1 bedroom apartments, which tend to demonstrate lower car ownership rates, the Council's Highways and Transport Section considers that the provision of 11 spaces is, on balance, acceptable in this instance.



## Cycle Parking

The aforementioned SPG identifies that the development would have a cycle parking requirement of 1 stand per 5 bedrooms. There are a total number of 12 bedrooms proposed, equating to a requirement of 3 stands. The submitted information indicates provision of 6 stands. Therefore, the proposal provides acceptable cycle parking provision.

## **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. The application lies within Zone 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85m<sup>2</sup> for residential development (including extensions to dwellings over 100m<sup>2</sup>).

The CIL (including indexation) for this development is expected to be £52,642.56.

However, social housing relief may be claimed on the social housing element of the development.

## **Section 106 Contributions / Planning Obligations**

Section 106 of the Town and Country Planning Act (as amended) enables Local Planning Authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals.

The Community Infrastructure Levy (CIL) Regulations 2010, with effect from 6 April 2010, state that a planning obligation (under S.106) may only legally constitute a reason for granting planning permission if it is:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and,
3. fairly and reasonably related in scale and kind to the development.

Welsh Office Circular 13/97 Planning Obligations provides procedural guidance on the role of planning obligations in mitigating the site-specific impacts of unacceptable development to make it acceptable in planning terms. The Welsh Government Development Management Manual also advises planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and when it meets the three tests above. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is only intended to form the basis of negotiations between all parties.

## **The Section 106 requirements in this case**

In this case the proposed development, on behalf of the Registered Social Landlord Trivallis, would provide 100% affordable housing for social rent.

Therefore, a S106 agreement will be required to ensure that the dwellings are established and maintained as affordable units, for the continued purpose of meeting identified local housing needs.

## **Conclusion**

For the reasons given above the proposed conversion of the school for residential use is considered to be acceptable in principle and would be compatible with neighbouring land uses.

Both the design of the scheme and reuse of this vacant building would represent a considerable improvement to the appearance of the site and immediate street scene and would retain key features of the original Victorian building.

Although concerns remain about the limited amenity space that would be afforded to new residents, the acceptability of the scheme in all other planning respects, together with its contribution towards meeting affordable housing needs, weigh more heavily in its favour.

Therefore, subject to the conditions suggested below and the Section 106 agreement to secure the tenure of the scheme, the recommendation to Members is that the proposed development is acceptable.

## **RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW AND A SECTION 106 AGREEMENT:**

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 with the approved plans and drawings:
  - A006 Rev E Proposed Site Layout
  - A007 Rev B proposed Ground Floor Plan
  - A008 Rev B Proposed First Floor Plan
  - A009 Rev B Proposed Roof Plan
  - A010 Rev A Proposed Front and Rear Elevations
  - A011 Rev B Proposed Side Elevations
  - A015 Plot 6 – Section and Elevation

and documents received by the Local Planning Authority on 25<sup>th</sup> November 2020 and 10<sup>th</sup> March 2021, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. No development shall commence until full engineering design and details of the proposed alterations to the kerb line on School Road have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior of beneficial occupation of any dwelling.

Reason: To ensure the adequacy of the proposed highway improvement works, in the interests of highway safety and the free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall commence, including any works of site clearance or demolition, until a Construction Method Statement has been submitted to 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.
  - h) Means of protecting neighbouring properties from dust and debris from demolition and construction activities.

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, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall commence until a scheme to deal with contamination has been submitted to and approved in writing by the LPA. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:
  - (a) A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
  - (b) A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any

contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (a) above.

(c) A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person. No deviation shall be made from this scheme without the express written agreement of the LPA.

Reason: In the interest of health and safety and environmental amenity in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme (referred to in condition 5) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the LPA. Any validation report shall be carried out by a competent person.

Reason: In the interest of health and safety and environmental amenity in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to and approved in writing by the LPA prior to the work recommencing. Any revised contamination proposals shall be carried out by a competent person.

Reason: In the interest of health and safety and environmental amenity in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. No infiltration of surface water into the ground is permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: In the interest of health and safety and environmental amenity in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. No development shall commence until details of the external materials and finishes proposed to be used 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 that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings and in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

10. The off-street parking area at the rear of the development together with its means of access shall be laid out and constructed on site in permanent materials in accordance with submitted drawing no. A006 Rev E. The parking spaces and access shall remain for their intended purposes only.

Reason: To ensure vehicles are parked off the public highway, in the interests of highway safety and the free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. Surface water flows from the development shall only communicate with the public surface water sewer through an attenuation device that discharges at a rate not exceeding 7.5 l/s.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

=====