

**PLANNING & DEVELOPMENT COMMITTEE**

**18 AUGUST 2022**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/1555/38 (GH)  
**APPLICANT:** LCB Construction  
**DEVELOPMENT:** Discharge of condition 13 - existing ground levels and proposed finished ground / floor levels of planning permission 18/1411/10. (Revised plans received 21/04/2022)  
**LOCATION:** FORMER LLANTRISANT WELSH PRIMARY SCHOOL, SCHOOL STREET, LLANTRISANT, CF72 8EN  
**DATE REGISTERED:** 19/11/2021  
**ELECTORAL DIVISION:** Town (Llantrisant)

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**RECOMMENDATION:** GRANT

**REASONS:**

**Based on the proposed finished ground levels, neither the proximity nor use of the car park and landscaped area to the front of the former school site would be detrimental to the amenity or privacy of the closest neighbouring residents, or harmful to the appearance of the site and surrounding area.**

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**REASON APPLICATION REPORTED TO COMMITTEE**

A request has been received from Councillor Glynne Holmes for the matter to be determined by Committee due to concerns regarding neighbour amenity.

**BACKGROUND**

At the Planning Committee meeting of 4<sup>th</sup> April 2019, following a Committee site visit, Members resolved to grant planning permission for the residential redevelopment of the former Llantrisant Welsh Primary School (application ref. 18/1411/10).

This affordable housing development, on behalf of Trivallis, included the conversion of the main school building to provide fourteen flats, together with the construction of

three houses and one bungalow. Associated works included the provision of landscaping, access and car parking.

Since then, the required Section 106 agreement was signed and the relevant pre-commencement conditions of the planning permission were discharged. In addition, a non-material amendment relating to the main vehicular entrance and the repositioning of the bin store was approved (ref. 20/0804/39) and the development is now in the later stages of construction.

Nonetheless, last year the owner/occupiers of the neighbouring house to the north, known as 'Leofric', raised a concern that the ground level at the eastern part of the site, adjacent to their property boundary and School Street, and which would accommodate part of the development's car park, had been unexpectedly and significantly built up in level.

Those Members who were part of the Planning Committee in 2019 may recall that prior to development there was a reasonably consistent fall in level from the front of the extant school buildings to the eastern boundary with School Street.

However, whilst minor or insignificant level changes might be expected as part of a site redevelopment, the engineering operations undertaken were considered to be outside the scope of the planning permission and were not reflected in the plans, context elevations or perspective views that formed part of the 2019 Committee presentation.

In the intervening period, since the neighbour concerns were highlighted, a number of site meetings have taken place with the case officer, including, at various stages, the Agent, Developer, Architect, Housing Association, Ward Member and the owners of 'Leofric'. The Agent and Developer were advised that the raising of the ground levels was not in accordance with the approved application details and would not be acceptable if proposed as such.

Subsequently, it was agreed with the Agent that the most appropriate procedural way to address and regularise the situation would be to submit a further non-material amendment application (ref. 21/1018/39). The purpose of this second NMA was introduce an additional thirteenth condition for the proper consideration and approval of site levels. The NMA was submitted and approved, and details of the condition are outlined below for the consideration of Members.

## **APPLICATION DETAILS**

Consent is sought for the discharge of condition 13 of planning permission 18/1411/10, relating to the development of the former Llantrisant Welsh Primary School.

Condition 13 states:

*The development shall not be occupied until details of existing ground levels and proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority.*

*Reason: In the interest of visual amenity, the amenity of neighbouring occupiers, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan, and to clearly define the scope of the permission.*

This discharge application has been accompanied by revised plans relating specifically to the car park area and the relationship with 'Leofric' and the boundary with School Street.

These details comprise elevational drawings and cross-sections and demonstrate that the 'as built' levels would be reprofiled, resulting in a maximum height reduction of approximately 1.5m and the removal of a considerable amount of material from site.

In addition, two parking spaces, which would have been adjacent to the boundary with 'Leofric' and forward of the principal elevation of that dwelling, have been removed from the car park layout. A short section of a fence return and additional planting have been specified.

The application has been accompanied by a statement from the Applicant's Agent which explains that the reason for the change in levels is as a result of needing to manage the car park gradient, to ensure compliance with Welsh Government's Development Quality Requirements. As an affordable housing scheme, the primary source of funding will be Social Housing Grant.

The statement explains that most car parks slope to a gradient of around 1 in 50. In this case the Agent has subsequently advised that, given the site topography, the fall of 1 in 8 has since been confirmed as being acceptable by the Welsh Government.

Lastly, Members are advised that although the condition refers to site-wide levels, there are no concerns about compliance relating to other parts of the development. Following a separate complaint, the position and height of the three new terraced dwellings at the northern part of the site have been verified as being in accordance with the approved plans.

## **SITE APPRAISAL**

The application property comprises the former Llantrisant Welsh Primary School and its external play areas and hardstanding, which is located to the west of the historic centre of Llantrisant.

The 0.27 hectare site had been vacant for a period in excess of ten years and although the building was secured and in reasonable external condition, albeit overgrown, was in a poor condition internally.

Since planning permission was granted the majority of the conversion and new build works, required to deliver the approved housing units, have taken place, so the development is not so far from completion.

With the exception of the open land adjoining the site to the north-west, the site is surrounded by a variety of residential properties of different eras, including those dwellings to the north and north-east which are of later 20th century construction.

The majority of the application site falls within the Llantrisant Conservation Area and is within the defined settlement boundary.

## **PLANNING HISTORY**

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

- 21/1018/39:** Non-Material Amendment to add a condition to allow the approval of levels to be considered via discharge of planning condition application (18/1411/10). Decision: 10/08/2021, granted.
- 20/0804/39:** Variation of condition 2 to replace approved site layout with new revision, and to add drawing showing details of bin store. Decision: 28/08/2020, granted.
- 20/0541/38:** Discharge of condition 7 - Construction Environmental Management Plan, with appendices 1 - 5, Construction Phase Plan of planning permission 18/1411/10. Decision: 28/09/2020, granted.
- 20/0530/38:** Discharge of condition 8 historic building recording and analysis (prev app 18/1411/10). Decision: 08/11/2021, granted.
- 20/0527/38:** Discharge of condition 6 vehicular and pedestrian accesses (prev app 18/1411/10). Decision: 14/10/2020, granted.
- 20/0526/38:** Discharge of condition 4, drainage strategy (prev app 18/1411/10). Decision: 05/11/2020, granted.
- 20/0525/38:** Discharge of conditions 3, external material schedule & 5, site boundary layout of planning permission 18/1411/10. Decision: 20/08/2020, granted.
- 18/1411/10:** Change of use of the existing building to provide 14 flats, construction of three houses and one bungalow, and associated works including landscaping, access and car parking. Decision: 01/11/2019, granted.

**11/1286/10:** Conversion of former school into 8 residential apartments and construction of 2 dwellings at rear of site. Decision 02/12/2014, granted.

## **PUBLICITY**

No publicity is required to be undertaken in respect of discharge of condition applications.

However, in this case, the application was brought to the attention of the local Member Cllr Glynne Holmes, the owners of the adjacent property 'Leofric' and the Council's Highways and Transportation section.

The initial response from the neighbouring occupiers raised the following objections:

- As the closest neighbours we have had to put up with almost 2 years of construction works (originally programmed at 62 weeks) within metres of our property.
- It is welcomed that the latest variation to the scheme makes some efforts to remove car parking spaces from the land immediately adjacent to our front windows, but this is still not to the levels originally passed at planning stages and unfortunately still leaves us with some reasons for objection.
- We would like to propose a further removal of the spaces opposite our property adjacent to the ones that have already been removed...this area will be utilised as a turning area and as such we will be continually exposed to car headlights.
- The access from School Street on to the parking area will mean that our car and driveway will continually be exposed to pedestrians and parking. I would propose that an agreement be considered for excavating the current area to the forecourt of our property to use as an additional driveway.
- The privacy of our home has come under total invasion...I would propose that appropriate measures to our property (for example blinds throughout and shutters to our main viewing bay windows so we are still able to open up as we originally planned) are provided by Trivallis as a matter of urgency.
- We would like a meeting to further discuss our party wall as I do not feel that feather edge or any other wood fencing offers a viable future proof solution and would propose a solid brick wall with heights to be finalised and agreed inclusive of finish and material.

Following a further plan revision, a further response was received from neighbours:

- This looks better. The parking spaces on the boundary are restricted to being behind the front of our house and that fence next to the fourth parking space should reduce any increased acoustics ever so slightly.
- The levels are being dropped from "as built" by over 1.5 metres at the maximum point so we are okay with that.

- The boundary looks better – however I have been quite particular that I do not want “feather edge” fencing and have sent specification details on my previous emails. It looks okay to us, as long as they implement it as they say.
- I am still yet to receive a response on the driveway and the front window blind.

## **CONSULTATION**

### Highways and Transportation

The proposal includes 14 flats so if 2 or 3 spaces are lost there would still be sufficient parking provision to provide parking for the 3 houses and 1 bungalow and 1 space per flat. As such, if 2 or 3 spaces are lost to there wouldn't be any fundamental concerns or a highway objection.

## **POLICY CONTEXT**

### Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and is in the process of being replaced. 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 application site lies within the settlement boundary for Llantrisant.

**Policy AW5** - 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. In addition, the development would require safe access to the highway network and provide parking in accordance with the Council's SPG.

**Policy AW6** - supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness. Furthermore, proposals must be designed to protect and enhance landscape and biodiversity by providing measures for mitigation and enhancement, where appropriate.

**Policy AW7** - developments that impact upon sites of architectural or historic merit must demonstrate that they preserve or enhance the character of the site.

## **Supplementary Planning Guidance**

- Design and Placemaking
- Access, Circulation and Parking Requirements
- The Historic Built Environment

## **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 was previously considered that the proposed development would be compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will grow – Employment / Housing / Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability / Placemaking

### SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP/large schemes.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 18: Transport;  
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:**

#### **Principle of the proposed development**

The application relates to the approval of details reserved by a condition of an existing planning permission. Therefore, the principle of the proposal is acceptable subject to consideration of the material planning matters outlined below.

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

The main concern in this regard was how the unauthorised increase in the original land levels would affect the outward appearance of the development, in particular due to the fact that most of the site and surrounding area is part of the Llantrisant Conservation Area.

It is recognised that the land to the front of the former school has always been at a higher level than School Street to the east and south, due to the topography and fall away to the south-east.

It is also recognised that the land adjacent to 'Leofric' was previously altered so that it could accommodate two separate modular school buildings, both of which would have had some prominence without making a positive contribution to the Conservation Area and street scene.

Nevertheless, it is considered that the 'as built' levels would have created an unnecessarily high development plateau and that even with soft landscaping the vehicles parked on top would have been prominent and fairly incongruous in appearance.

However, continual discussion with the Agent and Developer, together with the production of several iterations of revised plans, have now resulted in a much more sympathetic proposal and one that would have far less visual impact.



The submitted drawings 'Parking Courtyard – Proposed Levels Revision I' and 'Parking Courtyard Elevations Revision D' highlight the proposed alterations, with Drawing 01 – Proposed Levels best illustrating the difference between the original site levels (pink line), the 'as built' (green line) and the 1 in 8 fall now proposed (blue line).

The blue line proposal is much closer to that of the original ground profile, with a consistent slope to the top of the extant dwarf retaining wall, as can be seen in the site photograph from 2009, with a gentle fall to the boundary wall and fence at School Street.

In light of the above, it is considered that the proposed finished levels would not be harmful to the character and appearance of the application site or wider Conservation Area and would thus accord with LDP Policies AW6 and AW7.

### **Impact on neighbouring occupiers**

The Committee report considered by Members in April 2019 paid particular attention to the relationship between the development and the neighbouring house, noting:

*“Currently the School boundary has a dilapidated ball fence separating the former playground from the rear garden of Leofric, up and against which vegetation has grown to act as a substantial screen. Consequently, since it is unlikely that either the fence or overgrowth would be retained, a condition requiring details of boundary treatments is proposed to be appended to any consent. This would ensure that the neighbouring residents are protected and have the added benefit of preventing any light overspill from vehicle lights.”*

Whilst the condition requiring approval of boundary treatments was discharged in August 2020, the main material concern has been to minimise the impact of the residential development on neighbouring residents, particularly from the comings and goings of future residents and vehicles.

Conversely, at the time of determination, the front part of the car park, adjacent to 'Leofric' was not considered to be of concern since parked vehicles and their occupants would have been much lower and screened by the existing boundary wall. However, had the development proceeded on the basis of the 'as built' levels, this would not have been the case.

Therefore, a solution was sought that could demonstrate that neighbour amenity issues could be satisfactorily addressed. The revised plans include the following:

- A considerable reduction to the 'as built' levels by up to 1.5m in height, as described in the preceding section.
- The removal of two parking spaces adjacent to the shared boundary and forward of the principal elevation of 'Leofric'.

- The deletion of a secondary pedestrian entrance on School Street (the aforementioned NMA 20/0804/39 already relocated this to the main entrance, to accord with a Highways request).
- The inclusion of a fence return, to help minimise light overspill.

In terms of the impact of the development on the amenity and privacy of neighbouring residents, it is considered that the revised details provided in support of the discharge of condition application, particularly the reduction in 'as built' ground levels, represent an acceptable outcome.

Therefore, the development, as amended by condition 13, would not be considered to be detrimental to neighbour amenity, and would be in accordance with the aims of LDP Policy AW5.

### **Other matters**

It is appreciated that where building works or site redevelopment takes place in close proximity to existing residential properties, there is considerable potential for disruption, from noise, dust, vehicle movements and so forth – as the objection from the neighbouring residents points out – especially during previous lockdown periods when much work has been done from home offices.

During the development phase, in addition to the aforementioned issues concerning ground levels and the three new-build properties, complaints have also arisen about working hours and noise/dust. These have been referred to the Council's Public Health and/or Enforcement sections accordingly.

However, although the Local Planning Authority has encouraged the Developer to work alongside neighbouring residents in the interests of both parties and to resolve disputes, the request from neighbours for a window blind and driveway excavation works cannot be considered as material to the determination of the discharge of condition application; hence, no planning weight has been attributed to this matter.

### **Conclusion**

The discharge of planning conditions often requires a planning judgement to be made, such as in issues of 'amenity', while others may be more technical in nature and largely rely on the comments of specialist consultees. On this occasion the consideration of condition 13 relates mostly to the former, so the majority of the weight afforded to the decision maker is based largely on judgement.

However, in light of that discussed further above, it is considered that the revised arrangements for the car park levels would not have a detrimental impact on the character and appearance of the site, surrounding Conservation Area, or be harmful to the residential amenity of the closest neighbouring properties. The proposal would

therefore be in accordance with Policies AW5, AW6 and AW7 of the Rhondda Cynon Taf Local Development Plan and it is recommended that the condition be discharged.

**RECOMMENDATION: GRANT**