

## **PLANNING & DEVELOPMENT COMMITTEE**

**20 OCTOBER 2022**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0910/15 (GH)  
**APPLICANT:** Rhondda Cynon Taff County Borough Council  
**DEVELOPMENT:** Variation of condition 2 (approved plans) of planning consent 22/0028/08 to make minor design amendments to the elevations of the new 6th form building and gym, and to the landscaping scheme.  
**LOCATION:** BRYNCELYNNOG COMPREHENSIVE SCHOOL, PENYCOEDCAE ROAD, BEDDAU, PONTYPRIDD, CF38 2AE  
**DATE REGISTERED:** 26/07/2022  
**ELECTORAL DIVISION:** Beddau and Tyn-y-nant

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**RECOMMENDATION:** GRANT SUBJECT TO THE CONDITIONS BELOW:

#### **REASONS:**

The submitted design and landscaping amendments would not be detrimental to the appearance of the new buildings or the character of the site and surrounding area and would not cause harm to neighbour amenity. Furthermore, the variation of condition application would not affect the scope and benefits of the existing approved scheme.

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

The application has been submitted on behalf of the Council on land within its ownership and where the Council's interest is of more than a minor nature.

#### **APPLICATION DETAILS**

At the Planning Committee meeting of 24<sup>th</sup> March 2022 Members resolved to grant full planning consent for the construction of a new gym, 6<sup>th</sup> Form building and various other works, at Bryn Celynnog Comprehensive School, Beddau,

However, the Applicant now seeks to make relatively minor alterations to the approved scheme, the process for which is to submit an application under Section 73 of the Town and Country Planning Act 1990 for a variation of condition. In this case condition 2 of planning consent 22/0022/08, which lists the approved plans, is the one to be varied and is included at the end of the report.

The revised plans indicate the following proposed changes:

6<sup>th</sup> Form building – a reduction in the amount of the proposed blue cladding, particularly to the north and west elevations.

Gym building – most of the blue cladding proposed for all elevations would not now be used, with the external walls principally comprising face brickwork. A ‘feature section’ of cladding would be retained to the south-east corner. In addition, changes are proposed to fenestration on the western gym elevation, with the removal of windows to the ground floor. Many of the building’s windows would be recessed and incorporate extended face caps, of the same colour as the cladding.

Landscaping masterplan – the impact of the overall landscaping scheme is largely unchanged. However, the key feature of the revised plans is to relocate an enlarged SuDs attenuation basin to a position between the sports pitch and running track. Previously the basin would have been to the north-western side of block 3. Furthermore, the masterplan indicates a greater number of rain gardens than was originally proposed.

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

- Revised Design and Access Statement (DAS)

## **SITE APPRAISAL**

The application site comprises the Bryn Celynnog Comprehensive School Campus, which is located at Penycoedcae Road to the north of Beddau.

The main school complex, which includes the cluster of teaching blocks, facilities and hard-surfaced areas, such as the tennis courts, parking and internal routes, occupies around a third of the 8 hectare site, both towards the south-eastern side of the site and parallel with Penycoedcae Road.

A small part of the School extends southwards towards Castellau Road, from where there is an additional vehicular and pedestrian access leading to a car park and detached teaching block. The rest of the school campus can also be accessed from here.

The remainder of the land includes a section of dense woodland and scrub to the west, whilst that across the whole of the northern part of the site, accommodates a running track, sports pitch and playing fields. The northern and western boundaries, which are defined by a combination of fence, tree line and hedge, mark the extent of the settlement boundary.

Neighbouring properties are located all alongside the eastern and southern boundaries of the site, from the Beddau Caravan Site at Penycoedcae Road to Cwrt Castellau at Castellau Road. Most of these are residential but include a few retail and other uses.

It should be noted that the site intersects with land designated by The Coal Authority as High Risk to Development from coal mining legacy. In addition, the oldest part of the School, namely the single storey red brick block 2 opened in 1928, is Grade II listed.

## **PLANNING HISTORY**

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

- 22/0809/38:** Discharge of condition 3 (Ecological mitigation and enhancement measures) of planning consent 22/0028/08. Decision: 09/08/2022, Grant.
- 22/0751/38:** Discharge of condition 4 (Construction Method Statement) of planning permission 22/0028/08. Decision: 09/08/2022, Grant.
- 22/0722/38:** Discharge of condition 5 (Design and construction detail of off-site works) of planning consent 22/0028/08. Decision: TBC.
- 22/0028/08:** Proposed gym and 6th form buildings, demolition of 4 existing buildings, new car park, and associated infrastructure and landscape works. Decision: 04/04/2022, Grant.
- 18/0930/08:** New floodlighting for a proposed artificial turf pitch on land within the grounds of Bryn Celynnog Comprehensive School. Decision: 25/06/2019, Grant.
- 15/1137/08:** The existing canopy at Y Pant Comprehensive School is to be disassembled and removed from site due to re-development of the school. It is proposed to relocate the canopy to Bryncelynnog Comprehensive School. Decision: 28/09/2015, Grant.
- 13/0314/11:** It is proposed (for structural reasons) to remove the later addition of the covered walkway between the Listed teaching block (red brick building) and the Sports block (CLASP building). It is also proposed to

replace all of the flat roof coverings attached to the red brick building.  
Decision: 31/05/2013, Grant.

- 13/0313/08:** It is proposed (for structural reasons) to remove the later addition of the covered walkway between the Listed teaching block (red brick building) and the Sports block (CLASP building). It is also proposed to replace all of the flat roof coverings attached to the red brick building.  
Decision: 31/05/2013, Grant.
- 05/1838/10:** Erection of a conservatory. Decision: 22/11/2005, Grant.
- 05/0962/08:** Skate Park Facility on existing school sports court including access and fencing. Decision: 31/10/2005, Withdrawn by Applicant.
- 04/0406/10:** Proposed conservatory at rear of school house. Decision: 27/04/2004, Grant.
- 02/1251/10:** New two storey 9 classroom block and library for English study.  
Decision: 30/09/2002, Grant.
- 01/2795/08:** Siting of two mobile classrooms. Decision: 03/10/2001, Grant.
- 99/2367/13:** Proposed public facilities to provide external access to existing swimming pool. Decision: 02/07/1999, Grant.
- 96/0112/13:** Performing Arts Centre together with floodlighting and upgrading of existing sports grounds (amended description 30/10/97)(formerly Multi-Purpose Sports Hall). Decision: 23/01/1998, Grant.

## **PUBLICITY**

The application has been advertised by direct notification to fifty-four neighbouring properties and notices were displayed on site.

No letters of objection or representation have been received.

## **CONSULTATION**

### Highways and Transportation

No highway objection subject to the re-imposition of previous conditions.

### Flood Risk Management

No objection.

### Public Health and Protection

No comments to add.

### Natural Resources Wales

No objection.

### Countryside, Landscape and Ecology – Ecologist

Happy that the request to remove certain species from the landscape plan has been agreed.

In addition, it is noted that SAB approval has already been secured, so any concern relating to the attenuation basin design, and cut and collect management, is now irrelevant.

### Glamorgan-Gwent Archaeological Trust

The proposal does not deal with any archaeological constraints or conditions and so GGAT has no further comment to make at this time.

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

## **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 application site lies within the settlement boundary for Beddau

**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. Furthermore, 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. In addition, proposals must be designed to protect and enhance landscape and biodiversity

**Policy AW7** – Proposals that impact upon sites of architectural and/or historical merit and sites of archaeological importance 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** - Seeks to protect and enhance the natural environment from inappropriate development.

### **Supplementary Planning Guidance**

- Design and Place-making
- The Historic Built Environment
- Nature Conservation

### **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 – 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.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;  
PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 16: Sport Recreation and Open Space;  
PPW Technical Advice Note 24: The Historic Environment;

### **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 site is within the settlement boundary of Beddau, and within the curtilage of the existing school site.

Since the scope of the current application is restricted to consideration of matters of external finishes, minor modification to elevations and revisions to landscaping, noting that the use of the land for education purposes is already well-established, the principle of the development is considered to be acceptable.

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

At the time of determination of the extant consent, it was noted that the existing School campus comprises a range of buildings which include the Grade II listed Block 02 at the front of the site to later 20<sup>th</sup> century buildings of a distinctly different form and appearance.

Given the site context and the variety of styles and external finishes, it was considered that the contemporary style of the new School gym and 6<sup>th</sup> Form would be appropriate and would reflect the development of the School over time, as it responded to changing pupil needs.

In terms of the site landscaping, the biggest change proposed is that to the location of the large SuDs pond as explained in the Application Details section above. Other small tweaks are proposed, in order to accommodate the SuDs strategy, but most of these are at ground level or of low mass, so they have little wider impact. In addition, it is recognised that the Education Authority benefits from Permitted Development rights, which do not preclude future landscaping changes that would not need the benefit of planning permission.

With regard to the 6<sup>th</sup> form building, this has some prominence outside of the School curtilage, being constructed close to the western site boundary. Although no concerns were raised with regard to the blue cladding, intended to be applied to large parts of its elevations, the Applicant has decided to reduce the extent of it. So far as views towards the site are concerned, the revisions will probably have only a modest impact, especially since most of the change applies to the inward facing elevations.

The amendments to the gym are a far greater change to the approved plan, in that the majority of the elevations would now be of dark face brickwork and a number of openings revised and repositioned. Some of the blue colour would be retained, primarily with cladding to the south-eastern corner, and via face caps to some external window reveals.

There is a concern that in relying upon a much subtler use of colour to relieve the brickwork, the dark appearance of the building will have a somewhat gloomy demeanour, particularly to the north and rear. However, given the gym's position towards the centre of the site the effect will be a local one and as a matter of taste and the Applicant's preference, no objections are raised.

Therefore, in respect of the impact of the development on the character and appearance of the site, the design amendments are acceptable.

### **Impact on neighbouring occupiers**

No objections or representations have been received from neighbouring occupiers of the site, relating to any aspects of the proposed amendments and third party amenity

Although it is appreciated that the changes to the landscaping and gym building would not be likely to have much outward impact being located further from the boundary with the site, the 6<sup>th</sup> Form building has some prominence due to its proximity to Penycoedcae Road.



Nevertheless, the changes to the 6<sup>th</sup> Form building affect the elevations which face away from the public realm and, as the changes are not of significance, are unlikely to be of much concern.

As such, the revisions to the proposed development would not be considered to have a significant additional impact on the amenity and privacy of neighbouring residents over and above the scope of that already approved. Consequently, the application is considered to be acceptable in these terms.

### **Ecology and Environment**

Previously the Council's Ecologist has advised that the Applicant's Preliminary Ecological Appraisal is an appropriate assessment and that an EPS Licence, as confirmed by NRW, would be needed due to the presence of a small (two bat) non maternity bat roost in an existing building.

Only small scale ecology impacts were predicted and Section 5 of the PEA Report identified a number of ecological mitigation/enhancement measures, details of which were approved by the discharge of condition 3 of planning permission 22/0028/08 (ref. 22/0751/38).

### **Access and highway safety**

There are no alterations to the proposed means of access, circulation or parking arrangements. On this basis no concerns have been raised by the Council's Highways and Transportation Section, subject to any outstanding highway related conditions being carried forward to a new permission.

### **National Sustainable Placemaking Outcomes**

Chapter 2 of PPW11 emphasises that development proposals should demonstrate sustainable placemaking, to ensure that the right development is achieved in the right place, and states that development proposals should be assessed against the national sustainable placemaking outcomes.

The Committee report previously presented to Members included an assessment of the merits of the scheme in this regard. The changes proposed by this variation of condition application, which are either largely cosmetic or do not affect the scope of the development, are not considered to be of significance to the placemaking outcomes.

### **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 not CIL liable under the CIL Regulations 2010 (as amended).

## **Conclusion**

Taking into account the scale and nature of the proposed changes, and the size and character of the site, it is considered the proposed development would result in an acceptable scheme and one that would have been considered acceptable, had it been presented as such, at the time of determination of the original application.

In the absence of any visual harm or detriment to third parties, ecology or highway safety, the application is therefore considered to comply with Policies AW5, AW6 and AW8 of the Local Development Plan.

## **RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:**

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 completed in accordance with the approved drawings:

- BRYN-RIO-03-XX-DR-A-90002 P3-Proposed Site Plan
- BRYN-JUB-ZZ-XX-DR-C-0100(P11) - General Arrangement
- BRYN-RIO-01-00-DR-A-01000 P5\_6F-GA Ground Floor Plan
- BRYN-RIO-01-01-DR-A-01001 P5\_6F-GA First Floor Plan
- BRYN-RIO-01-02-DR-A-01002 P5\_6F-GA Second Floor Plan
- BRYN-RIO-02-00-DR-A-01000 P4\_GYM-GA Ground Floor Plan
- BRYN-RIO-02-01-DR-A-01001 P4\_GYM-GA First Floor Plan
- BRYN-RIO-01-03-DR-A-01003 P4\_6F-GA Roof Plan
- BRYN-RIO-02-02-DR-A-01002 P4\_GYM-GA Roof Plan
- BRYN-RIO-01-ZZ-DR-A-02000 Rev C01 GA Elevations 1
- BRYN-RIO-01-ZZ-DR-A-02001 Rev C01 GA Elevations 2
- BRYN-RIO-02-ZZ-DR-A-02000 Rev C01 GA Elevations
- BRYN-RIO-01-ZZ-DR-A-03000 P5\_6F-GA Sections
- BRYN-RIO-02-ZZ-DR-A-03000 P3-GYM-GA Sections
- BRYN-RIO-03-ZZ-DR-A-90005 P3-GA Site Sections
- BRYN-JUB-ZZ-XX-DR-C-0610(P4) - Proposed Site Sections - Sheet 1 of 2
- BRYN-JUB-ZZ-XX-DR-C-0611(P3) - Proposed Site Sections - Sheet 2 of 2
- BRYN-JUB-ZZ-XX-DR-C-0600(P7) - Proposed Contour Plan

- BRYN-JUB-ZZ-XX-DR-C-0100(P11) - General Arrangement
- BRYN-URB-XX-XX-DR-L-00101 Rev C01 Landscape Masterplan
- BRYN-URB-XX-XX-DR-L-00102 Rev C01 Hard Landscape
- BRYN-URB-XX-XX-DR-L-00103 Rev C03 Soft Landscape
- BRYN-URB-XX-XX-DR-L-00105 Rev C01 Tree Removal & Retention
- 1971-URB-XX-XX-DR-L-00-1004 Boundary Treatment REV C
- BRYN-TBA-XX-XX-DR-E-60001
- BRYN-TBA-XX-XX-DR-E-63001

and details and documents received on 7<sup>th</sup> January 2022, 25<sup>th</sup> July 2022 and 29<sup>th</sup> September 2022, 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. The development shall be carried out in accordance with the approved Wildlife Protection Plan (Report by Soltys Brewster for ISG, dated 30/06/2022) as approved by discharge of condition application 22/0809/38. The mitigation and enhancement measures shall be implemented, as approved, prior to beneficial use of the new 6<sup>th</sup> Form and gym buildings.

Reason: In the interest of nature conservation and biodiversity in accordance with Section 6 of PPW 11 and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

4. The development shall be carried out in accordance with the approved Construction Method Statement and appendices (Report by ISG, dated 13/06/2022) as approved by discharge of condition application 22/0751/38.

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. Within three months of the date of this consent, design and construction details of the proposed off-site works including new access points, swept path analysis, vision splays, pedestrian crossing facilities along with all relevant safety audits, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved details prior to the beneficial use of the new 6<sup>th</sup> Form and gym buildings.

Reason: In the interests of highway and pedestrian safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. Prior to the beneficial use of the new 6th Form and gym buildings, a signed statement or declaration prepared by a suitably competent person, confirming that the site is or has been made safe and stable for the approved development, shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In the interests of public safety in accordance with Section 6 of PPW 11 and Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. Within six months of the beneficial use of the new 6th Form and gym buildings a Travel Plan, which sets out proposals and targets together with a timescale, to limit or reduce the number of single occupancy journeys to the site and to promote travel by sustainable modes of travel, shall be submitted to and approved in writing by the Local Planning Authority. Annual reports demonstrating progress in promoting sustainable transport measures shall be submitted on each anniversary of the date of the planning consent to the Highway Authority.

Reason: To ensure satisfactory provision for alternative travel modes to and from the site and use of sustainable travel, in accordance with PPW11, Active Travel requirements and Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.