

COMMITTEE DATE: 15/03/2017

APPLICATION No. **16/02911/MJR** APPLICATION DATE: 05/01/2017

ED: **SPLOTT**

APP: TYPE: Full Planning Permission

APPLICANT: Cardiff Council

LOCATION: PUBLIC OPEN SPACE AT LEWIS ROAD, SPLOTT, CARDIFF  
PROPOSAL: CONSTRUCTION OF NEW 2 STOREY PRIMARY SCHOOL BUILDING AND NEW VEHICULAR AND PEDESTRIAN ACCESS WITH SUPPORTING SPRINKLER TANK AND PUMP HOUSE, PARKING/SERVICING AREA, LANDSCAPING, RECREATIONAL FACILITIES AND EXTERNAL LIGHTING

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**RECOMMENDATION 1** : That planning permission be **GRANTED** subject to the following conditions :

1. C01 Statutory Time Limit
2. This approval is in respect of the following plans, unless otherwise amended by any other condition attached to this consent:-
  - GL\_STL\_XX\_ZZ\_DR\_A\_XXXX\_00001 PL03
  - GL\_STL\_XX\_ZZ\_DR\_A\_XXXX\_00002 PL03
  - GL\_STL\_XX\_ZZ\_DR\_A\_XXXX\_00003 PL03
  - GL\_STL\_XX\_ZZ\_DR\_A\_XXXX\_01001 PL02
  - GL\_STL\_XX\_ZZ\_DR\_A\_XXXX\_01002 PL02
  - GL\_STL\_XX\_ZZ\_DR\_A\_XXXX\_01003 PL02
  - GL\_STL\_XX\_ZZ\_DR\_A\_XXXX\_02001 PL02
  - GL\_STL\_XX\_ZZ\_DR\_A\_XXXX\_03001 PL02
  - 60767\_GM\_GA\_001\_T
  - 606767C/D/HEDGE

Reason: To avoid doubt and confusion as to the approved plans.

3. Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made at manhole reference number ST19769006 located in Moorhead Close.  
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.
4. The Sustainable Urban Drainage measures identified in the Drainage Strategy Report produced by Bingham Hall dated October 2016 shall be carried out prior to the development being brought into beneficial use.  
Reason: In the interests of sustainability and to protect the health and

safety of existing residents and ensure no pollution of or detriment to the environment.

5. Prior to the school being brought into beneficial use appropriate gas protection measures to ensure safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing by the Local Planning Authority. If no protection measures are required then no further actions will be required.

All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

6. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (2012), unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

7. The remediation scheme approved by condition 6 shall be fully undertaken in accordance with its terms prior to the occupation of any part of the development. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates

the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (2012), unless the Local Planning Authority agrees to any variation.

Reason : To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme and verification plan shall be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

9. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

10. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

11. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.  
Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

12. No development on the exterior of the school building shall take place until samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved samples.  
Reason: To ensure that the finished appearance of the development is in keeping with the area.

13. Prior to the commencement of development a scheme of construction management shall be submitted to and approved by the Local Planning Authority, to include details of construction traffic routes, site hoardings, site access, contractor parking, materials storage, measures for dust control and wheel washing facilities. Construction of the development shall be managed strictly in accordance with the scheme so approved.  
Reason: In the interests of highway safety and public amenity.

14. Details of the position of security lighting to be erected within the school grounds and the timing control arrangements and the position of CCTV facilities and controls on their arc of coverage shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation.  
Reason: To safeguard the amenities of adjoining occupiers.

15. The rating level for the proposed plant noise shall be 48db L<sub>AR,T</sub>.  
Reason: To safeguard the amenities of adjoining occupiers.
16. The sound insulation level of façade ventilation shall be at least 25dB (D<sub>W</sub>).  
Reason: To provide an environment conducive for learning by users of the school.
17. Prior to the school being brought into beneficial use details showing the provision of cycle and scooter parking shelters shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the development being brought into beneficial use. Thereafter the cycle and scooter parking spaces shall be maintained and shall not be used for any other purpose.  
Reason: To ensure that adequate provision is made for the secure parking of cycles.
18. E3D Retain Parking Within Site
19. Prior to the development being brought into beneficial use a Travel Plan shall be submitted to and approved by the Local Planning Authority. The aims of the Travel Plan would be to: Increase travel awareness of pupils, staff and parents; Increase the levels of walking and cycling for the school travel through the promotion and ensure it is maintained; increase usage of public transport by promoting the use of bus for travel to and from the school; Promote safety on the journey to and from school; Contribute to improving the health of pupils by promoting more active modes of travel; and Reduce the number of children travelling by car.  
  
The Travel Plan would commit to undertaking annual travel surveys of staff and pupil/parents/carers to determine where they live and how they travel to school. The information shall be used to measure progress towards mode share targets and in the action plan to develop further initiatives. The agreed Travel Plan shall be implemented in accordance with the measures and timescales contained within the approved Plan.  
Reason: In the interests of highway safety and sustainability.
20. The school shall not be brought into beneficial use until engineering details of the proposed new road junction on Lewis Road have been submitted to and approved in writing by the Local Planning Authority and constructed as approved.  
Reason: In order to provide a safe and satisfactory entrance to the site.
21. No obstruction exceeding one metre in height shall be placed or allowed to grow within the required visibility splays of 2.4m x 59m at the proposed new junction onto Lewis Road.  
Reason: In the interests of highway safety.

22. The school shall not be brought into beneficial use until a scheme for the improvement of East Tyndall Street has been submitted to and approved by the Local Planning Authority and implemented as approved. The improvements shall be in the form of the realignment of the existing carriageway layout to provide a T-junction with signalisation and controlled pedestrian crossing points on all arms, as identified within the Transport Assessment. The scheme shall also involve the widening of the existing northern footway on East Tyndall Street to provide a shared footway/cycleway surface where practically possible.  
Reason: Traffic modelling shows the junction congested and there is a need for facilities to improve safety for pedestrians and cyclists travelling to and from the school.
23. The school shall not be brought into beneficial use until a scheme for the provision of a School Safety Zone on Lewis Road in the vicinity of the school site has been submitted to and approved in writing by the Local Planning Authority and implemented as approved. The scheme, as identified within the Transport Assessment, shall include the installation of traffic calming measures with signage on the approaches to the school, enhanced pedestrian crossing facilities, appropriate parking control measures at the school pedestrian entrance and additionally a footway widening along the western boundary of Lewis road from the school entrance to the junction with east Tyndall Street in order to provide a shared footway/cycleway surface.  
Reason: In the interests of highway safety.
24. No development shall take place until a written scheme of historic environment mitigation has been submitted to and approved by the local planning authority and shall then be implemented in accordance with the approved scheme.  
Reason: To ensure for the adequate investigation and recording of archaeological remains.
25. The development shall be carried out in accordance with the conclusions and recommendations contained within the Cardiff Three Schools – Bat Report, by Morgan Sindall, dated October 2016.  
Reason: In the interests of biodiversity.
26. The MUGA shall only be used during the hours of 08.00 – 20.00  
Reason: To ensure that the amenities of occupiers of residential premises in the vicinity are protected.
27. Notwithstanding drawings 60767C/GA/L/001 T and 606767C/D/HEDGE details of the means of enclosure along the northern site boundary shall be submitted to and approved by the Local Planning Authority prior to the development being brought into beneficial use and then be created as approved.  
Reason: In the interest of the appearance of the area.
28. Prior to development commencing on site details of top soil and subsoil

specification, finalised tree pit section, planting methodology and aftercare methodology, including a finalised arboricultural method statement and tree protection plan for retained trees shall be submitted to and approved by the Local Planning Authority and then implemented as approved.

Reason: In the interests of visual amenities and biodiversity.

29. No development shall commence until the finished slab level of the school, existing and finished ground levels of the site have been submitted to and approved by the Local Planning Authority.

Reason: To avoid any doubt or confusion as to the finished level of the school.

30. The windows in the northern elevation of the school shall be fitted with obscure glazing which shall be retained in perpetuity.

Reason: In the interests of privacy.

**RECOMMENDATION 2 :** The applicant is advised to have due regard to the advisory notes provided by consultees.

**RECOMMENDATION 3 :** The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;
  - Unprocessed / unsorted demolition wastes.
  - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
  - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

**RECOMMENDATION 4** Prior to the commencement of development, the developer shall notify the local planning authority of the commencement of development, and shall display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure)(Wales)(Amendment) Order 2016.

**RECOMMENDATION 5** : To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

## 1. **DESCRIPTION OF DEVELOPMENT**

- 1.1 The proposal is for full planning permission for a Welsh medium primary school and nursery in a new two storey building measuring 65m x 22m (2545 sq m).
- 1.2 The entrance to the nursery will be separate from entrance to the primary school. The school will be orientated along a generally north south axis.
- 1.3 The school will have a grey standing seam pitched roof (part covered in photovoltaic panels to generate 0.02 MW). Walls would be of buff brick to ground floor and upper floors in white render and grey curtain walling. The halls, kitchen and plant room would be finished in yellow/orange and grey rainscreen cladding panels.
- 1.4 There will be 2 reception classes, nursery and 2 classes on the ground floor and 8 classes above. In addition there would be various ancillary rooms including two halls on the ground floor.
- 1.5 To the rear of the school there will be a MUGA, bitmac play area and 5 aside pitch, forest school space, with an existing grassed and woodland area.
- 1.6 The school would accommodate 420 pupils and the nursery 48. There would be 20 teachers, 16 teaching assistants and 14 ancillary staff. The school would be open 08.55 -15.15.
- 1.7 There would be a single vehicular access from Lewis Road at the south east corner of the site.
- 1.8 The proposed school car park would accommodate 26 car parking spaces, including 2 disabled spaces. 20 covered cycle spaces are to be provided in front of the entrance to the primary school. All these elements would be sited in front of the school. An additional 20 covered cycle spaces are to be provided next to the northern entrance to the primary school. A separate servicing area is



to be provided to the south of the school.

- 1.9 The building would be laid out so that the hall, kitchen and some other uses would be closest to the employment building to the south. The nearest classrooms would be 42.5m at their nearest to the employment building to the south with windows orientated to face east and west. The nursery would be located at the northern end of the school nearest the adjoining dwellings.
- 1.10 The application has been accompanied by a Pre –Application Consultation Report, DAS, FCA, Drainage Strategy Report, Ecological Impact Assessment, Noise Impact Assessment, Arboricultural Impact Assessment, Transport Assessment, Waste Strategy Plan, Soil Resource Survey and Plan, Ground Conditions Report, Lighting Plan and accompanying plans.

## 2. **DESCRIPTION OF SITE**

- 2.1 The site is approximately 1.54 ha in area and level. The site currently comprises overgrown public open space.
- 2.2 The site is fronted by a retained area of overgrown POS beyond which is Lewis Road. Lewis Road is over 8m wide in front of the site. Lewis Road connects East Tyndall Street with Ocean View.
- 2.3 To the west of the site are tennis courts. To the north is a 6m wide easement and then residential properties in Moors Lane. To the south are 5 storey apartments in Moorhead Close and the Cardiff Bay Business Centre. To the east of Lewis Road are commercial units.
- 2.4 There are sculptures on site (which are to be carefully taken down and stored until the Council have made a decision on their future).
- 2.5 There is a poplar tree on site that has the potential to support bats (but no evidence of the presence of bats was observed during the bat survey by the developer's ecologist).

## 3. **PLANNING HISTORY**

None on this site since 1997

16/00031/MJR Permission to convert an empty warehouse immediately to the south east of the school building to a private members training facility was granted on 17/3/16.

## 4. **POLICY**

- 4.1 The following LDP policies are considered relevant :

KP5 Good Quality and Sustainable Design  
KP8 Sustainable Transport  
KP12 Waste  
KP13 Responding to Evidenced Social Needs

KP14 Healthy Living  
KP15 Climate Change  
KP16 Green Infrastructure  
EN6 Ecological Networks and features of Importance for Biodiversity  
EN7 Priority Habitat and Species  
EN8 Trees, Woodlands and Hedgerows  
EN9 Conservation of the Historic Environment  
EN13 Air, Noise, Light Pollution and Land Contamination  
C1 Community Facilities  
C3 Community Safety/ Creating Safe Environments  
C4 Protection of Open Space  
C6 Health  
C7 Planning for Schools  
T1 Walking and Cycling  
T5 Managing Traffic Impacts  
W2 Provision for Waste Management Facilities in Development

## 5. **INTERNAL CONSULTATIONS**

- 5.1 The Tree Officer states: The submitted general arrangement plan suggests that the only significant trees at the site, comprising two 'B' category Corsican pines T10 and T11, and a 'B' category silver maple, T9, will be retained, along with the young, recently established, 'C' category native trees T12-T19 and part of the mixed, early mature, 'C' category woodland G5. I support the proposed retention of these features but recommend that T17-19 be removed and replaced with *Alnus glutinosa*, as they are ash and will be vulnerable to Chalara ash die-back disease. In addition, G5 should be subject to intervention and the development of a long-term management plan to phase out non-native elements, and favour well-formed native trees (sallows and willows particularly). An Arboricultural Method Statement and Tree Protection Plan should be provided to show how retained trees will be protected.

The submitted Soil Resource Survey (SRS) and Plan (SRP) highlights the presence of a re-usable topsoil resource, subject to compliance with the SRP and site remediation requirements. The subsoils represent a less valuable resource for landscaping, other than when ameliorated and subject to robust planting types tolerant of periodic waterlogging (smaller bare-root and root-balled trees could meet this criteria, but for trees above heavy standard and trees that are not tolerant of periodic water-logging, an imported sandy loam subsoil should be used, with drainage layers/piped drainage as necessary). The soils are general of high pH, and with this, and their textural and drainage qualities in mind, I suggest an amenity tree planting palette comprising: -

*Acer campestre* (including cultivars) – plant only where there is no waterlogging, but thrives in a moisture retentive soil.

*Alnus glutinosa* – typically establishes well, even on wet soils, if planted at small size, but planted large can struggle in waterlogged soils.

*Alnus incana* 'Laciniata' – plant only where there is no waterlogging, but thrives in a moisture retentive soil.

*Crataegus laevigata* – thrives in a heavy, calcareous, moisture retentive soil (not waterlogged). Tolerates some shade.

*Crataegus x prunifolia* 'Splendens' – tolerates wet soils but like *Alnus glutinosa*, planting smaller in such situations will secure better establishment.

*Mespilus germanica* – thrives in a moisture retentive, calcareous, but not waterlogged soil.

*Picea omorika* – thrives in poor, calcareous soils, but not waterlogged soils. Very upright, good for screening.

It would be preferable to see full, upfront landscaping details, informed by the SRS and SRP, and comprising scaled planting plan, plant schedule, topsoil and subsoil specification, tree pit section, planting methodology and aftercare methodology.

## 5.2 Shared Regulatory Services states:

With regards to contamination, the Geotechnical & Geo-Environmental Report provides a detailed assessment for a commercial development end use. The report identifies several contamination risks associated with asbestos, metals and hydrocarbons and the need for remediation across the site. Remediation guidance within the report advises the need for a capping layer of imported clean soils in areas of soft landscaping and a double 'no-dig' barrier between the made ground and the capping.

The developer will be required to submit a remediation strategy and import materials in relation to this work and the standard conditions for this are recommended.

The Developer and their consultant should be minded that any accessible areas of soft landscaping where children may be in direct contact with the soil. (intentionally, or otherwise) will need to be remediated to the standard of the more appropriate 'residential with gardens' end use. This must be reflected in the strategy and subsequent verification of remediation for the proposed end use.

With regards to ground gas, the consultant's assessment identifies negligible methane but carbon dioxide levels in excess of 5%, concluding a 'gas characteristic situation 2'. This necessitates the implementation of ground gas measures and an amended ground gas measures condition is recommended.

## 5.3 Noise and Air Team state: I have reviewed planning application 16/02911/MJR from an Air Quality perspective. I can confirm that I am satisfied and in agreement with the content of the submitted documentation and therefore have no objections on the grounds of Air Quality to the proposed development.

I am satisfied that the Construction Management Plan would encompass the control of dust emissions during the construction phase of the proposal. I will look to review the CMP once received.

- 5.4 Shared Regulatory Services say that a scheme of noise mitigation be implemented as described in the report Glan Morfa Primary School- Noise Impact Assessment ref1620001734 section 5.2.2 Plant noise mitigation. That there be a floodlighting condition, and limit the use of the MUGA to 20.00 hours.
- 5.5 The Drainage Officer has no objection in principle to the consent of this application. The applicant refers to the disposal of surface water by sustainable drainage system. However, no drainage details or scheme have been provided for the disposal of surface water via sustainable drainage techniques.

In light of the above and in order to minimise any risk of flooding and pollution he requests that the following condition be added to any planning permission:-

No development shall take place until ground permeability tests have been undertaken to ascertain whether sustainable drainage techniques can be utilised and a drainage scheme submitted for the disposal of both surface water and foul sewage to the approval of the Planning Authority.

- 5.6 The Waste Management Officer states: The proposed waste storage location has been noted and is acceptable. All efforts should be made to separate waste at source into the following waste streams (as a minimum): mixed recycling, general waste and food waste.-
- 5.7 The Transport Officer confirms that the submission has been assessed and is considered to be acceptable in transport terms subject to conditions and comments.

He is content that The Transport Assessment and on-street parking surveys contained therein have sufficiently demonstrated the availability of on street parking provision within 600m of the school that can accommodate school drop off and pick up times.

The proposed highway improvement works are to be subject to an agreement under Section 278 Highways Act 1980 between the developer/contractor and Local Highway Authority.

- 5.8 The Parks Officer states: Schools Services have agreed the principle of funding improvements to the remainder of the public open space to compensate for the loss of land to the new build school. They have agreed in principle to the Parks Landscape Design team preparing outline proposals for consultation, and we have this week commenced this process.

## 6. **EXTERNAL CONSULTATIONS**

- 6.1 Dwr Cymru Welsh Water has no objection to the proposed development subject to a condition.

- 6.2 Wales and West Utilities have provided a plan showing their apparatus which is outside the application site.
- 6.3 NRW has no objection subject to a condition.
- 6.4 South Wales Police state: No objection to proposed development, have been engaged in pre –application consultation and are satisfied that crime prevention and community safety issues will be addressed as per design and access statement.
- 6.5 GGAT requires an archaeological watching brief condition.
- 6.6 Sport Wales originally objected but after further consideration says that the Trust remains concerned about the loss of a significant area of public open space in a heavily built up area but on the basis that the remaining open space is improved to the satisfaction of the Parks Department and that the community will have access to the school's outdoor facilities, the objection is removed.

## 7. **REPRESENTATIONS**

- 7.1 This application has been advertised on site and in the press. Adjoining occupiers have been notified. Local Members have also been notified.
- 7.2 A response has been received from a local resident who objects for the following reasons:-
- There is existing traffic chaos in the morning and at tea times.
  - His house is only 3m from the park so he would have no privacy.
  - The school would be sited in the middle of an industrial area.
  - There are prostitutes operating in the area.
- 7.3 A second local resident suggests that the pavements in and out of Splott should be made safer for children walking/cycling to school, which would help with traffic concerns.
- 7.4 The Pre-Application Consultation Report explains that owners/occupiers of adjoining land were notified and a site notice erected. Whilst the applicant's website data was accessed by 46 unique users no comments were received.

## 8. **ANALYSIS**

- 8.1 The provision of a new primary school including a nursery to serve the local area is welcome and in line with LDP policies.
- 8.2 The site is identified as open space in the most recent open space survey and Policy C4 of the adopted Local Development Plan (LDP) and approved Supplementary Planning Guidance (SPG) on Open Space (March 2008) are relevant. Although it is noted that the Open Space SPG was approved in connection with the now superseded City of Cardiff Local Plan, pending approval of new SPG it is considered material to the development management

process as it is consistent with the new policy framework set out in the adopted LDP.

- 8.3 Policy C4 seeks to protect open space that has significant functional (including land that can accommodate formal/or informal recreational uses), conservation, environmental or amenity value through only allowing proposals where:
- They would not cause or exacerbate a deficiency of open space in accordance with the most recent open space study; and
  - The open space has no significant functional or amenity value; and
  - The open space is of no significant quality; or
  - The developers make satisfactory compensatory provision; and in all cases
  - The open space has no significant nature or historic conservation importance.
- 8.4 This policy reflects national planning policy relating to open space set out in Planning Policy Wales and Technical Advice Note 16 relating to Sport, Recreation and Open Space (January 2009).
- 8.5 The most recent survey of open space classifies the site as a mixture of amenity (1.02 ha) and informal recreational open space (0.52 ha). Therefore, in order to accord fully with Policy C4 the application needs to be assessed against the following issues:
- The level of existing provision of recreational open space assessed against the standard and the acceptability of compensatory facilities.
  - The quality of the open space.
  - The functional and amenity value of the open space.
  - The nature or historic conservation value of the open space.
- 8.6 In terms of existing provision of recreational open space the Open Space SPG (Page 25) sets out the amount of recreational open space relative to the standard for each ward within the city. This shows that the Splott ward overall has a deficit of 2.57 hectares of recreational open space (based on the 2.43 ha per 1,000 population standard) and therefore this proposal will exacerbate a local and city wide deficiency of recreational open space. In order to address this matter satisfactory compensatory provision will be required and further guidance on this is provided in paragraphs 3.19 to 3.21 of the Open Space SPG (see below).

#### Compensatory Facilities

- 3.19 Where a development proposal involving the loss of open space would cause or exacerbate a local or city-wide deficiency of recreational open space, compensatory open space or an alternative provision of equivalent community benefit may be acceptable.
- 3.20 Compensatory open space/replacement facilities will be assessed having regard to the importance of the resource to be lost and the needs of the locality. The quantity, size and community benefit of the compensatory area should normally be at least equal to the area being lost. Replacement facilities should always be reasonably related to the original site, to serve the catchment

population affected by the loss. Offers of compensatory open space/replacement facilities outside the threshold distances identified in figure 1 will not normally be acceptable.

3.21 However, in some circumstances it may be more appropriate not to exactly replace existing provision and provide an alternative form of provision more appropriate to the needs of the local population. For example, the loss of a site which is deemed of poor quality and low value to the local community may be better compensated for by investment in qualitative improvements to other open spaces in the locality or by consolidating an area of open space to provide a better quality facility of more value to the local community.

8.7 In this respect it is noted that the applicant states that the recreational open space is relatively unmanaged and provides little recreation or strategic value. In order to compensate for the loss of this poor quality recreational open space they state that the application will provide new replacement all weather recreational facilities on the new school site, including a Multi-Use Games Area, tarmac sports facility, informal grassed play areas and a community room. Given this it could be argued that these qualitative gains will provide a better quality facility of more value to the local community and outweigh the proposed quantitative loss of recreational open space in accordance with paragraph 3.21 of the Open Space SPG.

8.8 In terms assessing functional and amenity value the SPG states:

3.7 Some open spaces have particular value to the amenity of an area. These areas include woodlands, allotments, ornamental gardens, cemeteries, water bodies and golf facilities. The characteristics of this open space will vary considerably and their particular amenity value may be based on different factors. The basis of assessing the amenity value of an area, whether recreational or amenity open space, will relate to:

3.8 Visual Amenity - For a site to possess visual amenity value, it must be located where the general public can gain significant "visual access". It must contribute to the visual character and environmental quality of the surrounding area. There will be an objection to proposals which would adversely affect the appearance of open spaces which significantly contribute to the visual appearance of an area.

3.9 Leisure Amenity - Areas of woodland, allotments, ornamental gardens and public rights of way, by definition are not considered suitable for active sports and recreation. However, such amenity open spaces can provide an important informal open space resource for local people and accommodate passive activities such as walking, dog exercise and nature studies. The importance of such areas is heightened if there are limited alternative areas of recreational and amenity open space in the locality or if the areas make a contribution to the city-wide provision of open space. Proposals which would cause unacceptable harm to areas of leisure amenity value will be opposed.

8.9 In relation to the impact on visual amenity it is noted that much of the existing amenity open space will remain undeveloped and will be incorporated in the

landscaping scheme for the site. In addition, the existing woodland on the western part of the site will be retained as an important green link/wildlife corridor and in order to compensate for the loss of trees new tree planting is proposed around the periphery of the site. These measures should ensure there is no unacceptable impact on visual amenity. In terms of impact on Leisure amenity it is noted the site forms part of a larger area of open space and this larger area (comprising approximately 2.4 hectares) will continue to be available as an informal resource for local people for activities such as walking and dog exercise.

- 8.10 Given this the proposal does not raise any land use planning policy concerns.
- 8.11 The school building will be of a standardised design proposed for use on three sites across the city. The only real difference between the buildings would be the colour of the finishing materials proposed. While it is disappointing that a bespoke design tailored specifically to the site is not proposed, it is acknowledged that the standardised approach has been agreed.
- 8.12 The key issues for consideration within this planning application are considered to be the policy position (which has been addressed above), accessibility of the building, the means of enclosure for the development and the finishing materials proposed.
- 8.13 The location of the site for a school at the southern end of the catchment area is not ideal but the immediate availability of another suitable site within a more central location limits the choice of site. It is also considered that the proposed positioning of the school back into the site would represent a missed opportunity to create a stronger, more active frontage onto Lewis Road.
- 8.14 However, the land in front of the school is to become improved POS, the details of which when finalised may well help enhance the setting of the school. The applicant says that the land located at the front of the building is the dilapidated remains of two former parks and the area is significantly overgrown. Parks intend to consult with the community to reinstate these areas suitable to their need, which will be an improvement to what is an overgrown area. The school is set back as far as the footprint required would allow so that the remaining space could be maximised in development of compensatory works. Furthermore, there is an area of POS immediately to the north and repositioning the POS from in front of the school would fragment the combined area of POS and make such an area far less attractive to use.
- 8.15 The applicant says that as per the WG 21<sup>st</sup> Century school programme aims, the school will be community focused. Once suitable facilities have been provided for this flexibility in community use, the school will take forward the community strategy further to ensure individual community needs are considered. Therefore, at this stage of the development Education can confirm use of a community room and the external MUGA will also be available for community and arrangements to access this will be possible with the school. Education has discussed this issue with Parks in looking at the POS take up for the school. The MUGA along with the works to be agreed outside of



the school following consultation will also improve the area, facilities and H&S aspects for the locality. There is no proposal to floodlight the MUGA.

- 8.16 Pedestrian routes within the site are generally clear which is welcomed. It is particularly important that a direct, pedestrian focused, route is maintained between the school building and Lewis Road. Gates are shown to restrict the access road from being used by parents for parking during drop off/pick up. The highway conditions proposed (20-23) are designed to safeguard safety in front of the school and improvements for walking/cycling leading to the school.
- 8.17 The break out space / play space associated with each classroom has been factored into the overall design of the building and should therefore meet specific requirements. The remaining external space, as well as being functional, will have appropriate levels of landscaping in order to soften the development as a whole.
- 8.18 The northern (side) wall of the school would be 21m from the nearest dwelling to the north and as such would not significantly impact on the privacy of neighbours should windows in the northern elevation of the school be fitted with obscure glazing. The existing path leading to the northern pedestrian school entrance would be used much more than is currently the case, especially at the end and start of the school day. The front gardens of the nearest properties are separated by railings from the path. There would be some impact on the level of privacy currently enjoyed by existing residents as older children go to and from school but residents privacy is already affected by people using the existing path.
- 8.19 A 2.4m high close boarded fence is proposed around the northern and western boundaries of the site close to the edge of the pavement running through the park. While it is understood that a robust means of enclosure is important given the use of the site, it is considered that a less defensive approach could be taken. Alternative fencing material or the addition of a small area of landscaping in front of this fence would be welcomed in order to soften the aesthetic of the scheme. A more transparent means of enclosure might also be considered rather than a timber fence in order to reduce the feeling of enclosure along the footpath. Proposed condition 27 is suggested to address this.
- 8.20 The slab level of the school will be higher than the existing ground level of the site to allow for a capping layer. Notwithstanding this it is not considered that the proposed building would have an overbearing or overshadowing impact upon neighbouring properties. The proposed building is 10.5m high and 21m south of the nearest dwellings and some 18m from the garden of those dwellings.
- 8.21 The applicant states "As noted in the Transport Assessment, the majority of houses in the anticipated catchment are within 2km of the proposed school, with most within 1km. IHT guidance states that the acceptable walking distance to a school and for commuting journeys is 1km and the preferred maximum walking distance is 2km. Therefore the school would be within a reasonable walking distance for pupils, parents and staff.

In order to restrict use of the access road by parents for parking, the road will need to be managed by the school. A gate is shown to allow the gates to be closed once staff arrive, while measures such as the use of cones could also be used.”

- 8.22 The site is adjoined by POS, residential development on two sides and a large building used for employment purposes. The site is therefore not solely within a residential area but on one side does adjoin employment land. Regulatory Services has raised no noise, air quality or pollution control objections.
- 8.23 In terms of drainage the applicant’s report says SUDs techniques in the form of soakaways, permeable drainage blankets are to be implemented where deemed suitable which will replicate the development surface water run-off require thus maintaining status quo. Terra Firma has carried out site investigations using boreholes. It is considered that proposed condition 4 would address the issue of SUDs.
- 8.24 Whilst reference has been made to prostitutes operating in the area the Police have raised no objection to this development. There was no evidence of such activities on or near the site during the site inspection. There is no evidence that such activities would take place near this new development when in use and it is reasonable to believe that teacher/parental surveillance would act as a deterrent to such behaviour.
- 8.25 The brick element of the proposed building should either match that of the neighbouring dwellings to the north or block of flats to the south. The areas of cladding proposed on the building should be high quality, thereby adding richness to the scheme, while being robust and durable.
- 8.26 No floodlighting is proposed so a floodlighting condition is unnecessary. Proposed condition 14 addresses security lighting.
- 8.27 Well-Being of Future Generations Act 2016 – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.
- 8.28 The proposal is considered to be acceptable in planning terms, subject to conditions, and complies with the policies of the LDP. The proposal will provide a modern school and nursery with sufficient external play and sports facilities to serve the pupils, whilst safeguarding habitat for biodiversity and the amenities of neighbours. The Transportation Officer has no highway objections.