

COMMITTEE DATE: 02/02/2023

APPLICATION No. 22/02308/FUL APPLICATION DATE: 03/10/2022

ED: BUTETOWN

APP: TYPE: FULL PLANNING PERMISSION

APPLICANT: Cardiff Council

LOCATION: Land Off Lewis Road, Splott, Cardiff

PROPOSAL: Demolition of buildings, removal of hardstanding areas, reprofiling of site and associated works

RECOMMENDATION 1:

That planning permission be **GRANTED** subject to the conditions listed in Section 13 below.

1. BACKGROUND INFORMATION

- 1.1 This application is reported to Committee as it is a 'major' application by the Local Education Authority (Cardiff Council).
- 1.2 Whilst this application only relates to enabling works, Members should be aware that the proposal seeks to facilitate the redevelopment of the wider site in anticipation for a subsequent planning application for the relocation of Willows High School (a 'category 'D' ('life-expired') school).
- 1.3 This application relates to a range of enabling works to prepare and de-risk the site for future contractors prior to a later and separate application for the new school. Nevertheless, the principle of delivering a new school on this site does not form part of this application, and accordingly is not for consideration at this stage.

2. DESCRIPTION OF THE SITE AND AREA

- 2.1 The application site comprises two plots of land lying either side of Lewis Road, which has a north to south alignment through the centre of the site. To the west of Lewis Road is the former Splott Market site (Use Class Sui Generis) which comprises an area of hardstanding to the north and car parking to the west. To the east lies the Lewis Road Studios which comprise office and light industrial uses (B1 and B2) and hardstanding/car parking surrounding the buildings. The combination of these sites creates a total area of 41,345sq.m. The site is in the ownership of Cardiff Council.

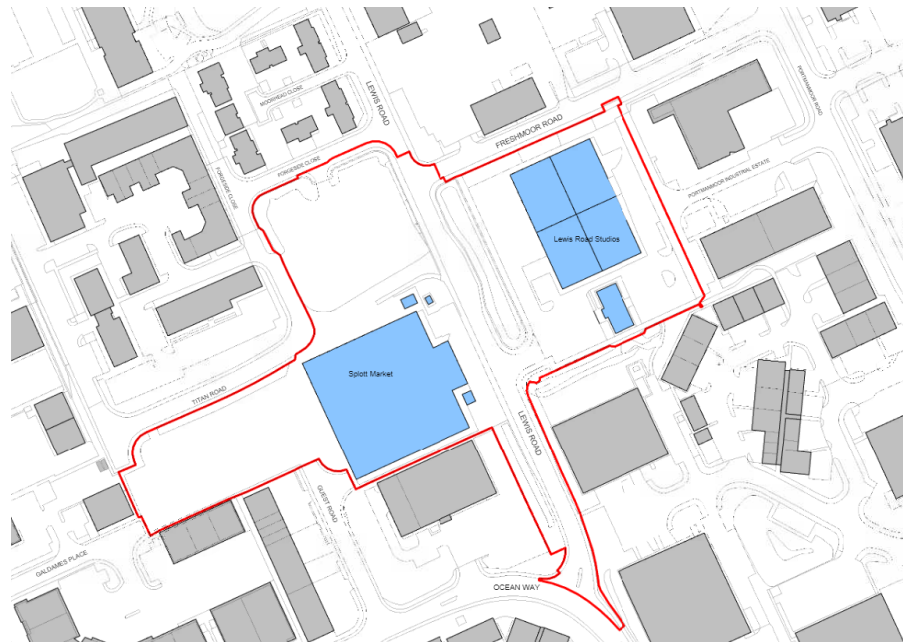


Figure 1: Red line site layout plan.

- 2.2 Lying to the north of the car park of the former Splott Market (fronting Titan Road) is the Cardiff Bay Business Centre. This comprises a number of businesses including a television production company and an audio post facility. Titan Road leads on to Keen Road which runs north to two sports pitches as part of the Cardiff Central Sports and Community Centre. Further to the east in front of the former Splott Market hardstanding area are 5-storey residential apartments. To the north-east and east of the site is the Keyline local trade merchants and to the east and south-east are more industrial buildings and car dealerships within the Portmanmoor Industrial Estate. To the south lies 2-storey offices fronting Ocean Way with Wolf Studios (television/movie studios) further to the south. To the south-west accessed from Galdames Place is Regent Trade Park with industrial warehouses lying further to the west. To the north of Regent Trade Park are further offices with associated car parking.
- 2.3 The former Splott Market is accessed from Forgeside Close to the north. The site is bounded by a number of adopted highways; to the north-west lies Titan Road which then forms Forgeside Close further to the north-east and then connecting to Freshmoor Road. To the east is the access road to the Portmanmoor industrial estate. The southern junction of Lewis Road forms Ocean Way. To the south-west of the site lies an access from Guest Road. Finally, to the east is Galdames Place (no direct access). Lewis Road connects East Tyndall Street to Ocean Way. There are no public rights of way within the site.
- 2.4 The site is relatively flat with a slight incline from north to south across the site. The former Splott Market building is located on a section of raised site which then slopes down to Lewis Road. There are two elevated earth bunds (embankments); one which runs north to south along the east side of Lewis Road and the other running parallel to the Portmanmoor Road boundary. The remaining parts of the site are level. There are 32 individual trees on the site and 12 group trees (34 in total), none of which are protected by Tree Preservation Orders.

- 2.5 The site is allocated as existing employment land (EC1:1 Ocean Park) within the Cardiff Local Development Plan (2006-2026). This states that the primary uses are B1, B2 and B8. The site is not located within a conservation area, nor are they any listed buildings in close proximity.
- 2.6 The site is within Zone B of the Development Advice Map (DAM) contained in TAN15. It is also within the Flood Map for Planning which identifies the application site to be at risk of flooding and falls into Flood Zone 2 & 3, Sea.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The application seeks full planning permission for proposed enabling works, comprising the demolition of the existing buildings, removal of the hardstanding areas, regrading works, fencing, highway and active travel improvements and associated Sustainable Urban Drainage (SAB) proposals.
- 3.2 As noted earlier, the purpose of the works are to de-risk the site for future development works to take place for the proposed new Willows High School however the application does not relate to any change to the use of the land, nor are any built structures being proposed.
- 3.3 The extent of the works forming part of this application are as follows: -

Highway Works:

- 3.2 The application proposes the stopping up (closure) of the adopted Lewis Road highway between Freshmoor Road and Ocean Way to ensure that the two separate sites are able to function as one. An additional area of stopping up comprises part of Portmanmoor Road on the eastern boundary to make way for a new active travel route.



Figure 2: Proposed site layout with active travel route shown in yellow, pavement highway works to the north and the turning head to the south.

- 3.3 The proposed active travel route will run along the eastern boundary of the site connecting Freshmoor Road to the north to Ocean Way to the south. The route bends at right angles forming three route straight sections with widths ranging from 3.9m to 4.1m. Straddling the route along the inside boundary is a 2.4m high weldmesh fence with fencing on the outer boundaries (except for the straight route along Portnmanmoor Road). A 1.6m wide swale is proposed adjacent to the inner boundary.

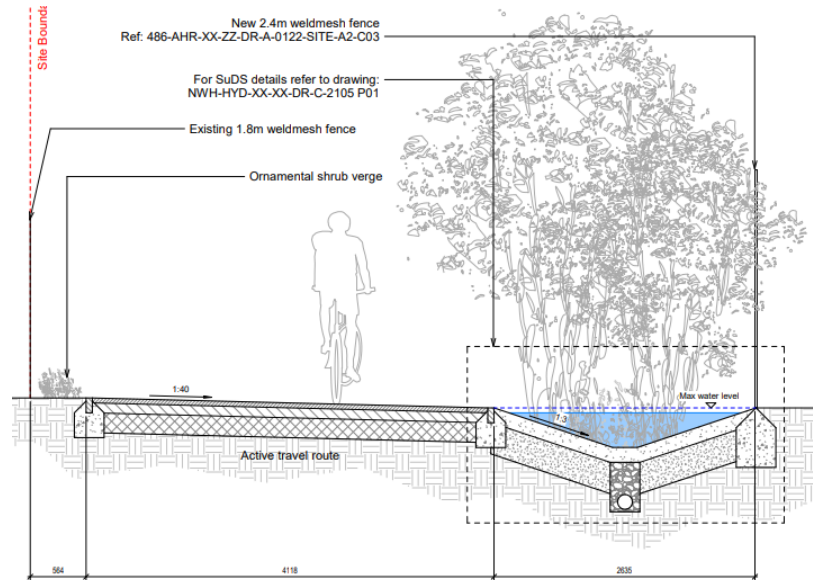


Figure 3: An example of one of the straight sections of the active travel route.

Demolition:

- 3.4 The proposed demolition works include the removal of the existing buildings on the site which include the former Splott Market, the Lewis Road Studios and ancillary structures. The areas of existing hardstanding are also proposed to be removed as well as any obstructions in the ground.



Figure 4: The bright green shading shows the buildings that will be demolished and the lighter shade of green shows the hardstanding and vegetation to be removed.

Regrading:

- 3.5 In order to create a level site in terms of topography, two areas of raised land are being removed; the first which lies parallel to Lewis Road (to the west) and the other adjacent to the eastern boundary along Portmanmoor Road.

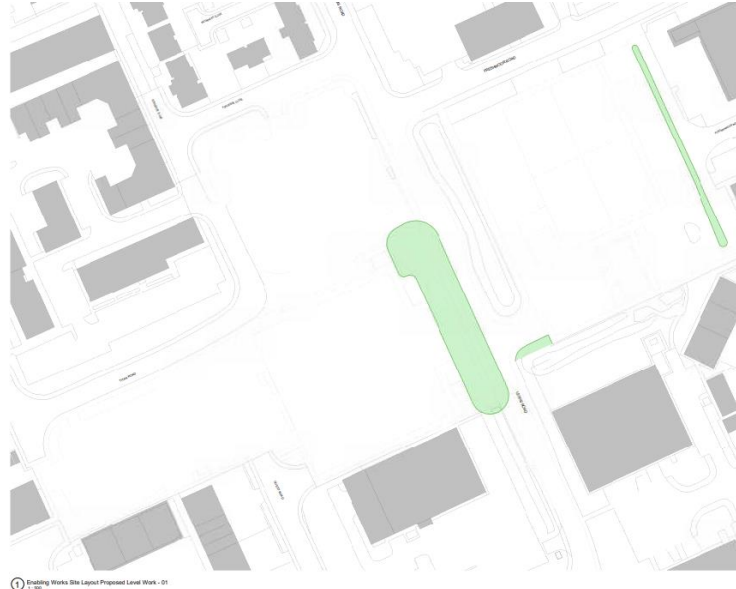


Figure 5: The green patches show the areas of raised land being removed.

Boundary Treatments:

- 3.6 As noted in para. 3.3 above, 2.4m high weldmesh fencing is proposed along the inner boundary of the active travel route and also along Freshmoor Road. The existing 1.8m high metal palisade fencing on the eastern and south-eastern boundaries will be retained as well as the straight section of the active travel route adjacent to Lewis Road.

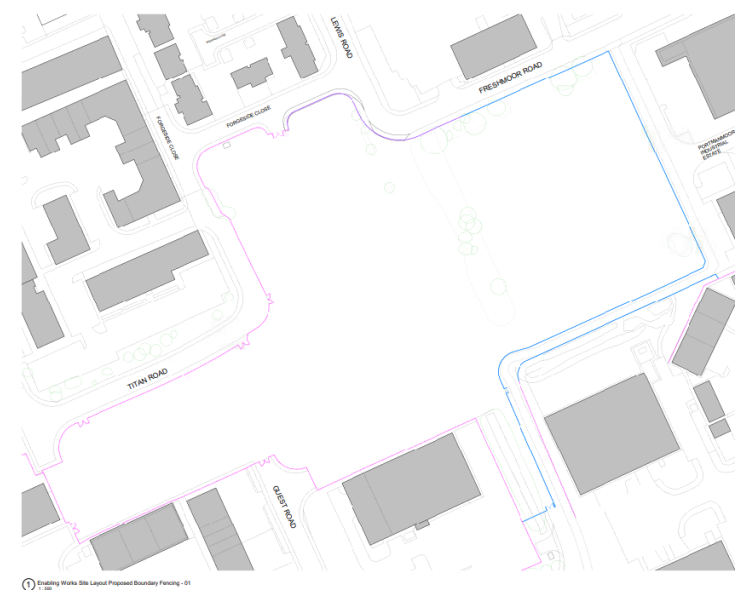


Figure 6 shows the proposed 2.4m high weldmesh fence (blue) and the existing 1.8m high metal palisade fence that is to be retained (pink).

Trees:

- 3.7 The application proposes 3x trees to be removed, namely 2x Leylandii trees (forming part of a group) and 1x Lime tree.

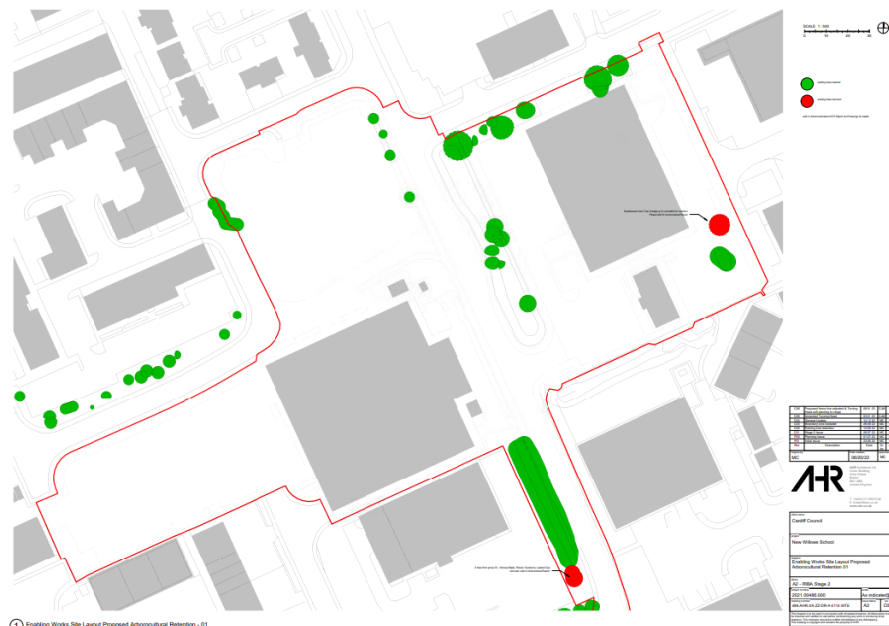


Figure 7 shows the trees to be retained (green) and the trees to be removed (red).

4. AMENDMENTS

- 4.1 Amended plans were received on 15th December 2022 which relocated the turning head on the southern side of Lewis Road to the opposite side of the road (incorporating a minor change to the red line plan). An amended Transport Technical Note was also provided to ensure that the transportation/ highways assessment only related to the enabling works forming part of this application (and not any school proposals).
- 4.2 An additional set of drawings were provided on 9th January 2023 with another minor amendment to the southern turning head and to the red line plan.
- 4.3 Finally, amended plans were uploaded on 20th January 2023 which demonstrate a different existing boundary fence (weldmesh rather than palisade).

5. RELEVANT SITE HISTORY

- 5.1 20/02043/MNR – New access to roadway to Units 70-71 Portmanmoor Industrial Estate. Permitted 06/10/2021.

6. POLICY FRAMEWORK

National Policy

- 6.1 The [Well-being of Future Generations \(Wales\) Act 2015](#) (WFG) imposes a duty on public bodies to carry out 'sustainable development' in accordance with the 'sustainable development principle'.
- 6.2 'Sustainable development' means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.
- 6.3 'Sustainable development principle' means that Local Authorities must 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.
- 6.4 Well-being goals identified in the Act are:
- A Prosperous Wales
 - A Resilient Wales
 - A Healthier Wales
 - A More Equal Wales
 - A Wales of Cohesive Communities
 - A Wales of Vibrant Culture and thriving Welsh Language
 - A Globally Responsible Wales
- 6.5 The **Environment (Wales) Act 2016** has been designed to complement the WFG Act. It imposes a duty to require all public authorities, when carrying out their functions in Wales, to seek to "maintain and enhance biodiversity" where it is within the proper exercise of their functions. In doing so, public authorities must also seek to "promote the resilience of ecosystems".

National Planning Policy

- 6.6 [Planning Policy Wales](#) (PPW) (Edition 11) was revised and restructured in February 2021 to coincide with the publication of, and take into account the policies, themes and approaches set out in, [Future Wales - the National Plan 2040](#) (see below) and to deliver the vision for Wales that is set out therein.
- 6.7 The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015.
- 6.8 PPW takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system

as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision-making process.

Technical Advice Notes

6.9 PPW is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -

- TAN 5: Nature Conservation and Planning (2009);
Noting also the Chief Planning Officer letter dated 23/10/19: securing biodiversity enhancement;
- TAN 11: Noise (1997)
- TAN 15: Development and Flood Risk (2004)
- TAN 18: Transport (March 2007)
- TAN 20: Planning and the Welsh Language (2017)
- TAN 23: Economic Development (2014)

The Development Plan

6.10 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 purpose 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.

6.11 [Future Wales - the National Plan 2040](#) now forms part of the Development Plan for all parts of Wales, comprising a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. All Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the development plan need to accord with Future Wales.

6.12 The Local Development Plan is the [Cardiff Local Development Plan 2006-2026](#) which was adopted in January 2016, and within which the following policies are of relevance:

Key Policies:

- KP3(B) Settlement Boundaries
- KP5 Good Quality and Sustainable Design
- KP6 New Infrastructure
- KP7 Planning Obligations
- 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
- EN8 Trees, Woodlands and Hedgerows
- EN10 Water Sensitive Design
- EN11 Protection of Water Resources
- EN13 Air, Noise, Light Pollution & Land Contamination
- T1 Walking & Cycling
- T5 Managing Transport Impacts
- C3 Community Safety/ Creating Safe Environments

Supplementary Planning Guidance:

6.13 The following [Supplementary Planning Guidance](#) (SPG) is of relevance to this application: -

- Green Infrastructure (including Technical Guidance Notes relating to: Ecology and Biodiversity; Trees and Development; Public Rights of Way and Development; River Corridors; Protection and Provision of Open Space in New Developments; Soils and Development) (November 2017)
- Managing Transportation Impacts (Incorporating Parking Standards) (July 2018)

7. INTERNAL CONSULTEE RESPONSES

7.1 **Transport:** The applicant has provided a Transport Technical Note (TN) titled Lewis Road Closure Traffic Impact Assessment (ref 20567-HYD-XX-XX-RP-TP-1001, prepared by Hydrock, dated 13th December 2022). This assesses the traffic impact of the stopping up of Lewis Road, including the redistribution of traffic and the impact on the existing baseline flows at the surrounding junctions. The Transportation Officer has raised no objection to the proposals, subject to conditions to ensure the active travel route has appropriate intervisibility on the corners, lighting and for a signage strategy to be adopted. Finally, a Construction Environmental Management Plan condition has been requested to ensure that traffic management is appropriately controlled during construction works in the interests of highway safety and public amenity. Refer to para's 10.11 to 10.15 for further details.

7.2 **Trees:** The application is supported by an Arboricultural Report (prepared by ArbTS, dated 5th January 2023), which includes a Tree Survey Data and Tree Constraints Plan, Arboricultural Impact Assessment, Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS).

7.3 The Tree Survey confirms that there are 44 existing trees on site, comprising 32x individual trees and 12x group trees. Following pre-application discussions with the Tree Officer, the current application seeks to retain as much vegetation and trees as possible, however it was agreed that 3 trees must be lost due to the position of the active travel route and turning head. The 3 trees that are being removed comprise 2x Leylandii (Leyland Cypress) trees which form part of the G1 group to the south of the site and a Lime tree adjacent to the north-east boundary. The Tree Officer raises no objection to the loss of these trees

and notes that their loss will be offset, once the proposal for a new school comes forward. The retention of the existing raised grassland lying centrally within the site is welcomed.

- 7.4 In terms of utility removal, the Tree Officer is satisfied that where cables and ducts are to be removed, they will only be removed outside of root protection zones for the existing trees. The utilities will be capped off, made safe, and abandoned if found within the protection zone.
- 7.5 In light of the above, the Tree Officer states that subject to compliance with the supporting Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) within the Arboricultural Report, then unacceptable harm should not result to trees of amenity value. A landscaping details strategy has not been prepared as it only relates to enabling works and the limited areas of new soft planting will be delivered through the SAB application process. As such, no objection is raised. Refer to para. 10.21 for further details.
- 7.6 **Pollution Control - Noise:** No objections have been raised, subject to a condition for a Construction Environmental Method Plan (CEMP) to be provided in the interest of neighbouring amenity.
- 7.7 **Pollution Control – Air Quality** note that due to the close proximity of residential dwellings to the site, it is considered best practise to adopt the principles stipulated in IAQM “Guidance on the assessment of dust from demolition and construction.” The guidance provides a risk-based approach based on the potential dust emission magnitude of the site (small, medium or large) and the sensitivity of the area to dust effects. The guidance also recommends that once the risk class of the site has been identified, the appropriate level of mitigation measures are implemented to ensure that the construction activities have no significant impacts. These details are required as part of the CEMP to be secured by condition. Subject to this condition, no objection is raised.
- 7.8 **Pollution Control - Contamination:** The applicant has provided a number of Geoenvironmental Reports. The Ground Investigation Reports identify contaminants of concern within the shallow soils; lead, poly aromatic hydrocarbons (PAHs), widespread asbestos, single exceedances for arsenic and copper. The reports also include an assessment of the risk from gases, which identifies a risk from ground gases (methane and carbon dioxide) and vapours from hydrocarbons present in soils and groundwater.
- 7.9 No remediation works are being proposed as part of the enabling works with the works largely limited to demolition of buildings and grubbing up of the existing hardstanding areas. Notwithstanding this, Pollution Control identify potential risks to human health and the environment. Therefore, they have requested information to be provided as part of the Construction Environmental Management Plan (CEMP) to ensure that any risks to human health, controlled waters, buildings, other property and the natural and historical environment are not exuberated by the enabling works.

- 7.10 Should there be any importation of soils to develop the landscaped areas of the development, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.
- 7.11 As such, Pollution Control have requested a series of conditions in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with Policy EN13 of the Cardiff Local Development Plan. The conditions are; a CEMP, contamination land measures (unforeseen contamination), imported soil, imported aggregates and the use of site won materials. A contamination and unstable land informative have also been applied. Subject to the aforementioned conditions, no objection is raised.
- 7.12 **Ecology:** The application is supported by an Ecological Assessment (EA) (prepared by BSG Ecology, dated July 2022). This confirms that most of the site comprises of buildings, un-vegetated hardstanding and access infrastructure. It is also noted that some areas of hardstanding are beginning to be colonised by ephemeral/short perennial vegetation species. These areas were assessed to ascertain if they qualified as 'Open Mosaic Habitats on Previously Developed Land' (OMH). The EA concludes that the areas do not meet the criteria for OMH. The Ecology Officer agrees with this conclusion.
- 7.13 The EA has considered the demolition of the buildings in relation to bats by including an assessment on bat roost potential and bat activity surveys. This concludes that there is low to moderate potential, but no bats were recorded entering or emerging during the surveys. A low number of bats were also recorded using the site for commuting or foraging purposes. With regard to birds, the EA notes that although there was no nesting recorded on-site during the survey, there is potential within the habitats on-site and the buildings to support nesting birds. The EA notes that there is a small amount of (low) potential habitat on-site suitable for reptiles. However, given the isolated nature of the site, which is surrounded by urban infrastructure and hardstanding, the Ecology Officer agrees with the conclusion that the site is very unlikely to support a population of reptiles. Finally, the site currently provides little opportunities for wildlife.
- 7.14 To safeguard the protected and priority species noted above, a Construction Environmental Management Plan (CEMP) has been requested as a condition. A further condition has been requested to ensure that the ecological measures are reviewed if the works do not commence within 2 years. As such, subject to conditions, no objection has been raised.
- 7.15 In terms of on-site ecological enhancements, it is noted that the main biodiversity enhancement will be incorporated into a subsequent application for redevelopment of the site. As such, ecological enhancements will be addressed at that stage.

8. EXTERNAL CONSULTEE RESPONSES

- 8.1 **Natural Resources Wales (NRW)** have raised no objection, subject to conditions.

Contamination:

- 8.2 Having reviewed the supporting documents and following discussions with the applicant, they have provided comments on the basis that the application is for the demolition of structures on site to ground level and to a limited depth below ground surface (i.e., less than 1m below ground). If foundations are to be removed at depth, then NRW have requested to be reconsulted with details on the foundations to be removed, where contamination is located close to these structures and what risk this posed to controlled waters. As such, if contamination not previously identified is found to be present during construction, a remediation strategy is required by condition providing information on how this unsuspected contamination shall be dealt with.
- 8.3 NRW have concluded that there is a low risk to controlled waters from the contamination observed on site. Given this conclusion, there has been no formal remediation strategy and verification plan submitted. NRW note that whilst hot spot removal and betterment will be undertaken, there is no detail on how the hot spot removal and betterment will be undertaken and what success criteria will be used. As such, this information is required by condition.

Piling:

- 8.4 Whilst comments have been provided regarding piling, this relates to the new school build so is not relevant to the subject application.

Drainage:

- 8.5 NRW note that it has been advised from the supporting documents that infiltration to ground for disposal of surface water runoff is not recommended. Given the contamination around the site, NRW agree with this recommendation. Therefore, any structure for conveying and transmitted surface water runoff (e.g., swales) and detention or attenuation basins (used prior to discharge from site) must be lined with impermeable materials to prevent infiltration to the ground. This information is provided as an informative.

Flood Risk:

- 8.6 Given that the application is only for enabling works, no objection has been raised regarding flood risk.
- 8.7 **Dwr Cymru Welsh Water (DCWW)** have raised no objection to the proposal, however they note that the site is crossed by a watermain and a public sewer (DCWW have submitted indicative plans of these water assets). As such, they have requested that the position of the watermain and public sewer is located and marked out on site before works commence. This has formed part of the CEMP condition. Further, an informative has been included regarding public sewers and lateral drains.

9. REPRESENTATIONS

9.1 The application has been subject to three separate 21-day consultations (19/10/2022, 15/12/2022 and 09/01/2023), being advertised by press and site notices as a major application and neighbours and local members were notified.

9.2 30 letters of objections have been received from neighbouring residents/businesses. For the benefit of members, these have been summarised as follows:

- Noise, dust, traffic and general disruption from demolition and construction works will have a detrimental impact on local businesses. Their potential relocation will result in financial losses
- Pollution concerns from increased traffic
- Parking and increased traffic congestion concerns from the closure of Lewis Road
- The Transport Assessment makes no reference to the impact of the construction vehicles accessing and leaving the site during the preparation and construction phases.

9.3 Objections linked to school (not proposed as part of this application):

- School does not appear to be within the catchment area. Unsuitable location within an industrial estate
- Lack of visitor car parking will lead to parking concerns
- Lack of drop-off points will result in sporadic drop-offs around site leading to traffic congestion
- Access problems from the removal of Lewis Road - Portmanmoor Road and Freshmoor Road are not suitable for high levels of traffic. There is also a considerable amount of traffic with traffic queues at the junction of East Tyndall Street and Lewis Road and at the Roundabout serving Ocean Way, Rover Way and A4232
- Limited public transport (only 2 bus routes) and active travel links will lead to increased traffic
- Noise concerns from school use
- Highway safety concerns for school children with HGV vehicles entering Cardiff Bay Business Centre. Existing safety concerns relate to zebra crossings on East Tyndall Street, Sanquhar Street and Windsor Road (near the roundabout)
- Safeguarding and wellbeing concerns of site location
- The Transport Assessment fails to provide sufficient information on the proposed school and its impact on the wider highways
- The majority of pupils will face a longer journey to school, which will create longer car journeys for those concerned and it is also reasonable to assume that more pupils will look to travel by car, increasing the number of cars on the road and subsequently the level of pollution that they will generate

- 9.4 Councillor Ed Stubbs has made the following comments in support of the relocation of the new school (not proposed as part of this application):

"I write in support of the above mentioned planning application to enable a new high school in Splott. We desperately need a new school in this community and I welcome the significant investment being made by the council.

I support the location of the school, especially as it is a brown field site. The location is accessible for pupils across the catchment area but I do believe the construction of the school will necessitate additional active travel investment. This could include but not be limited to looking at the routes down Walker road and through Moorland Park. It should also look at the impact of significant congestion on children caused by the road narrowing on Walker Road".

- 9.5 The existing Willows High School Head Teacher has made the following comments in support of the relocation of the new school (not proposed as part of this application):

"The Willows High School building is currently rated as category D which means the building's life has expired. The school was built in 1967 with a predicted lifetime of 25 years. We are now over double this. We are trying to do the best with what we've got, but it is a constant battle to ensure that the school is safe, waterproof and warm. We believe that this condition has a negative impact on the learning experiences of our pupils and the wellbeing of our staff.

We serve areas which are categorised as some of the most economically deprived in Wales and believe that our community deserves better in terms of the facilities that are available to them. A new build would have a massive positive impact in the lives of our staff and pupils. We would be able to design a new building to be able to incorporate the different teaching strategies that have been proven to positively impact pupil progress. We will have flexible learning areas that will enable us to provide the best education to our pupils, something that they deserve, in line with the new Curriculum for Wales.

A new build will also provide a safer environment for our pupils. The corridors of the current school building are very narrow, toilets are limited and positioned awkwardly around the school. Our canteen is currently only accessible by leaving the school building, exposing our staff and pupils to the varied inclement elements of Welsh weather. We would also be able to plan for safer pupil entry into and out of the school. Currently both pupil gates open out to busy roads and residential areas, we have been advised by the Local Authority not to use one of the gates as the T-junction it leads onto is a life risk to our pupils. This means that our 780 pupils all have to exit through one gate at the end of the day. Having a building which is built on a flood free location on ground that isn't contaminated would also reduce the anxiety I face leading the school forward.

The proposed site of the new school would bring amazing additional opportunities to widen the experiences of our pupils with its proximity to Cardiff Bay, the city centre and the relatively short distance to Cardiff and Vale College. There is currently no plan to have a Sixth Form in the new build, so building and

strengthening our relationships with Post-16 providers is key to support the transition of our pupils to further their studies. It would also be a more central location for our families, also enabling families from Butetown and Grangetown to have easier access to the school.

The new site would also offer the school and the community state of the art sporting facilities which we currently do not have. We want our school to be a truly community focused school, being at the heart of the community, used by our staff and pupils during the day and community members during the evenings and weekends. We are currently unable to offer these services in the school as the state and design of the building doesn't permit it.

I have seen first-hand the dramatic positive impact that a new school build can have on staff, pupils and the surrounding community. I firmly believe that the new build is essential for our community and a design that is fit for purpose will provide our staff and pupils with the foundation for outstanding learning experiences, accelerated pupil progress leading to an increase in academic outcomes and therefore enhanced life chances for our pupils”.

Officer comments:

- 9.6 Officers note that a significant number of representations relate to the implications of a new school being proposed on the site. Previous consultations included a Transport Assessment considering the impact of the school on the highway network; however, this was uploaded in error as the school does not form part of the proposal. As such, the comments relating to a new school have not been directly addressed in the analysis section of the report, which is restricted to an assessment of the application as submitted.

10. ANALYSIS

- 10.1 The main issues to be assessed are

- a. Principle of development
- b. Highways and active travel
- c. Impact on surrounding amenity
- d. Landscaping / Trees
- e. Ecology
- f. Drainage and flooding
- g. Contamination

a. *Principle of Development*

- 10.2 This application relates to a range of enabling works which will include demolition of existing buildings and the creation (through the proposed closure of Lewis Road) of a single large site capable of future redevelopment.

- 10.3 As noted earlier in this report, the application has been submitted by the Council to prepare and de-risk the site for future contractors prior to a later and separate application for a new school. Nevertheless, it is important to emphasise that the

principle of delivering a new school on this site does not form part of this application, and accordingly is not for consideration at this stage.

- 10.4 Following the demolition of the buildings, and the proposed enabling works to create a single large site capable of future redevelopment, the land will remain identified as employment land (EC1:1 Ocean Park) within the Cardiff Local Development Plan (LDP) proposals map (albeit that a large part of the existing Splott Market site currently has a *Sui Generis* land use) . Accordingly, while there is no proposal to change the use of (or redevelop) the land proposed as part of this application, Members should note that any future proposal will still be considered against LDP Policies including EC1 (Existing Employment Land) and EC3 (Alternative Use of Employment Land and Premises). This policy framework aims to protect existing employment land for 'B Use Class' employment to ensure that a range and choice of employment land and premises are available across the city to assist economic competitiveness, encourage entrepreneurship and promote the growth of indigenous business.
- 10.5 It is also notable that demolition of the buildings on their own could be dealt with through a prior notification for demolition under the provisions of Schedule 2, Part 31, Class A of The Town & Country Planning (General Permitted Development) Order 1995. This notification procedure means the Local Planning Authority would not be able to prevent the loss of the buildings, and instead could only control matters relating to the method of demolition and the restoration of the site.
- 10.6 Within this context, in land use policy terms there are no objections to the demolition of the buildings or the creation of a larger combined site capable of future redevelopment, providing other related matters, notably the closure of the highway and revised/upgraded access travel route, are acceptable.

b. Highways and active travel

Closure of Lewis Road:

- 10.7 Transportation Officers have reviewed the Transport Technical Note (TN) titled Lewis Road Closure Traffic Impact Assessment (ref 20567-HYD-XX-XX-RP-TP-1001, prepared by Hydrock, dated 13th December 2022) which considers the potential impact of closing Lewis Road to facilitate the enabling works at the former Splott Market site. The Transport Assessment (ref: NWH-HYD-XX-XX-RP-TP-5002, prepared by Hydrock, dated 16th November 2022) which was previously in the public domain has been superseded as this relates to the new school building which does not form part of this application. Therefore, a number of the objections which relate to the traffic and parking implications of the new school are not relevant as part of the current application.
- 10.8 The TN states that traffic would be able to utilise the existing road network to access Ocean Way from Lewis Road. The detour would remove all traffic using the existing Lewis Road/Ocean Way junction and relocate traffic to the existing Portmanmoor Road/Ocean Way junction, via Freshmoor Road and

Portmanmoor Road. The public transport route does not use this portion of Lewis Road, so no public transport access would be required.

10.9 The assessment within the TN estimates from pre-Covid-19 traffic counts that the number of two-way vehicle movements using the diversion would be:

- 228 vehicles (including 5 x HGVs) during the morning network peak period (8am to 9am)
- 132 vehicles (including 5 x HGVs) during the school afternoon peak period (3pm to 4pm)
- 182 vehicles (including 5 x HGVs) during the evening network peak period (4.30pm to 5.30pm)

10.10 The TN has reviewed the operation of the Portmanmoor Road/Ocean Way/Glass Avenue junction and confirmed that the junction would continue to operate within capacity with the additional relocated traffic. Para 3.11.3 states “with the closure of Lewis Road, the maximum ratio of flow to capacity (RFC) remains as 0.52 within the AM peak. The modelling therefore demonstrates that the stopping up of Lewis Road will not have an impact on the operation of this junction and increases capacity slightly in both the school PM and PM peaks”. As indicated, the re-distribution of vehicles on Ocean Way may actually improve the capacity at the roundabout.

10.11 As such, Transportation Officers do not object to the closure of a portion of Lewis Road.

Active Travel Route:

10.12 Pedestrian and cycle access will be provided via a new dedicated active travel route running adjacent to the site connecting Freshmoor Road from the north to Ocean Way from the south. Concerns have been raised from a design perspective with the location of the route as it is positioned on the periphery of the site. Given that the road will be used by children, officers have sought to ensure that the active travel route would be of high quality while promoting the use of the route for active travel. In this regard, notwithstanding the more circuitous position of the active travel route, the proposed width and boundary treatments are considered acceptable, and conditions have been applied to ensure its safety. These relate to lighting and intervisibility at corners.

10.13 Whilst there are no objections to the new route (required because Lewis Road is stopped up), it is noted that Officers are likely to require any future scheme for the combined site to fully explore the opportunities to travel into and through the site. In this regard the applicant has confirmed that they fully acknowledge and support the aspiration for active travel routes into the site from all directions, and state that any future planning proposal for the redevelopment of this site will consider how the active travel routes proposed as part of this enabling application can be further enhanced to support this agenda.

c. Impact on surrounding amenity

- 10.14 Officers note the number of objections related to the impact the construction activity will have on the local businesses in terms of disruption to the highways, noise and pollution. To ensure the impact of construction is minimised on the surrounding area, a Construction Environmental Management Plan has been requested by condition. A signage strategy has also been requested as a condition to ensure an appropriate use of the amended road network when Lewis Road is closed.
- 10.15 A number of the objections raised relate to a new school and its associated implications. As noted previously, the proposed school does not form part of this enabling works application.

d. Landscaping / Trees

- 10.16 LDP Policy EN8 states that development will not be permitted which causes unacceptable harm to trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage value, or that contribute significantly to mitigating the effects of climate change.
- 10.17 The proposal involves the loss of 3 of the existing 42 trees on site. The two Leylandii (Leyland Cypress) trees which are being removed are part of a 'B' category group G1, but in themselves are described as being of low quality. Therefore, the Councils Tree Officer notes that whilst the group G1 merits 'B' categorisation, the Leylandii are low quality elements of the group. The Leylandii sit uncomfortably at the end of the group, possibly planted originally as a hedge but now outgrown. They have also been planted too close so are mutually supressing, but pruning cannot reasonably bring them back into reasonable shape. As such, it is considered that the loss of two Leylandii will not impact detrimentally on the amenity value of G1 group generally.
- 10.18 The other tree to be removed is the 'U category Lime Tree in order to propose the active travel route. This tree is in such poor condition that it isn't recoverable in health or structural terms, or in such a way that it offers any significant amenity benefits. The Tree Officer welcomes the retention of the majority of the existing trees on the site and notes that the loss of the 3 trees will be offset once the proposal for a new school comes forward in any subsequent application.

e. Ecology

- 10.19 The conservation of native wildlife habitats and the safeguarding of protected species is discussed in Planning Policy Wales (Edition 11). New development opportunities have an important part to play in creating new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable. Improving habitat connectivity through promoting wildlife corridors, whilst ensuring development minimises species and habitat impact, are also important considerations.

- 10.20 The application is supported by an Ecological Assessment (EA) (prepared by BSG Ecology, dated July 2022) which has considered the demolition of the buildings in relation to vegetation, bats, birds and reptiles. The Council's Ecology Officer is satisfied with the conclusions of the EA and has requested that a Construction Environmental Management Plan (CEMP) is imposed as a condition in order to protect any wildlife and protect and priority species.
- 10.21 Further, whilst the majority of the site comprises buildings, un-vegetated hardstanding and access infrastructure, there is a central area of raised grassland and trees lying within the site. The retention of this area is welcomed as well as the SUDs features which will provide an interim biodiversity benefit until such time that the wider school project is proposed. Biodiversity enhancements would be required in any future application for a school.

f. Drainage and Flooding

- 10.22 The site is within Zone B of the Development Advice Map (DAM) contained in TAN15. It is also within the Flood Map for Planning (FMfP) which identifies the application site to be at risk of flooding and falls into Flood Zone 2 & 3, Sea. Section 6 of TAN 15 requires the Local Planning Authority to determine whether the development at this location is justified. This should be considered against the tests set out in section 6.2 of TAN15. If it is considered the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of a Flood Consequence Assessment (FCA) that the potential consequences of flooding can be managed to an acceptable level.
- 10.23 The applicant has provided an FCA (ref 20567-HYD-XX-XX-RP-FR-0001, prepared by Hydrock, dated 15th September 2022). Given the application is for demolition of buildings, removal of hardstanding areas, reprofiling of site and associated works, no objections have been raised from the Council's Drainage Officer or NRW regarding flood risk.
- 10.24 In relation to surface water run-off as a result of these enabling works and the existing drainage, the applicant has provided a Drainage Statement which demonstrates how surface water has been considered and whilst further discussions are required, sufficient information has been provided to give officers confidence that the impact on the drainage system has been considered. The detailed approval of the surface water run-off will be considered through the Sustainable Drainage Approval Body (SAB).

g. Contamination

- 10.25 LDP Policy EN13 seeks to ensure that development will not be permitted where it would cause or result in unacceptable harm to health from the presence of unacceptable levels of land contamination.
- 10.26 Contaminants of concern have been found in the shallow soils of the site as well as risk from ground gases and vapours from hydrocarbons present in soils and groundwater. To ensure no risk is caused to human health and the

environment, Pollution Control and NRW have requested a number of conditions. Subject to these conditions, it is considered that the enabling works can be carried out safely without unacceptable risks from contamination.

11. CONCLUSION

- 11.1 In land use policy terms there are no objections to the demolition of the buildings or the creation of a larger combined site capable of future redevelopment. Transportation Officers have considered the traffic implications of the closure of Lewis Road, and have concluded that the relocated traffic will successfully be able to continue utilising the existing road network and highway junctions.
- 11.2 The revised/upgraded access travel route is also considered to be acceptable. Officers have also welcomed the retention of the majority of the trees and there are no ecological or contamination concerns subject to conditions. Finally, it is considered that through a Construction Environmental Management Plan, the disruption on the local businesses will be minimised.
- 11.3 It is therefore recommended that planning permission be granted, subject to conditions.

12. OTHER MATTERS RELEVANT TO THE CONSIDERATION OF THIS APPLICATION

- 12.1 Crime and Disorder Act 1998. Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.
- 12.2 Equality Act 2010. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.
- 12.3 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. It is also noted that section 2(5) of the Planning (Wales) Act 2015 affords protection to decisions taken

under Part 3 of the 1990 Act, in that the Well-being of Future Generations (Wales) Act 2015 does not alter whether regard is to be had to any particular consideration under section 70(2) of the 1990 Act or the weight to be given to any consideration to which regard is had under that subsection. This means the provisions of the development plan, so far as material to the application, and any other relevant other material considerations remain the primary considerations when determining planning applications.

- 12.4 Section 6 of Environment (Wales) Act 2016 subsection (1) imposes a duty that a public authority must seek to maintain and enhance biodiversity in the exercise of its functions, and in so doing promote the resilience of ecosystems, so far as is consistent with the proper exercise of those functions. In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular the following aspects:

Diversity between and within ecosystems;

The connections between and within ecosystems;

(c) The scale of ecosystems;

(d) The condition of ecosystems (including their structure and functioning);

(e) The adaptability of ecosystems.

- 12.5 It is considered that the LPA has considered its duty under this Act and has met its objectives for the reasons outlined above.

13 RECOMMENDATION

That planning permission be **GRANTED** subject to the conditions listed below:

Time Limit Conditions

1. The development shall begin no later than five years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

List of Approved Plans

2. The development shall be carried out in accordance with the following approved plans and documents:
 - Site Layout Enabling Works Project – 486-AHR-XX-ZZ-DR-A-0013-SITE_C06
 - Enabling Works Project Boundary – 486-AHR-XX-ZZ-DR-A-0100-SITE_C05
 - Enabling Works Site Layout Existing 1 500 01 – 486-AHR-XX-ZZ-DR-A-0101-SITE_C05
 - Enabling Works Site Layout Existing 1 500 02 – 486-AHR-XX-ZZ-DR-A-0102-SITE_C05

- Enabling Works Site Layout Existing Boundary Fencing 01 - 486-AHR-XX-ZZ-DR-A-0103-SITE_C04
- Enabling Works Site Layout Existing Boundary Fencing 02 - 486-AHR-XX-ZZ-DR-A-0104-SITE_C04
- Enabling Works Site Layout Proposed 1 500 01 - 486-AHR-XX-ZZ-DR-A-0105-SITE_C07
- Enabling Works Site Layout Proposed 1 500 02 - 486-AHR-XX-ZZ-DR-A-0106-SITE_C07
- Enabling Works Site Layout Proposed Demolition 01 - 486-AHR-XX-ZZ-DR-A-0110-SITE_C06
- Enabling Works Site Layout Proposed Demolition 02 - 486-AHR-XX-ZZ-DR-A-0111-SITE_C06
- Enabling Works Site Layout Proposed Levels 01 - 486-AHR-XX-ZZ-DR-A-0112-SITE_C02
- Enabling Works Site Layout Proposed Levels 02 - 486-AHR-XX-ZZ-DR-A-0113-SITE_C03
- Enabling Works Site Layout Arboricultural Retention 01 - 486-AHR-XX-ZZ-DR-A-0114-SITE_C06
- Enabling Works Site Layout Arboricultural Retention 02 - 486-AHR-XX-ZZ-DR-A-0115-SITE_C06
- Enabling Works Site Layout Proposed Utilities Demolition 01 - 486-AHR-XX-ZZ-DR-A-0118-SITE_C02
- Enabling Works Site Layout Proposed Utilities Demolition 02 - 486-AHR-XX-ZZ-DR-A-0119-SITE_C02
- Enabling Works Site Layout Proposed Utilities Relocation 01 - 486-AHR-XX-ZZ-DR-A-0120-SITE_C02
- Enabling Works Site Layout Proposed Utilities Relocation 02 486-AHR-XX-ZZ-DR-A-0121-SITE_C02
- Enabling Works Site Layout Proposed Boundary Fencing 01 - 486-AHR-XX-ZZ-DR-A-0122-SITE_C06
- Enabling Works Site Layout Proposed Boundary Fencing 02 - 486-AHR-XX-ZZ-DR-A-0123-SITE_C06
- Proposed Active Travel Route Sections - 486-AHR-XX-ZZ-DR-A-1151-A2-C07
- Enabling Work – Engineering - NWH-HYD-XX-XX-DR-C-2001 P04
- Enabling Work – Engineering - NWH-HYD-XX-XX-DR-C-2002 P05
- Enabling Work – Engineering - NWH-HYD-XX-XX-DR-C-2003 P05
- Enabling Work – Drainage Proposals - NWH-HYD-XX-XX-DR-C-2201 P04
- Enabling Work – Drainage Proposals - NWH-HYD-XX-XX-DR-C-2202 P04
- Enabling Work – Drainage Proposals - NWH-HYD-XX-XX-DR-C-2203 P05
- Enabling Work – Drainage Proposals - NWH-HYD-XX-XX-DR-C-2204 P05
- EW Drainage Statement - NWH-HYD-XX-XX-TN-C-0001 P0
- Enabling Works General Arrangement Sheet 1 of 2 - NWH-HYD-XX-XX-DR-C-2101 Rev P04
- Enabling Works General Arrangement Sheet 2 of 2 - NWH-HYD-XX-XX-DR-C-2102 Rev P04
- Arboricultural Report (prepared by ArbTS, dated 5th January 2023)

Reason: For the avoidance of doubt.

Pre-commencement Conditions

3. *Strategic Signage Strategy*: No development shall commence, excluding demolition, until a strategic signage strategy relating to the closure of Lewis Road has been submitted to and approved in writing by the Local Planning Authority. The strategic signage strategy shall include any signage relating to Lewis Road as a through-route and the removal strategy of existing signage on Lewis Road.

Reason: In the interests of public safety and to ensure an appropriate use of the amended road network, in accordance with Policy T5 of the adopted Cardiff Local Development Plan (2006-2026).

4. *Construction Environmental Management Plan*: No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period and should include details of:
 - a) Construction methods: details of materials, how waste generated will be managed e.g. duty of care, compliance, specific details of any waste to be imported for use in construction, treatment, storage of waste during construction and provisions for controls of noise, vibration and dust.
 - b) General Site Management Plan:
This Plan must ensure that any risks to human health, controlled waters, buildings, other property and the natural and historical environment are not exuberated by the enabling works. It will provide details of the construction programme including: All works to be undertaken, a timetable of works and site management procedures; details of site clearance, details of site deliveries with hours of operation, methods of dealing with complaints, noise and vibration mitigation (British Standard 5228), highways/footway closures, plant on site, site access, site hoardings and site construction drainage, wheel washing facilities, containment areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain, a strategy for the delivery of plant and materials, construction staff parking and traffic management proposals.
 - c) Soil Management: details of topsoil strip, storage and amelioration for re-use.
 - d) Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
 - e) Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan. Further information on how run off from the site will be intercepted and treated in order to prevent a reduction in water quality of the river.
 - f) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
 - g) Details demonstrating that the position of the watermain and public sewer have accurately been marked out on site

- h) Details of monitoring and suppressing construction dust. The monitoring and mitigation shall accord with IAQM “Guidance on the assessment of dust from demolition and construction.”
- i) Details of response and reporting procedures in the event that contaminated materials are encountered.
- j) Details on the following ecological measures to protect:
 - Nesting Birds: Vegetation clearance and building demolition should be undertaken outside of bird breeding season (March to August, inclusive). If this is not possible, then areas of vegetation to be cleared and buildings should be checked by a suitably qualified ecologist 48 hours in advance of any affecting works for the presence of occupied nests. Any subsequent advice provided by the ecologist, as to how to accord with legislation, should be followed.
 - Bats: Demolition of buildings can go ahead following the production of a Precautionary Working Method Statement (PWMS) which can be included as an addendum within the CMS.
 - Hedgehogs and other mammals: the construction works have the potential to harm individuals, if excavations need to be left open overnight, it is recommended that a means of egress such as a wooden plank or a sloping end wall be provided so individual hedgehogs can escape. Avoidance of night-time working is also recommended.
 - A pre-construction survey for the presence of invasive non-native plant species (cotoneaster has been recorded on-site) and measures to prevent the spread of this plant.

Reason: In the interests of highway safety and public amenity, in accordance with Policies KP5, T6, EN6, EN7 and EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

5. *Contamination Land Measures (Hot Spot Remediation Strategy and Verification Plan)*: Prior to the commencement of the development, a detailed hot spot remediation strategy and verification plan shall be submitted to and approved in writing by the Local Planning Authority. This submission must include details of

- remediation method(s)
- remediation location
- contamination targets
- success criteria and betterment of controlled waters
- verification process

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency’s ‘Land contamination: risk management (LCRM)’ (October 2020) and the WLGA / WG / NRW guidance document ‘Land Contamination: A guide for Developers’ (2017) 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 adopted Cardiff Local Development Plan (2006-2026).

Action Conditions

6. *Active Travel Route Lighting*: No development to the active travel route shall commence until an appropriate lighting strategy for the active travel route has been submitted to and approved in writing by the Local Planning Authority. The approved lighting strategy must be implemented prior to the active travel route becoming operational.

Reason: To ensure adequate visibility during darkness to reduce any dangers to public safety and make the route commodious, in accordance with Policy T1 of the adopted Cardiff Local Development Plan (2006-2026).

7. *Contaminated Land Measures – Unforeseen Contamination*: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must 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 must be undertaken and where remediation is necessary a remediation scheme and verification plan must 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 must 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 adopted Cardiff Local Development Plan (2006-2026).

8. *Imported Soil*: 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 adopted Cardiff Local Development Plan (2006-2026).

9. *Imported Aggregates*: 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 adopted Cardiff Local Development Plan (2006-2026).

10. *Use of Site Won Materials*: 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 adopted Cardiff Local Development Plan (2006-2026).

11. *Ecology Data Shelf Life*: If site clearance / demolition of buildings in respect of the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 2 years from the date of the most recent survey, the approved ecological measures secured through other planning conditions shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of habitats and species and ii) identify any likely new ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised, and new or amended measures, and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Works shall then be carried out in accordance with the new approved ecological measures and timetable.

Reason: To ensure that the assessment of the impacts of the development upon the species concerned, and any measures to mitigate those impacts, are informed by up to date information, in accordance with Policy EN7 of the adopted Cardiff Local Development Plan (2006-2026).

Regulatory Conditions

12. *Active Travel Route Intervisibility*: No planting shall be allowed to grow to a height exceeding 1 metre within the visibility splay identified on approved plan NWH-HYD-XX-XX-DR-C-2101 Rev P04, unless specific consent has been given under this condition or any subsequent consent for the planting of trees with sufficient spacing to ensure that a 50m forward vision around the corner is maintained when using the route.

Reason: To ensure adequate visibility around the corner to reduce any dangers to public safety and make the route commodious, in accordance with Policy T1 of the adopted Cardiff Local Development Plan (2006-2026).

Informative 1: Since January 7th 2019, all new developments of more than 1 house, or where the construction area is 100 square metres or more, require sustainable drainage to manage on-site surface water. Surface water *drainage* systems must be designed and built in accordance with mandatory standards for sustainable drainage published by the Welsh Ministers.

These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins. The SAB will have a duty to adopt compliant systems so long as they are built and function in accordance with the approved proposals, including any SAB conditions of approval.

It is recommended that the developer engage in consultation with the Cardiff Council SAB team as the determining SuDS Approval Body (SAB) in relation to their proposals for SuDS features. To arrange discussion regarding this please contact SAB@cardiff.gov.uk.

Informative 2: 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, this also includes the delivery and removal of materials, plant, skips etc. The applicant is also advised to seek approval for any proposed piling operations.

Informative 3: The applicant is advised that section 3.25 of Planning Policy Wales states that the land use planning system should take account of the conditions which are essential to the Welsh language and in so doing contribute to its use and the Thriving Welsh Language well-being goal. In this context and

with regard to the Welsh Language (Wales) Measure 2011, it is recommended that: (1) developments adopt a Welsh name that is consistent with the local heritage and history of the area, (2) during the construction phase, on site marketing information (i.e. text on construction hoardings / flags / banners – as consented) be provided bilingually and (3) for commercial developments, shopfront / premises signage be provided in Welsh or bilingually. Where bilingual signage is provided, Welsh text must not be treated less favourably in terms of size, colour, font, prominence, position or location (it is recognised that Welsh translation does not extend to company / business names). Cardiff Council's Bilingual Cardiff team (BilingualCardiff@cardiff.gov.uk) can provide advice on unique and locally appropriate Welsh names for developments, bilingual marketing / branding and bilingual signage.

Informative 4: 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.

Informative 5: The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit. Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for

determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

Informative 6: The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The Dwr Cymru Welsh Water response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com.

Informative 7: The applicant is advised that a scheme of ecological enhancements will be required for any future application involving the proposal of a new school. These enhancements will be based on the recommendations set out in the Ecological Assessment Report (BSG Ecology, 2022) to ensure compliance with PPW 10, Section 6 of the Environment (Wales) Act 2016 “Biodiversity and Resilience of Ecosystems Duty” and LDP Policy EN6.

Informative 8: Any structure for conveying and transmitted surface water runoff (e.g., swales) and detention or attenuation basins (used prior to discharge from site) must be lined with impermeable materials to prevent infiltration to the ground.