

COMMITTEE DATE: 6<sup>th</sup> JULY 2023

APPLICATION No. 23/00386/FUL

APPLICATION DATE: 20/02/2023

ED: LLANRUMNEY

APP: TYPE: Full Planning Permission

APPLICANT: Cardiff Council

**LOCATION: St Mellons Church in Wales, Primary School, Dunster Road, Llanrumney.**

PROPOSAL: Construction of an Additional Learning Needs School, incorporating works associated with the construction of the new ALN school, including the provision of new outdoor amenity areas, play-space and sports provision, landscaping, boundary treatments, access, car-parking, drainage, and all associated works.

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#### RECOMMENDATION 1:

That planning permission be **GRANTED** subject to the conditions listed below in section 12.

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#### 1. BACKGROUND INFORMATION

1.1 This application is reported to Planning Committee as it is a 'major' application by the Local Education Authority (Cardiff Council).

#### 2. DESCRIPTION OF THE SITE AND AREA

2.1 The site is approx. 1.3 hectares in area and roughly rectangular in shape, on land to the south of Pen-Y-Bryn Primary School.

2.2 The site includes the existing St Mellons Church In Wales Primary School, which is proposed to be demolished as this School is to be relocated to a new primary school building constructed at the St Edeyrns development (Strategic Site G).

2.3 Residential Dwellings are sited to the South and West of the site along Dunster Road and Instow Place, with Pen-Y-Bryn Primary School to the North and Open space with Newport Road beyond to the East.

2.4 The site is not within a Conservation Area or other Environmental Designation, and is not within an area of Flood Risk

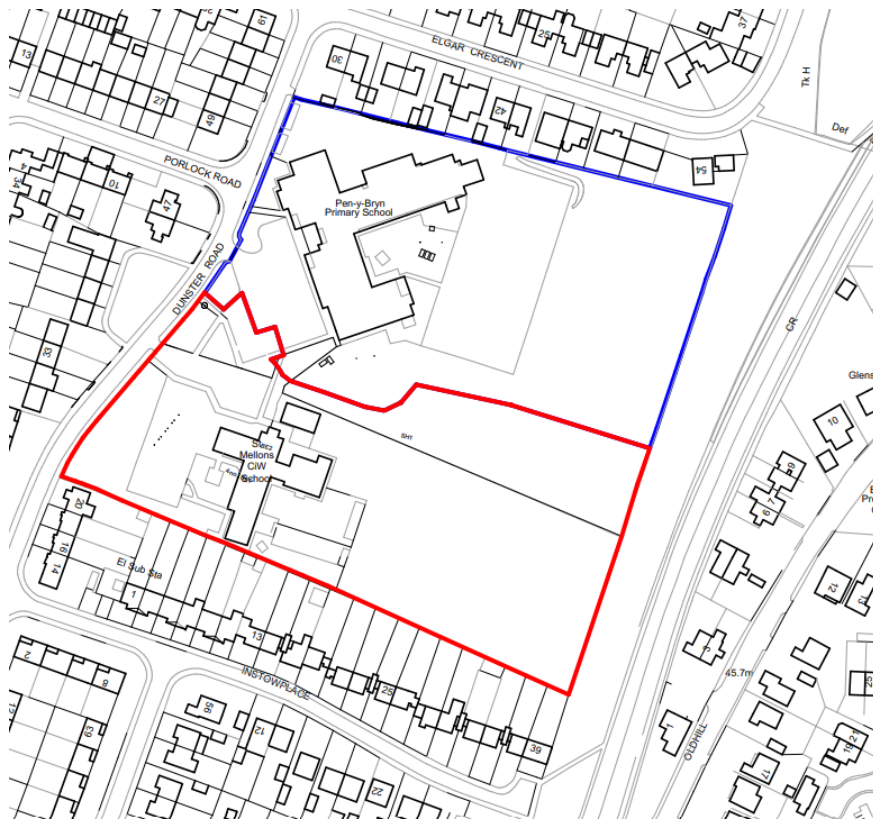


Figure 1: Site Location Plan



Figure 2: Aerial Photograph (Pen y Bryn primary to north)

### 3. DESCRIPTION OF DEVELOPMENT

- 3.1 This is a full application for the construction of an Additional Learning Needs (ALN) school. The school forms part of the existing 'Court School', which is located at Station Road, Llanishen and accommodates 42 places.
- 3.2 The proposal forms part of a programme which seeks to enhance and expand the special educational needs provision across the City to 72 places across two sites (this site at Dunster Road, Llanrumney and another new school at South of Fairwater Primary School, Wellwright Road, Fairwater, which is the subject of a concurrent report to this Planning Committee). Each site will accommodate 36 Additional Learning Needs pupil places (with approx. 27 staff members for each school).
- 3.3 The proposed development as amended is part single storey, part two-storey in scale, approximately 69m wide by 34.5m deep and between 5.3m and 7.7m in height, with a sloping roof. The proposed building would be finished in red facing brick with timber cladding to the entrance area, with a sloping green roof also containing PV panels and part sunken flat roof element containing plant equipment.
- 3.4 Internally the building would contain classrooms, hall, kitchen and dining facilities, library, offices and meeting rooms and two internal courtyards and other ancillary rooms associated with the school.
- 3.5 Externally, the submitted plans show the provision of a parking area for staff & visitors with a vehicle drop-off area to the frontage of the school (plus minor works to parking area and pedestrian path to Pen Y Bryn School adjacent).
- 3.6 The proposal also includes cycle and refuse storage areas, cycle workshop building, multi-use games area (MUGA), 5 a side football pitch, soft and hard play areas, Outdoor Classroom School, Habitat/Forest school and Horticulture area and associated SuDS features.



## 5. POLICY FRAMEWORK

### *National Policy*

- 5.1 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’.
- 5.2 ‘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.
- 5.3 ‘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.
- 5.4 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
- 5.5 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*

- 5.6 [Planning Policy Wales](#) (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.
- 5.7 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.
- 5.8 PPW11 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*

- 5.9 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 bio-diversity enhancement;
  - TAN 11: Noise (1997)
  - TAN 12: Design (2016)
  - TAN 16: Sport, Recreation and Open Space (2009)
  - TAN 18: Transport (March 2007)
  - TAN 20: Planning and the Welsh Language (2017)
  - TAN 21: Waste (February 2017)
- 5.10 On 16<sup>th</sup> July 2020 the Welsh Government published [Building Better Places: The Planning System Delivering Resilient and Brighter Futures](#) which provides planning policy guidance for local planning authorities and the development industry on priorities for the planning system to deliver post Covid-19. The guidance is to be read in conjunction with PPW, which contains the principles and policies needed for Wales to recover from Covid-19 in a positive manner, putting placemaking at the heart of future development.
- 5.11 It also emphasises that development management decisions should focus on creating healthy, thriving active places with a focus on a positive, sustainable future for our communities. The planning system has an important role in supporting healthier lifestyles and reducing inequalities. This includes both direct and indirect opportunities such as the allocation of land for health facilities, ensuring good design and barrier free development, jobs and skills, improving air quality, soundscapes and protecting and improving access to recreation and natural green spaces. These can provide both physical and mental health benefits, improve well-being and help to reduce inequality.

#### *The Development Plan*

- 5.12 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.
- 5.13 [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 wellbeing 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.

- 5.14 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

- KP4 Master Planning Approach
- KP5 Good Quality and Sustainable Design
- KP6 New Infrastructure
- KP8 Sustainable Transportation
- KP12 Waste
- KP15 Climate Change
- KP16 Green Infrastructure

#### DETAILED POLICIES

##### *Environment*

- EN6 Ecological Networks and Features of Importance for Biodiversity
- EN7 Priority Habitats and Species
- EN8 Trees, Woodlands and Hedgerows
- EN10 Water Sensitive Design
- EN11 Protection of Water Resources
- EN12 Renewable Energy and Low Carbon Technologies
- EN13 Air, Noise, Light Pollution and Land Contamination

##### *Transport*

- T1 Walking and Cycling
- T5 Managing Transport Impacts
- T6 Impact on Transport Networks and Services

##### *Community*

- C3 Community Safety/Creating Safe Environments
- C4 Protection of Open Space
- C5 Provision for Open space, outdoor recreation, Children's play and sport
- C6 Health
- C7 Planning for Schools

##### *Waste*

- W2 Provision for Waste Management Facilities in Development

*Supplementary Planning Guidance:*

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

- Archaeology and Archaeology Sensitive Areas (July 2018)
- 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)
- Planning for Health and Wellbeing (November 2017)
- Waste Collection & Storage Facilities (October 2016).

6. INTERNAL CONSULTEE RESPONSES

6.1 The **Operational Manager (Traffic and Transportation)** No objections, subject to appropriate conditions (see below) but note concerns that the submitted plans show excess car parking provision within the site, above the guidance within the approved Managing Transport Impacts SPG:

6.2 The **Operational Manager (Waste Management)**: No objections

6.3 The **Operational Manager (Parks)** – No objections, comments that any access/works required to the land to the East (vested with Parks Services) be discussed prior with Parks and noted as a Informative.

6.4 **Tree & Landscape Officer** – Advises that no objections to amended details submitted subject to appropriate conditions.

6.5 **County Ecologist** – Advises that no objections to amended details submitted, subject to appropriate conditions.

6.6 **Shared Regulatory Services** – No objections, subject to appropriate conditions

6.7 **Drainage & Flood Risk Officer** – No comments received

7. EXTERNAL CONSULTEE RESPONSES

7.1 **Dŵr Cymru Welsh Water**: No objection, subject to appropriate conditions

7.2 **Natural Resources Wales**: No objections

7.3 **South Wales Fire & Rescue Service** – No objections

7.4 **South Wales Police** – No comments received



## 7.5 Glamorgan Gwent Archaeological Trust - Advise as follows:

We have reviewed the detailed information contained on your website and have identified that the proposal will require archaeological mitigation.

Information in the Historic Environment Record, curated by this trust, shows that there are no noted buried archaeological features or findspots within the area of the proposed development. A review of historic Ordnance Survey (OS) mapping shows the area as fields. The application area is located c.62m to the west of Oldhill Road, part of the projected route of the Caerleon to Cardiff Roman Road (RR60b). Archaeological investigations within the surrounding area, especially within the medieval core of the town (less than 400m to the north) have encountered human remains and medieval and Post-medieval finds and features. It is therefore likely that archaeological remains may exist within the proposed application area, particularly in the eastern areas of the site, closest to the Roman road.

The proposed development involves the construction of an Additional Learning Needs School on the site of the existing St Mellons Church in Wales Primary School, including works associated with the demolition of existing buildings, construction of new ALN school, and associated works. The proposed development will require significant groundworks, therefore, the potential for encountering buried archaeology is considered high.

Therefore, in order to mitigate the impact of the development on the archaeological resource it is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members. This is consistent with other applications within the local area. We envisage that this programme of work would take the form of a watching brief during the groundworks required for the development, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post excavation recording and assessment and reporting and possible publication of the results.

To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014.

## 8. REPRESENTATIONS

- 8.1 The application was advertised on the Council Website and by way of neighbour notification letters, site notices and advertisement in the local press.
- 8.2 No correspondence from local residents has been received

8.3 The Chairperson of the Governing Body and the Headteacher of Pen-y-Bryn School, raise the following concerns;

- i) Concerns regarding Traffic and access particularly on Dunster Road
- ii) Construction traffic will need to be carefully managed
- iii) Repurposing of land within Pen Y Bryn Schools boundary

8.4 All public representations made on the application are available to view in full on the Council's website at: - [23/00386/FUL](#).

## 9 ANALYSIS

9.1 The key material considerations in the determination of this application are:

- Land Use / Principle of Development;
- Impact on the Character of the Area/
- Transportation / Highway Impacts;
- Impact on Residential Amenity;
- Impact on Trees/Landscaping;
- Impact on Ecology;
- Sustainability/Energy;
- Drainage and Flooding.

### Land Use / Principle of Development

9.2 In terms of the land use policy implications of the proposals, the application premises fall within the settlement boundary as defined by the LDP proposals map and is afforded no specific designation or allocation. The site is currently in use as primary school (St Mellons CIW primary School) and is adjacent to another Primary School (Pen Y Bryn Primary) and as such the redevelopment of the site for a new Additional Learning Needs school is considered acceptable in relation to land use policy and the application raises no land use policy concerns.

9.3 The site does incorporate part of the existing pen y bryn school playing fields, including an area occupied by a small grass sports pitch. However, new provision will take place on Pen-y-Bryn Primary including new edible playground, new forest school area and outdoor classrooms as well as new external sports provision and playground equipment on land to the rear that is currently underused.

9.4 While pupils of Pen-Y-Bryn will not be able to use the MUGA and sports provision provided within the new ALN school (as this could prove challenging for the new pupils) the education team are looking at ways to improve collaborations going forward. It is also noted that Pen-Y-Bryn Primary School would still be compliant in terms of pupil sports provision on site, such that there are no objections to the principle of development on such grounds.

## Impact on the Character of the Area

- 9.5 As noted earlier, the Welsh Government publication [\*Building Better Places: The Planning System Delivering Resilient and Brighter Futures\*](#) contains the principles and policies needed for Wales to recover from Covid-19 in a positive manner, putting placemaking at the heart of future development.
- 9.6 It also emphasises that development management decisions should focus on creating healthy, thriving active places with a focus on a positive, sustainable future for our communities, and that WG will thus play its role in supporting the vibrancy of places and helping a people-focussed and placemaking-led recovery.
- 9.7 PPW11 also 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.
- 9.8 The proposal would have a positive impact upon the character of the area, with the creation of additional sports pitches and the redevelopment of the school site to provide much needed additional learning needs school spaces within the city. The proposed school buildings are of a functional nature and design but they are of a modern appearance, with materials (to be controlled through condition) that will enhance the surroundings.
- 9.9 The proposals will facilitate the redevelopment of the existing 1970s St Mellons CIW primary school building currently on site, which will in time result in an enhancement to the character of the area with modern sustainable and functional buildings that are more suited to school pupils in terms of their layout and function.



Figure 3: Proposed Elevations

## Transportation / Highway Impacts

- 9.10 Chapter 4 of PPW 'Active and Social Places' addresses transport, stating that people should have access to jobs and services through more efficient and sustainable journeys, by walking, cycling and public transport. It further states that *“new development should prevent problems from occurring or getting worse such as...the reliance on the private car and the generation of carbon emissions.”* It further notes that land use and transport planning should be integrated to minimise the need to travel, reduce dependency on the private car and enable sustainable access to employment, local services and community facilities.
- 9.11 By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable development, increases physical activity, improves health and helps to tackle the causes of climate change and airborne pollution by:
- Enabling More Sustainable Travel Choices – measures to increase walking, cycling and public transport, reduce dependency on the car for daily travel; and
  - Network Management – measures to make best use of the available capacity, supported by targeted new infrastructure;
- 9.12 The application has been accompanied by a Transport Assessment (AECOM, December 2022).
- 9.13 Vehicular access will be from Dunster Road, via an improved/widened existing access for the St Mellons CiW Primary School. A one-way system is proposed for contracted pupil transport vehicles using the drop-off bays, with the proposed vehicular parking strategy for the site including
- 15 marked drop-off bays; and
  - 20 spaces for staff and visitor parking (four disabled)
  - With 10% electric vehicle charging spaces and 5% spaces designated for car sharing.
- 9.14 The submissions indicate that the proposed ALN school will reduce the pupil capacity from 97 consented pupils (in the existing school) to 36 ALN pupils. The pupil travel arrangements are, in the vast majority of cases, provided by contracted school transport and not parents. This will mean that the level of vehicular activity will be reduced from the existing intensity, while the level of parking provision and drop off arrangements will ensure no unacceptable impacts on highway safety
- 9.15 With regard to the traffic and parking matters, no objections have been raised by the Operational Manager Transportation (see para. 6.1 above) in respect of highway safety subject to conditions. Some concerns are raised by the OM

Transportation regarding the amount of parking proposed on site being above the requirements of the SPG. However, it is noted that the SPG does not contain requirements for this specific type of school (ALN), which has a wider catchment compared to other mainstream schools, and greater teacher to pupil ratios required plus visiting therapists and support workers that are required to attend the school due to the pupils needs. There is also an intention to encourage or reduce non-vehicular travel amongst staff and this is seen through the provision of car share bays, electric car spaces and cycle parking provision on site. Accordingly, no objection is raised to the parking provision proposed within the site.

- 9.16 The proposal also includes the provision of cycle spaces, with dedicated cycle storage buildings within the site. It is considered necessary to ensure the cycle storage is acceptable and an appropriate condition has been imposed to agree these details.
- 9.17 The submitted details include a refuse storage area within the curtilage of the site. These details are considered to be satisfactory.

#### Impact on Archaeology

- 9.18 The Council's archaeological advisors, Glamorgan Gwent Archaeological Trust (GGAT) have identified that the proposal will require archaeological mitigation, noting that archaeological investigations within the surrounding area (especially within the medieval core of the town less than 400m to the north) have encountered human remains and medieval and Post-medieval finds and features. They therefore advise that it is therefore likely that archaeological remains may exist within the proposed application area, particularly in the eastern areas of the site, closest to the Roman road.
- 9.19 The proposed development will require significant groundworks, therefore, the potential for encountering buried archaeology is considered high. Accordingly in order to mitigate the impact of the development on the archaeological resource a condition is recommended requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource. This programme of work would take the form of a watching brief during the groundworks required for the development, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should also include provision for any sampling that may prove necessary, post excavation recording and assessment and reporting and possible publication of the results.
- 9.20 Subject to the recommended condition, there would be no unacceptable impacts on archaeology.

#### Impact on Residential Amenity

- 9.21 The submitted plans show the proposed new school building sited approximately 13m from the southern boundary, 64m from the Western

Boundary, 10m from the northern boundary (adjacent to Pen Y Bryn Primary and 57m from the Eastern Boundary. Given this distance separation, and the pre-existing school use, it is considered that the new school building would have no unacceptable impact upon the amenities of adjoining neighbours.

- 9.22 The proposal also includes enhancing the boundary trees and hedgerow to the Southern and Eastern boundaries adjacent to Dunster Road and Instow Place, thereby reducing any potential overlooking from the proposed new School.
- 9.23 The submitted plans show the provision of a new Multi-Use Games Area (MUGA) and a 5 a side football pitch. These new facilities would be closer to properties to the east, however still at sufficient distance and across the highway (with intervening vegetation) to ensure no unacceptable impacts. Moreover, it is proposed to utilise the pitch and games area for school use only and not utilise it for community uses currently. It is not proposed to install floodlighting to the sport pitch or MUGA currently and any subsequent requirement for floodlighting would then require a separate planning application for their installation. It is however considered necessary to ensure that the hours of use of the games area and sport pitch is controlled at this stage to protect the amenities of the adjoining neighbours.

#### Impact on Trees / Landscaping

- 9.24 LDP Policy EN 8 states development will not be permitted that would cause 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
- 9.25 The Tree & Landscape Officer raises no objections to the amended details and noted that the proposal includes enhancements along the southern boundary and detailed landscaping to the site.

#### Impact on Ecology

- 9.26 Future Wales Policy 9 Resilient Ecological Networks and Green Infrastructure requires developers to ensure the enhancement of biodiversity, the resilience of ecosystems and provision of green infrastructure. In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net-benefit), the resilience of ecosystems and green infrastructure should be demonstrated as part of development proposals.
- 9.27 Policy KP16 details that 'Cardiff's distinctive natural heritage which provides a network of green infrastructure', including trees and soil, will be protected, enhanced and managed to ensure the integrity and connectivity of this important resource is maintained.
- 9.28 Furthermore Policy EN6 further supports the principles of the afore mentioned key policies in relation to ecological networks, biodiversity and trees.

9.29 An Ecology Summary, technical note and Bat survey prepared by a qualified ecologist has been submitted.

9.30 The Council's Ecologist has assessed the application and raises no objections to the application. He suggests a number of conditions (see below) and note the ecological enhancements proposed by the applicants in regard to this element of the site.

#### *Biodiversity Net Gain*

9.31 The proposal includes a number of Biodiversity enhancements to the site including

- Biodiverse Green Roof
- Installation of bird nest boxes (Swift boxes and Sparrow Terraces;
- Bat boxes
- Habitat creation and inclusion of native species in any proposed landscape scheme for the site;
- Planting of trees/orchard trees and general landscaping ;
- Bee Blocks/Boxes
- Compost Heap

9.32 The Council's Ecologist has assessed the application and raises no objections to the application. He suggest a number of conditions (see below) and notes the ecological enhancements proposed by the applicants in regard to this proposal, subject to which the proposal is considered to accord with Policies KP16 and EN6.

#### Sustainability / Energy

9.33 Future Wales Policy 16 emphasises that large scale mixed-use development should, where feasible, have a heat network with a renewable / low carbon or waste heat energy source. Planning applications for such development should prepare an Energy Masterplan to establish whether a heat network is the most effective energy supply option and, for feasible projects, a plan for its implementation.

9.34 Policy 17 Renewable and Low Carbon Energy and Associated Infrastructure outlines support for developing renewable and low carbon energy at all scales.

9.35 *PPW* (para 5.8.1) states that 'the planning system should support new development that achieves high energy performance, supports decarbonisation, tackles the causes of the climate emergency and adapts to the current and future effects of climate change through the incorporation of effective mitigation and adaptation measures.

9.36 LDP Policy EN12 Renewable Energy and Low Carbon Technologies requires major development to maximise the potential for renewable energy. The council will encourage developers to incorporate schemes which generate energy from renewable and low Carbon technologies.

- 9.37 The proposal is for new additional learning needs school. The site itself will utilise low carbon, sustainable materials in the construction of the new school within renewable energy and layout/design being utilised to minimise energy consumption.

#### Drainage and Flooding

- 9.38 The site is within Flood Zone A and is not considered to be at significant risk of flooding.
- 9.39 Dwr Cymru/Welsh Water raise no objections to the proposal subject to the imposition of conditions (see 17).
- 9.40 The site will also be subject to a SAB application and the applicants have been advised to enter into negotiations with the Councils SuDS drainage team in regard to a SAB submission

#### Other Matters Not Assessed Above

- 9.41 As identified earlier in this report, a number of objections were received in response to the publicity exercise. In response to the main issues raised which have not been addressed elsewhere in this report, the following comments are made:
- The proposal has been carefully considered in terms of Highway Safety and parking and the proposal is an improvement on the existing situation with improved staff parking and pupil drop off & the provision of cycle storage for staff to utilise. The construction traffic will be controlled under the imposition of Construction Environment Management Plan (CEMP)
  - The works to Pen Y Bryn school are minor in nature and these have been discussed through the process of developing this scheme with Pen Y Bryn Primary

## 10 CONCLUSION

- 10.1 The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Cardiff Local Development Plan (2011–2026) adopted January 2016.
- 10.2 The proposal will play a key role in helping to deliver the LDP strategy, providing a new additional learning needs school and associated works as part of a high-quality scheme on an existing school site, set in a highly sustainable, brownfield location.
- 10.3 Accordingly, the proposed development is in accordance with Policies KP5, KP6, KP13, KP14, KP16, EN6, EN7, EN8, EN10, EN13, EN14, T1, T5, C1, C3, C5 and C7 of the Cardiff Local Development Plan 2006-2026.



## 11 OTHER MATTERS RELEVANT TO THE CONSIDERATION OF THIS APPLICATION

- 11.1 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.
- 11.2 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.
- 11.3 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.
- 11.4 Statutory pre-application public consultation: The statutory pre-application public consultation was carried out in accordance with legislation and is considered acceptable.
- 11.5 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:
- (a) Diversity between and within ecosystems;
  - (b) 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.

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

## 12 RECOMMENDATION

That planning permission be **GRANTED** subject to conditions listed below.

### CONDITIONS

1. The development permitted shall be commenced before the expiration of five years from the date of this planning permission.

Reason In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans:

- CSS-HLM-SM-00-DR-L-00002 P03 Site Location Plan
- CSS-HLM-SM-00-DR-L-00000 P03 Existing Site Plan
- CSS-HLM-SM-00-DR-L-00003 P08 Proposed Site Layout
- CSS-HLM-CN-00-DR-A-00102 P08 The Court New Building Ground Floor Plan
- CSS-HLM-CN-R1-DR-A-00121 P05 The Court New Building Roof Plan
- CSS-HLM-CN-ZZ-DR-A-00221 P05 The Court New Building Sections
- CSS-HLM-CN-ZZ-DR-A-00321 P06 The Court New Building Elevations
- CSS-HLM-CN-ZZ-DR-A-00421-P02 Workshop Building
- CSS-HLM-SM-00-DR-L-30001-P08 Hard Landscape Strategy
- CSS-HLM-SM-00-DR-L-45001-P08 Soft Landscape Strategy
- CSS-HLM-SM-00-DR-L-25001-P10 Proposed Boundary Treatments Plan
- Tree Constraints Plan ArbTS (June, 2022)
- Arboricultural Impact Assessment ArbTS (September, 2022)
- Tree Protection Plan ArbTS (September, 2022)
- Preliminary Ecological Appraisal Report Wardell Armstrong (October 2021)
- Flood Consequences Assessment Hydrock (February, 2023)
- Proposed Drainage Strategy Hydrock (February, 2023)
- Phase 2 Ground Investigations Report: Geotechnical and Geoenvironmental Report Hydrock (May, 2022)
- Noise Report Hydrock (February, 2023)

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

### PRE-COMMENCEMENT CONDITIONS

3. No development shall commence, including any works of demolition, until a Construction Environmental Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:-

- i) Routing of vehicles on the local highway network.
- ii) The parking of vehicles of site operatives and visitors;
- iii) Loading and unloading of plant and materials;
- iv) Storage of plant and materials used in constructing the development;
- v) The erection and maintenance of security hoarding;
- vi) Wheel washing facilities to prevent mud being deposited on the road and measures to prevent debris being deposited on the highway
- vii) Measures to prevent water from the site draining onto the highway
- viii) Measures to control the emission of dust and dirt during construction and
- viii) a scheme for recycling / disposing of waste resulting from construction site works

Reason: In the interests of highway safety and public amenity.

4. No development shall commence, including any works of demolition, until a Biodiversity Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority in order to manage the impacts of construction upon the environment. The BIODIVERSITY CEMP structure shall follow the below for ease of review:

- I. A risk assessment of potentially environmental harmful activities/operations
- II. The detailed construction programme;
- III. Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, covering, GPP1, GPP5, GPP8, and GPP21. Also considering the aspects within PPG6 (currently withdrawn). This will be through the consideration of:
  - a. Details of harmful materials that will be used/stored at the site ~approximate quantities;
  - b. Details on the expected plant to be used;
  - c. The loading and unloading of plant and materials;
  - d. Agreed access/egress;
  - e. Storage of plant and materials – including containment, bunding and/or appropriate buffer zones, including from any drain;
  - f. Details of any topsoil strip and storage;
  - g. How drainage will be controlled to prevent release of soil from the site, wastewater and contaminants during construction to the storm water system untreated, which includes the initial implementation of the site drainage strategy. Control at source is required.
  - h. The control of dust, with consideration of the impacts upon adjacent vegetation.
  - i. Measures to monitor mobilisation of contaminants (water to air) and unsuspected contamination should that occur.
  - j. A scheme for the recycling/disposing of waste generated at all points during construction works;

k. Emergency spill procedures and incident response plan that will be followed in light of any spill at the site. This will include having the relevant materials to stop/contain a spill;

l. Relevant Toolbox talks.

IV. CEMP Masterplan detailing in broad terms: Green Infrastructure to retained (and not impacted in any way), protected (and how), modified (in what way), created and enhanced.

V. A monitoring/review procedure and ultimate responsibility for the CEMP implementation in light of any changes to construction or incidental finds - biological or non-biological;

VI. Responsible persons (including a blank table for relevant details i.e. contact numbers), lines of communication and emergency contact details);

VII. As part of the CEMP, a CEMP Biodiversity chapter will be included, this will detail:

a. Risk assessment of potentially damaging construction activities to Green Infrastructure /ecological receptors identified at the site;

b. Identification of “biodiversity protection zones” and the means to prevent impacts;

c. Reference to supporting documentation i.e. the SUD Design and Lighting Design Strategy (for biodiversity), that indicate mitigation/works during construction activities, that run in parallel with construction and are covered separately;

d. The habitat areas subject to removal to facilitate the development;

e. Measures for the protection and initial management of retained ecological and arboricultural assets,

i. Trees;

ii. Scrub/boundary features;

iii. Grassland;

iv. Bats;

v. European hedgehog;

vi. Birds;

vii. Amphibians; and

viii. Reptiles.

This will include an introduction to each feature and the proposed protection/initial management prescription during construction;

f. Methods for the creation of;

i. SUDs/rain gardens;

ii. Tree planting (including orchards);

iii. Grasslands (including amenity and modifications to existing grasslands);

iv. Green roof;

v. General landscaping;

vi. Site enhancements.

This will include an introduction to each feature and the initial implementation during construction. All enhancements must be shown on a plan;

g. The procedure for incidental finds. Bearing in mind that works would require a licence if a European Protected Species are identified.

h. Tree protection details in relation to BS5837:2012.

i. The times during construction when specialist ecologists and/or Ecological Clerk of Works may need to be present on site to oversee works. It is possible that there may need to arboricultural supervision and ecological supervision.

j. The role and responsibilities of an on-site Ecological Clerk of Works or similarly specialist ecologists. It is expected (if required) that the Ecological Clerk of Works will log their daily activities at the site, suggested in an excel format. This will cover all key ecological activities undertaken i.e. briefings, specific species/species group watching briefs and the general outcome. This will be provided to the Local Planning Authority on a yearly basis; and

k. Toolbox Talks;

Reason: For the general protection of biodiversity and pollution prevention and KP16, and EN5-EN8 of the Cardiff Local Development Plan 2006 – 2026.

5. No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

6. No development shall commence, including any works of demolition, until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person\* in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

(i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;

(ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;

(iii) an assessment of the potential risks to:

- human health,
- groundwaters and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- ecological systems,
- archaeological sites and ancient monuments; and

- any other receptors identified at (i)

(iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

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.

\* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

7. No development shall commence, including any works of demolition, until 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 has been 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 must 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 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 Cardiff Local Development Plan.

8. No development shall commence, including any works of demolition, until:

- a) An Arboricultural Impact Assessment (AIA);
- b) An Arboricultural Method Statement (AMS) detailing the methods to be used

to prevent loss of or damage to retained trees within and bounding the site, and existing structural planting or areas designated for new structural planting; and

- c) A Tree Protection Plan (TPP) in the form of a scale drawing showing the finalised layout and the tree and landscaping protection methods detailed in the AMS that can be shown graphically.

have been submitted to and approved in writing by the Local Planning Authority (LPA) in accordance with the current British Standard 5837.

The AMS shall include details of site monitoring of tree protection and tree condition by a qualified arboriculturist, undertaken throughout the development and after its completion, to monitor tree condition. This shall include the preparation of a chronological programme for site monitoring and production of site reports, to be sent to the LPA during the different phases of development and demonstrating how the approved tree protection measures have been complied with.

The development shall be carried out in full conformity with the approved AMS and TPP.

Reason: To enable the Local Planning Authority to assess the effects of the proposals on existing trees and landscape; the measures for their protection; to monitor compliance and to make good losses.

9. No development shall commence (excluding demolition) until such time as details of the delivery/ servicing/ parking/ access control strategy for the site have been submitted to and approved in writing by the Local Planning Authority, to include information on use of car parking spaces/drop off areas (including demonstrating the parking changes associated with the adjacent Pen y Bryn school), delivery and service movements, and details of operation of the vehicle/pedestrian access gates. Those agreed details shall remain in operation whilst the site is in beneficial occupation.

Reason: To ensure that deliveries and parking are suitably controlled and managed.

10. No development shall commence (excluding demolition) until such time as details of the Dunster Road proposed highway and pedestrian works have been submitted to and approved in writing by the Local Planning Authority, to include details of the interaction of the amended school access with Dunster Road, junction visibility, improvement/ resurfacing of the Dunster Road footway, new dropped kerbs/tactile paving at the Dunster Road/Porlock Road junction, and swept path assessments. The approved details shall be implemented prior to beneficial occupation.

Reason: To ensure that the proposed development does not interfere with the safety of traffic or pedestrian accessibility.

## Action Conditions

11. Notwithstanding the submitted details (condition 2), prior to their use on site samples of all external finishing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory finished appearance to the development, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

12. The school shall not be brought into beneficial use until such time as a minimum of ten secure cycle parking spaces (and access to them) have been provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking spaces shall be retained as approved and shall not be used for any other purpose.

Reason: To ensure that adequate provision is made for the sheltered and secure parking of cycles, in accordance with Policy T5 of the adopted Cardiff Local Development Plan (2006-2026).

13. The school shall not be brought into beneficial use until such time as a "Lighting Design Strategy" (for biodiversity) considering bats, and other nocturnal species, in accordance with the Institute of Lighting Professionals Guidance Note 08/18 has been submitted to and approved in writing by the Local Planning Authority (see informative no. 8).

All external (and possibly internal) lighting shall be installed in accordance with the specifications and locations set out via the above, and these shall be maintained thereafter. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To manage the impact of the development upon protected species in accordance with Policy KP16, EN6 and EN7 of the Cardiff Local Development Plan (2006-2026).

14. The school shall not be brought into beneficial use until such time as a ecological enhancements considered as "Net Benefits for Biodiversity", have been provided in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority (see informative no. 9).

A drawing indicating their location and photographic evidence they have been installed, both close up and at a distance (to indicate their location generally on the site), shall be submitted to the Local Planning Authority no later than one month after the buildings first beneficial use.

Reason: To comply with the Environment (Wales) Act 2016, to "maintain and enhancement biodiversity" and "promote the resilience of ecosystems", the



Section 6 duty. Future Wales – The National Plan 2040 - Policy 9, Planning Policy Wales Section 6.2 and 6.4 and policies KP16, and EN4 to EN8 of the Cardiff Local Development Plan 2006-2026 and those elements discussed in “Cardiff Green Infrastructure SPG Ecology and Biodiversity Technical Guidance Note, 2017”

15. The school shall not be brought into beneficial use until such time a Green Infrastructure and Landscape Ecological Management Plan (GILEMP) has been submitted to and approved in writing by the Local Planning Authority (see informative no. 10). The site shall thereafter be managed in full accordance with the approved GILEMP.

Reason: For the overall protection of biodiversity and to ensure the site's landscape and environmental features are adequately managed long term. This aligns with policies KP16, EN6, EN7 and EN8 of the Cardiff Local Development Plan (2006-2026).

#### Regulatory Conditions

16. The extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed in writing by the Local Planning Authority, and the extraction system shall be provided with a de-odorising filter. All equipment shall be so mounted and installed so as not to give rise to any noise nuisance. Details of the above equipment including the chimney shall be submitted to, and approved by, the Local Planning Authority in writing and the equipment installed prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the manufacturers' guidelines, such guidelines having previously been agreed by the Local Planning Authority in writing.

Reason: To ensure that that noise and odour from the kitchen extraction system does not adversely affect adjoining neighbours, and to ensure compliance with LDP Policy EN13.

17. The use of the Multi Use Games Area and 5 a side Football pitch as shown on the approved plans is restricted to 9am-9pm on Monday to Saturday and 10am to 6pm on Sundays.

Reason: In the interests of the amenities of the area and neighbouring occupiers in accordance with Policies KP5 and EN13 of the Cardiff Local Development Plan 2006-2026.

18. The remediation scheme approved by condition 7 must be fully undertaken in accordance with its terms prior to the occupation of any part of the development. The Local Planning Authority must 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 must be submitted to and approved in writing by the Local Planning Authority.

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 Cardiff Local Development Plan.

19. 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 LPA 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.

20. 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 LPA.

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

21. 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 LPA.

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

22. Any new planting which within a period of 5 years from the completion of the development dies, is removed, becomes seriously damaged or diseased, or in the opinion of the Local Planning Authority (LPA) otherwise defective, shall be replaced.

Replacement planting shall take place during the first available planting season, to the same specification as approved on the submitted plans, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the amenity and environmental value of the area, in accordance with Policies EN8 and KP5 of the adopted Cardiff Local Development Plan (2006-2026).

23. The vehicular drop off spaces shall not be used as general car parking spaces by staff/visitors.

Reason: To ensure that the proposed development does not result in excessive car parking.

## INFORMATIVES

1. The applicant/developer is advised that as of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Local Authority, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features.
2. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a

drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

3. 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.
4. That the applicant be advised that no work should take place on or over the neighbour's land without the neighbour's express consent and this planning approval gives no such rights to undertake works on land outside the applicants ownership.
5. The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), CIfA regulations, standards and guidance | Chartered Institute for Archaeologists and it is recommended that it is carried out either by a CIfA Registered Organisation or a MCIfA level accredited| Chartered Institute for Archaeologists.
6. 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.

7. The Applicant/Developer be advised that any proposed access or construction route to the East of the site adjacent to Newport Road is on land under control of the Parks Service of Cardiff County Council and that discussions will be required with the Operational Manager, Parks in regards to this.
8. The Lighting Design Plan required under condition 13 shall highlight:
  - Those areas/features on site that are particularly sensitive for bats and other nocturnal species, that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging. This should consider general site lighting and any associated public realm works;
  - Show how and where external lighting will be installed across the site, demonstrating that the lighting/ light spill is unlikely to disturb or prevent bats or other nocturnal species using the site or impact upon their normal behaviours (as alluded in bullet one), highlighting any mitigation required to achieve this. There should be no light spill on green corridors in particular and areas of known sensitivity. Appropriate lighting contour plans (0.5, 1, 3 and 5lux lines) and technical specifications will be supplied in accordance with the British Standard, where local authority adoption is required.
  - Details of lighting to be used both during construction and at operation (if required).
  - All lighting should consider amongst other aspects; all lighting should be at or below 2700K and therefore a wavelength above 550nm, lighting direction, hooding, using minimum height and passive infrared on timers/or radar, determining the times that lighting will be on/off etc.
  - It may also be required that internal lighting will need to be considered for all glass facades if significant spill to external elements could occur.
  - Liaison between your chosen ecological consultant and the lighting engineer is advised.
9. The Applicant/Developer is advised that the 'ecological enhancements'

required under condition 14 should include the following:

- The specifications of the green roof, including the planting depth, species lists and attaining seed of local provenance
- The green walls as shown on “The Court New Building – Elevations at Llanrumney, HLM Architects, drawing number: CSS-HLM-CN-ZZ-DR-A-00321, Rev P07, dated 15.02.23” to include the specifications i.e. the planting depth and species lists will be provided to the Local Planning Authority prior to installation. -
- Two integrated bat boxes will be installed behind the wooden cladding or two holes 20mm wide x 40mm long (with hoods to prevent water entering the building) provided into the cladding to a defined enclosed area only bats can enter (mindful that a bitumen 1ff membrane would be needed in such areas) or two integrated soffit boxes, on the south eastern elevation.
- The trees and orchard trees, and general landscaping shown on “Soft Landscape Strategy, HLM Architects, drawing number: CSS-HLM-SM-00-DR-L-45001, Rev P07, dated 02.06.23”.
- The removal of the proposed synthetic rubber surface from the horticultural area. Reinforced plastic grid or reinforced grass roll should be used with a flowering lawn seed mix. This allows wheelchair access and can be cut as frequently as needed.
- A continuous gap beneath fences of 100mm or holes of 130mmx130mm under fences, gates, walls etc to allow passage of hedgehog.
- Four solitary bee blocks/boxes. These can be purchased or built in house through use of materials such as here <https://www.rspb.org.uk/getinvolved/activities/nature-on-your-doorstep/garden-activities/build-a-bee-hotel/> or by drilling large blocks of timber (such a tree rounds) or aerated blocks with a range of holes from 2-8mm in diameter at least 150mm deep and then mounting to the structure or on a post facing south.
- A designated compost heap for all management arisings from the site, such as on the edge of the Forest School.
- Two swift boxes each, under the eaves of the north western and south eastern elevation soffits.
- A further two sparrow terraces on the south east elevation.

10. The Green Infrastructure and Landscape Ecological Management Plan (GILEMP) required by condition 15 shall be written in such a way that it is easily interpretable by a management company/team employed to manage the site post development, and shall cover up to 10 years post development.

The content of the GILEMP shall include the following. a) Introduction to the site and the development to be implemented; b) Baseline - description and evaluation of features to be managed (initially implemented by the CEMP), this shall also include all more formal landscape elements, to maximise their value to wildlife. This shall include as a minimum: I. Trees. II. Hedgerows. III. SUDs/swales/rain gardens. IV. Green roof and walls. V. Grasslands. VI. Ornamental planting. VII. Site enhancements. c) Ecological constraints on site that might influence management or require separate management, as a minimum including; I. Birds. II. Bats. III. Hedgehog. IV. Reptiles. V. Badger. d)

Overall aim/s and objectives of management for points B and C above and what condition shall be achieved for B. e) Appropriate management prescriptions for achieving aim/s and objectives as per point D. This should be broken in to the first 5 years (short term) and up to 10 years (long term) management. f) Preparation of a work schedule with timings (including an annual work plan capable of being rolled forward over a five-year period, but looking up to 10 years). g) Details of the body or organization responsible for implementing the plan, including any updates required. h) The legal or funding mechanisms for implementation and long-term management. i) Any failures in planting shall be rectified with the first year after planting and for 5 years following, otherwise new landscaping shall be agreed with the Local Planning Authority; j) The monitoring requirements to determine the implementation of the landscaping, years 1, 3 and 5 and every 5 years thereafter will be appropriate, this will follow the aims and objectives to determine if they have been achieved. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the GILEMP are not being met) how contingencies and/or remedial action will be identified, agreed with the Local Planning Authority and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. k) Appropriate drawing indicating habitats, areas of the site for specific species and the enhancements to be managed.