

COMMITTEE DATE: 09/11/2023

APPLICATION No. 22/00687/FUL

APPLICATION DATE: 31/03/2023

ED: **RADYR AND MORGANSTOWN**

APP: TYPE: Full Planning Permission

APPLICANT: Cardiff Council

LOCATION: Radyr Comprehensive School, Heol Isaf, Radyr, CF15 8XG

PROPOSAL: Removal of Five Existing Dilapidated Temporary Classroom Units and provide a new Two-Storey Permanent Block containing Ten Classrooms, with associated WC's, Storage, Staff Accommodation and Plant

RECOMMENDATION 1:

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

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 application site comprises part of the existing Radyr Comprehensive School site which is located to the south east boundary of Radyr a suburban village to the north east of the City. The wider school site extends to approximately 14ha including playing fields to the south east. The northern part of the wider site incorporates a range of existing buildings of single and two stories in height, including demountable buildings.



Fig. 1 – View from the South West across the School Campus

2.2 The wider site is surrounded by residential dwellings to the north west, and

west; woodland, comprising the Radyr Community Woodlands SINC, to the north east and east; residential dwellings, across the playing fields, to the south and south east; and an area of open space to the south west. Beyond the woodland, to the east lies the railway line.

2.3 The application site comprises a smaller area of land, of approximately 0.18ha, to the north east of the primary school buildings which until recently sited two temporary buildings and comprises predominately hard surfacing with some areas of green space.

2.4



Fig. 2 – Existing Site Plan



Fig. 3 – View from the South West of the site

3. DESCRIPTION OF DEVELOPMENT

3.1 This is a full application for the provision of a two storey building, of modular construction, to replace the previous temporary facilities on site and provide a permanent addition of ten classrooms and associated facilities.

3.2 The site plan demonstrates that the building will generally be sited on the existing area of hard surface, that previously sited two temporary buildings, with marginal increase of the developed area and loss of green space. Important vegetation will largely be retained and a SuDS feature implemented to the northern part of the site in addition to general enhancement of planting.

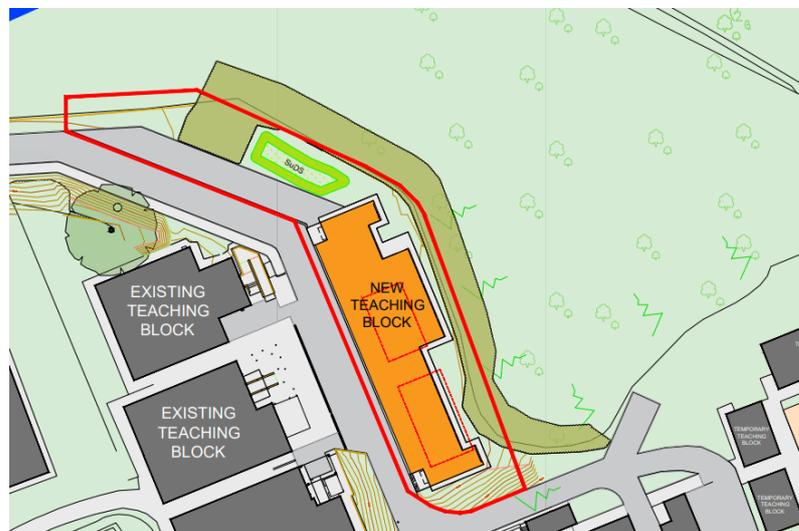
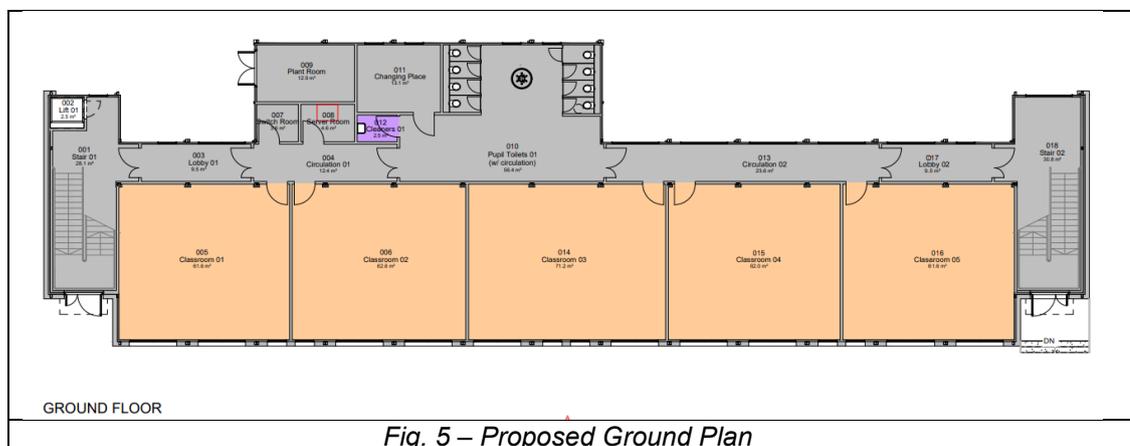


Fig. 4 – Proposed Site Plan

- 3.3 The building would consist of a simple floor plan with 5 classrooms to the south west side, two stairwells to the north and south with main entrances accessible from the south west and a corridor running behind the classrooms with toilets and other facilities to the south east side.



- 3.4 The building would be of contemporary appearance comprising a simple box form, with a flat roof, being clad in brickwork from ground to ground floor window head height and aluminium cladding panels, in a 'Pearl Mouse Grey' to upper storey.



- 3.5 All documentation relating to the application, including plans, can be viewed on the Council's website using the following link: [22/00687/FUL](https://www.barnet.gov.uk/22/00687/FUL)

4. PLANNING HISTORY

- 4.1 The wider school site has extensive planning history. The application site, however, planning history which is of explicit relevance: -
- 23/00601/PRNO – Demolition of two modular single storey buildings – Prior Approval Granted – 25/05/2023
 - 02/01953/W – Relocate two demountable classroom units to car park area – Permitted – 24/10/2002

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 15: Development and Flood Risk
- 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 16th 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 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.

- 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

- KP5 Good Quality and Sustainable Design
- KP6 New Infrastructure
- KP8 Sustainable Transportation
- KP13 Responding to Evidenced Social Needs
- KP15 Climate Change
- KP16 Green Infrastructure
- KP18 Natural Resources

DETAILED POLICIES

Environment

- EN5 Designated Sites
- 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
- EN14 Flood Risk

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
- 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: -

- 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 **Traffic and Transportation:** No objection, however, it is noted that no information is provided in respect of existing or proposed cycle parking to determine if additional cycle parking is required.

6.2 **Waste Management:** No comments received.

6.3 **Tree & Landscape Officer:** No objections to the amended information received.

6.4 **County Ecologist:** No objections to the amended information received, subject to appropriate conditions.

6.5 **Shared Regulatory Services (Noise & Air):** – No objections, subject to condition and an informative.

6.6 **Shared Regulatory Services (Contaminated Land):** – 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 surface water and/or land drainage not being allowed to connect to the public sewerage network and general advisory notes.

7.2 **South Wales Fire & Rescue Service:** No comments received.

7.3 **South Wales Police:** No comments received.

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 objections have been received in respect of the proposal. An enquiry was received, however, this relate to a separate matter.

9. ANALYSIS

9.1 The key material considerations in the determination of this application relate to 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 site falls within the settlement boundary as defined by the LPD proposals map and is afforded no specific designation or allocation. The proposal seeks to provide a new school building and related works on an existing school site, all of which are considered to be acceptable in principle on an existing school site.

9.3 LDP Policy C7 (Planning for Schools) supports new and improved school facilities where a need has been identified. The Policy states that development of primary, secondary and sixth form education should:

- i) Be well designed, well related to neighbourhood services and amenities, and easily accessible by sustainable transport modes; and
- ii) Include, where appropriate, provision for other appropriate community uses in addition to their educational needs.

9.4 The proposed development comprises new and improved school facilities for which there is an identified need and whilst the proposed building does not explicitly provide community facilities the wider school site provides such.

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 LDP Policy KP5 seeks to ensure that new development responds *'to the local character and context of the built and landscape setting so that layout, scale, form, massing, height, density. Colour, materials, detailing and impact on the built and natural heritage are all addressed within development proposals'*.
- 9.9 The proposal would have a positive impact upon the character of the area, with the creation of additional needed school spaces within the city.
- 9.10 It is considered that the design and appearance of the proposed building is acceptable as the proposal is of a contemporary design, which is modern in appearance.
- 9.11 The siting of the building is upon an existing area of developed land and is in close proximity to other school buildings.

Transportation / Highway Impacts

- 9.12 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.
- 9.13 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;
- 9.14 LDP Policies KP8, T1, T5 and T6 are relevant in respect of sustainable transport and ensuring there is no detrimental effect to the existing transport network.
- 9.15 No alterations are proposed to the existing access arrangements to the site and no additional car parking is proposed which is in accordance with policies in respect of sustainable transport to reduce the use of the private car.
- 9.16 The site is in a sustainable location, relative to intended users, and existing transport arrangements are reasonably considered adequate to provide for the additional building.

- 9.17 No information has been submitted with regard to existing or proposed cycle parking, however, suitable provision within the site may exist or could be provided.
- 9.18 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, or parking provision.

Impact on Residential Amenity

- 9.19 LDP Policy KP5 seeks to ensure that '*no undue effect on the amenity of neighbouring occupiers*' results from development. Additionally, Policy EN13 seeks to ensure that development does not cause or result in unacceptable harm due to air, noise or light pollution.
- 9.20 The proposed building would be used for purposes related to the existing and historic use of the site and, therefore, and with regard to the distance from any sensitive receptors, it is considered there would be no undue detrimental impact upon residential amenity.

Impact on Trees / Landscaping

- 9.21 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.
- 9.22 The Tree & Landscape Officer raises no objections to the amended details and noted that the proposal includes necessary enhancements.

Impact on Ecology

- 9.23 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.
- 9.24 LDP 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.
- 9.25 Furthermore, LDP Policies EN5, EN6 and EN7 further supports the principles of the aforementioned key policies in relation to ecological networks, biodiversity and trees.
- 9.26 The application is supported by detailed information in this regard which has

been assessed by the County Ecologist who is satisfied, subject to conditions, that there would be no harm in this regard and there would be enhancement.

- 9.27 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.

Sustainability / Energy

- 9.28 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.
- 9.29 Policy 17 Renewable and Low Carbon Energy and Associated Infrastructure outlines support for developing renewable and low carbon energy at all scales.
- 9.30 *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.
- 9.31 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.
- 9.32 The proposal is for a modern building sustainable building, which comprises an improvement relative to the previous temporary buildings being utilised at site. Air Source Heat Pumps (ASHPs), a low carbon technology, will be utilised to provide heating and hot water.

Drainage and Flooding

- 9.33 LDP Policy KP15 seeks to ensure new development is avoided in areas susceptible to flood risk, in accordance with national guidance, and development which increases flood risk is prevented. LDP Policy EN10 details that '*development should apply water sensitive urban design solutions*' the process of integrating water cycle management with the built environment through planning and urban design. Furthermore, the purpose of LDP Policy EN14 '*is to avert development from where it would be at risk from river, ordinary watercourse, coastal, surface water flooding or where it would increase the risk of flooding or additional run off from development elsewhere*'.
- 9.34 The site is not susceptible to flooding and the proposal includes the implementation of sustainable drainage features.
- 9.35 Furthermore, 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.

CONCLUSION

9.36 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.

9.37 Accordingly, the proposed development is in accordance with Policies KP5, KP6, KP8, KP13, KP15, KP16, KP18, EN5, EN6, EN7, EN8, EN10, EN11, EN12, EN13, EN14, T1, T5, C3, C5 and C7 of the Cardiff Local Development Plan 2006-2026.

10. OTHER MATTERS RELEVANT TO THE CONSIDERATION OF THIS APPLICATION

10.1 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.

10.2 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.

10.3 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.

- 10.4 Statutory pre-application public consultation: The statutory pre-application public consultation was carried out in accordance with legislation and is considered acceptable.
- 10.5 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.

11. RECOMMENDATION

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

12. CONDITIONS

Time Limit

1. The development permitted shall be begun 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, unless otherwise required by the ensuing conditions, shall be carried out in accordance with the following approved plans and details:
 - R103 REV. P03 - PROPOSED SITE PLAN
 - R104 REV. P03 - PROPOSED GROUND FLOOR PLAN IN CONTEXT
 - R105 REV. P01 - PROPOSED FLOOR PLANS
 - 2203 REV. P01 - PROPOSED ELEVATIONS - VE OPTION 2
 - R107 REV. P01 - CONSTRUCTION SITE ACCESS PLAN
 - SO P2 20-06-2023 - RADYR COMPREHENSIVE SCHOOL - EXTERNAL WORKS SPECIFICATION
 - RCS- ASL- 00- ZZ- DR- L- 0992 REV. P1 - TREE PROTECTION PLAN
 - ARBTS_1289.2_ RADYR COMPREHENSIVE SCHOOL - ARBORICULTURAL REPORT
 - RCS- ASL- 00- ZZ- DR- L- 0990 REV. P4 - PLANTING PLAN
 - RCS- ASL- 00- ZZ- DR- L- 0980 REV. P2 - TREE PIT DETAIL
 - TOHA/22/8642/AC ISSUE 1 - SOIL RESOURCE SURVEY
 - REV. P4 - GREEN INFRASTRUCTURE AND LANDSCAPE ECOLOGY

MANAGEMENT PLAN

- RCS- ASL- 00- ZZ- DR- L- 0993 REV. P1 - OUTLINE MAINTENANCE SCHEDULE
- RCS- ASL- 00- ZZ- DR- L- 0991 REV. P3 - BIODIVERSITY AND AMENITY PLAN
- WWE22219/HRA/RADYR COMPREHENSIVE SCHOOL | 23/06/23 - HABITATS REGULATIONS ASSESSMENT
- O047 - BAT REPORT-V1.1 - BAT EMERGENCE AND BACK TRACKING SURVEY REPORT
- WWE22219 PEA | 15/02/2023 - PRELIMINARY ECOLOGICAL APPRAISAL REPORT
- 20700-HYD-XX-01-RP-GE-1003 - TECHNICAL ASSESSMENT AND CONSTRUCTION ADVICE REPORT
- P01 | MARCH 2023 - DESIGN AND ACCESS STATEMENT

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

3. Prior to the commencement of the development, hereby approved, a Construction Environmental Management Plan (CEMP) (Construction) will be submitted to and approved in writing by the Local Planning Authority in order to manage the impacts of construction (**See informative**).
 - I. A risk assessment of potentially environmentally harmful activities/operations which includes on Green/Blue Infrastructure.
 - II. The CEMP will detail considerations with regards to:
 - a. Construction management: The detailed construction programme. Working hours.
 - b. Roles and responsibilities: Responsible persons including emergency contacts and a monitoring/review procedure.
 - c. Emergency procedures: Emergency procedures in light of an incident or accident and that in light of any spill at the site.
 - d. General Site Management: Compound locations. Agreed access/egress. Hoarding. The recycling and disposal of waste generated. Storage of plant and materials.
 - e. Site contamination: How known and unsuspected contamination will be managed.
 - f. Pollution prevention: Demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including; harmful materials that will be used/stored, their containment, bunding and/or appropriate buffer zones, including from any drain. How site drainage will be controlled. Monitor mobilisation of contaminants.
 - g. Control of nuisances: If required
 - h. Soil management: Details of topsoil strip and storage. Amelioration for re-use.

- i. Traffic management: Agreed access/egress. Traffic routes on site. Wheel washing facilities.
- j. Environmental management: A CEMP Biodiversity chapter will be produced to include; detail of biodiversity protection zones, relevant protection and mitigation for each ecological asset i.e., protected sites to species at the construction stage, the key Green/Blue Infrastructure locations and the areas subject to removal to facilitate the development. The times, roles and responsibilities of an Ecological Clerk of Works who will log their daily activities during works.

III. Relevant Toolbox talks.

IV. CEMP Masterplan.

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

4. Prior to the commencement of any development works, except demolition, a scheme to investigate the site for the presence of gases* being generated at the site or land adjoining thereto, shall be submitted to the Local Planning Authority for its approval.

Following completion of the approved scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required than no further actions will be required.

All required gas protection measures shall be installed and a verification report that demonstrates the effectiveness of the measures carried out must be submitted to and approved in writing by the Local Planning Authority before occupation of any part of the development. The approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

*'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with Policy EN13 of the Cardiff Local Development Plan 2006-2026.

Action

5. The approved document 'Outline Maintenance Schedule' (ref: RCS-ASL-00_ZZ_DR-L-0993 P1) shall be complied with for a minimum of 10 years following the completion of the development.

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 approved in discharge of condition X, unless the Local Planning Authority gives written consent to any variation.

Reason: For the overall protection of biodiversity and to ensure the site's landscape and environmental features are adequately managed long term. This aligns the Environment (Wales) Act 2016 and with policies KP5, KP16, EN6, EN7 and EN8 of the Cardiff Local Development Plan (2006-2026).

6. Prior to beneficial use of the building, hereby approved, a Lighting Design Strategy (for biodiversity) considering bats and other nocturnal species, in accordance with the Institute of Lighting Professionals Guidance Note 08/23 shall be approved by the Local Planning Authority (See informative).

All external 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 the potential for protected species in accordance with Policy KP16, EN6 and EN7 of the Cardiff Local Development Plan (2006-2026).

7. Prior to beneficial use of the development, hereby approved, the following ecological enhancements covering green infrastructure to individual ecological receptors, shall be installed at the development:

The enhancements specified in Section 5.7 of the approved 'Preliminary Ecological Appraisal Report' (ref: WWE22219 PEA | 15/02/2023). The bat boxes however, should be large, on the southern end of the building and suitable for a maternity roost (to compliment that already present within the wider school site). There shall be 2 x house sparrow boxes.

- The provision of 5 bee towers.
- The SUD being sown with the Wetland Meadow mix EM8.
- Any restored grassland sown with an Emorsgate EM2 Standard General Purpose Meadow Mixture or equivalent.

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".

8. Prior to beneficial use of the development, hereby permitted, additional cycle storage shall be provided in accordance with details which shall first be approved

by the Local Planning Authority.

Reason: In the interests of promoting sustainable modes of transport in accordance with Policies KP8, T1 and T5 of the Cardiff Local Development Plan 2006-2026.

Regulatory

9. 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 KP5, KP18 & EN13 of the Cardiff Local Development Plan 2006-2026.

10. 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 2006-2026.

11. 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 2006-2026.

12. The rating level of the noise emitted from any fixed plant and equipment on the site shall not exceed the existing background noise level at any time by more than 5dB(A) at any residential property when measured and corrected in accordance with BS 4142: 1997(or any British Standard amending or superseding that standard).

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Policies KP5 and EN13 of the Cardiff Local Development Plan 2006-2026.

INFORMATIVES

1. Dwr Cymru/Welsh Water advise:

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

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

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.

Sewage Treatment

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

Potable Water Supply

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water

Industry Act 1991, towards the provision of new off-site and/or on-site water mains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above. Our response is based on the information provided by your application. Should the proposal alter during the course of the application process.

2. Schedule 3 of the Flood and Water Management Act 2010 effects all new developments where the construction area is of 100m² or more and, therefore, may be subject to surface water drainage proposals under the SAB application process.

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

In the meantime if you require further information please review our website: <https://www.cardiff.gov.uk/ENG/resident/planning-and-suds/suds-approval-body/>
Or, alternatively you can review the legislation set by Welsh Government here: <https://gweddill.gov.wales/topics/environmentcountryside/epq/flooding/drainage/>

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

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

The Local Planning Authority has determined the application on the basis of the

information available to it, but this does not mean that the land can be considered free from contamination.

4. 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.
5. Should bats be identified in trees/buildings, a European protected species (EPS) licence would be required for this development. This development approval does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you would first need to obtain an EPS licence from Natural Resources Wales (NRW), and no work can be undertaken until this is received. You can obtain further information on the need for a licence and how to apply from NRW on 0300 065 3000 or at <https://naturalresources.wales/permits-andpermissions/species-licensing/when-you-need-to-apply-for-a-protected-species-licence/?lang=en>. You will need the services from an NRW bat licenced ecologist to produce the licence and subsequently supervise the works. The licence holder is usually the developer, who will hold legal responsibility for undertaking the works as agreed in documents with NRW.
6. **Construction Environmental Management Plan.** In the view of the Local Planning Authority, the Construction Environmental Management Plan should be structured to contain the following:
 - a. A risk assessment of potentially environmental harmful activities/operations which includes on Green/Blue Infrastructure.
 - b. Construction management: The detailed construction programme. Working hours.
 - c. Roles and responsibilities: Responsible persons (including a blank table for relevant details i.e. contact numbers), lines of communication and emergency contact details). The monitoring/review procedure and ultimate responsibility for the CEMP in light of any changes to construction or incidental finds - biological or non-biological. Review timeframes. The location of the site notice board with key contacts.
 - d. Emergency procedures: Emergency procedures in light of an incident or accident at the site. 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.
 - e. General Site Management: Compound/storage locations and segregation of routes (construction traffic and pedestrians etc). Hoarding to make the site secure. Agreed access/egress. Details on the expected plant to be used. A scheme for the recycling and disposal of waste generated. Storage of plant and materials (including chemicals and fuels). Including a marked up plan.

- f. Site contamination: How known contamination at the site will be managed. How unsuspected contamination should that occur will be managed.
- g. 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:
 - i. Details of harmful materials that will be used/stored at the site ~approximate quantities.
 - ii. Storage of plant and materials (including chemicals and fuels) – including unloading, containment, bunding and/or appropriate buffer zones, including from any drain.
 - iii. How drainage will be controlled to prevent release of soil from the site, wastewater and contaminants, including wheel washing facilities, during construction to the storm water system. Control at source is required.
 - iv. Measures to monitor mobilisation of contaminants (water).
- h. Control of nuisances: if required.
- i. Soil management: Agreed access/egress. Traffic routes on site. Vehicle and cycle parking for site operatives and visitors, site deliveries. Wheel washing facilities.
- j. Environmental management. A CEMP Biodiversity chapter will be included, this will detail:
 - i. Identification of “biodiversity protection zones” and the means to prevent impacts i.e. protection, modification etc;
 - ii. Reference to supporting documentation i.e. the SUD Design, tree protection details in relation to BS5837:2012, lighting strategy, that indicate mitigation/works during construction activities, that run in parallel with construction and are covered separately.
 - iii. Key Green/Blue Infrastructure locations to ensure resilience.
- k. The habitat areas subject to removal to facilitate the development.
- l. Measures for the protection and initial management of retained ecological and arboricultural assets:
 - i. SINC.s.
 - ii. Woodland/scrub edge.
 - iii. Bats (with consideration to the offsite County importance soprano pipistrelle roost and supervision of one of the buildings (see additional condition) during demolition) and low potential trees for bats that may require pruning.
 - iv. Otter, badger and European hedgehog.
 - v. Reptiles.
 - vi. Birds.

This will include an introduction to each feature, the proposed protection/initial management prescription at construction.
- m. The procedure for incidental finds. Bearing it in mind that works would require a licence if a European Protected Species is identified.
- n. The times during construction when ecologists and/or Ecological Clerk of Works may be needed to oversee works.
- o. 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,

post construction surveys, habitat watching briefs and specific species/species group watching briefs and the general outcome. This will be provided to the Local Planning no later than two weeks after the activity; and

- p. Relevant Toolbox talks on all matters arising.
- q. CEMP Masterplan detailing in broad terms: Green/Blue Infrastructure to retained and or modified (and in what way).

7. In the view of the Local Planning Authority the lighting design strategy should:

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, highlighting any mitigation required to achieve this. There should be limited light spill on green/blue 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.

All lighting should consider amongst other aspects; being 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.

Liaison between your chosen ecological consultant and the lighting engineer is advised.