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AGENDA

Committee PLANNING COMMITTEE

Date and Time of Meeting WEDNESDAY, 16 MARCH 2022, 10.00 AM

Venue REMOTE MEETING VIA MS TEAMS

Membership Councillor K Jones (Chair)
Councillors Stubbs, Ahmed, Asghar Ali, Driscoll, Gordon, Hudson,
Jacobsen, Jones-Pritchard, Keith Parry, Sattar and Wong

1 Apologies for Absence

2 Declarations of Interest

To be made at the commencement of the agenda item in question, in accordance with the Members Code of Conduct.

3 Minutes

To approve as a correct record the minutes of the meeting held on the 2 March 2022

4 Petitions

Petitions have been received in relation to the following applications in accordance with Committee Meeting Procedural Rule 14.2. The petitioners have been advised of their right to speak and the applicants/agents of their right to reply:

5 Development Control Applications

a 21/02687/MJR, RED DRAGON CENTRE AND COUNTY HALL, ATLANTIC WHARF

6 Section 257 Town and Country Planning Act - Stopping Up of Footpaths at Lincoln Court and Pennsylvania

7 Section 118 Highways Act 1980 - Stopping Up of Footpaths at Lincoln Court and Pennsylvania

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- 8 **Section 257 Town and Country Planning Act - Stopping Up of St Mellons No.2 Public Footpath**
- 9 **Appeals Update**
- 10 **Urgent Items (if any)**
- 11 **Date of next meeting 6 April 2022**

Davina Fiore

Director Governance & Legal Services

Date: Thursday, 10 March 2022

Contact: Kate Rees, 029 2087 2427, krees@cardiff.gov.uk

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PLANNING COMMITTEE

2 MARCH 2022

Present: Councillor K Jones(Chairperson)
Councillors Stubbs, Asghar Ali, Driscoll, Gordon, Jacobsen,
Jones-Pritchard, Keith Parry, Sattar and Wong

9 : APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Ahmed and Hudson.

10 : DECLARATIONS OF INTEREST

The following declarations of interest were received in accordance with the Members Code of Conduct.

Councillor	Item	Nature of Interest
Councillor Wong	21/02848/MJR International Sports Village, Grangetown	Personal & Prejudicial – Chair of Governors at Cathays High School

Councillor Stubbs indicated that he would be leaving the meeting for item 21/02848/MJR. Whilst he does not have a personal or prejudicial interest in this item and has not expressed an opinion either way, he is a member of the Economy and Culture Scrutiny Committee who have considered this item.

11 : MINUTES

The minutes of the meeting held on 2 February were approved as a correct record and signed by the Chair.

12 : PETITIONS

No petitions were received in respect of the application.

13 : DEVELOPMENT CONTROL APPLICATIONS

The Committee considered the schedule of development control applications submitted in accordance with the Town and Country Planning Act 1990:

RESOLVED: Pursuant to this Committee’s delegated powers the following development control applications be determined in accordance with the recommendation set out in the reports of the Director of Planning, Transport and Environment, subject to any further amendments as detailed below and notification be given of the decisions in accordance with Section 70 of the Town and Country Planning Act 1980 or Section 74 of the Planning (Listed Building & Conservation) Act 1980:

APPLICATIONS GRANTED:

21/02848/MJR – GRANGETOWN

Land at International Sports Village, International Drive, Grangetown

Construction of a 333m outdoor velodrome with clubhouse and stand.

14 : APPLICATIONS DECIDED BY DELEGATED POWERS - FEBRUARY 2022

Noted

15 : URGENT ITEMS (IF ANY)

No urgent items were re

16 : DATE OF NEXT MEETING - 16 MARCH 2022

The date of the next meeting of the Planning Committee is at 10.00 am on 16 March 2022.

The meeting terminated at 2.19 pm

PETITION

COMMITTEE DATE: 16/03/2022

APPLICATION No. **21/02687/MJR** APPLICATION DATE: 19/11/2021ED: **BUTETOWN**APP: TYPE: **Hybrid**

APPLICANT: Robertson Property Ltd. and Cardiff Council
 LOCATION: Red Dragon Centre and County Hall, Atlantic Wharf, Cardiff

PROPOSAL: HYBRID PLANNING APPLICATION FOR THE PROPOSED DEVELOPMENT OF PART OF A MIXED-USE MASTERPLAN WITHIN THE INNER HARBOUR, CARDIFF BAY. INCLUDING OUTLINE DETAILS FOR UP TO 890NO. RESIDENTIAL DWELLINGS (USE CLASS C3), 1,090 NO. HOTEL BED SPACES (USE CLASS C1), 19,500 SQM OF EMPLOYMENT FLOORSFACE (USE CLASS B1), 27,500 SQM OF LEISURE FLOORSFACE (USE CLASSES D1 AND D2) AND 12,310 SQM OF RETAIL FLOORSFACE (USE CLASSES A1 AND A3). PLUS ASSOCIATED PUBLIC REALM, OPEN SPACE, HARD AND SOFT LANDSCAPING, DRAINAGE, WALKING, CYCLING, CAR PARKING AND OTHER TRANSPORT INFRASTRUCTURE. TOGETHER WITH FULL DETAILS FOR A MULTI-USE, INDOOR ARENA (USE CLASS D2) WITH SUPPORTING USES AND CAFE (USE CLASS A3) A 182 NO. BED SPACE HOTEL (USE CLASS C1) PLUS ASSOCIATED PUBLIC REALM, HARD AND SOFT LANDSCAPING, DRAINAGE, WALKING, CYCLING, CAR PARKING AND OTHER TRANSPORT INFRASTRUCTURE

RECOMMENDATION 1:

That, subject to relevant parties entering into a legal agreement under the provisions of **SECTION 106** of the Town and Country Planning Act 1990 within 6 months of the date of this Resolution, unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraphs 8.195 to 8.201 of this report, planning permission be **GRANTED** subject to the following conditions:

Detailed Planning Permission (Arena and Hotel)

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 arena and hotel shown on plan CAH-HOK-AX-00-DR-A-00-9900 Rev P06 shall be carried out in accordance with the following approved plans

- CAH-HOK-AX-00-DR-A-00-9901 Rev P08 - Arena Quarter Masterplan
- CAH-HOK-AX-00-DR-A-00-9902 Rev P04 - Arena GA – Ground Floor
- CAH-HOK-AX-01-DR-A-00-9903 Rev P04 - Arena GA – Level 1
- CAH-HOK-AX-02-DR-A-00-9904 Rev P04 - Arena GA – Level 2
- CAH-HOK-AX-03-DR-A-00-9905 Rev P04 - Arena GA – Level 3
- CAH-HOK-AX-04-DR-A-00-9906 Rev P04 - Arena GA – Level 4
- CAH-HOK-AX-RL-DR-A-00-9907 Rev P04 - Arena GA – Roof Plan
- CAH-HOK-AX-ZZ-DR-A-00-9908 Rev P05 - Arena Elevations – North and South
- CAH-HOK-AX-ZZ-DR-A-00-9909 Rev P05 - Arena Elevations – East and West
- CAH-HOK-AX-ZZ-DR-A-00-9910 Rev P05 - Arena Sections – Centreline Sections
- CAH-HOK-AX-ZZ-DR-A-00-9911 Rev P05 - Arena Sections – North South Longitudinal Sections
- CAH-HOK-AX-ZZ-DR-A-00-9912 Rev P05 - Arena Sections – East West Cross Sections
- CAH-HOK-HX-00-DR-A-00-9902 Rev P05 - Hotel GA – Ground Floor
- CAH-HOK-HX-01-DR-A-00-9903 Rev P05 - Hotel GA – Level 1
- CAH-HOK-HX-02-DR-A-00-9904 Rev P05 - Hotel GA – Level 2
- CAH-HOK-HX-03-DR-A-00-9905 Rev P05 - Hotel GA – Level 3
- CAH-HOK-HX-04-DR-A-00-9906 Rev P05 - Hotel GA – Level 4
- CAH-HOK-HX-05-DR-A-00-9907 Rev P05 - Hotel GA – Level 5
- CAH-HOK-HX-RL-DR-A-00-9908 Rev P05 - Hotel GA – Roof Plan
- CAH-HOK-HX-ZZ-DR-A-00-9909 Rev P05 - Hotel Elevations – South and East

- CAH-HOK-HX-ZZ-DR-A-00-9910 Rev P05 - Hotel Elevations – North and West;
- CAH-HOK-HX-ZZ-DR-A-00-9911 Rev P05 - Hotel Sections – East West and North South (1 of 2)
- CAH-HOK-HX-ZZ-DR-A-00-9912 Rev P05 - Hotel Sections – East West and North South (2 of 2);
- CAH-ARP-AX-XX-DR-C-90-2100 Rev P05 - Arena Quarter Proposed Finished Levels
- CAH-ARP-AX-XX-DR-C-96-2520 Rev P06 -Arena Quarter Proposed Utilities Layout
- CAH-ARP-RX-XX-DR-C-90-2502 Rev P03 - Arena Quarter Proposed Utility Diversions
- CAH-WSP-AX-ZZ-DR-C-00-0006 Rev P08 - Arena Quarter Proposed Road Arrangement
- CAH-URB-RX-ZZ-DR-L-90-0003 Rev P05 Arena Quarter Landscape Masterplan
- CAH-URB-RX-ZZ-DR-L-XX-0007 Rev P05 Arena Quarter Tree Retention & Removal Plan 1 of 2
- CAH-URB-RX-ZZ-DR-L-90-0008 Rev P04 Arena Quarter Tree Retention & Removal Plan 2 of 2
- CAH-URB-RX-ZZ-DR-L-90-0004 Rev P02 Arena Quarter Landscape Site Sections
- CAH-URB-RS-ZZ-DR-L-95-0101 Rev P02 Arena Quarter Hard Landscape General Arrangement 1 of 3
- CAH-URB-RN-ZZ-DR-L-95-0101 Rev P03 - Arena Quarter Hard Landscape General Arrangement 2 of 3
- CAH-URB-RE-ZZ-DR-L-95-0104 Rev P01- Arena Quarter Hard Landscape General Arrangement 3 of 3
- CAH-URB-RS-ZZ-DR-L-94-0300 Rev P04 Arena Quarter Soft Landscape General Arrangement 1 of 2
- CAH-URB-RN-ZZ-DR-L-94-0301 Rev P04 - Arena Quarter Soft Landscape General Arrangement 2 of 2
- CAH-URB-XX-ZZ-DR-L-93-0401 Rev P02 Arena Quarter Typical Arena Rain Garden Detail
- CAH-URB-XX-ZZ-DR-L-93-0404 Rev P02 Arena Quarter Typical Arena Plaza Rain Garden Detail

- CAH-URB-XX-ZZ-DR-L-90-0405 Rev P04 Arena Quarter Typical Landscape Section – Northern Boundary
- CAH-URB-XX-ZZ-DR-L-95-0507 Rev P02 Arena Quarter Access Path Surface Detail
- CAH-URB-XX-ZZ-DR-L-94-0403 Rev P03 Arena Quarter Tree Pit Detail;
- CAH-URB-XX-ZZ-DR-L-90-0502 Rev P02 Arena Quarter Cycle Stand Detail
- CAH-URB-XX-ZZ-DR-L-90-0503 Rev P02 Arena Quarter Bollard Detail
- CAH-URB-XX-ZZ-DR-L-00-0504 Rev P01 Arena Quarter Cycle Shelter and Easylift Details
- CAH-URB-XX-ZZ-SH-L-94-0006-P03- Typical Plant Schedules January, 2022

Documents

- CAH-ARP-XX-XX-RP-Z-XX-000- People movement Strategy
- WSP Cardiff arena interim Travel Plan dated November 2021;
- WSP Travelodge Interim Travel Plan dated November 2021
- ARUP Arena Quarter lighting strategy dated November 2021;
- Environmental Statement dated November 2021 and Environmental Statement addendum January 2022

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

3. With the exception of works identified as Phase 0 enabling works (by Arena Quarter Enabling Works Sequencing Plan dated November 2021 - Robertson), no above ground works shall be undertaken until a scheme of highway and public realm works to the footways, carriageways, verges and junctions that form and adjoin the site on Ffordd Garthorne, Hemingway Road and Schooner Way, has been submitted to and approved in writing by the LPA.

The scheme shall include, but be not limited, to: the pedestrianisation and provision of the Arena plaza on Hemingway Road; the closure of the junctions with Lloyd George Avenue and Hemingway Road roundabout; the provision of the Hemingway Road coach drop-off/pick-up and access footway/waiting area; the closure of Schooner Way and Ffordd Garthorne; the formation of the accesses to County Hall (north) and the hotel, and the

provision of bus gates on the County Hall road; and the modification/updating of all local and strategic directional highway signage impacted by the closure of Hemingway Road and/or Schooner Way.

The scheme shall include full details of the required works, including construction make-up, surfacing, kerbs, edging, drainage, lighting, lining, signing, telematics/signals, traffic Orders, trees, soft and hard landscaping, green/ blue infrastructure, bus stops/shelters, HVM bollards and other street furniture as is required as a consequence of the scheme, together with a timetable for their implementation (related to each part of the development hereby approved).

All highway, landscaping and public realm works (related to each part of the development) shall be implemented to the satisfaction of the LPA prior to the development hereby approved being brought into beneficial occupation of the development.

Reason: To secure the design and implementation of the necessary development related highway modifications and junction changes, to provide an improved public realm environment in accordance with the development hereby permitted and to facilitate safe commodious access to and use of the proposed development in accordance with Policies T1, T2, T5 & KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

4. For Phase 1 (Travelodge Hotel) no above ground works shall take place until a scheme showing the architectural detailing of the principal (north) elevations of the building has been submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into use until the approved scheme is implemented.

Reason: To ensure a satisfactory finished appearance to the development.

5. Within one month of the first use of the Arena, a noise report shall be provided to the Local Planning Authority to demonstrate that entertainment noise from the Arena does not exceed levels agreed in the LAeq(15m), and frequency bands between 63 and 125hz in the sensitive receptors detailed in Chapter 12 Environmental Statement tables 12.24 and 12.25. Any mitigation identified within the approved report to ensure compliance with the approved levels shall be implemented in accordance with an agreed scheme/timetable.

Reason: To ensure the residential amenity of adjoining neighbours in accordance with Policy EN 13 of the adopted Cardiff adopted Local Development Plan (2006-2026);

6. The arena and hotel hereby approved shall not be brought into beneficial use until such time as the cycle parking detailed in the application and shown on the approved plans has been provided on site, and such

approved cycle parking shall thereafter be retained and maintained for the use of parking cycles.

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

7. The arena and hotel hereby approved shall not be brought into beneficial use until such time as the proposed car parking, servicing and manoeuvring areas have been laid out in accordance with the approved details, and such car parking, servicing and manoeuvring areas shall be retained free of construction and available for those purposes.

Reason: To make provision for the parking, loading/unloading and manoeuvring of vehicles away from the public highway, in the interests of highway safety in accordance with Policy T5 of the adopted City of Cardiff Local Development Plan (2006-2026).

8. Prior to the first event at the Arena a detailed Operational Management Plan for the use and operation of the Arena shall have been submitted to and approved in writing by the Local Planning Authority. The Operational Management Plan shall include but not limited to the following :

- Crowd management proposals including a noise management policy for pedestrian movements outside the Arena before and after events; and
- Noise management proposals for how noise from events would be managed both during the day-time and night-time hours.
- Operating hours for live music within the bowl with extended hours for full events not to exceed 25 occasions;
- Operations of the service yard of the Arena these details shall have regard to the recommendations of Chapter 12 Environmental Statement section 12.6.13;
- Arrangement for notifying the public, bus operators of events and road closure
- Arrangement for working with highways authority and other authorities for large scale events
- Arrangement for large events including pick up and drop off points
- Complaints procedure, including a named person;

The Arena facility shall thereafter be operated in full accordance with the approved Operational Management Plan.

Reason: In the interests of residential amenity and flow of traffic in accordance with policies T1, T5, T6 and EN13 of the adopted Cardiff Local Development Plan (2006-2026).

9. All development relating to Phase 0 shall be undertaken in accordance with Construction Environmental Management Plan Atlantic Wharf Butetown (Arena Quarter) dated 25 January 2022.

Reason: To ensure the amenities of adjoining neighbours are protected in accordance with Policies T1, T5 & EN13 of the adopted Cardiff Local Development Plan (2006-2026)

10. No development shall take place until A Soil Resource Survey (SRS) prepared by a qualified soil scientist in accordance with the 2009 DEFRA Construction Code of Practice for the Sustainable Use of Soils on Construction Sites that delineates, characterises and quantifies all re-usable topsoil resources on the site and a method of storage so that the soil can be reused has been submitted to and approved in writing by the Local Planning Authority. All soil shall be handled in accordance with the approved scheme.

Reason: To ensure a sustainable form of development in accordance with Policies KP5 & KP15 of the adopted Cardiff Local Development Plan (2006-2026).

11. Details of a waste strategy for the Arena and Travelodge development shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include but not limited to the following:
 - The location and design of any public litter bins, which shall ensure bins are capable of both containing general and recyclable waste;
 - Methods to be used to reduce general waste and promote recycling; and
 - Frequency and method of refuse collection.

All waste infrastructure shall be implemented in accordance with the agreed details prior to first beneficial use of each related part of the development, and the waste strategy shall thereafter be adhered to as approved throughout the lifetime of the development

Reason: To promote recycling opportunities and for an orderly form of development in accordance with policies KP12, W2 and KP5 of the adopted Cardiff Local Development Plan (2006-2026).

Outline Planning Permission (Wider Masterplan)

12. Time condition (outline all matters reserved) C00
13. The development shall be undertaken in accordance with the phasing plan reference 0371-RIO-XX-XX-DR-A-90511 Revision 6, or such other phasing plan that may subsequently be agreed in writing by the Local Planning Authority.

Reason: To ensure an orderly form of development in accordance with Policies KP4 & KP5 of the adopted Cardiff Local Development Plan (2006-2026)

14. As part of the first reserved matters application for each phase of development as agreed under Condition 13, details of cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking to be in accordance with the standards contained in the 2018 Managing Transport Impacts SPG and where two tier racks are proposed, the provision is to comprise a minimum of 20% accessible ground based stands (50% of any two tier racks should have centres of 500mm, the remainder to be a min. of 375mm centres). The approved details shall be implemented prior to the phase of development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained for the use of parking cycles.

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

15. The reserved matters for the proposed multi-storey car park (MSCP) shall provide for a car park of no greater than 1300 parking spaces, and shall include as a minimum the following:
- Provision of disabled spaces in accordance with the council's approved parking standard;
 - provision of no less than 10% of the parking bays having electric charging points on first use, and a further 20% including the necessary ducting for future electric charging points;
 - the provision of car club spaces
 - a phasing plan showing how and when access to the existing Red Dragon Centre surface car park provision will be precluded following the approved MSCP being brought into beneficial use

Reason: To ensure the number and type of spaces are limited an appropriate, in the interests of highway safety and sustainability, and to comply with Policies T5 & T6 of the adopted Cardiff Local Development Plan (2006-2026), Planning Policy Wales and Future Wales.

16. The reserved matters application for the proposed pedestrian bridge spanning the A4232, as shown on plan number 0371-RIO-XX-XX-DR-A-09501 (Application plan), shall be accompanied by a stage 1 Road Safety Audit demonstrating that the siting and design of the bridge would not harm highway safety, with the bridge designed, and thereafter constructed, to adoptable standards

Reason: To ensure the safe flow of traffic in accordance with Policies T5 & T6 of the adopted Cardiff Local Development Plan (2006-2026);

17. As part of the first reserved matters application for each phase of development as agreed under Condition 13 (but with the exception of the proposed multi storey carpark), details of a waste strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include but not limited to the following:

- The location and design of any public litter bins, which shall ensure bins are capable of both containing general and recyclable waste;
- Methods to be used to reduce general waste and promote recycling;
- Frequency and method of refuse collection.

The waste strategy shall thereafter be adhered to as approved throughout the lifetime of the development

Reason: To promote recycling opportunities and for an orderly form of development in accordance with policies KP12, W2 and KP5 of the adopted Cardiff Local Development Plan (2006-2026).

18. Any reserved matters submission including residential development, shall be accompanied by a noise assessment in order to demonstrate that the noise mitigation measures detailed in Environmental Statement Chapter 12 are effectual in reducing external noise to agreed acceptable levels. The Survey, with a validated certificate of compliance by an approved acoustic assessor shall be submitted to the Local Planning Authority to demonstrate this has been achieved. Specifically: BS8233:2014:
- 35dB LAeq, 16hour;
 - 30dB LAeq,8hour;
 - 45dB LAFmax;
 - 55dB LAeq, 16hour in external amenity space

The development shall not be beneficially occupied until such time as a validation noise survey has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the amenities of future occupants of the development are protected from environmental noise in accordance Policy EN13 of the adopted Cardiff Local Development Plan (2006-2026)

19. No reserved matters application shall be submitted to the Local Planning Authority until a design code for the whole outline permission site has been submitted to and approved in writing by the local planning authority. The code shall establish principles and guidelines for the treatment of the built form, character areas, public realm and landscape for the whole development area forming the outline consent. The code will develop on the plans provided in the approved Design and Access statement in Section 4, including the plans showing:
- Connection to Roald Dahl Plas
 - Active Frontage
 - Pedestrian Movement and Paths
 - Character Areas
 - Maintaining Existing Street Line
 - Arena Plaza and Events Square
 - Servicing Strategy
 - Proposed Metro Link
 - Materials

Details of the design code's scope and form shall be submitted to and agreed in writing by the local planning authority prior to the development and submission of the final code. The reserved matters details submitted to and approved by the local planning authority shall accord with the approved code.

Reason: to ensure good urban, architectural and landscape design in accordance with Future Wales Policy 2 and policy KP5 of the adopted Cardiff Local Development Plan (2006-2026)

20. Notwithstanding the details of the approved Proposed Illustrative Masterplan and approved Maximum Heights Parameter Plan, all reserved matters applications for residential development and development affecting existing residential communities will demonstrate how they comply with standards and guidance in the adopted Cardiff Residential Design Guide 2017 and Tall Buildings SPG or any document that supersedes it.

Reason: In order to ensure the good design of residential areas and buildings, and in particular to secure good amenity for both existing and future residents in accordance with Policies KP4 & KP5 of the adopted Cardiff local Development plan (2006-2026)

21. No reserved matters application shall exceed the maximum parameter plan reference 0371-RIO-XX-XX-DR-A-90512 revision 9

Reason: To ensure the scope of the development in accordance with Policies KP4 & KP5 of the adopted Cardiff Local Development plan (2006-2026)

22. As part of the reserved matters application incorporating the Events Square, a strategy detailing the management (including the use of freestanding advertisements) and maintenance of the Square (with particular emphasis on the relationship with adjoining land uses) shall be submitted to and approved in writing by the Local Planning Authority. The Square shall thereafter be managed and maintained in full accordance with the approved Strategy.

Reason: In the interests of good design / placemaking, and in order to protect local amenity for both existing and future residents in accordance with Policies KP4 & KP5 of the adopted Cardiff local Development plan (2006-2026);

23. As part of the first reserved matters application for each phase of development as agreed under Condition 13 (but with the exception of the proposed multi storey carpark), details of a site wide public art strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of procurement, a timetable for implementation and a maintenance schedule. The approved public art shall be provided prior to the completion of the relevant phase, or part thereof, and maintained in accordance with the approved details.

Reason: In the interests of visual amenity and the creation of a quality and legible built environment, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

24. The consent hereby granted shall permit no greater than 2750 sq.m. (gross) of Class A1 retail floorspace, which shall be provided in no fewer than three units, with no individual unit exceeding 1000 sq.m.

Reason: To ensure retail policy is protected in accordance with Future Wales Policy 6 and Policy R1 of the adopted Cardiff Local Development Plan (2006-2026)

25. The A3 uses, as shown on Land Use Parameter Plan reference 0371-RIO-XX-XX-DR-A-90513 revision 8, shall be restaurant, café bars or coffee shop uses and for no other purpose (including any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order).

Reason: The use of the premises for other purposes within Class would be likely to detract from the amenities of nearby occupiers and permission for the particular use applied for is only granted because of the special considerations peculiar to it in accordance with Policies KP5 & R8 of the adopted Cardiff Local Development Plan (2006-2026)

26. Prior to commencement of above ground works of each phase of development of development, other than the arena and Travelodge, a soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. These details shall include as a minimum:

- A soft landscaping implementation programme.
- A Soil Resource Survey and Plan prepared by a soil scientist, where it is intended to re-use site won soils for soft landscaping.
- Imported topsoil and subsoil specification for all planting types prepared by a soil scientist, including full details of soil protection, soil storage, soil handling, soil amelioration, soil remediation and soil placement to ensure it is fit for purpose. The parameters for all imported planting soils shall be clearly stated.
- Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect, including full details of how the landscape architect will oversee landscaping implementation and report to the LPA to confirm compliance with the approved plans and specifications.

The submitted details shall be consistent with other plans submitted in support of the application and the landscaping shall be carried out in accordance with the approved design and implementation programme.

Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance, in accordance with Policies EN8 and KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

27. As part of the first reserved matters application for each phase of development as agreed under Condition 13 an updated Ecological Mitigation Strategy which builds upon the submitted 'Ecology assessment and Ecology Addendum undertaken by Phlorum, dated 25/01/2022 shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Mitigation Strategy shall include (but not be limited to):
- Demonstrate how ecology resilience, of the site will be protected and enhanced through diversity, connectivity, extent, condition and adaptability to change
 - Timing and methods of the above resurvey, which should ensure that vegetation is surveyed using the national vegetation classification to inform the above assessment and mitigation
 - Design and location of birds and bat boxes/brick
 - A scheme of monitoring of European Protected Species during and post development
 - Repeat surveys for bat roosts if there is a delay of two years or more between initial surveys and site clearance

The approved strategy shall be implemented, as approved.

Reason: To secure implementation of the LPA's duty under section 6 of the Environment (Wales) Act 2016, and of section 6.4.9 of PPW11

28. No phase of development, including demolition, with the potential to impact on bats, shall commence until a pre-construction bat survey has been carried out for the development. The results of the survey, together with proposed mitigation and compensation measures, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved details and timetable.

Reason: To ensure updated ecological surveys are submitted; used to inform appropriate bat conservation proposals and implemented as approved in accordance with Policy EN7 of the adopted Cardiff Local Development Plan (2006-2026)

29. As part of the first reserved matters application for the waterfront quarter as shown on plan number 0371-RIO-XX-XX-DR-A-90510 Revision 8 a lighting scheme shall be submitted to and approved in writing with the Local Planning Authority. The lighting scheme shall ensure that the proposal does not increase light across the East Bute Dock and the north edge of the site beyond the existing levels. The approved details shall be implemented on site before the beneficial occupation of any building approved on this quarter and thereafter retained.

Reason: To reduce the impacts of lighting in the interest of protected species, including bats and otters, the habitats and the commuting corridors East Bute Dock and the northeast edge of the site in accordance with Policy EN7 of the adopted Cardiff Local Development Plan (2006-2026)

30. As part of the first reserved matters application for each phase of development as agreed under Condition 13 (but with the exception of the proposed multi storey carpark), details of an updated Energy strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall as a minimum outline how each phase of the development will incorporate renewable and low carbon technology and reduce electric and heat consumption and provide for the use of electric charging points for cars and service vehicles.

Reason: to promote energy efficient and sustainable development in accordance with Future Wales, Planning Policy Wales and Policy EN12 of the adopted Cardiff Local Development Plan (2006-2026)

Full and Outline

31. Landscaping Maintenance: Any newly planted trees, plants or hedgerows, which within a period of 5 years from the completion of the development die, are removed, become 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 within the approved scheme (and/or through discharge of the landscaping condition).

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

32. Prior to their application on site samples of materials shall be submitted to and approved in writing with the Local Planning Authority. The approved details shall be implemented and retained on site.

Reason: To ensure an acceptable form of development in accordance with Policy KP5 of the adopted Cardiff Local Development Plan (2006-2026)

33. No development in each phase shall take place until the applicant has secured implementation of a programme of archaeological work in accordance with that out-lined in “Written Scheme of Investigation for an Archaeological Strip, Map, Excavate and Watching Brief at Atlantic Wharf, Butetown” (Archaeology Wales Report no. 2939, dated September 2021)

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 in accordance with policies KP17 & EN9 of the adopted Cardiff Local Development Plan (2006-2026);

34. No development shall commence in each phase until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details. Justification Piling/foundation details should be submitted to ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development.

Reason: To ensure no adverse impact upon the water course in accordance with Policies EN13 of the adopted Cardiff Local Development Plan (2006-2026)

35. Any topsoil [natural or manufactured], or subsoil, 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 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.

36. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

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

37. 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.

38. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Reason: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks in accordance with Policy 13 of the adopted Cardiff Local Development Plan (2006-2026)

39. No development shall commence in each phase until a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

40. No building shall be occupied in each phase until a point of connection on the public sewerage system as has been identified by a hydraulic modelling assessment, which shall be first submitted to and approved by the local planning authority. Thereafter the connection shall be made in accordance with the recommended connection option following the implementation of any necessary improvements to the sewerage system, as may be identified by the hydraulic modelling assessment.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

41. No development shall take place in each phase (except Phase 0) until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason: To ensure the site is served by a suitable potable water supply

42. No building shall be occupied in each phase until a point of connection on the heat network has been identified, which shall be first submitted to and approved in writing by the local planning authority. Thereafter the connection shall be made in accordance with the recommended connection option following the implementation of any necessary improvements to the heat network, as may be identified by the hydraulic modelling assessment.

Reason: To ensure a sustainable form of development in accordance with Policy 16 of Future Wales and EN12 of the adopted Cardiff Local Development Plan (2006-2026).

43. No part or phase of the development hereby permitted shall be occupied until a travel plan, to include but not limited to, the promotion of walking, cycling, public transport and other alternatives to the ownership and use of private cars. has been submitted to and approved by the Local Planning Authority. The approved travel plan will be implemented on site prior to the beneficial use of the phase.

Reason: In the interest of sustainability and to limit the impact of the development on use of the adjacent highway.

44. No development in each phase shall commence (except for Phase 0 which has its own CEMP) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed.
- General site management: details of the construction programme including timetable, details of site clearance, details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Soil management: details of topsoil strip, storage and amelioration for re-use.
- Resource management: details of fuel and chemical storage and containment, details of waste generation and its management, details of water consumption, wastewater and energy use.
- Traffic management: details of site deliveries, plant on site, wheel wash facilities.

- Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations and submit weekly reports.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of the development and implemented for the protection of the environment during construction in accordance with Policies T1, T5 & EN13 of the adopted Cardiff Local Development Plan (2006-2026)

45. The extraction of all fumes from the hot 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 the amenities of residential properties in accordance with policies R8, EN13 & KP5 of the adopted Cardiff Local Development Plan (2006-2026)

46. The rating level of the cumulative plant noise emitted from any development shall not exceed 51dB(L_A,15mins) 1 meter from the source at the nearest receptor when measured and corrected in accordance with BS 4142: 2014 +A1 2019 (or any British Standard amending or superseding that standard). A report demonstrating that this has been achieved shall be provided to the Local Planning Authority prior to the use of any plant/equipment on any part of the development hereby permitted.

Reason: To ensure the amenities of adjoining neighbours in accordance with Policy EN13 & KP5 of the adopted Cardiff Local Development Plan (2006-2026).

RECOMMENDATION 2: R1 CONSTRUCTION OF SITE NOISE;

RECOMMENDATION 3: R4 CONTAMINATE AND UNSTABLE LAND

RECOMMENDATION 4: Since January 7th 2019, all new developments of more than

1 house, or where the construction area is 100 square metres or more, require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by the Welsh Ministers. These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins. The SAB will have a duty to adopt compliant systems so long as they are built and function in accordance with the approved proposals, including any SAB conditions of approval. It is recommended that the developer engage in consultation with the Cardiff Council SAB team as the determining SuDS Approval Body (SAB) in relation to their proposals for SuDS features. To arrange discussion regarding this please contact SAB@cardiff.gov.uk.

RECOMMENDATION 5: The applicant is advised that section 3.25 of Planning Policy Wales states that the land use planning system should take account of the conditions which are essential to the Welsh language and in so doing contribute to its use and the Thriving Welsh Language well-being goal. In this context and with regard to the Welsh Language (Wales) Measure 2011, it is recommended that: (1) developments adopt a Welsh name that is consistent with the local heritage and history of the area, including street naming, (2) during the construction phase, on site marketing information (i.e. text on construction hoardings / flags / banners – as consented) be provided bilingually and (3) for commercial developments, shopfront / premises signage be provided in Welsh or bilingually. Where bilingual signage is provided, Welsh text must not be treated less favourably in terms of size, colour, font, prominence, position or location (it is recognised that Welsh translation does not extend to company / business names). Cardiff Council's Bilingual Cardiff team (BilingualCardiff@cardiff.gov.uk) can provide advice on unique and locally appropriate Welsh names for developments, bilingual marketing / branding and bilingual signage.

RECOMMENDATION 6: Prior to the commencement of development, the developer shall notify the Local Planning Authority of the commencement of development, and shall display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016

RECOMMENDATION 7: Planning permission is not permission to undertake works on or in the public highway. A Highway Agreement under Section 278 or S38 of the Highways Act 1980, or other permission or license in respect of minor or temporary works, must be agreed with the Highway Authority. Any such agreement, license or permission is subject to technical approval, inspection and the payment of such fees as required by the agreement.

RECOMMENDATION 8: Parts of Schooner Way, Ffordd Garthorne and Hemingway Road are impacted by the proposed development and as such will need to be stopped-up by way of S247 T&CPA 1990 Orders, as far as those roads are directly affected by the permitted development. The Stopping-up Orders must be made and confirmed prior to closure of the highway, by application to Welsh Government following grant of planning permission

RECOMMENDATION 9: In accordance with the council's Parking Policy, residents of any residential elements of the development will not be eligible for resident parking

permits where such schemes currently exist or are established in the future. The car parking standards contained in the adopted Managing Transport Impacts SPG are expressed as a maximum, generally with no minimum requirement, supporting a move away from reliance on the ownership and use of private cars. The provision of zero parking development, where it can be accommodated, is therefore supported by Planning Policy Wales and the Council's LDP, notably LDP Policy KP8 which seeks to ensure new development in Cardiff will positively enable sustainable transport and reduce a reliance upon journeys by private car.

RECOMMENDATION 10: The applicant is advised to Contact: David Stiles, Team Leader Bridges, Dstiles@cardiff.gov.uk in relation to the construction of the pedestrian bridge spanning the A4232

RECOMMENDATION 11: The application is advised that separate Advertisement Consent is required for any signage, including the proposed LED display on the south elevation of the Arena, that will be proposed.

1. DESCRIPTION OF THE SITE AND AREA

- 1.1 The application site comprises an extensive 13.5 ha area located within the Bay area, incorporating the existing County Hall building and car park, Red Dragon Centre and car park, along with parts of Hemingway Road, Schooner Way, Ffordd Garthorne, Lloyd George Avenue, and an area of public open space to the south and west of Halliard Court known as 20 Park.

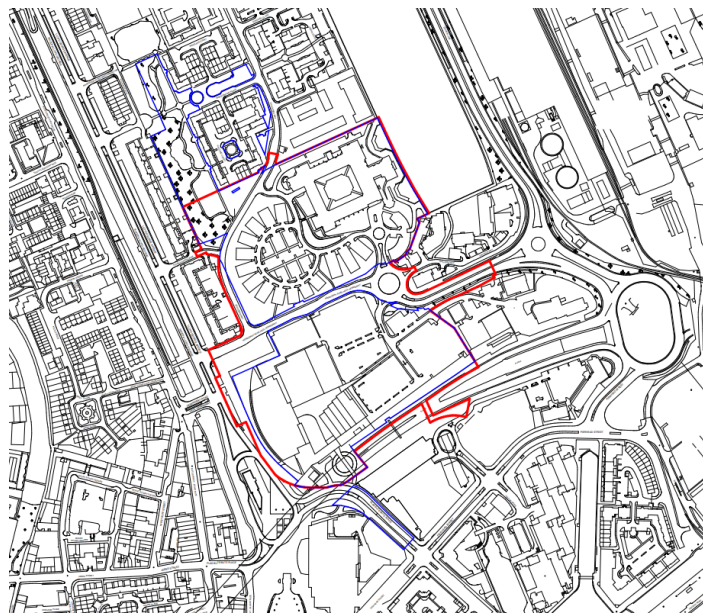


Figure 1: Site Location Plan (Blue line equates to Cardiff Council ownership)

- 1.2 Adjoining the site are two/three storey residential properties along the western, north and south-eastern boundaries, to the east is the historic Atlantic Wharf to the south is the Roald Dahl Plass Wales Millennium Centre and the leisure complex known as Mermaid Quay.
- 1.3 The site is not located within a conservation area (albeit the Mount Stuart Square and Pierhead Conservation Areas are nearby) and there are no listed

buildings within the red line boundary, nor are there any protected trees within the site.

1.4 The site is located within flood zone B.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1 This Hybrid planning application (part detailed planning, part outline) has been submitted for the proposed development of part of a mixed-use masterplan within the Inner Harbour, Cardiff Bay.

2.2 The application proposes:

- Full planning permission for a multi-use, indoor arena (use class D2) with supporting uses and cafe (use class A3), a 182 No. bed space hotel (use class C1) plus associated public realm, hard and soft landscaping, drainage, walking, cycling, car parking and other transport infrastructure.

and

- Outline planning for up to 890 No. residential dwellings (use class C3), 1,090 No. hotel bed spaces (use class C1), 19,500sqm of employment floorspace (use class B1), 27,500sqm of leisure floorspace (use classes D1 and D2) and 12,310sqm of retail floorspace (use classes A1 and A3). Plus associated public realm, open space, hard and soft landscaping, drainage, walking, cycling, car parking and other transport infrastructure.

2.3 The detailed element of the hybrid application (the Arena and hotel) primarily impacts the main County Hall staff car park, Schooner Way and part of the Silurian Park open space, along with a small section of Ffordd Garthorne, and Hemingway Road between Lloyd George Avenue and the roundabout.

Detailed Planning Application

2.4 The proposed new Arena would have a maximum capacity of 17,000 and would be sited on part of the existing County Hall car park (see figure 2 below). The Arena would have a gross internal area of 38,667 sq.m. and would be approximately 6 storeys (36.3 metres) in height.

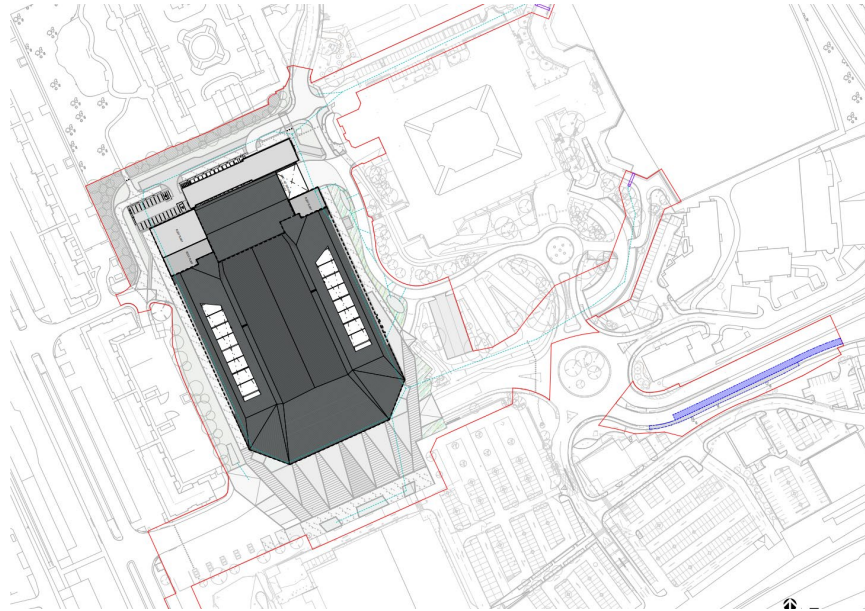


Figure 2: Detailed Planning Proposal Boundary

2.5 The Arena has been designed to provide flexibility over the types of shows that can be staged, thus ensuring the venue is active for as much time as possible.

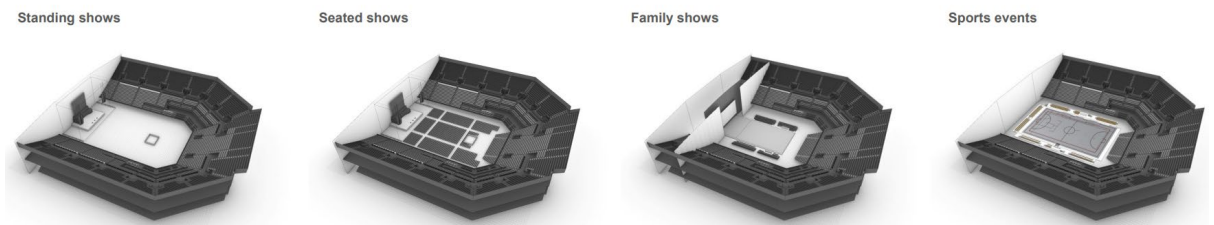


Figure 3: Internal Arena Design

2.6 The finish of the arena will be of black profile metal gladding, with the southern elevation having a significant amount of glazing (to aid the animation of the adjoining plaza).

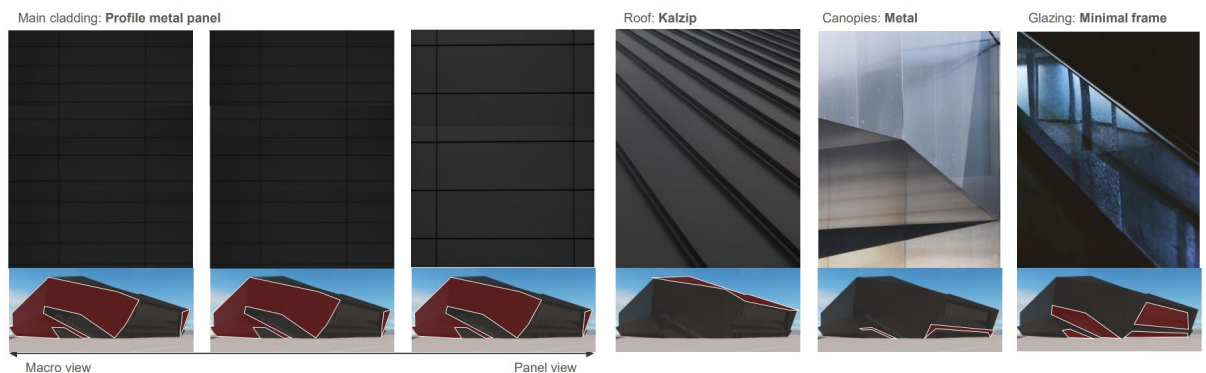


Figure 4: Arena Materials

2.7 The building would also incorporate an LED light trim around the entrance that would change colour depending on the time of day or event (i.e. blue or white during the day and orange in the evening).



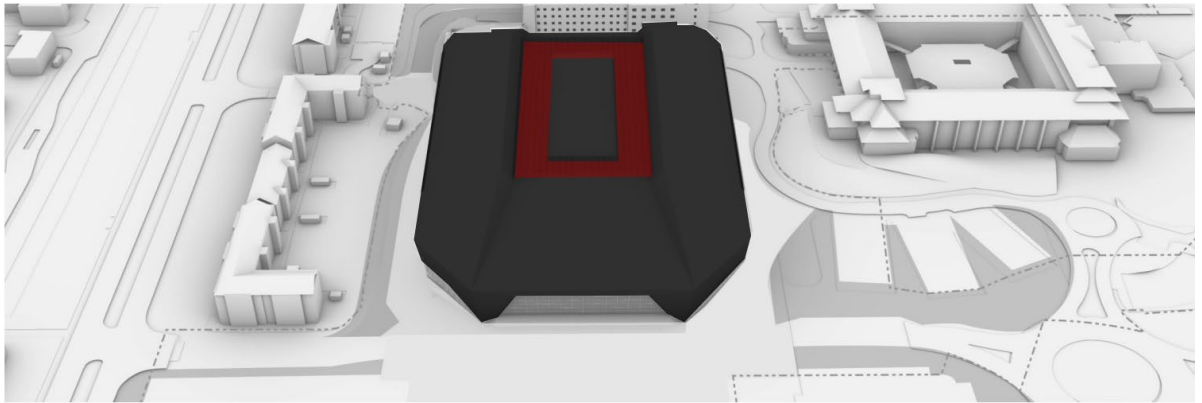
Figure 5: Arena at Night (showing LED trim and LED display)

- 2.8 The southern (front) elevation would also incorporate a large LED display screen, measuring 33.75 metres x 6.05m, that will be integrated into the building fabric.



Figure 5: Arena from new Plaza (showing LED display)

2.9 1500m² of photovoltaic panels would also be sited on the roof.



2000m² Photovoltaic panel zone including access and maintenance
1500m² Photovoltaic active area

Figure 6: Active photovoltaic zone on roof

2.10 The full application also proposes: -

- Creation of a 'Plaza' to the front of the Arena. This plaza would be constructed across, and thus require permanent closure of, this part of Hemingway Road (as well as require demolition of the existing Travelodge)
- Closure of Schooner Way from its junction with Hemingway Road to beyond the new hotel access;
- Changes to the existing access arrangements to County Hall off Schooner Way.

2.11 The service yard will be located to the north of the building and would be accessed from the Hemingway roundabout through the existing (reconfigured) County Hall access road and (see figure 7 below).



Figure 7: Access and servicing for the Arena

2.12 Also forming part of the full planning submission is the construction of a new 182 No. bed space 'Travelodge' hotel (use class C1), which will be a replacement for the existing Travelodge which is required to be demolished to make way for the Arena development and plaza.

- 2.13 The replacement hotel will be sited to the north of the County Hall car parking, located on part of Silurian Park and the existing highway at Schooner Way and to the rear of the proposed arena.

Silurian Park



Figure 8: Location of Travelodge (over part of Silurian Park)

- 2.14 The new building would front onto and be accessed off Schooner Way and be 5 storeys in height, accommodating 182 bedrooms with a part undercroft car park for 50 spaces, 7 of which will be for disabled guests and 14 Sheffield cycle stands that will be located in the undercroft area and enclosed.
- 2.15 The building will be finished in various shades of grey cladding, with various plant and machinery sited on the roof (screened).

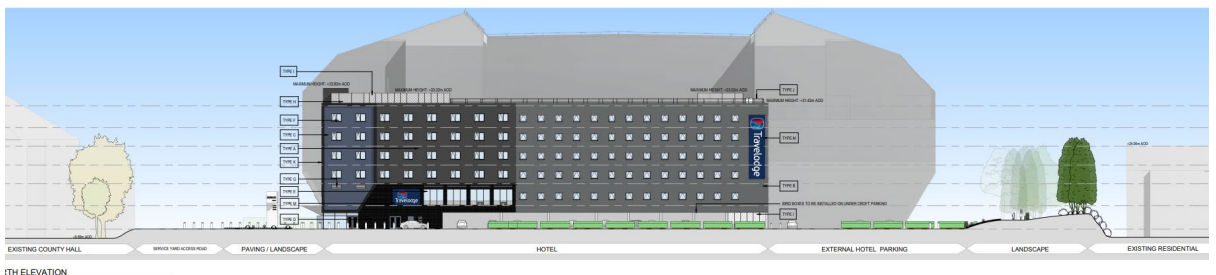


Figure 9: Travelodge (viewed from the North with Arena in background)

Outline Application (wider Masterplan / Development)

- 2.16 The wider Masterplan is submitted in outline form, in essence seeking permission in principle for the development and within submitted parameters.

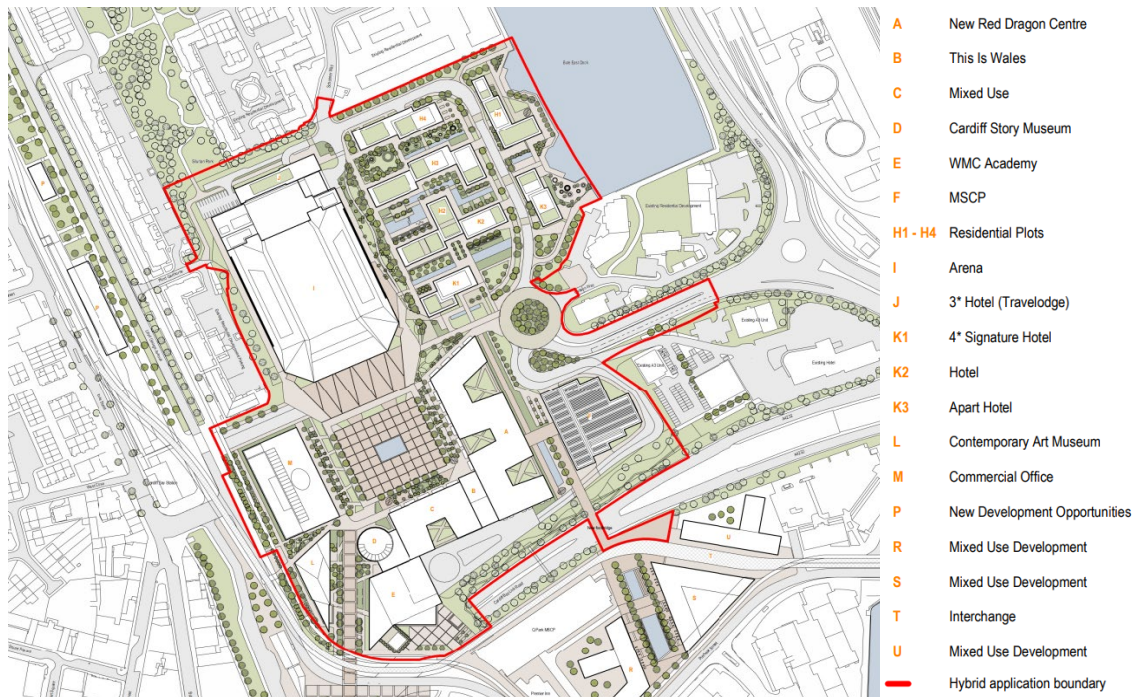


Figure 10: Context Masterplan

2.17 The wider masterplan identifies the potential for redevelopment of both the existing Red Dragon centre and County Hall, and seeks outline consent for up to:

- 890 no. residential dwellings (Use Class C3) (including upper floors above new Red Dragon Centre)
- 1,090 no. hotel rooms (Use Class C1)
- 19,500 sq.m of employment floorspace (Use Class B1)
- 14,000 sq.m of non-residential institution floorspace (Use Class D1)
- 13,500 sq.m of leisure floorspace (Use Class D2)
- 2,750 sq.m of retail floorspace (Use Class A1)
- 9,560 sq.m of food and drink floorspace (Use Class A3)
- 40,000 sq.m of car parking spaces including within a Multi-Storey Car Park (MSCP)

Plus:

- An event square
- Public realm and open space
- Pedestrian, cycle and vehicular accesses, including a new pedestrian bridge over the A4232
- Landscaping including biodiversity and landscape mitigation and enhancement
- Drainage; and
- Associated infrastructure.

2.18 The proposal divides the site into various character areas as follows:

- **Commercial Quarter:** maximum height of 7 storey and would accommodate new commercial office space;

- **Mixed Use Quarter:** would have a maximum build height of 7 storey that would contain a range of commercial, leisure and residential uses, including the new Red Dragon Centre 2 (RDC2), residential development, and high-quality office accommodation;
- **Cultural Quarter:** would have a maximum height of 6 storey that would contain a range of leisure and cultural uses, potentially including The Cardiff Story Museum, This is Wales, Wales Millennium Centre (WMC) Academy and Contemporary Art Museum of Wales. This zone would provide a key gateway into the Site from Roald Dahl Plass and would respond to and connect with the existing established cultural uses within Cardiff Bay.
- **Waterfront Quarter:** split into 2 areas (north) maximum of 10 storey and south maximum height of 17 storey located on the existing County Hall site. The area would contain a number of leisure, residential and hotel led uses, and would respond to its waterfront setting and include a landmark building for the masterplan and a new addition to the Cardiff city skyline.
- **Bute East Dock Quarter:** split into 2 zones (north) maximum height of 10 storey and (south) maximum height of 15 storey and would comprise a new residential and hotel district located to the south and west of Bute East Dock and provide a landscaped area for future residents. The zone would also potentially include new 4* hotels located adjacent to the Arena to provide an alternative to the proposed 3* hotel which support the masterplan and, on a wider level, Cardiff as an international visitor destination.
- **Car Parking Quarter:** would have a maximum height of 11 storeys and will provide a new multi storey car park (MSCP), replacing existing surface level car parking which dominates the current Site and providing car parking to support the proposed Arena and wider masterplan uses.

The new car park would include a significant car charging array.



Figure 11: Indicative Character Areas

2.19 The submission provides an indicative phasing plan (also identified on figure 12 below) as follows:

- Phase 00: Enabling works to facilitate delivery of the Arena and Hotel (Phase 01). Such works include: -
 - Highway works, including the stopping up and realignment of Schooner Way and the provision of new access arrangements to Cardiff County Hall;
 - Utility diversions, including the diversion of a large Welsh Water surface water sewer underneath Schooner Way, a high voltage 11 kilovolt (kV) electricity line, low pressure gas main, telecommunications, potable water, and traffic signal cables;
 - Site clearance including tree / vegetation removal and removal of current car parking;
 - Initial landscaping works focussed on the new highway and any alterations to Schooner Way; and
 - Site compound and hoarding.
 - Raising the park land by approximately 2 metres

- Phase 01: Construction of Arena and Plaza, 182 room Hotel and demolition of existing Travelodge (Phase 1a). Demolition of A3 unit and construction of 1,300 space MSCP (Phase 1b) (2022 – 2025).
- Phase 02: Construction of new Red Dragon Centre (RDC2) with residential dwellings (150 units), This is Wales visitor attraction, new footbridge over the A4232 (Footbridge Walk) (2024 – 2027).
- Phase 03: Demolition of existing Red Dragon Centre (RDC), construction of new WMC Academy, Cardiff Story Museum, mixed-use development, Atlantic Square (2027 – 2029).
- Phase 04: Demolition of Cardiff County Hall, construction of commercial office building adjacent to Lloyd George Avenue, new Contemporary Art Museum. Completion of Atlantic Square (2029 – 2031).
- Phase 05: Construction of new residential dwellings (890 units) and three hotels (2029 – 2032).

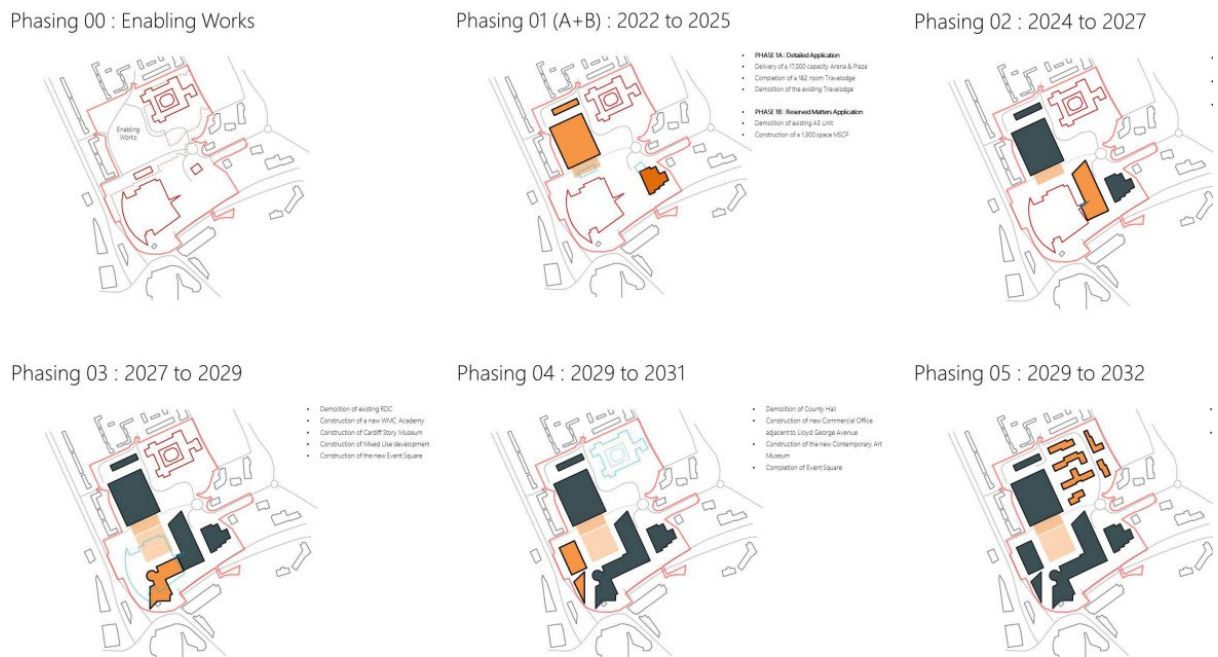


Figure 12: Indicative Phasing Plan

2.20 The submission is supported by an Environmental Statement, Transport Assessment, Design and Access statements, ecology assessment, landscaping master plan and trees assessment.

2.21 All documentation relating to the application, including plans, can be viewed on the Council’s website using the following link: [21/02687/MJR](https://www.cardiff.gov.uk/21/02687/MJR).

3. **PLANNING HISTORY**

3.1 The site has a detailed planning history relating to the development of County Hall, the red dragon centre, and Travelodge, but none are of direct relevance to this application.

4. **POLICY FRAMEWORK**

National Planning Policy:

- 4.1 [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.
- 4.2 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.
- 4.3 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

- 4.4 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 (September 2009);
Noting also the Chief Planning Officer letter dated 23/10/19: securing bio-diversity enhancement;
 - TAN 10: Tree Preservation Orders (October 1997);
 - TAN 11: Noise (October 1997);
 - TAN 12: Design (March 2016);
 - TAN 18: Transport (March 2007);
 - TAN 21: Waste (February 2017);
 - TAN 24: The Historic Environment (May 2017);
- 4.5 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.

The Development Plan

- 4.6 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.
- 4.7 [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.
- 4.8 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);
- KP7 (Planning Obligations)
- KP8 (Sustainable Transportation)
- KP10(Central and Bay Business Area)
- KP15 (Climate Change);
- KP16 (Green Infrastructure);
- KP17 (Built Heritage).
- KP 18 (Natural Resources)

DETAILED POLICIES

Housing

- H3 (Affordable housing)
- H6 (Change of use or redevelopment to residential use);

Economy

- EC1 (Existing employment land)
- EC4 (Protecting Offices in the Central and Bay Business Area)
- EC5 (Hotel Development)

Environment

- EN6 (Ecological Networks and Features of Importance for Biodiversity);
- EN7 (Priority Habitats and Species);
- EN8 (Trees, Woodlands and Hedgerows);

- EN9 (Conservation of the Historic Environment);
- EN10 (Water Sensitive Design);
- EN11 (Protection of Water Resources);
- EN13 (Air, Noise, Light Pollution and Land Contamination);
- EN14 (Flood Risk);

Retail

- R1 (Retail Hierarchy);
- R8 (Food and Drink Uses);

Transport

- T1 (Walking and Cycling);
- T5 (Managing Transport Impacts);
- T6 (Impact on Transport Networks and Services);
- T9 (Cardiff City Region 'Metro' Network);

Community

- C1 (Community Facilities)
- 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:

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

- Archaeology and Archaeology Sensitive Areas (July 2018);
- Food, Drink and Leisure Uses (November 2017);
- 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).
- Planning Obligations (January 2017);
- Public Art (June 2006);
- Residential Design Guide (January 2017)

- Tall Buildings Design Guide (January 2017)
- Waste Collection & Storage Facilities (October 2016).

5. INTERNAL CONSULTEE RESPONSES

5.1 The Operational Manager (Traffic and Transportation) advises as follows:

The application is supported by a Transport Assessment, a Transport Assessment addendum and an Access Strategy, a movement strategy and various other transport related documents, that I will commonly refer to as the 'TA' for ease of reference. Together these TA documents consider the existing transport conditions for the development area; the transport impact of Phase 1 of development, Arena and hotel; and the transport impact of Phase 2 of development, the wider Masterplan. The TA considers the trip generation for the proposed phases of development and how these interact with the existing traffic, and that associated with committed developments, over a number of tested years. The TA also sets out details of the mitigation and accommodation of traffic generated by and/or diverted as a consequence of the proposed development phases, including motorised and non-motorised modes.

When considering the transport impact of the detailed and masterplan proposals it should be borne in mind that this is a brownfield development, which is to say it is the redevelopment of already developed land, and as such the existing uses of the site have a transport impact in their own right. In assessing the transport impact of the proposed development the TA takes into account the extant office, leisure, hotel uses associated with the site as currently developed, and factor those trips into the overall assessment of the trip generation and distribution associated with the proposed development phases, and potential impacts of the proposals on the local transport network.

In considering the existing connectivity of the masterplan site, the TA confirms there are already good quality footways and cycle connections to/from existing residential areas, public transport facilities and existing attractions. The area is well connected with the wider Bay, with good quality active travel connections to Roald Dahl Plass, Mermaid Quay and the waterfront.

The site is also within close proximity of existing cycle routes on Lloyd George Avenue, with planned future improvements as outlined in the Integrated Network Map. The City Centre is a short, largely segregated cycle to the north and much of the wider city falls within an approximately 30 minute cycle ride of the site. As is evident from the ongoing works around the city, Cardiff's cycle network is going through a period of significant improvement, increasing the opportunities for staff and visitors to cycle to/from the site.

The area is served by high frequency public transport services, providing regular bus and train connections to the City Centre and beyond. There are also significant rail improvements planned within close proximity of the site, including the development of the South Wales Metro and Cardiff Crossrail, which will provide increased capacity and frequency of the rail network, as well extending the operational hours and destination choice of the current services.

It is proposed that the Arena will provide 300 cycle parking spaces, made up of a combination of covered two-tier cycle racks and open Sheffield stands, to be provided on the section of Hemingway Road that is to be closed to traffic. The TA advise there will also be a new 20 bike Nextbike hire station located within the vicinity of the Arena, the exact location of which is to be agreed. Dedicated staff cycle parking will also be provided on the eastern side of the Arena in close to the staff entrance, and this will be covered and secure. The hotel will provide 14 cycle parking spaces, in the form of 7 Sheffield stands within an enclosed cycle store, which is located within the undercroft car park. The provision and retention of the detailed and masterplan cycle parking is subject to conditions.

As part of the detailed application it is proposed that a 5 bay dedicated coach drop-off/pick-up area and footway connection will be provided to the east of the Hemingway Road roundabout, on the south side the road. The TA advises that the coach facility will be utilised for pre-booked coaches, with the bookings process being managed by the Council Events Team. The coach bay will only be a short walk to/from the Arena and masterplan area, and is considered will be attractive to coach operators providing transport to/from events.

The use of event park and ride facilities will form a key component in the successful operation of major, high capacity events at the Arena. As such discussions have been held with the Council Events team, through which it has been agreed that park and ride facilities at Sports Village are well located to serve the Arena. The Sports Village park and ride is ideally located to intercept traffic coming from the west via the A4232 and traffic coming from the east can also be directed by existing variable message signage to junction 33 of the M4 and onto the A4232. The Sports Village site is a walkable distance from the Arena, if visitors wished, or a short reasonably direct bus ride. The Leckwith park and ride is also available from the A4232, providing additional facilities should they be required.

Buses serving park and ride facilities at Sports Village or Leckwith, and which are associated with Arena events, are anticipated to make use of the existing Flourish coach bay as a drop-off/pick-up location. The operation potentially being well placed to take advantage of schemes such as the bus gate proposals associated with the Mermaid Quay car park development.

It should also be noted that the Council's Event Management team has a proven track record managing a diverse portfolio of events of differing types and sizes across various city locations.

In considering the transport implications of the proposed development, the assessment has identified opportunities to take advantage of park and ride for both events and future employment, shown the site to be well located in relation to rail stations and bus services, and in close proximity to the city centre and active travel links to the north and west. The site is therefore considered to be extremely sustainably located in transport terms and as such a location where the use of public transport and active travel offer viable daily alternatives to the ownership and use of private cars.

As part of the development of the hybrid application a VISSIM network model was developed by the applicant's transport consultant to assess the impact of the Arena and wider masterplan proposals on the local highway network. The development of the VISSIM model was discussed and agreed with the Council. The study model area extends from Rover Way in the east to the A4232/Cogan Spur in the west and Penarth Road/Adam Street/Fitzalan Place in the north. Data from 38 survey locations and 37 junctions was used in production of the model, with the data being provided by the Council. Both AM and PM peak periods have been modelled and assessed, for a number of assessment scenarios and years.

The transport modelling has demonstrated that mode shift targets resulting from investment in sustainable transport initiatives across the city, including pedestrian connectivity, cycleways, Metro, and park and ride, releases capacity on the local highway network. Subject to the assumed mode shift the network has been demonstrated to operate within capacity in the test years, with the inclusion of the Atlantic Wharf Masterplan development, with resultant traffic conditions similar to current levels.

The TA therefore demonstrates that the site, by virtue of its location and the opportunities for access by a variety of means, is accessible and sustainable, and that future proposed improvements will further consolidate this position. The proposed masterplan development is considered to be in accordance with national, regional and local transport policy and it is concluded that the proposed development is acceptable from a highways and transport perspective.

As can be seen in the submission the Arena and hotel (the detailed application) are to be built on the County Hall car park and parts of Schooner Way, Ffordd Garthorne and Hemingway Road; and as a consequence it will be necessary to Stop-up those areas of highway by way of an Order(s) under Section 247 of the Town and Country Planning Act 1990. While the Stopping-up of highway is a separate legal process to the determination of the planning application, the principle of the closure of these areas of highway is fundamental to delivery of the development and as such have been considered in that context. The TA identifies the areas of highway it considers necessary to be Stopped-up, Figure 1 TA Addendum, and this is considered to be an accurate assessment and acceptable to the Highway Authority in principle.

Although the construction programme has not been finalised, the TA identifies that it is likely that Schooner Way will need to be closed in Autumn 2022 to allow enabling works to commence. Hemingway Road is thereafter expected to be closed in Spring 2023. The TA confirms pedestrian (and cycle) access will be maintained between Hemingway Road and Lloyd George Avenue via a route that passes in front of the current Travelodge building, until such time as the demolition of the Travelodge commences in Summer 2024, at which time a further alternative route will need to be agreed. Along with the necessary Stopping-up Order(s), the temporary closure and/or diversion of roads and footways/cycleways, and the control of construction activity as it impacts the

highway will be managed via the conditioned Construction Management Plan.

The submission considers that a scheme of measures will need to be undertaken to facilitate the physical stopping up of Hemingway Road, including alteration of the traffic signals on Lloyd George Avenue and provision of hostile vehicle mitigation at each end of the closed section. These localised closure measures will need to be supported by the provision of advanced signage and road markings on the surrounding highway network, which is considered in the TA/Access Strategy, to ensure traffic is made aware of the closure before entering the area. Further detailed consideration will need to be given to the impact of the proposed public realm changes at the Hemingway Road/Lloyd George Avenue junction and roundabout, and conditions are sought to ensure these and any other impacts of changes to the highway network are considered in detail and appropriate works schemes are agreed with the Council.

The proposed (detailed) hotel will take access from a new stretch of private road that connects to Schooner Way at a revised highway layout/junction at the northern entrance to County Hall. A new cycle and pedestrian link will also be provided that connects Schooner Way to Ffordd Garthorne and Silurian Park, the POS to the west of Halliard Court. Until such time as an alternative route is provided through the masterplan development, a temporary public transport connection will be established via the County Hall car park road to Hemingway Road roundabout. The inclusion of this link maintains the option to continue to run bus services via Schooner Way, as well as providing an emergency access route. With the exception of buses, cycles and authorised vehicles, all motorised traffic that makes use of Schooner Way will access and egress from the north via the existing Tyndall Street junction. It should however be noted that there will be times, associated with events at the Arena, when the bus route via County Hall will not be available.

Vehicle access to and servicing for the Arena will be taken from the County Hall car park road via a new service yard junction, which will only be accessible from the south via the Hemingway Road roundabout; there will be no routine vehicular access to or servicing of the Arena via Schooner Way. In considering the servicing impact of the Arena the TA has assessed a typical event day scenario, including arrival/set-up and de-rig/departure, and concluded that it can be accommodated without detrimental impact on the use of the adjacent highway network.

At the request of the Council the applicant/transport consultant undertook a direct consultation of the proposals, in particular the required diversions and road closures, with local and national bus operators. Consultees included Cardiff Bus, NAT, National Express, Stagecoach, Newport Bus, First Cymru, Flixbus, Edwards and Easyway.

The individual bus operator responses are detailed in the TA Addendum and on the whole appear to be broadly positive. It is reported that operators appreciate how the masterplan and arena proposals will provide a positive contribution to the area that should result in additional passenger numbers in the future. Operators are therefore supportive of the project. There appear to

be some minor concerns about the potential impact of events on the use of Lloyd George Avenue; however, it was generally felt these could be worked around. Comments were also received about changes to Lloyd George Avenue and the Flourish to accommodate future requirements. The proposed bus link to be provided via County Hall, prior to the full masterplan being delivered, was not considered to be necessary by the operator currently running the tendered service along Schooner Way. However, as there is no certainty when the masterplan link through the wider site will be delivered, the Council maintains that the temporary link should be provided to ensure resilience and flexibility

Along with general daily use, Hemingway Road currently provides a diversionary route for tunnel closures (routine and incident related) and it is proposed that this would be replaced by a route taking in Pierhead Street and Bute Place. The alternative diversion route will need to be subject to a comprehensive directional signposting scheme, including the modification/updating of all local and strategic directional highway signage impacted by the closure of Hemingway Road. This requirement is included in the requested highway works condition.

A number of conditions, as referred to in my comments above and detailed below, are sought to secure an orderly, policy compliant form of development. A UU and financial contribution are also sought towards the provision of Traffic Regulation Orders to support the proposed development. I have also sought a commitment from the developer to work with the Council to investigate and implement the provision of EV charging infrastructure and car club spaces. The provision of EV charging and Car Club spaces within the vicinity of the site would be available to existing residents, as well as incoming residents and visitors, providing additional benefits to the community, providing choice and helping to mitigate the potential impact of the development.

- 5.2 The **Operational Manager (Waste Management)**: Raise no objection subject to waste management details condition/strategy
- 5.3 The **Operational Manager (Parks and Sport)**: Note the loss of part of Silurian Park and in line with the Planning obligation SPG requests a compensation of £250,000 which will be spent within the ward to improve public open space facility/provision within the area. The money should be paid by when the park land is lost.
- 5.4 The proposed housing is in outline form, so it is not clear at this stage if the on-site requirements can be met. However, in line with open space and the Planning obligation SPG a financial contribution will be sought. The exact amount will be based upon the final number that will be submitted. The wider master plan does provide wider opportunities for enhanced public facilities and I am keen to work with the applicant to seek these opportunities.
- 5.5 The **Operational Manager (Housing Development)** advises that in line with the LDP an affordable housing contribution of 20% of the total number of residential units should be sought on this brown-field site. If as part of the Reserved Matters Application (including for a phase or sub-phase) it is

assessed as not possible/suitable to deliver the social rented units on-site then, as an alternative to the on-site provision, the affordable housing will need to be provided as a financial contribution in lieu of the required on-site provision, which would be calculated in accordance with the formula in the Affordable Housing – Supplementary Planning Guidance (SPG) (2017) or any subsequent SPG.

- 5.6 The **Operational Manger (Shared Regulatory Services – Contamination)**: No objections subject to conditions.
- 5.7 The **Operational Manager (Shared Regulatory Services – Air Quality)** has reviewed the air quality assessment and modelling results included in the Environmental Statement and raises no concerns regarding the operational phase of the development.
- 5.8 The **Operational Manager (Shared Regulatory Services – Noise)** has provided detailed comments in respect of Vibration from Demolition, Earthworks and Construction; Future Road Noise at Proposed Sensitive Receptors; Predicted Noise from Proposed Arena and Hotel; Predicted Crowd Noise before and after events; Predicted Noise from Arena Service Yard; Predicted Noise from New Red Dragon Centre; Predicted Noise from event within the Atlantic Event Square; Proposed residential; Hotel; Odour and Lighting.
- 5.9 While raising no objection, subject to conditions, advises that:

General

- The arena is to cease entertainment noise at 2300 hours, typical with live entertainment venues, however it is suggested that “other” entertainment dates are to take place. If there are to be plans for additional later night events, such as boxing / DJ led events this would have implications for some aspects of the noise such as patron movement after the event. The numbers and timings of these can be agreed through a management plan conditions.
- HGV are likely to arrive at various times, which have not been outlined and as such a condition is required for deliveries to ensure the amenity of existing residents are not compromised.

Vibration from Demolition, Earthworks and Construction

- During demolition earthworks and construction there is potential for impact from noise and vibration and this should be subject to greater scrutiny should the development proceed. The best means in which to control this to an acceptable level, is through a Construction Environmental Management Plan condition. Particular focus shall be placed on piling methods, given its potential for greater impact both on noise and vibration. I agree with the recommendations of the report that the methodologies within BS5228-2 shall be followed, which include using the most appropriate piling method and only using driven (percussive) piling as a last resort, and then with specific mitigation as per BS5228-2. It is likely that given the proximity to existing residential, that if driven piling is used then stricter times are defined such as: driven

piling shall only be completed between 1000 – 1600 hours Monday-Friday and no such activities on weekends or public holidays. This will be in addition the recognised industry timings for construction work as discussed in the ES (0800 – 1800 Monday – Friday, 0800 – 1300 Saturday, no such work on Sunday and Public Holidays).

- Impact from future road noise would be negligible

Predicted Noise from Proposed Arena and Hotel

- The ES has considered that no additional measures are required atop of those already planned and proposed by Vangaurdia based on ARUP noise assessment figures in appendix 12.7 (Cardiff Area Stage 3 Noise Break-out, dated 11/08/21) and Appendix 12.3 Environmental Statement. The upper limits of any of noise from the arena were discussed at an early stage to ensure and can be viewed in the appendix of pre-application discussion, so it positive to see that the design of the Arena has planned for this from the offset. A suitable condition can address the matters above.

Predicted Crowd Noise before and after events

- The potential for additional footfall late at night at existing receptor locations and largely the unpredictably of such noise poses risk to amenity. The assessment highlights there is potential for an exceedance of background noise between 19-21dB during the night (e.g. after the event end of 2300hours), and 15dB above residual noise during the night time at two existing sensitive locations. Although there is expectation that crowds will disperse quickly moving towards the City, Mermaid Quay, trains or taxis – such an increase in noise has potential to disproportionately disturb those existing residents both in terms of actual sleep disturbance on a given night, but also possible longer term anxieties of future noise. This is described in the ES as “substantial effect” based on the effective significance matrix (table 12.6 ES).
- That said, it cannot be assumed that those persons leaving will be inherently loud or indeed “anti-social” – I would trust the venue is to attract a range of visitors to Cardiff that will respect the nature of area, should permission be granted – but those “worst case scenarios” need to be accounted for – as well as the general noise associated with high footfall even off respectful patrons. Measures to mitigate against this will be included in an “Operational Management Plan” (OMP) to be implemented during event nights, to limit impact. Such a plan is already drafted in document titled “Cardiff Arena Operating Schedule“ however there is no focus on specific patron noise management pre and post event, though it appears that a noise management policy is to be produced at some stage.
- Balancing the proposal and risks, the noise management policy should be produced that demonstrates crowd noise is manageable pre and post event with a clear management procedure to be managed at every night (though plans may vary depending on the entertainment proposed). This can be drafted with the recommendations of the ES taking into account.

Predicted Noise from New Red Dragon Centre

- Is satisfied with the findings and that the likely impact is low provided the

upper limit noise limit at façade is not exceeded. It is accepted that at this stage the actual positioning and number of plant is not yet known, hence the modelling and upper limit. To ensure the noise is managed post completion a condition is recommended.

Predicted Noise from event within the Atlantic Event Square

- The use of Event Square is not actually a development matter, and most controls will be subject to the separate Licensing regime. However its potential impacts have been discussed in the ES and following prior discussions the most appropriate standard discussed was the Code of Practice on Entertainment Noise Control at Concerts, though this was drafted with the threshold of “prevention of public nuisance” in mind and not loss / protection of amenity. The outcome of this assessment is that the operations are feasible so long as appropriate noise assessment is completed prior to each event, to position speakers, set appropriate limits, control low frequency noise.

Proposed residential

- The additional sources of noise above have been limited with the proposed residential in mind. It is accepted that at this hybrid stage much of the design of the residential area is subject to full / reserved matters applications, and the purpose of the ES is assessing these is to demonstrate that the additional housing is feasible, and if mitigation is likely to be required. Mitigation measures are discussed in detail in section 12.6.20 – 12.6.28 and I am satisfied that the proposed residential can feasibly achieve good internal noise standards, subject to design and mitigation. A condition is recommended.

Hotel

- Based on previous discussions I understand the hotel work to their own high standard for internal acoustics, and as the hotel is associated with the Arena use trust that there has been thorough consideration as to the acoustic standard needed to operate the hotel successfully for future guests. For these reasons I do not believe there needs to be greater scrutiny on the noise standards of the hotel.

Odour

- A condition should be applied to all those proposals that are likely to have cooking facilities to address odour.

Lighting

- Lighting has been considered (Arena Quarter Lighting Strategy 11 November 2021), the contents of which I am satisfied and am pleased that efforts are made to retain and protect existing residential receptors from undue loss of amenity from light pollution. The recommendations of this report should be duly implemented.

5.10 Education Department: The proposed housing is in outline form only and comments have been based on the following assumptions of housing mix breakdown for 890 units: 10% 1 bed; 80% 2 bed; 10% 3 bed.

5.11 Total gross pupil yield from nursery through to sixth form amounts to c140 pupils (net c126). In accordance with our 2017 SPG we need to assess the net yield.

- The projected secondary school yield, and the yield of children requiring specialist provision cannot be met within existing schools – obligations would be sought for these.
- The development area is served by Fitzalan High School and this school is fully subscribed at entry. Projections indicate that this will continue. The development area is also served by Ysgol Gyfun Gymraeg Glantaf and this school is also fully subscribed at entry. Projections indicate that this will continue.
- The area of development borders the catchment areas of Mount Stuart Primary School and St Mary the Virgin Church in Wales Primary School and is also in close proximity to the catchment area of Grangetown Primary School and to St Cuthbert's Catholic Primary School. St Mary the Virgin Church in Wales Primary School is a voluntary aided (faith) school which means that the school controls their own admissions applications and allocations.
- Whilst the projected number of children taking up places in the areas served by Mount Stuart Primary School and St Mary the Virgin Primary School is beneath the joint capacity of these schools, the projected take-up of places across the wider area for both English-medium and Faith places, and projections from approved housing developments within the area, means that a claim would be made for English-medium primary places.
- Welsh-medium primary and nursery places can be accommodated in existing schools and obligations would not be sought for these.
- Financial contributions are therefore sought towards the expansion of:
 - English-medium secondary school places
 - Welsh-medium secondary school places
 - English-medium primary and nursery school places
 - Specialist school/ resource base places

All calculations will be reviewed at full application stage when the break down in occupancy rate will be known.

5.12 The **Council's Planner (Trees and Landscaping)**: Whilst the amended landscaping around the arena is an improvement on the original submission, given the limited space afford to landscaping, he still raises significant concerns in relation to the loss of the existing category 'B' trees around the site and whilst noting the amended GI parameter plans this does not overcome concerns given the lack of detail and timeframe for providing an acceptable landscaping scheme that would compensate or enhance from the existing baseline. The applicant will be undertaking a soil resources survey (SRS), which must assess the soil as a resource and how it can be stored and reused on or near the site.

5.13 **Operational Manager (Building Control)** raises no objections.

5.14 The **Operational Manager (Flood & Coastal Risk Management)** has been consulted, with no representations received to date.

5.15 The **Council's Ecologist** has raised the following matters: -

Bats

Neither bat survey is satisfactory in that the first only considered half of County Hall, and the second took place too late in the bat survey season, at least for two of the three survey visits. However, accepts that many parts of County Hall would be difficult to view for ground-based surveyors, especially for the outside elevations on the east of the building. This being the case, although no bats were observed entering or exiting the building, accepts the conclusion that it is likely that there is a maternity roost of pipistrelle species somewhere on the eastern elevation and a hibernation roost towards the western elevation. Notes that NRW believe the necessary information can be conditioned and therefore has no in principle objection

Biodiversity Net Gain

I note the BNG documents submitted with this application, and it seems that whilst the case for net gain at the Arena part of the site is weak, there is a case that across the whole Masterplan site, net gain could be achieved. In his letter to Heads of Planning of 23/10/19 the Chief Planner stated: *'The attributes of ecosystem resilience (PPW para 6.4.9 refers) should be used to assess the current resilience of a site, and this must be maintained and enhanced post development. If this cannot be achieved, permission for the development should be refused.'*

The attributes of resilience referred to are diversity, extent, condition and connectivity of these ecosystems. Therefore, in order to make the case that BNG can be achieved, the Applicants' Ecologists should have provided an analysis of how habitat retention and the planting of new habitats would result in enhancement of the diversity, extent, condition and connectivity of habitats on site, rather than a comparison of the net area of soft landscaping before and after development. Normally such an analysis would then inform the design and layout of the scheme. Whilst there are elements of the attributes of ecosystem resilience in the ES, there is no explicit reference to a systematic analysis of how these attributes will be maintained and enhanced as part of the scheme, in the context of the Chief Planner's letter and the sections of PPW that he referred to. However, the Chief Planner letter does allow for this requirement to be conditioned.

In the case of net gain of habitat for species such as bats, for example in the form of incorporating bat boxes into the development, a clear distinction should be made between those measures which are intended to compensate for habitat lost, versus those which are intended to achieve net gain. It is not appropriate to refer to installing bat boxes as net gain, when they are required as compensation for the potential loss of roosting areas. NRW's views on the

adequacy or otherwise of roost compensation measures for bats (in respect of the demolition of County Hall), and the further information they have requested pre-determination, any additional enhancement measures for bats in the form of bat boxes should be set out clearly in the analysis of ecosystem resilience referred to above.

Grassland Habitats

Any proposals for biodiversity net gain must be based upon a robust understanding of the habitats which already exist on site. The ES section 10.4.4 and the Preliminary Ecological Appraisal (PEA) section 3.11 describe these habitats as poor semi-improved amenity grassland, though a formal survey is not described, and the November 2021 PEA does not list any grassland species in Appendix D ('Plant Species List'). Having said that, the Mott MacDonald PEA from February 2020 does list a number of taxa, though in many cases these are not identified to species. This is perhaps because the surveys were undertaken in December and January, when most flowering plant species would not be in flower, when fruiting bodies of grassland fungi would not be as abundant, and when many invertebrates would be in hibernation.

In contrast, in 2018 over 2000 flowering spikes of a type of orchid known as Autumn Ladies' Tresses (*Spiranthes spiralis*) were counted by our Parks Rangers, and although this species does not receive any specific protection, it is an indicator of species-rich calcareous grassland and a contributory species for SINC selection in South Wales. In addition, six species of Waxcap fungi have been recorded casually, though no comprehensive survey has taken place that I am aware of. Waxcap fungi are of conservation interest as indicators of semi-natural, mycologically-rich unimproved grasslands, a habitat seriously threatened throughout the UK and Europe. This type of habitat tends to be species-rich due to low nutrients and lack of agricultural or horticultural improvement. The dry, free-draining and short turf of these embankments is also conducive to a range of invertebrates including at least 5 species of mining bees, together with their kleptoparasites.

I recognise that not all of these species records would have shown up in the Ecologists' data searches, and none of them receive any protection as such, but taken together they indicate that these grassed areas are potentially species-rich for plants, fungi and invertebrates. Therefore my advice is that these areas are deserving of more detailed consideration in any preliminary ecological appraisal. Based on my own observations, and others I believe these grassed areas to be a valuable ecological receptor, and the impacts upon them should have been assessed. Subsequently, measures of avoidance, mitigation and compensation should be incorporated into any landscaping scheme, noting that an overall loss of this habitat is foreseen in the Biodiversity Net Gain calculations. For example, the topsoil which includes the seedbank should be stored and re-used for green roofs or for the creation of grassy embankments on the developed site. For the avoidance of doubt, nursery-grown pots of tufted hair grass (*Deschampsia caespitosa*) planted in a formal border does not constitute compensation for loss of grassland habitat.

Survey data shelf-life

As a general principle, the results of survey work which are more than 18 months old will be regarded with caution, as certain species may colonise or leave an area in the interim period. Guidance published by the Chartered Institute of Ecology and Environmental Management (CIEEM) on the Lifespan of Ecological Reports and Surveys from April 2019 advises that is particularly the case with mobile species such as bats, and bat surveys greater than 18 months old should be repeated. Therefore recommends a planning condition stating that survey work should be repeated if site clearance and tree felling hasn't taken place within 18 months of the date of the most recent survey.

6. EXTERNAL CONSULTEE RESPONSES

- 6.1 **Dŵr Cymru Welsh Water:** Raise no objection to the proposal but highlight that the proposed development is in an area where there are water supply problems for which there are no improvements planned within their current Capital Investment Programme AMP period (years 2020 to 2025). Also, a main drainage pipe will need to be relocated as part of phase 1 works. All the concerns of Welsh Water can be conditioned.
- 6.2 **Natural Resources Wales:** have significant concerns but these can be overcome by conditions in relation to lighting plan for the East Bute Dock, updated CEMP and pre-construction Bat survey and land contamination
- 6.3 **Fire Service:** No objections but state that a comprehensive fire strategy will be required, and this will be achieved through the Building Regulations submission.
- 6.4 **Welsh Government (Transportation)** Following discussions with WSP it is accepted that the arrival profile of the new arena (modelled on the principals of the existing) will not impact the AM peak with likely spreading beyond that of the PM peak against the general tidal flow. In terms of the site transport proposals working effectively, this is based on the accepted 50/50 Cardiff modal share targets. In order to manage the development with minimal disruption to the strategic network, it is a given that for events above a certain threshold there will be event coordination with Cardiff CC. Further consultation should take place with the South Wales Trunk Road Agent (SWTRA) and the Welsh Government.
- 6.5 The Welsh Government have no objection in principle to the proposal although this should be subject to condition to address any trunk and motorway issues.
- 6.6 **Welsh Government (Planning)** as required by Environmental Impact Assessment Regulations have been informed that the submission is EIA development. No comments received.
- 6.7 **Public Health Wales Comments:**

GP provision: Current capacity in existing GP practice infrastructure in the City and South Cluster area is extremely limited due to any previously identified

capacity being utilised to absorb the managed dispersal of patients following the contract termination by Saltmead Medical Centre. The sustainability of services in this area is a significant issue for the health board due to workforce pressures as well as physical infrastructure constraints. These will only be exacerbated by the substantial developments in the area, placing those local services under significant strain.

Under the Cardiff Planning Obligations SPG a development of this scale will meet the criteria for developer contributions towards primary and community healthcare facilities. The UHB would like to explore with the developer the feasibility of on-site provision for healthcare services as well as in depth feasibility of developments in existing infrastructure and potential for off-site contributions.

Pharmacy - Under the Cardiff Planning Obligations SPG a development of this scale will meet the criteria for developer contributions towards primary and community healthcare facilities. The UHB would like to explore with the developer the feasibility of on-site provision for healthcare services as well as in depth feasibility of developments in existing infrastructure and potential for off-site contributions.

Dental provision - The Health Board's NHS dental allocation from Welsh Government is cash limited funding and in turn NHS dental contracts are based on a fixed contract value to deliver a specified amount of dental activity per year. As such, NHS dental practices do not have the capacity to accommodate NHS growth within their practices without a recurrent increase to their baseline contract values, even if they have the structural capacity to accommodate extra patients.

Opticians - Optometric care (General Ophthalmic Services) is non-cash limited to an extent and so opticians can accept an increase in resident numbers provided they have the internal capacity.

7. REPRESENTATIONS

- 7.1 The application was advertised on the Council Website and by way of neighbour notification letters, site notices and advertisement in the local press.
- 7.2 Following receipt of additional information in support of the application, namely: Updated GI parameters plans; Arena landscaping; Traffic Assessment; and updated Environmental Statement addendum, additional publicity was undertaken in accordance with Regulation 24 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (requiring site and press notice providing an additional 30 day's consultation).
- 7.3 In total 45 letters of representations have been received to date, all objecting to the proposal, and on the following summarised grounds:
 - Given the location of the arena near to residential properties, concern is raised over the noise and disturbance cause by construction activity and

given the wider master plan this could be over a number of years. Also concern has been raised that the revised CEMP does not take account of the EHO suggested hours of operation;

- Given the location of the arena just metres away from residential properties and the timing until 23:00 would result in unacceptable noise which cannot be mitigated against through any condition. A video from a recent Genesis concert from the Leeds Arena (similar capacity) has been submitted demonstrating the noise from people leaving the venue;
- Stopping up of Schooner Way creates a massive cul-de-sac for residents who live off it. How are residents supposed to access south without inconveniencing existing residents? Why can't residents use the proposed bus gate that connects Schooner Way to Hemingway roundabout?
- Given the location of the arena and Schooner Way becoming a Cul-de-Sac people going to the arena will make Schooner Way a car park. Can additional residents only parking bays be created to ensure people do not parking on Schooner way?
- The proposal will result in the loss of house values
- Too many documents and too confusing to the public to understand;
- Believe the consultation process is just a tick box exercise and the council are not interested in people views;
- Conflict of interest: can the council, as developer and the council as the LPA be objective in the assessment of this scheme? It should be considered by Welsh Government;
- The proposal would undermine residential amenity of the existing properties through loss of light and overbearing and unneighbourly form of development;
- The arena being a big black box is out of character with the area;
- The proposal, as a whole, is an overdevelopment of the site
- The proposal is piecemeal, there is no guarantee the wider development will be built out and we will be left with just an arena;
- Cabinet reports and financial risk and cost to the council have been kept from the public;
- There is no support from the public for this scheme;
- Why can't the arena be built on the existing Motorpoint city centre location?
- Why can't the arena be located on another part of the site?
- The proposal would result in the loss of a public park and goes against national policy and the Well-being Act that seek to create healthy places for people to use
- Where will the compensation money for the loss of the park be spent given that the only other green space you have approved a Military Museum on it;

- The proposed plans have not considered climate change and building a new buildings will create embedded carbon, which isn't the case with Bristol arena.
- The Makers Guild in Wales (located in Craft in the Bay) are concerned that the wider context plan initially show their building being removed (the building is grade II listed) and whilst they are pleased the updated plans show their building staying they are concerned that proposed tram lines and road realignments would impact upon their business.
- The public transport system cannot support the size of location of this development and should be delayed until a viable public transport system is in place;
- Given the economic look this development should be put on hold until a more rigorous consultation and due diligence has taken place
- Concern has been raised by residents that the additional 890 residential units would put unacceptable pressure on GP and dental services;
- Representation from Cardiff Civic Society support the above objection but also questioned the decision-making process by the council in supporting this proposal and highlighted that the report to Cabinet on the 17th proposes different uses to that seeking permission;
- The Atlantic Wharf Residents Association raised the same matters as above but also state that the amended plans do not address their original concerns and will be writing to the Welsh Minister in relation to how the planning process has been undertaken as it does not meet the spirit of democratising the planning process.

7.4 4 on-line petitions have been submitted by Cardiff Civic Society. The petitions are as follows:

Petition 1 (73 names)

The proposal is out of step with the council's declaration of climate and nature emergencies;

Petition 2(63 names)

The proposed Indoor Arena does not aim to be Carbon Neutral from the outset and plans to use fossil fuels contrary to the Council's One Planet Vision

Petition 3 (72 names)

The proposals for eventual Biodiversity Net Gain are not convincing, late in the delivery cycle and uncertain, but biodiversity loss will be extensive and immediate from construction of the Arena Quarter in the first phase.

Petition 4 (81 names)

The committee should postpone determination of this application until a credible transport enhancement are in place to handle the flow of visitors.

8 ANALYSIS

8.1 The key material considerations in the determination of this application are: land use / principle of development, impact upon the character of the area,

transportation impact upon heritage assets, Impact upon existing properties, loss of public open space, ecology, removal of County Hall and utilities.

Land Use / Principle of Development

- 8.2 As identified earlier, this is a hybrid application which seeks detailed planning permission for a 17,000 capacity indoor arena, plus a replacement 182 bedroom Travelodge hotel (the existing Travelodge being demolished) as Phase 1.

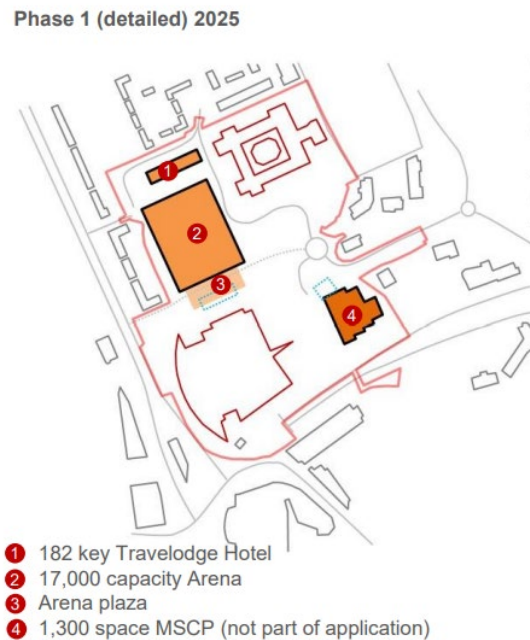


Figure 13: Phase 1 Proposals

- 8.3 The proposal also seeks outline planning permission, with all matters reserved, for the wider redevelopment of this part of Cardiff Bay, including the potential redevelopment of Atlantic Wharf/ Red Dragon Centre and County Hall. The wider vision is stated (within the DAS) as follows: -

Across the 30-acres site our vision is to create high quality outdoor spaces, build up to 1,100 new homes, hospitality and leisure facilities and 150,000 sqft of office space. A new Cultural Quarter, with new Wales Millennium production space, an art gallery and This is Wales visitor attraction will front on to a large landscaped public square with event space, seating and children's activities. A new Red Dragon Centre will accommodate those tenants in the current RDC. The scheme will provide new pedestrian and cycle routes and improved public transport links will make Atlantic Wharf an easy place to get to and to move around in.

- 8.4 Looking at the development as whole, the scheme offers a unique opportunity to masterplan the next stage of Cardiff Bay's regeneration, build upon its reputation as a leisure destination and create a dynamic new, sustainable mixed-use environment, with leisure and placemaking at its heart, all reinforced by Future Wales's designation of Cardiff (under Policy 33) as part of a National

Growth Area, which supports Cardiff's status as an internationally competitive city and a core city on the UK stage.

- 8.5 The 'full' and 'outline' proposals are assessed in turn below.

Proposed Arena and Hotel (Full application details)

- 8.6 LDP Policy KP10 (Central and Bay Business Areas) describes the range of uses considered appropriate within the Bay Business Area, which includes new offices, residential and commercial leisure uses. It encourages a mix of complementary uses to maintain and enhance the vitality, attractiveness and viability of such centres and identifies that new and improved leisure, recreation and tourist facilities are important for the future development of Cardiff.
- 8.7 Policy EC5 (Hotel Development) identifies that hotel developments are considered appropriate in the Bay Business Area and it is recognised that there is an established mix of hotel uses in the vicinity of the site.
- 8.8 PPW Paragraph 4.3.46 also notes that '*new or refurbished music or arts venues, galleries and museums can be the catalyst for stimulating regeneration and lead to the establishment of cultural and creative quarters*'.
- 8.9 Within this Policy context, it is considered that the proposed multi-use indoor arena (Class D2) (with supporting uses including an A3 cafe) together with the construction of a new 182 bed space hotel (Class C1) are acceptable in principle from a land use policy perspective, subject to a detailed assessment of their impacts, notably in respect of scale, location, design, amenity and transportation being acceptable.
- 8.10 It is noted that the northwest corner of the application site extends slightly beyond the boundary of the Bay Business Area. The site is however predominantly within the Bay Business Area, the proposals accord with the associated land use policies of that area and the proposed alterations to the southern end of Silurian Park and the Schooner Way carriageway have been addressed. Taking into consideration these points and that this extension beyond the Bay Business Area boundary is necessary to enable the comprehensive master planning and wider regeneration of the area, the proposal is considered acceptable from a land use policy perspective.

Outline Application

- 8.11 As noted earlier, the remainder of the proposed development is submitted in outline, with all matters reserved. In this respect, while the submissions provide illustrative plans and artists impressions which indicate how the extent of proposed development can be achieved within the site boundary, together with maximum and minimum parameters for each part of the development, the final development proposals (should they come forward individually or cumulatively) will need to be the subject of reserved matters in future.
- 8.12 Notwithstanding the above, the illustrative submissions and associated DAS

emphasise the creation of a high-quality development, including commercial, leisure and residential development, new multi-storey car parking, pedestrian access to the south across the A4232, creation of a new event space and potential connection to Roald Dahl Plass, along with green and blue infrastructure. This combination of uses has the potential to revitalise Cardiff Bay, with each considered below.

Class D1 (non-residential institution) and D2 (assembly and leisure) uses:

- 8.13 LDP Policy KP10 (Central and Bay Business Areas) describes the range of uses considered appropriate within the Bay Business Area, which includes commercial leisure, recreation and tourist uses. It encourages a mix of complementary uses to maintain and enhance the vitality, attractiveness and viability of such centres.
- 8.14 There is an established mix of existing Class D2 (leisure) uses within the boundary of the outline application site, with up to 13,500 sq.m of leisure floorspace (Use Class D2) proposed under this application. The introduction of up to 14,000 sq.m. of Class D1 (non-residential institution) floorspace would also enable the introduction of uses such as museums, art galleries and health services which would help contribute towards a wider mix of complementary uses within the Bay Business Area.

Class B1 (office) use

- 8.15 With regard to LDP Policies KP10 (Central and Bay Business Areas) and EC4 (Protecting Offices in the Central and Bay Business Areas), whilst the proposals would see a reduction in the level of office floorspace on the site (from 25,550 sqm to 19,500 sqm) it would result in the provision of new/enhanced office accommodation within the Bay Business Area and form an integrated part of the areas masterplan.

Class A1 (retail) use / Class A3 (food and drink) use:

- 8.16 Consent is sought for up to 12,310 sq.m. of retail floorspace, with up to 2,750 sq.m of retail floorspace (Use Class A1) and up to 9,560 sq.m of food and drink floorspace (Use Class A3) a condition has been imposed to limit the maximum size of any A1 retail unit
- 8.17 The site is located outside the Central Shopping Area (CSA) of the City Centre and also falls outside of any designated District/Local Centres as identified by Policies R1 (Retail Hierarchy), R4 (District Centres) and R5 (Local Centres).
- 8.18 Policy R6 (Retail Development (Out of Centre) only permits retail development outside of these centres where; there is a need for the proposed floorspace; that need cannot satisfactorily be accommodated within or adjacent to the Central Shopping Area, within a District or Local Centre; the proposal would not cause unacceptable harm to the vitality, attractiveness or viability of the Central Shopping Area, a District or Local centre; the site is accessible by a choice of means of transport; and, the proposal is not on land allocated for other uses.

- 8.19 For Class A3 uses, Policy R8 and the Food, Drink and Leisure Uses SPG (November 2017), recognises that Class A3 uses, such as restaurants, cafes and coffee shops that are open during normal shopping/business hours have the potential to enliven streetscapes and contribute towards the range and choice of facilities available in the Bay Business Area.
- 8.20 It is clear that the development seeks to replace A3 uses that would be 'lost' as part of the redevelopment of the Red Dragon centre, but may also result in additional A3 uses, as well as A1 units. Having regard to the overall aspirations for the regeneration of this part of Cardiff Bay, and also location within the Bay Business Area, it is considered that the proposed Class A1 retail floorspace (2750 sq.m.) would form a complementary and ancillary element within the wider development, providing an element of convenience goods retailing to serve the newly established population, as well as those visiting the area.
- 8.21 Taking into consideration the range of uses captured under Class A3 and that each use will have its own particular characteristics and potential for impact, it is further proposed that a condition is imposed to ensure that Class A3 are principally restaurant, café or coffee shop uses, which would be less likely to detract from the amenities of other premises in the vicinity.

Class C3 (residential) use

- 8.22 The scheme proposes up to 890 no. residential dwellings (centred on the location of the existing County Hall). Residential development is a use stated as appropriate within the Bay Business Area (BBA) under Policy KP10 (Central and Bay Business Areas). The principle of residential development is also well established within the surrounding area and the central location of this site is suited to residential use as it is well served by transport links and is close to local amenities.

Class C1 (hotel) use

- 8.23 The proposals indicate an additional 1090 hotel bed spaces (in addition to the Travelodge detailed scheme). Policy EC5 (Hotel Development) identifies that hotel developments are considered appropriate in the Bay Business Area, and it is recognised that there is an established mix of hotel uses in the vicinity of the site. Accordingly, there is no objection to such use.
- 8.24 Having regard to the *Finney* case law, there is no requirement, other than the retail (A1) floor space referred to above, to condition a maximum quantum of development as the detailed description of development sets the maximum limits allowed for each use.

The Removal of County Hall

Principle

- 8.25 Members will note that the outline application identifies, as part of the wider Masterplan, the potential to demolish County Hall and redevelop that part of the site for a residential use within various tall blocks, and within stated parameters. The scheme identifies the development of this part of the site as phase 4 / 5 (2029-2032). It is important to emphasise, however, that while the planning application seeks an *in principle* agreement to the demolition of County Hall, this is limited to the planning merits of such a proposal.
- 8.26 In this respect it is important to note that a decision on the future of County Hall has yet to be made by the Council. This proposal, if approved, would not therefore automatically mean that County Hall will be demolished, and it would be possible for variations to the scheme, or a new application to come forward with an alternative vision for the application site which could include retaining County Hall or an alternative scheme for redevelopment.
- 8.27 Critically, in planning terms the application as presented does not *necessitate* the removal of County Hall as various elements of an outline application can be brought forward without compromising the wider scheme and the Arena and associated hotel development (the subject of a detailed scheme) could be constructed and operated with County Hall in place. The plans (both for the arena and wider master plan) also make provision for green infrastructure, and movement by pedestrians, cyclists, public transport and cars, which can be achieved with or without the removal of County Hall.
- 8.28 As is common on such schemes, a condition has also been recommended requiring submission of an updated phasing plan, which could be updated further in due course as informed by market demand and other factors in relation to the wishes of the land owner.

Ecology and landscaping

- 8.29 Although wider matters are addressed in the ecology section (8.148), it is noted at this stage, when considering the principle of demolition, that the current bat surveys identify that the County Hall building has bat roosts which would need to be mitigated during the demolition and redevelopment of the site.
- 8.30 As bat reports last a maximum of 2 years, and given that the removal of County Hall is proposed as a later phase of development, a condition has been imposed requiring updated bat reports, along with any appropriate mitigation at that stage, to be agreed before any demolition of County Hall can be undertaken (and as part of or before any Reserved Matters submission). An updated ecology report will also be required to inform any potential layout/design of this area. This approach is in accordance with the request of NRW.

Loss of Public Open Space

- 8.31 Concern has been raised by objectors to the loss of part of Silurian Park in a ward that has the lowest amount of public open space in Cardiff. And in this regard, it is noted that part of Silurian Park (3,438 sq.m.) would need to be removed to accommodate the development of the Arena Quarter (as part of the

detailed scheme).

- 8.32 Due to the space requirements for the Arena and the constrained nature of the (full application) site, it will not be possible to compensate this loss of functional open space in Phase 1 of the development through creation of additional open space. Nevertheless, the application as a whole relates to a much larger site area, within which - in line with Policy C4 and the Cardiff Planning Obligations SPG – and as part of the overall masterplan it is anticipated that there would be the opportunity to provide functional open space following the delivery of all phases, as shown in the open space assessment included as part of the Landscape Masterplan Report.
- 8.33 Given the outline nature of the wider masterplan, it is acknowledged that such provision cannot be guaranteed at this stage. In this regard, a financial contribution of £250,000 towards new or replacement facilities in the local area has been agreed through a Section 106 Agreement which would be payable in the event replacement functional open space within the application site has not been provided by a certain point in time. In line with TAN 16's definition of open space the recorded loss would be compensated, and a likely gain reached by Phase 3 of the masterplan development when the multi-functional green space proposed around Atlantic Square and the proposed housing delivered.
- 8.34 Furthermore, the masterplan would introduce a number of new open space typologies within the site including civic spaces, provision for children and young adults and water and remove significant areas of surface level car parking and hardstanding. The new provision would significantly increase the amenity value of the open space offering in this part of Cardiff Bay and taking the scheme as a whole it is considered that the loss of part of Silurian Park can be compensated both in financial terms, to ensure the existing POS is usable, and through the wider master plan which will ensure that, on balance, LDP Policy C4 and PPW/Future Wales requirement to protect and enhance open spaces are met.

Principle of Development – Conclusion

- 8.35 The above assessment demonstrates the acceptability of the proposals both in detailed and outline form. It is also emphasised, however, that the proposals form the next stage of the Cardiff Bay regeneration, and in this respect (and having regard to the Council's wider role as landowner and facilitator) the proposals are considered to be firmly supported also by Policy 3 of Future Wales (Supporting Urban Growth and Regeneration - Public Sector Leadership) which emphasises that:

“The Welsh Government will ... work with local authorities and other public sector bodies to unlock the potential of their land and support them to take an increased development role. The public sector must show leadership and apply placemaking principles to support growth and regeneration for the benefit of communities across Wales ... Planning authorities must take a proactive role and work in collaboration with the Welsh Government and other public sector bodies to identify the best locations for growth and regeneration, and provide

certainty about how they should be developed.”

- 8.36 Future Wales was adopted in February 2021, after which date 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. And as a set of key strategic policies seeking to address key national priorities, 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, significant weight should be afforded to Future Wales to reflect its Development Plan status.

IMPACT ON THE CHARACTER OF THE AREA

- 8.37 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.
- 8.38 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.
- 8.39 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.
- 8.40 Chapter 16 of the ES has considered townscape and visual amenity, and correctly referenced LDP Policies KP4: Masterplanning Approach, KP5: Good Quality and Sustainable Design, and EN13: Landscape Protection, as well as the approved SPG for tall buildings. The baseline data defines the site and wider area as predominately developed and heavily urbanised, further noting that the built form, character and layout observed both within the Site and the surrounding area is notably mixed, with varied building heights, form, massing, expression and orientation; the latter attributed in part to the road network.

Proposed Arena and Hotel (Full application details)

- 8.41 The existing County Hall car park currently creates a car dominated use which contributes little to local character other than the landscaping which has developed within the site and around its perimeter. Beyond Schooner Way, Silurian Park contributes more, forming part of the planned layout of residential development between Schooner Way and Lloyd George Avenue, and the public footpaths network that runs through it.

- 8.42 Within this context, the introduction of the Arena as a significant new 'landmark' building, will introduce significant change to the character of the area. However, while the loss of a small area of open space would be felt locally, looking at the (detailed) site as a whole it is considered that the new Arena and Travelodge will add character to the area compared to the existing land use.
- 8.43 Taken on its own, the development of the Arena and Travelodge hotel, with the former being approximately 6 storeys in height and of significant size, would undoubtedly represent a prominent building within the area. However, the development would - as acknowledged within the DAS - be designed to add presence, and would notably be read within a new wider context with the closure of Hemingway Road and the creation of a new plaza (beyond which the outline scheme indicates a new 'event square').
- 8.44 The Arena Plaza (see Figure 14 below) would allow for operational use such as queuing for events but also ensure movements to and from the arena are maintained and provide future connections to the Event Square. Just as importantly however, the Plaza provides a large area of new open space / public realm within which the Arena would be viewed, with the introduction of hard landscaping balanced with provision of bio-diversity rich raingardens which also form part of the sustainable drainage strategy.



Figure 14: The Arena 'Plaza'

- 8.45 It is also clear that the siting and design of the Arena, while designed as an *anchor* building that will act as a landmark building in its own right, has also considered the wider development as it will form an integral part of the next stage of the Bay's regeneration, allowing for wider redevelopment opportunities which will reinvigorate the area and create a true sense of place. In this respect, it is considered that the design and siting of the building is appropriate to both its current and future context.
- 8.46 Looking specifically at the Arena, the building would have a striking design,

adopting an almost entirely black palette of materials, which the DAS emphasises is a representation of coal as a cue to the historical context of the site being within the docks area. The building frontage in particular would also be articulated through the use of extensive glazing to its primary frontage, together with its angular corners, while the use of an LED lighting trim around the entrance that would change colour depending on the time of day or event (i.e. blue or white during the day and orange in the evening) would both articulate the form of the building and add visual interest throughout the day. In this respect, it is noted that the choice of orange lighting (used during the evening and events) is to 'represent energy from the steel works and raw power from the event'. Such an approach was considered in the design and materials used for the Millennium Centre, which this scheme is considered to compliment.

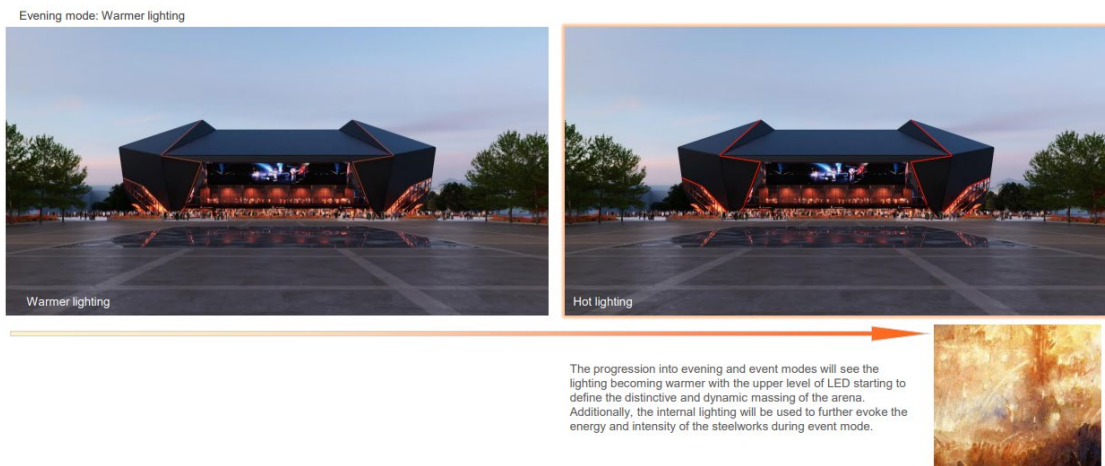


Figure 15: Artist's impression of the Arena from the south (Event Square) at night

8.47 The south elevation of the arena (Hemmingway Road) would also incorporate a large digital screen, which would add character to this area, and in the longer term would help animate the future square/plaza.



Figure 16: Artist's impression of the Arena from the south (Event Square)

8.48 The side elevations of the Arena would inevitably have a more simple and less animated appearance (see figure 17 below), however due to the variation in

materials between the walls and roofing together with its angular appearance which breaks up the massing of the building visually and degree of screening from additional planting, it is considered that the overall impact on local character when viewed from the side and rear (the latter also having the Travelodge and servicing area) would be acceptable.

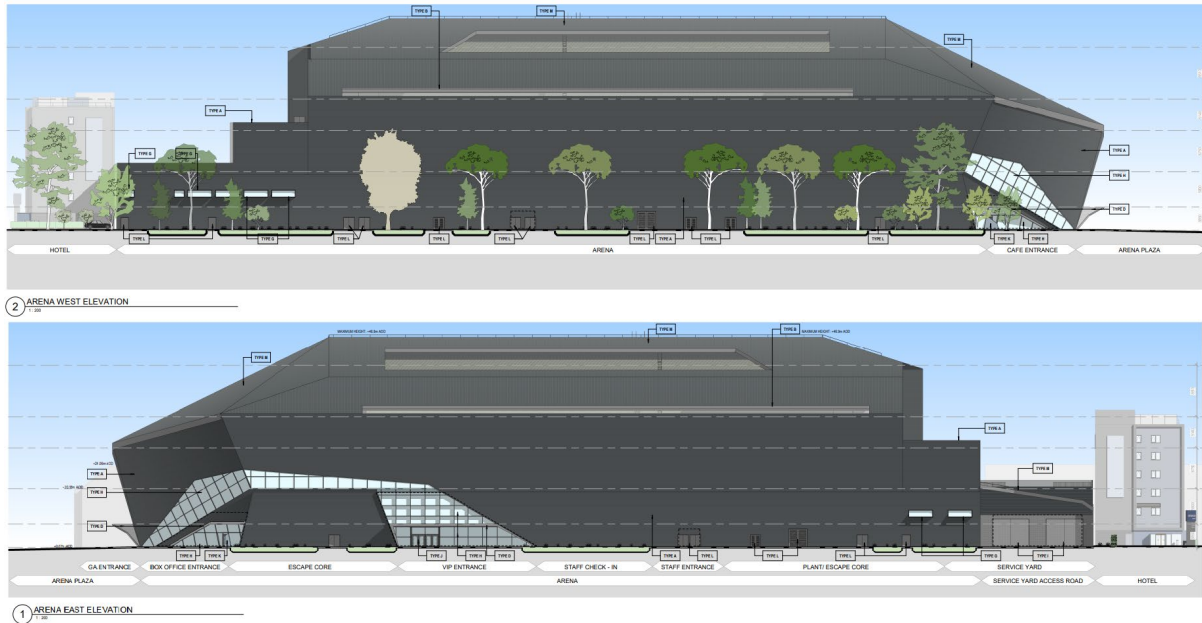
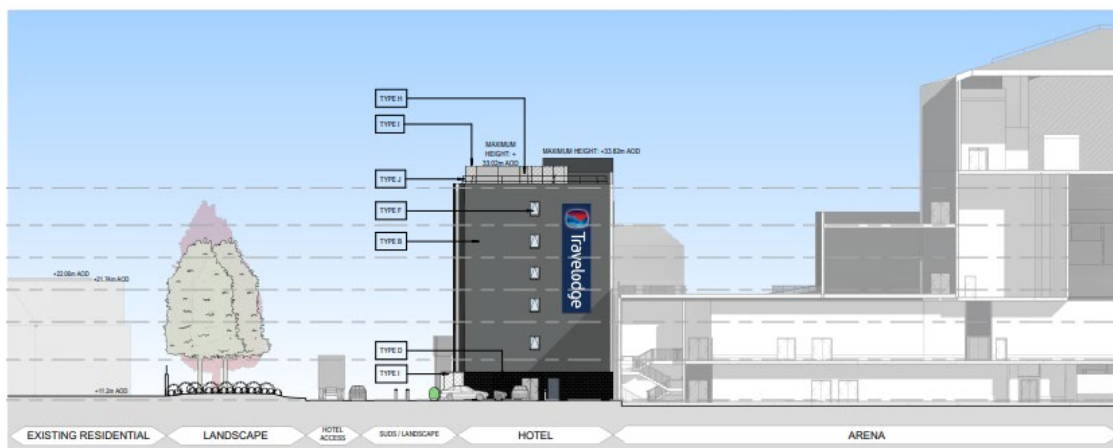


Figure 17: Side elevations of the Arena

8.49 As noted above, the relocated Travel lodge would be sited to the north of the



arena and onto Schooner Way. The building will be rectangular in shape and 5 storeys in height (maximum 33.82 metres AOD). The siting of the hotel has been carefully considered so that it acts as buffer of the arena to the existing residential properties by acting as both a noise barrier and a visual screen to the arena service yard, and it is considered that the siting and design has achieved this aim.



Figure 18: Travelodge elevations (west and north)

8.50 While the plans have been revised to break up the massing through differing colours of the façade, fenestration and depth, which represent an improvement on the original scheme, there is the potential for further architectural details to be considered and controlled through condition.

Wider (outline) Development

8.51 The application has been accompanied by an illustrative masterplan to identify how the extent and range of uses can be accommodated within the wider site (and around the detailed Arena/ Travelodge schemes). The application also includes the parameters within which such development must be brought forward under separate reserved matters consents (see paragraphs 2.17 & 2.18 above).

8.52 The submitted Design and Access Statement (DAS) articulates how this unique situation can be exploited in design terms, acknowledges the need for future reserved matters to accord with planning policy, and recognises Policy KP5 which sets out the Council’s requirements in terms of good quality and sustainable design. This Policy establishes that all new development will be required to be of a high quality, sustainable design and make a positive contribution to the creation of distinctive communities, places and spaces.

8.53 Bullet point (i) of Policy KP5 emphasises the need for “Responding 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” and bullet point (iv), in particular, states “Creating interconnected streets, squares and spaces as distinctive places, which are safe, accessible, vibrant and secure and incorporate public art where appropriate”. This approach is supported in Policy 2 of Future Wales and chapters 2,3 & 6 PPW.

8.54 The submitted Design and Access Statement (DAS) acknowledges that the proposal will alter the character of the area, but identifies how through the use of character areas, active frontages and wider placemaking principles the scheme will have a demonstrably positive impact. Chapter 4 (Design proposal) of the DAS in particular emphasises how the development would make a substantive and positive contribution, including a good pattern of access and servicing, and what might be the location of the key active frontages, the position of tall buildings and water features.

Active Frontages / Links to Bay

- 8.55 It is clear that the existing Red Dragon Centre (RDC) does not include active frontages (other than to the car park) nor does it respond positively to the wider local context, notably the links to the wider Bay environment (which are weak) and the recognised need through national and local Policy to create a true sense of place. Through demonstrating an intention to demolish the existing RDC, however, the masterplan acknowledges the importance of this site as a whole in the next phase of the Cardiff Bay regeneration and seeks to identify potential ways to facilitate (along with the County Hall site) the comprehensive redevelopment of the northern bay area.
- 8.56 The DAS submissions recognise the potential to create active frontages onto the new 'Events Square' which is at the heart of the proposal, details of which will be the subject of a subsequent reserved matters submission.
- 8.57 In addition to the Plaza and Arena beyond (see detailed scheme) the framing of the event square is reinforced by the new commercial buildings, with active frontages and uses as these are important components to ensure that the square creates a sense of place that reinforces its role as the 'civic centre'. In addition, to aid this sense of place the blocks to the south have limited their height (maximum height of 6/7 storey) to ensure sufficient daylight can enter this area but also that the height is also not exposed to wind.

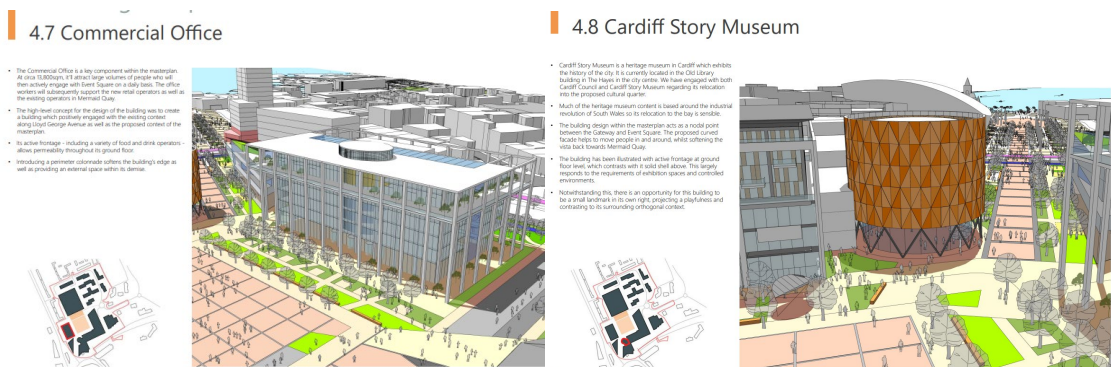
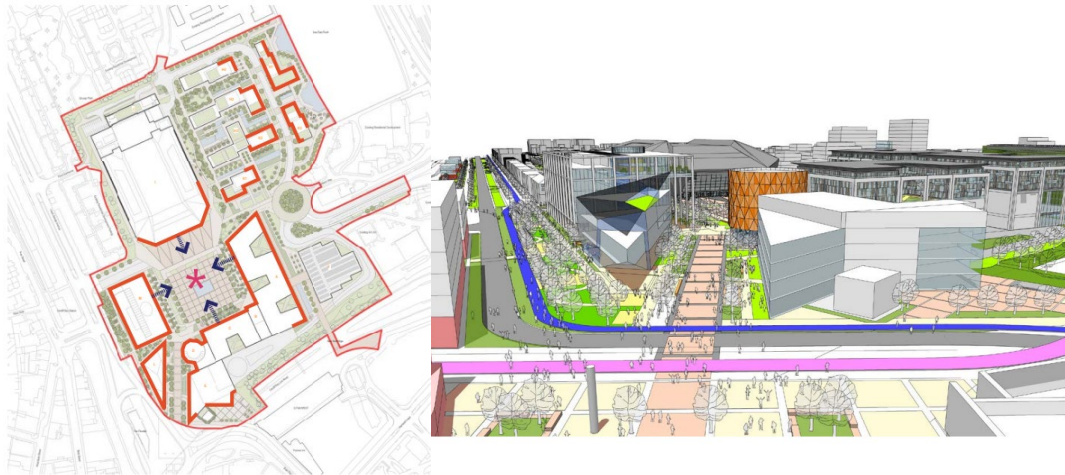


Figure 19: Artists impressions of Event square and potential link towards Roald Dahl Plass

8.58 The combination of key frontages and clear wayfinding / desire lines through the site will ensure that the square and route to the Bay onto Roald Dahl Plass will be an active and vibrant place, ensuring that the proposal is outlooking and that existing communities are able to access the development. The artist's impression below indicates how such a route could work in future in opening up the existing weak and 'dead' frontage onto Lloyd George Avenue.

Active Frontage



- Building uses have been carefully considered in terms of their positioning in the masterplan as well as their relationship to the wider context. This will assist in allowing maximum active frontages along key pedestrian routes and vistas.

Figure 20: Active Frontages and Artist's Impression viewed from Roald Dahl Plass

8.59 What isn't clear from the current access and wayfinding parameter plan in the DAS - but will inform the design code required by condition - is how people using the proposed new multi-storey car park are able to get through the site (albeit it is assumed this would be through the new Red Dragon Centre). It is also important that the built environment through the use of a variety of building typologies and materials, and public realm treatments will aid future users and partially sighted people through the site.

Character Areas

8.60 The use of key character areas with appropriate land uses, and design/height will ensure that proposal is multi-dimensional and will add richness and variety to the area. Members will also note from the images below that whilst there are different character areas, which have their own feel and built form, that the scheme also seeks to ensure that the individual areas talk to each other, and to the wider area, for example the Cultural Quarter is located in close proximity to the Wales Millennium Centre to ensure that synergies between these uses can be exploited.

4.0 Design Proposal

4.18 Proposed Zoning Plans

The masterplan is divided into 8 different parameter zones - proposed buildings and land uses are described below. As well as these parameter zones, some areas within the masterplan have been highlighted as 'no building' zones. These include areas deemed as public realm, landscaping and the Event Square. Please refer to the Arena / Phase 01 detail application for more information.

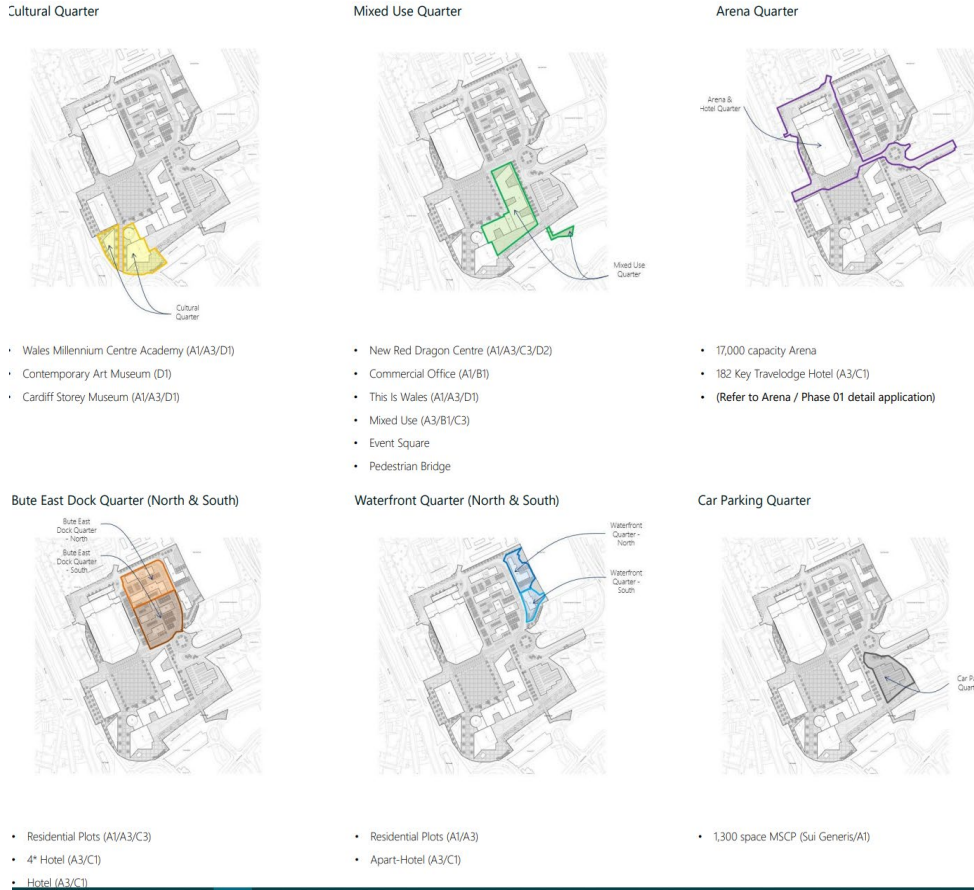
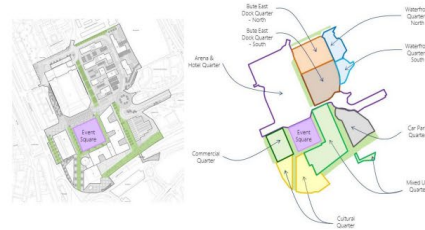


Figure 21: Character Areas
Residential Development (Bute East Dock and Waterfront Quarter)

- 8.61 The site is located close to the city centre and in close proximity to public transport hubs, which with future Metro plans for the area will ensure that the site is well connected to the wider area.
- 8.62 Future Wales Policy 2 (placemaking) seeks higher density development within urban centres (at least 50 dwellings per hectare) that enjoy good public transport. Accordingly, this site meets the criteria for exploitation of a higher density residential scheme, albeit it will need through reserved matters to demonstrate that it can meet other criteria, including: mix uses, variety of housing, street network (permeability), plot-based development and green infrastructure (ensuring green infrastructure is fully integrated), all of which the DAS has generally addressed.
- 8.63 The illustrative Masterplan shows a scale and form for residential development on the current County Hall site, and whilst it is considered that site is suitable for residential use, this is not necessarily in the manner suggested within the

Masterplan. However, as the Masterplan is not being approved through this submission, and the parameter plans are maximum, it is considered that the principle of such residential development is acceptable, with a scheme being able to be designed which would satisfactorily reflect national and local residential design policies and has been appropriately assessed through the Environmental Statement. To ensure the final design meets these objectives a condition has also been imposed for a design code to be submitted to and approved in writing. It is expected that the design code for the residential scheme will be informed by adopted policy and approved residential design SPG, and thus it is considered that a suitable design solution can be achieved through the design code which has been conditioned as part of the application.

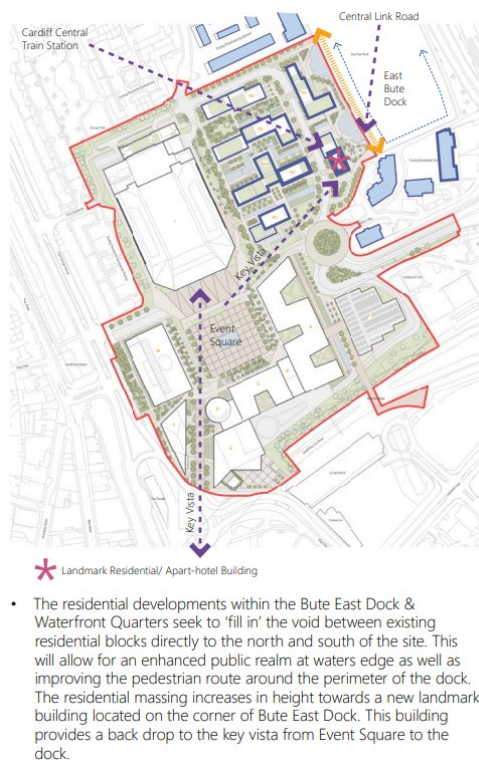


Figure 22: Residential & Tall Buildings

8.64 It is also noted that the scheme proposes the potential for tall buildings, including a landmark tall building. Policy KP5 (Good Design) is the key design policy consideration and this is supported by the Council's approved Tall Buildings SPG. Within the SPG are a number of key design principles that tall buildings are to meet, these are location, sustainable transport and sky line. The SPG suggests that the core area for tall buildings are within the city centre and the wider Cardiff Bay, and therefore the principle of such provision at the site is acceptable, but will be subject to consideration of any proposal at reserved matters stage.

8.65 Chapter 6 of the Tall building SPG considers the design criteria a tall building should exhibit, these are:

1. A mixture of land uses within the tower that complement other land uses within the area to create a vibrant city that supports streets that are busy at many times during the day and night;
2. The form and silhouette of the building - this includes consideration of

- visual impact, and relationships with both the local context and other tall buildings;
3. The quality and appearance of the proposed materials and architectural detailing;
 4. The impact and interface at street level- how the building contributes positively to high quality, safe, secure and legible public realm and urban design;
 5. The sustainable building design – how the building employs low carbon design.
- 8.66 Whilst these details are not before members today the submitted DAS has considered these principles and have been incorporated into the design code which will inform the final design at reserved matters stage.
- 8.67 Notably, the SPG requires views from key locations to demonstrate that such a proposal is visually acceptable. Given that the scale, massing and design are reserved for further consideration the verified views can only provide massing, however based on maximum parameters, Officers are satisfied that the scheme can be designed to ensure that there would not be any unacceptable visual impacts, and would thus accord with design policy and advice.

Public Realm and Public Art

- 8.68 The size of the proposal and its public interface provides the opportunity for enhanced public realm and art. Planning Policy Wales, paragraph 4.1.19 states that *'well-designed, people orientated streets are fundamental to creating sustainable places and increasing walking, cycling and use of public transport. New development should improve the quality of place and create safe, social, attractive streets where people want to walk, cycle and enjoy'*.
- 8.69 LDP Policy KP5 identifies that all new developments will be required to be of a high quality, sustainable design and make a positive contribution to the creation of distinctive communities, places and spaces by creating interconnected streets, squares and spaces as distinctive places, which are safe, accessible, vibrant and secure and incorporate public art.
- 8.70 A landscape masterplan report has been submitted as part of the application which outlines the spatial distribution of public spaces within the wider masterplan area, the design intent for those spaces (including the provision of public art) and an indicative public realm materials palette for both hard and soft landscaping, the principles of which are considered acceptable.
- 8.71 Whilst the report sets out parameters within which development can take place, there is a need for more detailed public realm and public art strategies to be prepared to inform site layout and to guide the delivery of future phases, including management and maintenance of these areas. It is considered that appropriate conditions can be imposed meet the objectives outlined above.

TRANSPORTATION / HIGHWAY IMPACTS

8.72 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.

8.73 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;

Proposed Arena and Hotel (Full application details)

Change to Highway Layout

8.74 The new Arena and Travelodge hotel (Phase 1) will result in the need: -

- To permanently stop up Hemingway Road to vehicles (cyclists will still be able to undertake an east/west direct route through either the existing Red Dragon car park or in the longer term through the proposed public square);
- and
- For Schooner to become a no through road.

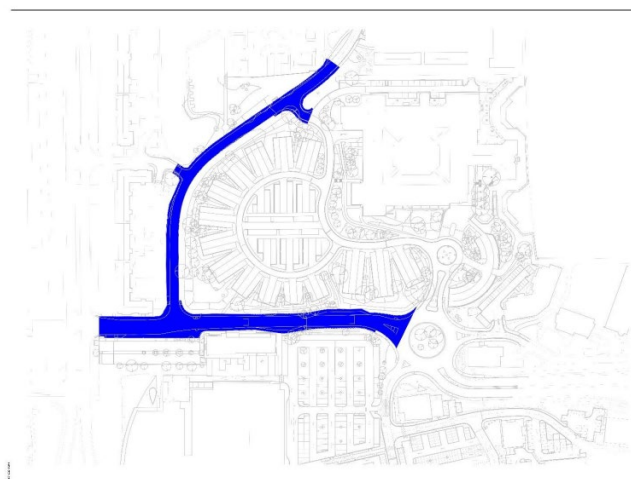


Figure 23: Areas of Hemingway Road & Schooner Way to be stopped up

- 8.75 The updated Transport Assessment, Environmental Statement have assessed the impact these changes will have on the wider network, with highway officer having raised no objections subject to subject to changing of traffic light around Queens roundabout and Lloyd George Avenue.
- 8.76 In particular, the TA and revised TA have considered the potential impact of the closure of the Bute Tunnels, acknowledging that the current arrangement allows Hemingway Road to act as a relief road. Under this proposal, however, Hemingway Road will no longer be available as a temporary relief road, as the Arena Plaza would be created on that part of Hemmingway Road. The TA has considered the impact of the closure of Hemmingway Road, and notes that in addition to advance warning, that traffic can be diverted via Pierhead Street, Bute Place and James Street. The report also notes that other wider routes could be used utilising Tyndall Street, Herbert Street, Callaghan Square, Lloyd George Avenue, Dumballs Road, Bute Street and Central Link.
- 8.77 The Councils' Highways Officer has considered the TA approach and broadly agrees that the alternatives have been considered and are an acceptable solution.

Arena Events

- 8.78 The submitted Transport Assessment has provided an assessment of how the arena would operate on event days. It is acknowledged that the precise running will depend on the act, as no two events are the same. Generally, based on the operators 10 years' experience of running events, events are as follows:
- trucks start arriving at 04:00;
 - sound check-15:00;
 - VIP doors open- 17:30;
 - Main doors open-18:30;
 - Show commences- 19:30;
 - Show completes- 22:30;
 - Egress complete- 23:00;
 - Load out complete 03:00
- 8.79 Live Nation (future operator) have submitted a draft operating schedule to allow the LPA to consider the size and frequency of events.

Year	1	2	3	4	5
Large Standing Concert	14	16	18	20	20
Large Seated Concert	20	22	25	28	28
Medium Concert	10	11	13	14	14
Small Seated Concert	14	16	18	20	20
Disney on Ice	7	8	9	10	10
Family	8	10	11	12	12
Conference/Exhibition	7	8	9	10	10
Sport - Other	3	3	4	4	4
Comedy	10	11	13	14	14
Production	6	6	7	8	8
Totals	98	112	126	140	140

- 8.80 As the table suggests, the largest events of circa 17,000 capacity would occur a maximum of 20 occasions but this could increase over time.

Pedestrian / Cycle Access (likely trip generation to be 18% walking & 3% cycling)

- 8.81 During events the principal access to the arena would be via Lloyd George Avenue, with the ability to connect via Ffordd Garthorne if pedestrians/cyclists arrive along Schooner way (the ability to access the eastern side of the arena will be discouraged by safety stewards). The Council's Highways officer has considered this assessment and is, in principle, in agreement with the proposal but will require clarification through an events management condition how the dynamics of this will work in practice.



Figure 24: Pedestrian and Cyclist Access Routes

Public Transport (likely trip generation to be 11% for bus & 11% for train)

- 8.82 During the events phase public transport will face some disruption whilst temporary road closures are enforced along Lloyd George Avenue. However, in advance the regular bay bus will be able to pick up /drop off and it is anticipated a number of visitors will use the regular bus service (either in combination with a train or park and ride journey).
- 8.83 As part of the travel plan condition, it is expected that the operator will highlight public transport options to customers, which is what the operator has undertaken at their other venues. As the metro plans progress it is considered this option will become more viable as the alternative to the car. This approach is supported by the Highways Officer.

Coach parking (likely trip generation to be 3% coach and 18% Park & Ride)

- 8.84 The Transport Assessment states that a new Coach parking area will be provided on Hemmingway Road, which can accommodate 5 large coaches along with the existing coach park sited on the west side of the flourish. For larger events they will also utilise existing park and ride facilities at Leckwith (Cardiff City Stadium), International Sports village, and Pentwyn. As Members will be aware the above park and ride facilities are used when there is a major event in the city centre e.g. six nations rugby and associated protocols are in place which could be used for the arena.

Car Travel

- 8.85 Based on the operators research the TA has considered the travel patterns for a 60 minute drive. The map below provides the likely distribution of visitors.

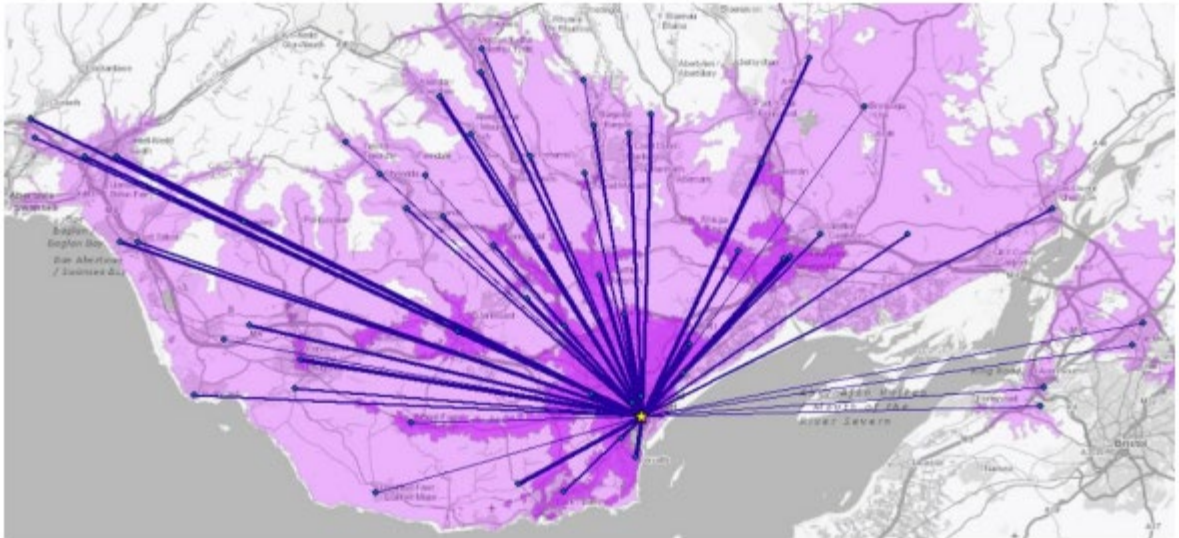


Figure 25: Locations within 60 minute drive (postcodes)

8.86 This results in 42% of trips travelling from the east, 31% travelling from the west and 23% travelling from the north. These figures have taken account of the arenas at Swansea and Bristol.

8.87 The TA has considered existing and proposed car parking capacity as outlined below:

- Cardiff East Park and Ride – 950 spaces
- Proposed New Car Park – 1300 spaces
- Q Park – 1,200 spaces
- Cardiff West Park and Ride – 820 spaces
- Mermaid Quay Car Park (including permitted expansion) – 682 spaces
- Havannah Street Car Park – 250 spaces
- John Lewis Car Park – 550 spaces
- Pellet Street Car Park – 292 spaces
- Adam Street Car Park – 428 spaces
- St David's Car Park – 2,000 spaces

8.88 It is considered that within the city centre there is capacity to accommodate the anticipated demand.

8.89 The council's Highways Officers have considered the TA and are confident, based upon the submission, that the proposal can be managed to ensure safe running of the highway network. However, an events management condition will be imposed which will require, amongst other matters, liaison with highways colleagues to agree the highway strategy for each event so that forward planning will enable all parties the ability to put the necessary process in place.

Operation during events

8.90 The DAS has described how crowds will be handled during events, and these follow guidance outlined of Fruin's Levels of Service, Green Guide (generally

used for safety at sports ground) and the yellow book (used for entertainment venues). The DAS has considered the distribution on the local network, as outlined above, and this has informed the strategy.

Pre-event Arena plaza

- 8.91 There will be two main approaches to the arena: from the east for cars and coaches and from the west Lloyd George Avenue for those by regular bus and walking both will be direct to the plaza where a soft security search will be undertaken and then depending spectators' status they will be directed either to the front for general and hospitality to the eastern entrance.

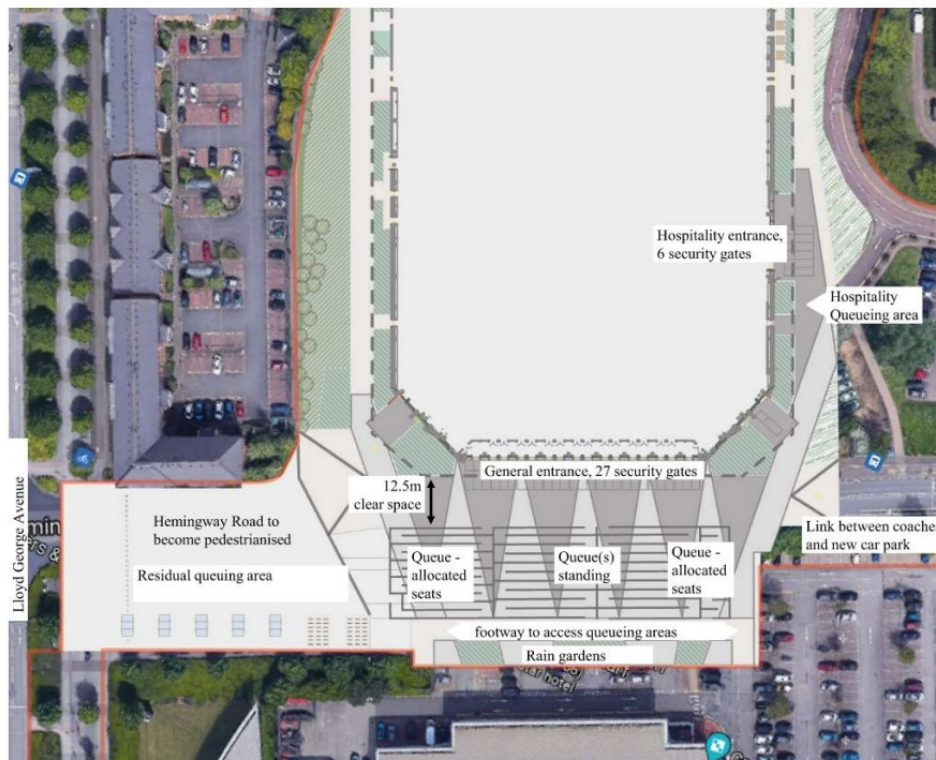


Figure 26: Operational Use of Plaza Arena

Post Event

- 8.92 Both the front and eastern doors will be available to all spectators to leave the building (the modelling suggest 85% will leave through the front doors) with the modelling also suggesting it will take around 10 minutes for people to leave the arena. Spectators will be encouraged away from residential properties and will be directed along Lloyd George Avenue for those wishing to go north.
- 8.93 Both The council's pollution control section and highways have considered these arrangements are satisfied that this approach is acceptable.

Impact on Bus Operators

- 8.94 Given the need to ensure the site and wider Bay remains a highly accessible destination by all means of public transport, bus operators have been engaged,

and the revised plans now provide for a bus route from Schooner way via the existing County Hall road network and onto the Hemingway Road roundabout (see figure * below).

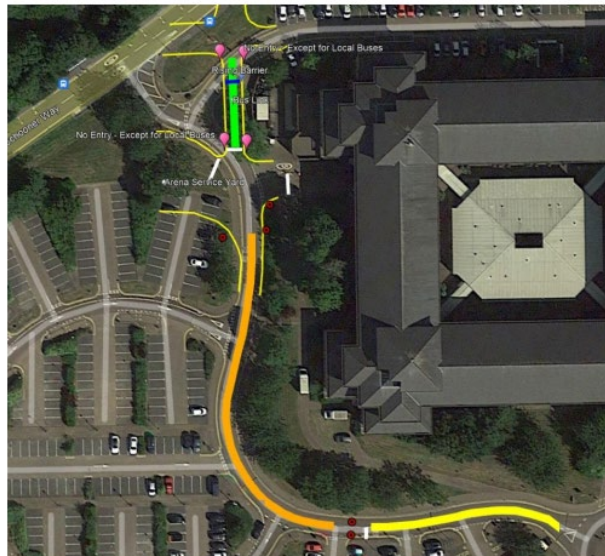


Figure 27: Indicative sketch of shuttle link showing bus link and signals locations

- 8.95 The scheme incorporates a physical bollard line, bus gate and traffic controlled signal at the northern entrance to the site, which during events at the arena would be required to be closed to ensure the security and safety of members of the public. As Members will be aware such event road closures are not unusual within the City Centre and subject to advance notice being given to the bus operators, during such times there are alternative routes available via Lloyd George Avenue.
- 8.96 As part of the revised Transport statement (section 4), consultation was undertaken with bus operators with no objection being raised to the proposal. However, as part of the events management condition, details of the communication protocols and management processes for events will need to be submitted to and agreed with the Council.

Car Parking Provision

- 8.97 The Red Dragon Centre and the Cardiff County Hall combined currently provide 1,442 surface parking spaces within the red boundary line. The wider bay is also served by the multi storey car parks Q-Park Cardiff Bay Car Park, located to the south of the site (1,249 regular spaces and 74 blue badge spaces) and Mermaid Quay car park located to the west contains 380 spaces over two floors.
- 8.98 The detailed planning application would significantly impact on the existing car parking provision as follows: -
- The new Arena does not provide spectator parking provision
 - The detailed application would result in the permanent loss of c.335 spaces at County Hall, with the parking capacity reduced from c.550 to c.215.

- The TS, ES and DAS advise that the proposed 1,300 spaces multi storey car park (MSCP), that forms part of the outline application (and thus will require its own Reserved Matters approval) will be built and operational before the Arena is opened. This has been conditioned.
- The new MSCP would be sited on part of the existing Red Dragon Car Park, resulting in loss of c.183 spaces.
- The TS outlines that provision will be provided within the proposed MSCP for disabled parking spaces and there will also be the opportunity to use the existing disabled spaces at the front of County Hall (located between 50-75 metres away from the Arena).
- 50 parking spaces would be provided for the 183 bed Travelodge hotel (including 9 disabled), accessed off Schooner Way.

8.99 Taken on its own, the proposed new MSCP would be contrary to the Council's approved parking standards in the central parking zone. However, the MSCP is considered acceptable in principle as the new car park will accommodate the relocation of the existing parking spaces lost at County Hall and the Red Dragon centre (which will be lost once the wider master plan is delivered).

8.100 However, as the remainder of the scheme is in outline, there would be a possibility that the existing Red Dragon centre frontage car park would still be retained for such use, either temporarily or should the redevelopment not be brought forward in a timely manner. Accordingly, and to ensure that in the longer term there isn't an oversupply of parking provision (which would be contrary to Policy and the objectives of reducing demand on the private car and encouraging modal shift) a condition has been imposed that requires the use of the existing Red Dragon car park (765 spaces) to cease once the MSCP is operational.

8.101 While the parking for the Travelodge hotel exceeds the council's approved parking standard, as this parking allocation relates to the relocation of the existing Travelodge which current benefits from 53 spaces, it is considered that on balance that no objection is raised to the parking for the proposed hotel. The TA suggest 10% of the spaces (6) will have Electric Vehicle Charging facilities (EVCP), which is in line with Future Wales Policy which seeks a minimum of 10% EVCP provision.

Cycle Parking Provision – Detailed Application

8.102 The submitted TA states that 12 covered and secure cycle parking spaces will be provided for staff working at the Arena which will be located to the east of the building, as this is close to the staff entrance. It is worth noting that the stand will be covered by CCTV.

8.103 The TA states that for the arena there will be 300 cycle spaces. These will be provided in the form of a combination of covered two-tier cycle racks and open Sheffield stands which will be provided parallel to the section of Hemingway Road that will be closed to traffic leading from Lloyd George Avenue. Additionally, there will be a new Next Bike hire station located within the vicinity of the area (exact position to be confirmed) which will have a capacity for 20

bicycles.

- 8.104 Whilst the Highways Officer is supportive of the proposed number, the use of two tier racks can create usability issues. As such, a condition is recommended above requiring the details of the stands and their location to be agreed by the LPA.
- 8.105 14 cycle parking spaces are proposed for the hotel, in the form of 7 Sheffield stands that will be located in the undercroft car and in close proximity to the hotel entrance. The council's Highways Officer agrees to the principle to the siting and design.

Wider Redevelopment (outline)

- 8.106 The submitted TS (paragraphs 5.4.35/5.4.36) confirms that the proposed residential element of the scheme will be car free. This would be policy compliant as the councils approved parking standards allow for a maximum of 1 space per unit (in theory that could be an additional 890 spaces).
- 8.107 In terms of the wider commercial elements, the transport statement notes that such provision will be policy compliant. Without the final details of the design of buildings and uses, it is not possible at this stage to agree parking provision. However, conditions on cycle and car parking provision have been imposed on this permission.
- 8.108 The submission provides a link from Schooner Way through to Hemmingway roundabout. The exact location and design will be considered through a reserved matters submission. However, a condition has been imposed to ensure that any development in this area provide such a link. If and when that link is created will be a matter for the developer/land owner as the critical links for pedestrian, cyclist and public transport are secured through the full planning (arena) submission.
- 8.109 Given the time scale for the wider redevelopment the DAS has also considered likely public transport routes that may come on board. It is considered good planning that the development has considered these, and the siting of buildings and the movement of people have been informed by these but as members will be aware these details are indicative in nature, and to ensure the principles are realised through reserved matters the design code that is submitted will incorporate these features and any reserved matters submission will have to demonstrate compliance with the same.

Cardiff Bay Metro

- 8.110 The siting of the new Arena in Cardiff Bay as the next stage of the Cardiff Bay regeneration has amplified the importance of Lloyd George Avenue as a primary public transport and active travel corridor between the city centre and the Bay.
- 8.111 Transport for Wales (TFW) is on target to commence works on the Core Valley

Line (CVL) extension from Queen Street station to Cardiff Bay in August 2022, with works due to be completed by the summer of 2023. The TfW works include the provision of a dual track link between Queen Street station and the existing Cardiff Bay station as well as improvements to the existing Cardiff Bay station and a new station at Loudoun Square. The opportunity may exist in future to extend the line further into Cardiff Bay connecting to a proposed new transport hub at Pierhead Street and on to a new station at Roath Basin.

8.112 These works will significantly enhance the accessibility to the wider Bay, and coupled with this (and as part also of sustainable drainage and open space) there is an opportunity to improve east-west connections and to provide a landscaped environment that encourages more people to walk and cycle between the city centre and the Bay.

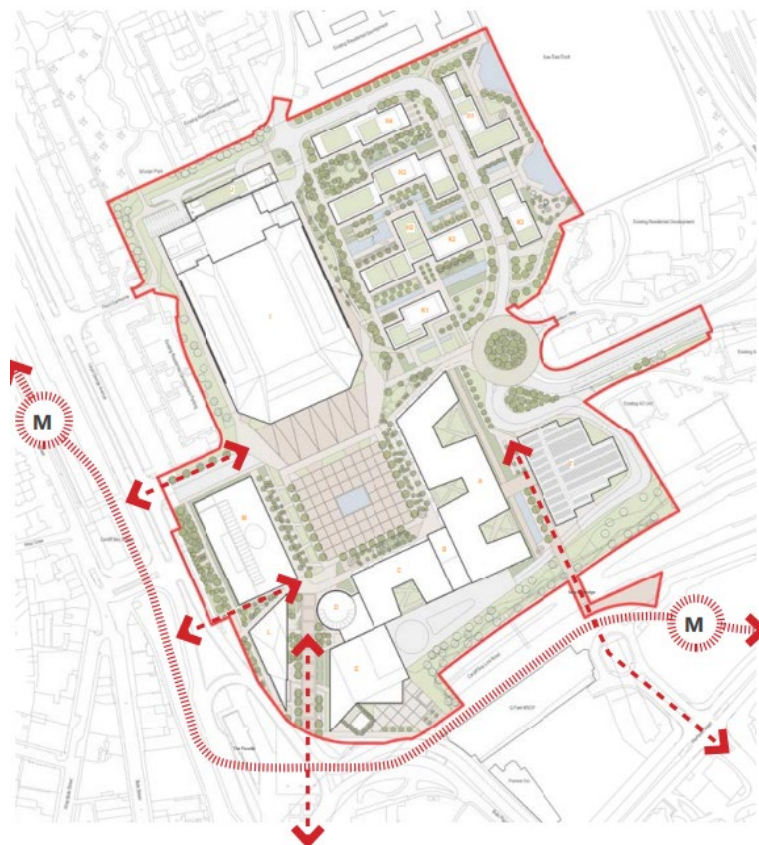


Figure 28: Proposed Metro Link

Servicing

8.113 The applicant has submitted a Framework and Delivery and Servicing Management that has considered, in principle, servicing and delivery of the proposed uses within the wider master plan. The framework suggests deliveries will be through an internal road network and by pre-agreement. This is, in principle, acceptable however a condition has been imposed to ensure that no reserved matters can be approved until an overall strategy has been submitted and approved that builds upon the submitted document and each phase will

have to demonstrate how it meets the approved strategy.

8.114 The submitted DAS has considered potential servicing routes for future phases and, just as important, how they would relate to the arena development and the wider context. These principles have been considered by Highways and Waste Management colleagues.

IMPACT UPON LISTED BUILDINGS AND CONSERVATION AREAS

8.115 The site is not located within a conservation area, nor are there any listed buildings within the site. However, to the immediate south-west (and beyond) are two Conservation Areas, while there are also a large number of Listed Buildings nearby (shown on figure 29 below).

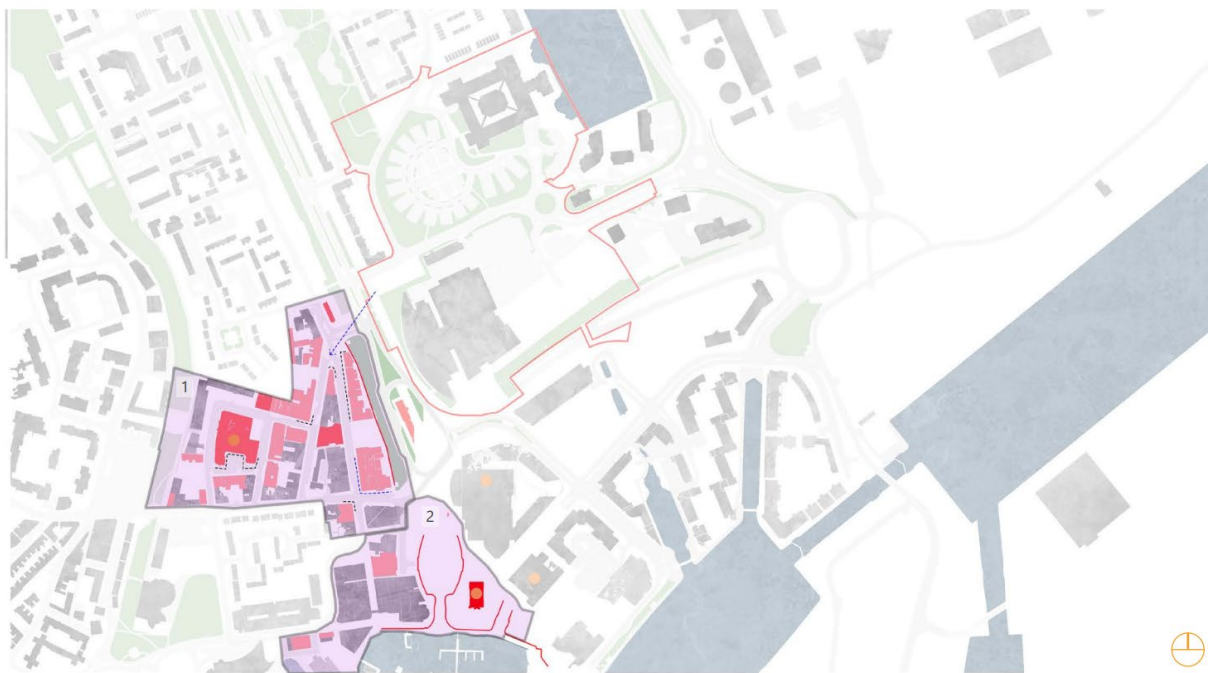


Figure 29: Conservation Areas (pink) and Listed buildings (red)

8.116 Whilst the site is not located within a conservation area, given their proximity and the potential to impact upon those areas, and given how the public would appreciate the conservation areas, it is important to comply with LDP policy EN9 (Conservation of the Historic Environment) which requires any development relating to historic assets (including their settings) to demonstrate that it preserves or enhances that asset's architectural quality, historic and cultural significance, character, integrity and/or setting.

8.117 In addition to Policy EN9, for the nearby Listed Buildings there is also a statutory duty on the decision maker under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Case law has stated this is an important consideration and not a balancing exercise with other planning considerations.

8.118 Chapters 16 & 13 of the ES provide the bases of the required assessment,

which conclude that there would be negligible impacts upon the two Conservation Areas (Mount Stuart Square and Pierhead) and the 32 Listed Buildings. The Conservation Officer has considered the submission and is satisfied that the assessment as a base level is acceptable, albeit notes that as part of any reserved matters application the visual assessment will be required to demonstrate that the proposal would not have an unacceptable impact upon the setting of any listed building, most notably the Grade II listed D-shed (Craft in the Bay) and the Grade I listed Pierhead building. It is considered that these matters can be conditioned to ensure an acceptable form of development.

- 8.119 Having regard to the above, and notably the need to have special regard under s66, it is considered that both the detailed application for the Arena (notably given its separation) and the framework and identified maximum height parameters within the masterplan, would ensure, subject to conditions, that the scheme would ensure there be no unacceptable impacts on the character or setting of either the Conservation Areas or the setting of Listed buildings. Notably, there would be sufficient control over detailed design proposals under reserved matters, such that it is also considered that the proposed development would accord with LDP Policies KP 17 and EN9.

IMPACT ON ARCHAEOLOGY

- 8.120 There is a requirement within PPW and the council's LDP and approved SPG to consider archaeological considerations. Chapter 13 of the ES has considered this matter and concludes there are twenty sites of archaeological interest within the proposed development area. These include Bute West Dock and Bute East Dock, as well as numerous associated machinery, infrastructure etc.
- 8.121 The degree to which these structures have survived is not precisely known, but previous archaeological work on similar structures in the vicinity have recorded almost intact docks at a shallow depth. Indeed geotechnical work has identified remains of the Bute West Dock at a depth of 0.8m below the current ground surface. As a result there is the possibility of encountering archaeologically significant material during the course of the proposed work.
- 8.122 The assessment recommends that 'where possible, structures requiring ground works should be placed to avoid known sensitive receptors' and 'in the event that ground works cannot be avoided in the location of known surviving assets, a programme of archaeological Strip, Map, Excavate (SME) is recommended to determine the extent of the archaeological remains and preserve by record any assets that will be impacted.
- 8.123 The LPA advisors have reviewed the submission and agree with its conclusion and have requested a condition on a written scheme of investigation to be submitted. This approach is supported in policy and the suggested wording accords with WG advice on valid conditions.

IMPACT UPON RESIDENTIAL AMENITY

Full Application (Arena / Travelodge)

- 8.124 The proposed arena will be sited approximately 50 metres east from the Lloyd George Avenue blocks of flats, with the intervening space occupied by the existing car park serving the flats together with existing and proposed landscaping. As these properties currently look out onto the open car park serving County Hall, it is clear that the outlook would materially change for the residents of these properties, with such outlook being replaced by a view of the side elevation of the (6-storey) new arena building but given the existing/proposed landscaping will mask the lower part of the building with the upper (visible element) hipped away from the adjoining properties, this is considered to reduce the physical mass to ensure the proposal is not unreasonably overbearing or unneighbourly in its form.

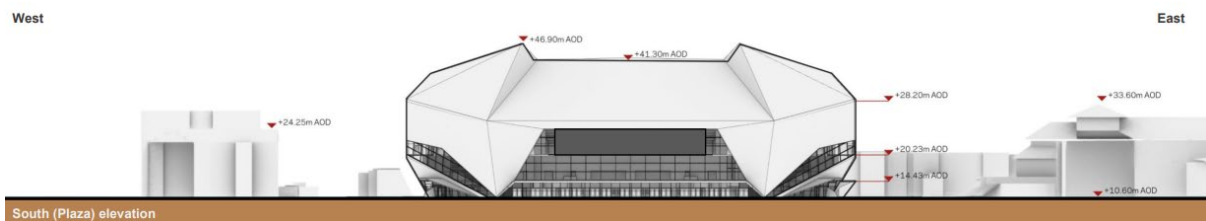


Figure 30: View of Arena from south in context

- 8.125 Considering the properties to the north, the proposed Travelodge would be sited to the south of the existing 3 storey block at Halliard Court, and set approximately 21 metres from the *boundary* of these properties. The proposed hotel would be 5 storey in height with a grey façade, with the 6 storey element of the arena sited approximately 72 metres away from these properties and to the rear of the proposed hotel.

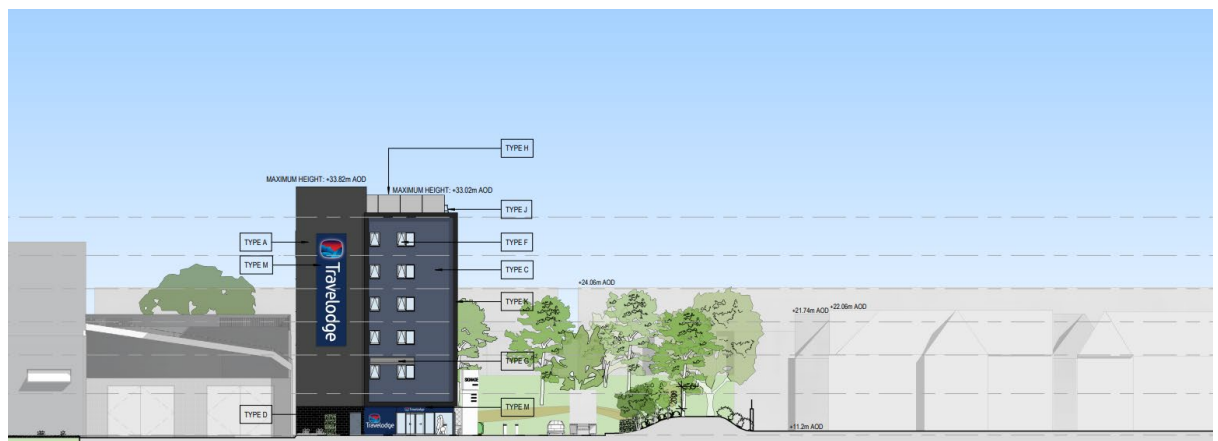


Figure 31: Side elevation of Travelodge

- 8.126 Nevertheless, while the new arena would be highly visible from these properties, and within the wider Cardiff Bay context, but given the separation distance and current/proposed screening between neighbouring and proposed built development, it is considered that, on balance, the arena/hotel would not

amount to an unacceptably unneighbourly or overbearing form of development.

Sunlight/daylight assessment

8.127 Chapter 20 (Daylight, Sunlight and Overshadow) of the ES has been prepared to assess the effects of the proposed development in terms of daylight, sunlight and overshadowing in the context of the site and surrounding area in accordance with the Building Research Establishment (BRE) guidelines 'Site Layout Planning for Daylight and Sunlight. A Guide to Good Practice'.

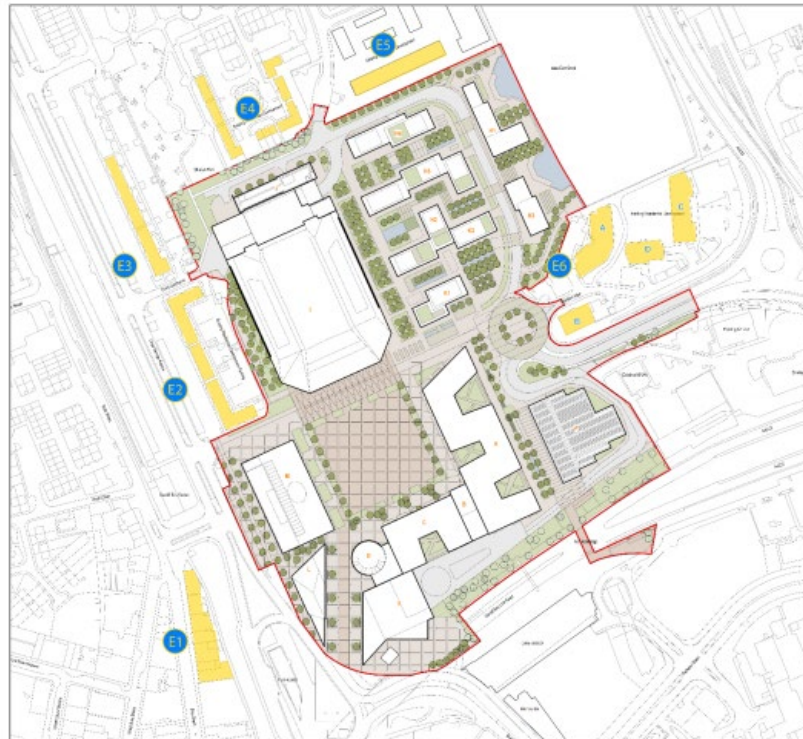


Figure 32: Daylight, Sunlight and Overshadowing Assessment

8.128 The assessment concludes that the impact of the proposed development on the majority of existing properties surrounding the site is anticipated to be negligible with a Vertical Sky Component (VSC) of greater than 27% and more than 80% of its baseline value. However, the facades of E2 (Lloyd George Avenue) facing Schooner Way would have a VSC of 15-27% but less than 80% of its baseline value as a result of the proposed Arena.

8.129 As such and given a full detailed design is available for the Arena, a further Average Daylight Factor (ADF) assessment for E2 has been carried out for 44 no. kitchens and 52 no. bedrooms located on the affected façade. Under the existing conditions all the bedrooms meet the ADF criteria but two kitchens are already below the ADF criteria. With the Arena in place all the bedrooms continue to meet the ADF criteria but four kitchens do not meet the ADF criteria, two of these kitchens are already failing in the existing scenario so as a result of the Arena only two additional kitchens fail the criteria, which is considered to be a marginal increase and the magnitude of impact in the ES is considered to be medium and a minor-moderate significance for this façade is concluded

which is not significant.

8.130 Facades of E4 (Halliard Court) facing southeast also recorded a VSC of 15-27% but less than 80% of its baseline value at the ground floor. As with the George Avenue properties and given the detailed design for the Arena and Hotel, a further ADF assessment was carried out on the ground floor of the façade. Under the existing conditions, all the spaces deemed to be living rooms and all the kitchens complied with the ADF criteria. With the Arena and Hotel in place it is concluded that the façade would continue to not meet the VSC criteria but would meet the ADF criteria. This is considered to bring a magnitude of impact which is medium, leading to a minor-moderate significance for this façade, which is not significant.

Noise

8.131 The potential impact of the scheme in relation to noise has been considered within Chapter 12 of the ES, which assesses the potential effects of the proposed development in terms of noise and vibration in the context of the site and surrounding area. The assessment concludes a number of potentially significant effects arising from the proposed development in relation to:

- Demolition and construction noise;
- Demolition and construction vibration;
- Proposed Arena operation and associated crowd noise; and
- Proposed Atlantic Wharf, Butetown Masterplan operation and Atlantic Square entertainment noise.

8.132 In response to these potential effects, the assessment proposes a number of mitigation measures. Some of these measures follow industry-accepted best practices (e.g. construction practices), whilst other suggested measures are more bespoke to the potential noise generated and the surrounding environment and have been conditioned.

8.133 During construction, with the implementation of best working practices, temporary screening and controls over working hours, the assessment concludes that the noise and vibration impacts of demolition, earthworks and construction phases, would be generally negligible, with only brief periods of adverse effects of slight to moderate significance which would be temporary at the local level.

8.134 During operation, a number of mitigation measures are proposed in relation to the control of crowds, control of events within Atlantic Square, operation of the arena service yard, future plant associated within buildings such as the Red Dragon Centre, and the design / specification of future residential buildings as part of the wider masterplan.

8.135 The Arena has also been designed with appropriate sound insulation measures to prevent unacceptable impacts arising from entertainment noise (see image below), and with these mitigation measures in place, the assessment concludes that for existing sensitive receptors, any changes would

not be significant. For future or proposed sensitive receptors within the residential parts of the masterplan the assessment also concludes no significant effects with appropriate mitigation measures. Members will note that a condition has been imposed that the sound insulation is tested before the arena is brought to beneficial use

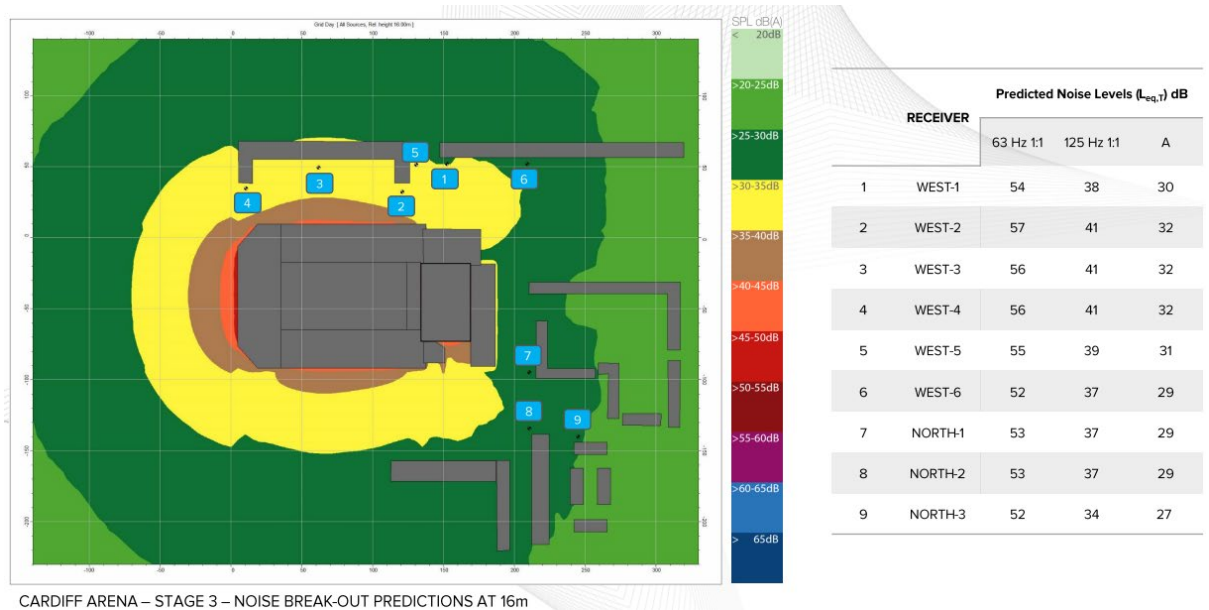


Figure 33: Entertainment Noise (Predicted Noise Modelling)

8.136 The assessment also concludes that the increase in road traffic noise at proposed receptors due to the proposed development would be below the threshold of perception and would not be significant.

8.137 The assessment and mitigation have been considered by the council’s Noise section who accepts the findings, but has recommended a number of conditions to ensure the proposal accords with the assessment. A condition has been imposed for an Operational Management Plan to control hours of operation and provide a communication channel for residents to raise matters with the operator (the submitted details seeks events to finish at 22:30 and the area cleared by 23:00)

Wider Masterplan (Outline)

8.138 The proposed parameter plan proposes a number of tall buildings with a number of these (blocks M, K3 and blocks H1/H4 on the illustrative master plan), if built to the maximum height (see height parameter plan below) having the potential to have an overbearing impact on existing properties. However, a condition has been imposed for a design code to be approved by the LPA, that code will ensure that the final design will accord with policy ensuring that the scheme will not be overbearing and unneighbourly.

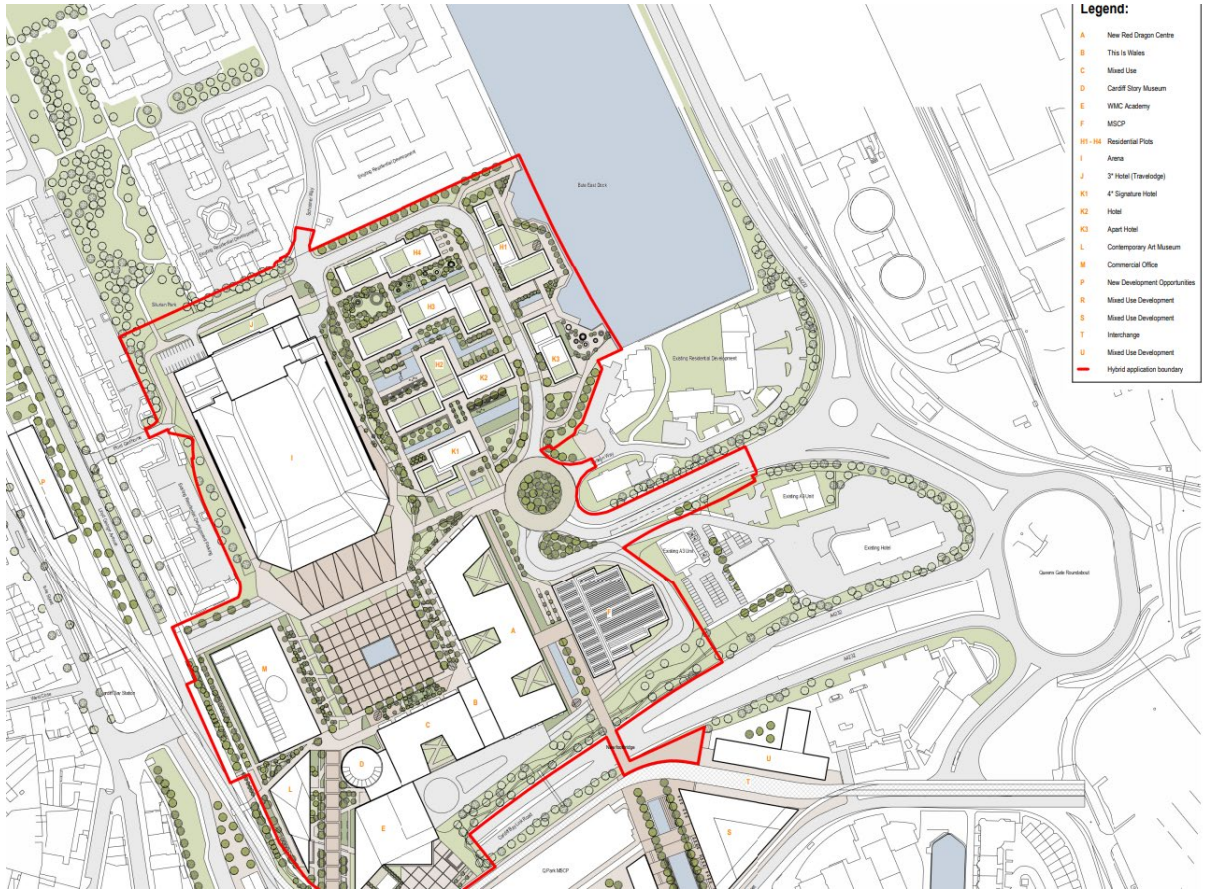


Figure 34: Overall Masterplan

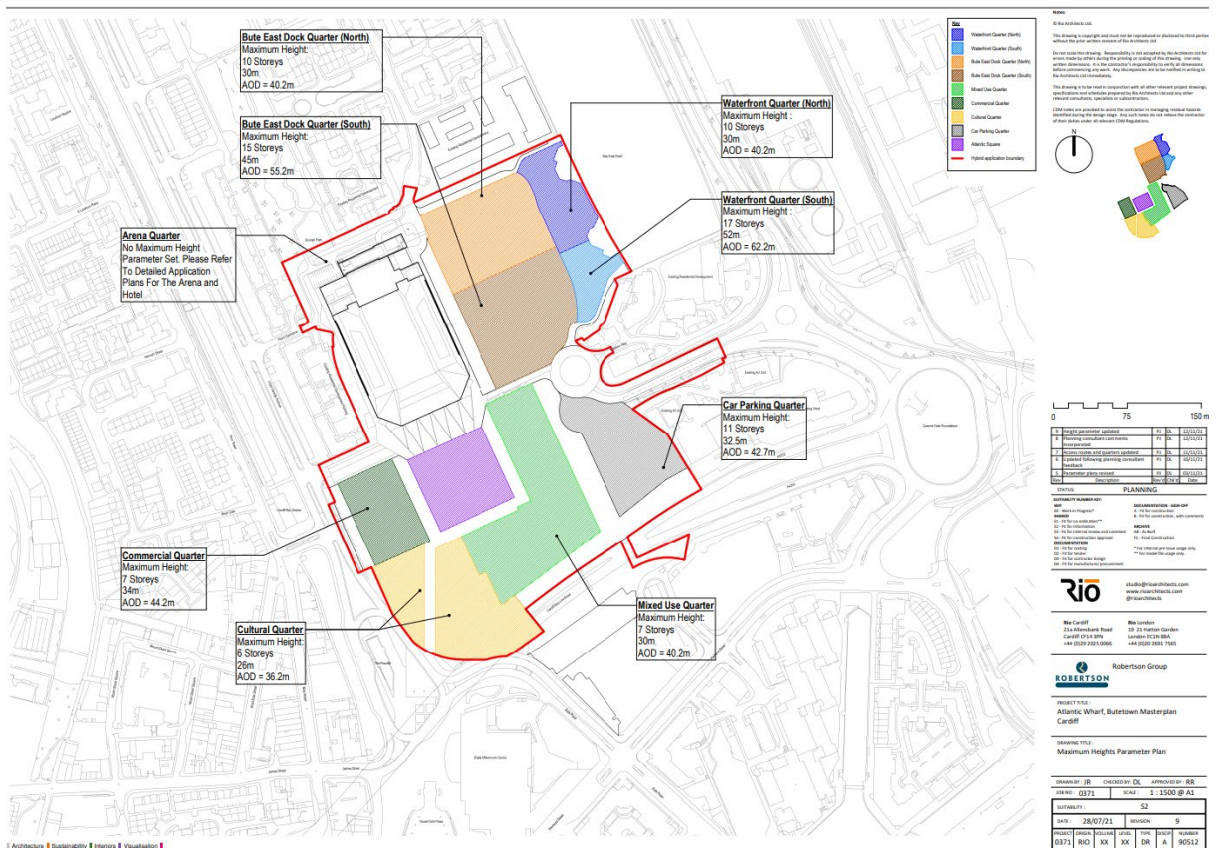


Figure 35: Character Areas / Parameters

Sunlight / Daylight Assessment

8.139 Potential effects of the wider outline elements of the hybrid application have also been considered, with the ES identifying the following potential effects:

- The southern facade of E2 (Lloyd George Avenue) facing Hemingway Road has a VSC of 15-27% but less than 80% of its baseline value.
- The southern facade of E5 (Schooner Drive) has a VSC of 15-27% but less than 80% of its baseline value.
- The northwest facade of E6 A (Galleon Way) would be below 27% for the majority of the facade and some areas (the corners) would be below 15% VSC. Most of this facade is less than 80% of its baseline value.
- The northwest facade of E6 B (Galleon Way) would have VSC between 15- 27% and less than 80% of its baseline value for the lower half of the block and the south facing facade would have a VSC of 15-27% and less than 80% of its baseline value for the lower floors.

8.140 These outcomes do not meet the VSC guidelines, however further ADF assessment has not been carried out at this stage due to this impact being a result of the maximum height parameters as applied through assessment of the massing model. The ES conclusions for these potential effects range between minor/moderate to major (and are thus considered to be significant). However, this is considered to represent a worst-case scenario and it is expected that any final building design would have a lesser impact as any scheme will need to ensure compliance with adopted policy that seeks to protect existing amenity. This is supported through an overshadowing assessment of the illustrative masterplan which concluded a negligible impact on these spaces.

8.141 The assessment has also considered overshadowing for existing open space including the southern section of Silurian Park, gardens and open space within Halliard Court and gardens on the south side of Schooner Drive and has concluded that there would be no impact or negligible impact of neutral significance for all areas of existing open space with all achieving more than two hours of sun on the 21 March after the proposed development. The exception to this is the residential gardens of Schooner Drive which, when assessed against the massing model would experience a moderate effect.

IMPACT ON TREES / LANDSCAPING

8.142 The full planning application relates to the proposed new Arena and Travelodge hotel, which will be constructed on part of the existing County Hall car park and nearby land, on which there are a significant number of existing trees. The submitted Arboricultural Impact Assessment and tree survey identifies 367 individual tree and 11 groups of trees across the site, of which 70% are category 'C' (trees of low quality) and 30% are rated category 'B' (Trees of moderate quality).

8.143 To facilitate the siting of the arena, Travelodge and associated access road, the development will result in the loss of 86 trees and 3 groups of trees, of which 22 are rated category 'B' with 64 trees and 3 groups of trees rated 'C'. The

trees to be removed are identified in red on image below which has been taken from the submitted tree survey.

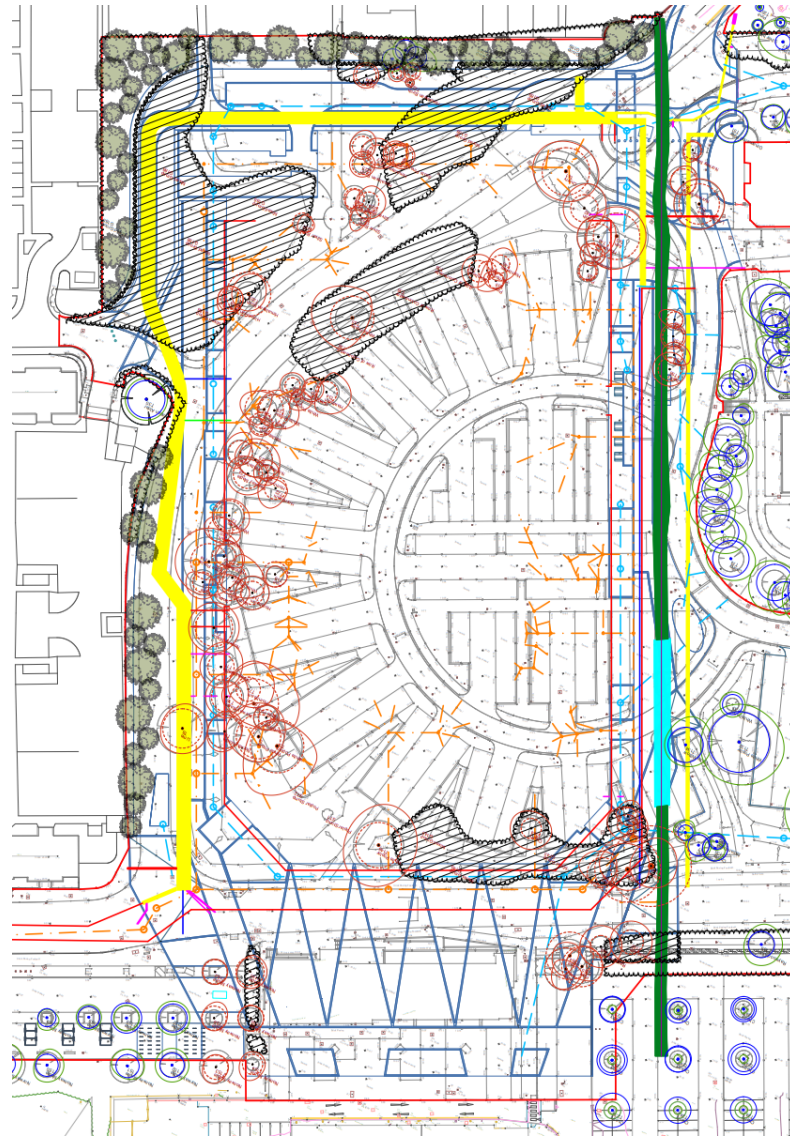


Figure 36: Trees to be removed (Arena and Travelodge development – full planning permission)

8.144 Policies KP 16 and EN7, together with the council's approved Green Infrastructure SPG, seek to retain and enhance category B and above rated trees. Accordingly, the loss of the category B trees in particular are regrettable and need to be considered as a negative impact of the development. As part of the wider aspirations of the development site, however, there is a Landscape Master Plan (Addendum dated 25th January 2022) which has informed the landscaping plan for the detailed approval. This scheme (see figure 37 below taken from the submitted Landscape Strategy) provides for 59 replacement trees (fewer than the 86 trees and 3 groups of trees to be removed), of a mix of species and layout which will provide for long term growth of the trees, informed by advice received from the County Tree Officer.

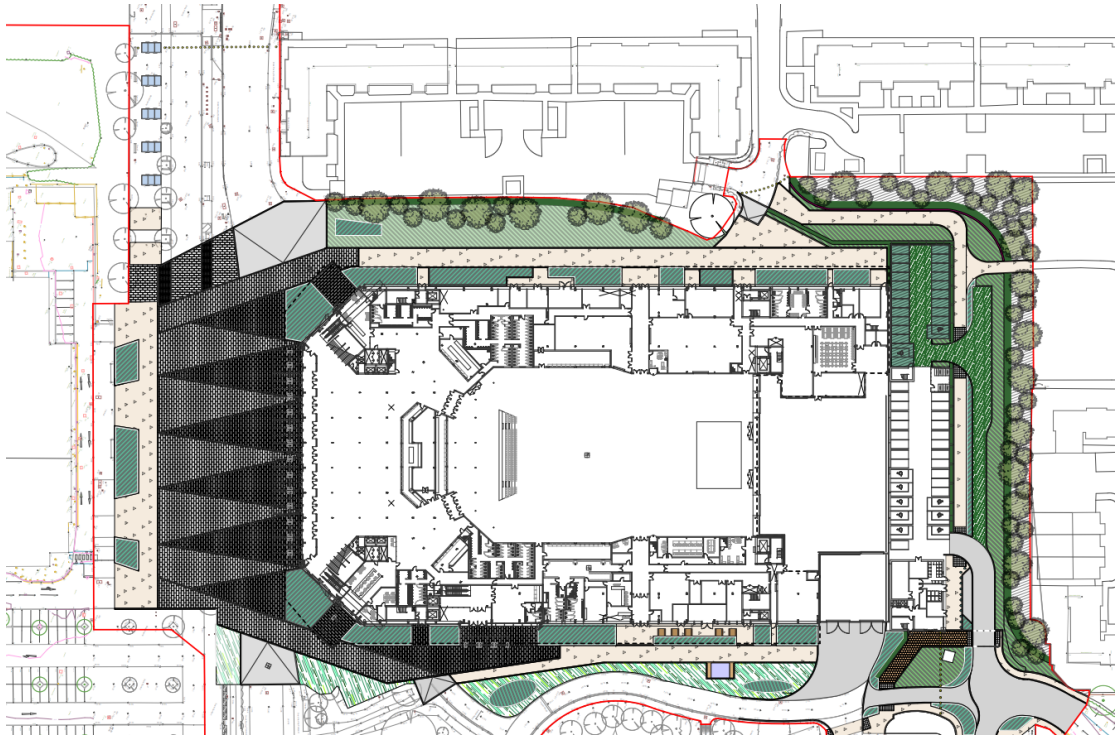


Figure 37: Landscape Masterplan

- 8.145 It is nevertheless noted that while the Tree Officer is supportive of the revised landscaping plan (acknowledging the limitation presented by the design of the arena and hotel development), he does express concern over the timing of the wider redevelopment scheme and implementation of the landscape masterplan, which would be necessary to fully mitigate for the loss of the existing trees.
- 8.146 Notwithstanding the above, while Policies KP 16 and EN7 and the council's approved Green Infrastructure SPG seeks to retain and enhance important trees, it is considered that the short-term impact of the detailed arena/hotel scheme can, incrementally through subsequent submissions, be mitigated through the provision of appropriate green infrastructure (including replacement planting), with such matters appropriately controlled through conditions.
- 8.147 Figures 38 and 39 below are indicative (i.e. not formally approved as part of the outline permission) but are provided to demonstrate how the landscape strategy may emerge. As members will be aware there is also an element of overlap with sustainable drainage requirements of amenity and biodiversity. The landscape plan for the arena and the wider scheme have also incorporated likely SuDs features that will form part of the separate SAB submission.

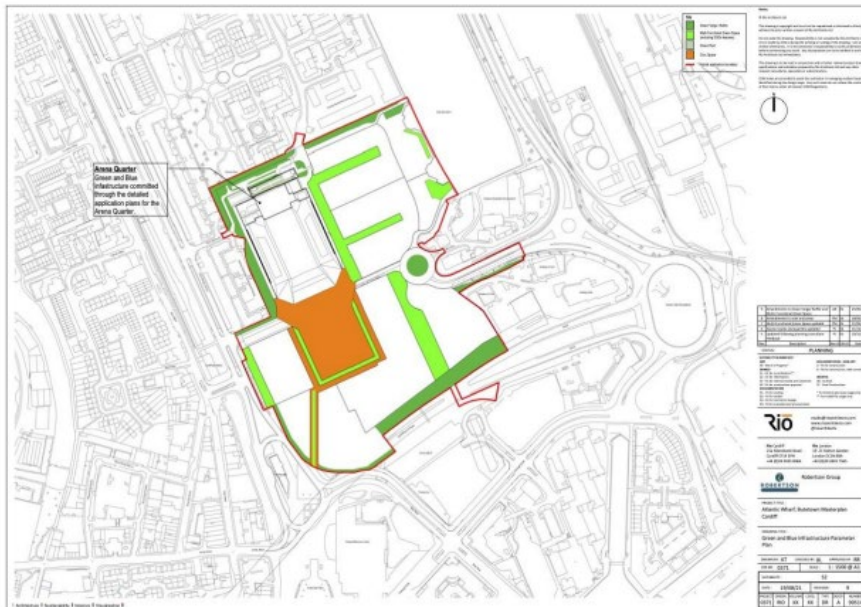


Figure 38: Proposed Green and Blue Infrastructure Parameters Plan



Figure 39: Landscape Masterplan

IMPACT ON ECOLOGY

8.148 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.

8.149 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

- 8.150 An updated ecology assessment (Phlorum dated 25/01/22) has been submitted which has informed chapter 10 of the ES addendum. The report has considered NRW comments in relation to bats and confirms that whilst the maximum parameter height of 17 storey building along Bute East Dock would be too tall to accommodate bats but notwithstanding this there is a commitment to accommodate, lower in the building, bats areas, as well as bat boxes. Such updated assessment and mitigation will form part of the EPS licence that will be considered by NRW.
- 8.151 The report does acknowledge that given the limited information on the wider master plan additional surveys and design details will be required at reserve matters stage.

Biodiversity Net Gain

- 8.152 The report and ES addendum consider bio-diversity net gain (BNG), Future Wales Policy 9 (Green infrastructure) seek any application to demonstrate ecosystems and green infrastructure resilience and ideally should provide net benefit.
- 8.153 The County Ecologist has considered the submission and whilst has made observations in relation to BNG and the overall assessment (see paragraph 5.15 of this report). However, the concerns of the Ecologist Officer can be addressed through appropriate conditions.
- 8.154 In terms of the wider master plan, given the lack of confirmed detail an updated ecology assessment will be required to inform future development. Such conditions are standard for outline applications and will provide the framework that builds upon the Green Infrastructure parameter plan to ensure the submission accords with policy by providing an updated Ecological Assessment at the appropriate time which each reserved matters submission will accord with. This approach is consistent with LDP KP4 (master planning) and EN8 (Trees, woodland and hedgerows).

SUSTAINABILITY / ENERGY

- 8.155 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.
- 8.156 Policy 17 Renewable and Low Carbon Energy and Associated Infrastructure outlines support for developing renewable and low carbon energy at all scales.
- 8.157 *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.

- 8.158 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.
- 8.159 Concern has been raised that the construction of the arena and wider redevelopment does not meet sustainability considerations, notably as the wider scheme proposes the demolition of a number of existing buildings.
- 8.160 As part of the submission a master plan Energy Strategy has been submitted for consideration, and it would be expected for a large scheme such as this for the wider strategy to be subject to change acknowledge expands and technology and building design develops. The report has considered the matter of Net zero and taken a ‘whole system approach’ which concludes that the running of the arena would be carbon neutral over the life of the buildings.

Whole system approach

Demand side Measures	Matching Supply & Demand	Supply Side Measures
Passive measures		Environmental Energy Sources (river, ground water, air, sea, waste heat)
Fabric First	Battery Systems	
Energy Efficiency	Thermal Storage	Decentralised / Embedded Energy (Wind, Solar, Tidal, Dispatchable renewables)
Demand Side Response	Smart Infrastructure (Smart microgrid, ToU tariffs, Carbon Pricing)	Offsite Energy Supply (Grid Electricity, District Heat Networks, Grid Gas)
	Heat Sharing Network	

- 8.161 The report has considered the likely energy demand for the Arena and Travelodge (whilst these figures are an estimate, they are based on the running cost at similar buildings) and both the Arena/Travelodge and the wider master plan are committed to connecting to the proposed Local heat network subject to timeframes and price.
- 8.162 On this issue, it is also noted that the report to Cabinet (10th March 2022) indicates that the Council:

“has committed to delivering net zero Carbon developments moving forward. This is an extremely challenging requirement, particularly for brownfield projects where substantial demolition and/or site remediation is needed to pave the way for new development. The Council has developed Carbon Management Plans for ... Atlantic Wharf .. and will deliver net zero Carbon developments primarily through direct on-site interventions.

The Council’s strategy to achieve net zero is built on delivering green energy strategies as an integral part of the development masterplan. This inevitably increases the requirement for investment but can also lead to an improvement

in the overall commercial case for development, including future proofing of the project.”

- 8.163 The Council's Heat Network project supports the energy strategy for the Atlantic Wharf site and will play a fundamental role in supporting the policy ambition of achieving Carbon neutrality.
- 8.164 This approach ensures that the proposal would accord with Future Wales Policy 16 which seeks large scale mixed development should, where feasible, have a heat network. It is also noted, and this is recognised within the strategy, that the heat network forms part of the overall mix of sustainable methods, including solar panel and air/ground source heat pumps, these mixes are required to ensure the arena can achieve BREEAM excellent.
- 8.165 This approach is considered to meet policy objective of Future Wales, PPW and LDP policies KP 15 (Climate Change), EN12 (Renewable energy and low carbon technologies). Conditions have been imposed to ensure that the strategy is updated as reserved matters are progressed and measured against this strategy details for the connection to the heat network are submitted and agreed for each phase of development. The requirement to connect to the heat network is best achieved through a legal agreement rather than a condition as it is considered to provide certainty in the short to medium term compared to a condition.

ECONOMIC IMPACT

- 8.166 PPW 11 places a duty on the LPA the need to improve the social economic of Wales' disadvantaged areas. Chapter 5 'Productive and Enterprising Places' covers the economic components of placemaking and states that *“a more Equal Wales can be achieved through promoting sufficient employment and enterprise opportunities for people to realise their potential and by recognising and building on the existing economic strengths of places to assist in delivering prosperity for all.”*
- 8.167 PPW11 also recognises (in chapter 4) the need to *“realise the potential of new sustainable transportation infrastructure to create new or renewed hubs of activity to support sustainable communities which capitalise on their location and the opportunities these present.”* TAN 23 (Economic Development) also states economic generation is a material consideration.
- 8.168 Chapter 14 of the ES has considered economic impact including future employment opportunities for the residents of Butetown and wider. From this it is noted that Butetown 01 LSOA which lies immediately adjacent to the site is one of the most disadvantaged areas in Wales (see figure 40 below taken from the submitted Environmental Statement), followed by Butetown 03 LSOA which ranks in the 10-20% most deprived areas in Wales. On the other hand, Butetown 02, 04, 05, 06 and 07 LSOAs are part of the 50% least deprived areas in Wales.

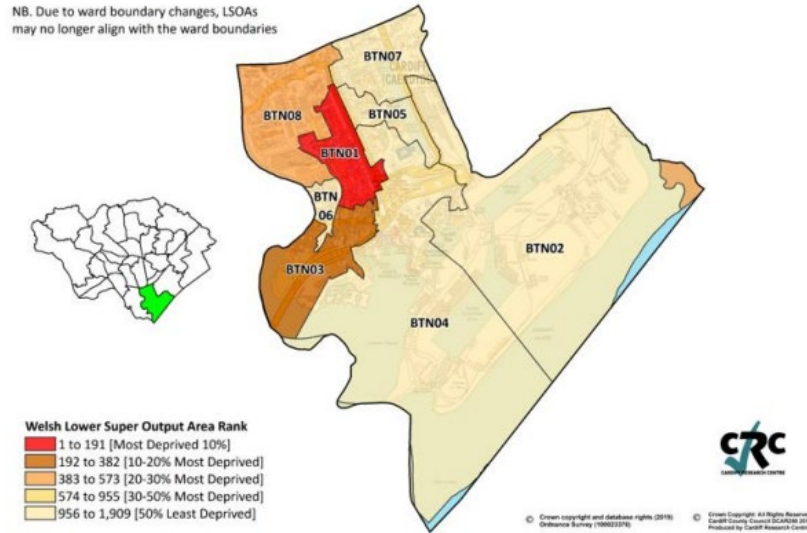


Figure 40: Welsh Index of Multiple Deprivation Overall ranks: Butetown (2019)

8.169 In terms of direct employment, the development would generate approximately:-

Arena and Hotel

- Construction Jobs: 150 FTE (within Cardiff) & 285 (capital region);
- Operational: 333 (FTE) jobs (albeit some of these will be from the existing hotel (22) and Motorpoint Arena (180), plus a number of casual employment post (up to 770) will be created due to events.

Wider Masterplan

- Construction Jobs: 600 FTE
- 3,400 gross FTE jobs created or retained (likely new jobs will be 1,140 FTE).

8.170 It is also considered that given the types of employment opportunities, and its location, provides an opportunity to residents of Butetown/Grangetown and young people not in employment or education the ability to achieve meaningful employment.

8.171 In terms of calculating wider benefits, it is also noted that the report to Cabinet (10th March 2022) addresses social and economic impact from the Arena development, stating that:

In addition to the social value benefits of the arena driven by the procurement exercise, which commits to almost £4m worth of community benefits including jobs, training and direct investment in community projects, the Council is also working with Metro Dynamics as part of its participation in the Inclusive Growth Network to explore how more can be done to establish the longevity of the venue's relationship with residents and its role as a community asset and part of the social and cultural fabric of the Butetown ward. This work will aim to build inclusion into the development and amplify the economic benefits of the project.

In particular their work will look at:

- *Ensuring that jobs created, both in construction and operation, are high quality and of benefit to local residents.*
- *Establishing the longevity of the venue's relationship with residents and its role as a community asset and part of the social and cultural fabric of Butetown (e.g. embedded community relationship, youth offer).*
- *Complementing the city's music strategy and existing offer (e.g. working with the Music Board, possible community music hub, complementing grassroots music).*

8.172 In this respect, and having particular regard to the advice in PPW and TAN23, along with the recent guidance on post Covid-19 recovery in Wales: *Building Better Places: The Planning System Delivering Resilient and Brighter Futures*, both the detailed application for the arena and hotel, plus the future masterplan proposals, are considered to have significant direct and indirect economic benefits.

IMPACT ON UTILITIES

8.173 Due to the brownfield nature of the application site and built form of the Inner Harbour, the site exhibits a complex below ground level (BGL) utilities network. This includes a Welsh Water surface level sewer pipeline and a Welsh Water 130mm rising main Hemingway Road which falls from east to west within Hemingway Road.

8.174 To facilitate the construction of residential and commercial properties along Schooner Way in the late 1990's/early 2000s, a large 1125mm diameter Welsh Water surface water sewer also flows from north to south of Schooner Way, while a potable water pipeline and 300mm water main run along the western side of Schooner Way. Additional BGL utilities include an 11kV electricity line, low pressure gas pipes, highways drainage/traffic signals and telecoms infrastructure appurtenant to Openreach, Virgin Media and Vodafone. In addition, submissions indicate the presence of a Dock Feeder Culvert flowing from north to south.

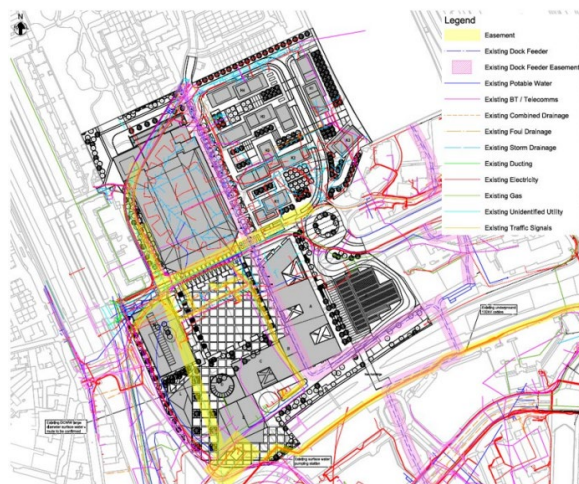


Figure 41: Atlantic Wharf below ground level utilities map

- 8.175 The Arena Quarter Utilities Strategy confirms that enquiries have been made with Welsh Water regarding water supply for the development, and that they have indicated that capacity is currently not available in their network and hydraulic modelling is required to assess what improvements are required to their network. However, the water demand for the Arena would be reduced by the provision of a water storage system within the building. This is a proven solution for buildings with high peak demands that cannot be provided from mains water network.
- 8.176 WWU has confirmed that there is a 250mm diameter gas main located along Schooner Way that is available to supply the buildings based on the estimated demands, however it is proposed to divert this gas pipe as part of the works and a new connection can be formed as part of the diversion.
- 8.177 Discussions with the local distribution network operator (WPD) have indicated that a new 11kV ring connection is available from Bute Place to the front of the WMC. New incoming fibre optic connections would also be provided to the Arena.
- 8.178 The Arena development will require utility diversions, including the diversion of a large Welsh Water surface water sewer underneath Schooner Way, a high voltage 11kV electricity line, low pressure gas main, telecoms, potable water and traffic signal cables, however all such matters can be addressed as part of the development and do not amount to a reason to withhold permission.

8.179 DRAINAGE AND FLOODING

Drainage

- 8.180 Chapter 8 (Water Resources) of the ES considers the likely significant effects on the water environment relating to changes in the hydrological and hydrogeological regime, and pollution and degradation in water quality. Alongside the water resources chapter and FCAs, an Arena Quarter Drainage Strategy and Atlantic Wharf, Butetown Masterplan Drainage Strategy have been prepared for the Arena and Hotel and wider masterplan area respectively.
- 8.181 The detailed Drainage Strategy outlines that proposed storm drainage from the development is to discharge to Bute East Dock, subject to approval by ABP. The Hotel would have a green roof, providing water quality and interception benefits at source. The roof drainage of the Arena building, and external areas, are proposed to be routed to lined bioretention systems, providing sufficient water quality benefits and interception of runoff through evapotranspiration. These SUDs features would also offer significant amenity and biodiversity benefits to the development.
- 8.182 The proposed foul drainage from the Hotel and Arena is to be routed to the 225mm diameter Welsh Water sewer to the south west of the site via a proposed gravity sewer. The proposal has been considered by the council's drainage officer and Welsh Water neither object to the proposal subject to

conditions.

8.183 In terms of surface water, this is controlled through a separate technical approval which has a stronger regulatory framework than planning and as a result there is no need to duplicate conditions through the planning system that can be controlled through SAB. However, advice within PPW and TAN is that the applicant is aware of the constraints of SAB and the LPA must have regard to the scheme achieving SAB approval. It is understood that a pre-application has been submitted to SAB colleagues and no indication has been given that the proposal would not meet SAB approval.

Flooding

8.184 The site is located within flood Zone 'B' as identified by the NRW Development Advice Maps (DAM), with the East Bute dock to the east of the site (nominally extending into the edge of the site) identified as flood zone C2 (no flood defence).

8.185 The submission has considered flood risk within the flood consequence assessments (FCA) for the wider masterplan and detailed proposal, with both FCAs drafted based on the (now suspended) updated Flood Map for Wales (FMfW). In particular it is noted that the FMfW shows a change from the DAM insofar as they show an area along the western boundary as part of the Defended Zone, and an area in the north-east in Tidal/Rivers Zone 3 and 2, including the County Hall building footprint. The submissions further indicate, however, the view that the mapping showing Zone 3 Tidal and Zone 2 Rivers along the footprint of County Hall is incorrect, with ARUP having prepared and submitted a mapping challenge to NRW.



Figure 42: Flood Map for Wales – Seas (zone 3)

8.186 Notwithstanding the above, it is considered that the submissions have appropriately considered the existing DAM and climate change and still conclude that the proposal would accord with national and local policies that seek to direct development (mainly highly vulnerable development e.g. housing) away from known flood zones (defined as C1/C2 of the flood maps). Given the proximity of a known flood zone, however, and the current status of

the FMfW which indicate a small proportion of the 'residential quarter' to be potentially affected by flooding (subject to potential challenge), it will be necessary to ensure at reserved matters stage that no highly vulnerable development is located within the flood zone. a condition has been imposed to that effect.

HEALTHCARE PROVISION

8.187 Policy C6 (Health) states that priority in new developments will be given to reducing health inequalities and encouraging healthy lifestyles through:

- i. Identifying sites for new health facilities, reflecting the spatial distribution of need, ensuring they are accessible and have the potential to be shared by different service providers; and
- ii. Ensuring that they provide a physical and built environment that supports interconnectivity, active travel choices, promotes healthy lifestyles and enhances road safety.

8.188 It also notes that sites for new health facilities should be accessible, have potential to be shared by different service providers and consider the spatial distribution of need. The Policy aims to improve the health of Cardiff's population and reduce health inequalities by securing new health facilities in areas most at need and ensuring that health is a key consideration in new developments.

8.189 Policy C1 (Community Facilities) also encourages proposals for new and improved community facilities, health and religious facilities.

8.190 Local concern over pressure placed on existing health care provision is noted, and representations have been received from the health boards on this point.

8.191 It is noted that there is the potential for pressure on GP provision as a result of the wider masterplan (residential), however the advice of the health board is that this could be resolved through provision on site for a minimum floor space of 199 sqm and as members will note that the application does propose a maximum of 27,500 sq.m. of D1 (which could include health provision) and D2 uses.

8.192 In terms of dental provision this is in relation to the contracts issued by WG rather than the lack of ability to accommodate the maximum threshold and given the timing of any development could be negotiated with WG in the next rounds of contracts.

8.193 In addition to provision of the above floorspace, the health board have sought a financial contribution of up to £340,070 (the contribution is based upon the formula within the councils approved Planning Obligations SPG) in respect of GP provision.

8.194 The applicant is, in principle, acceptable to the suggestions of the Health Board. Having regard to LDP Policy C1 (community facilities), which seeks new

and improved community facilities (including health) will be encouraged, the proposal would accord Policy.

SECTION 106 MATTERS

- 8.195 Policy KP7 (Planning Obligations) states that “planning obligations will be sought to mitigate any impacts directly related to the development and will be assessed on a case by case basis in line with Planning Policy Guidance”.
- 8.196 The supporting text emphasises that new development often generates additional demands upon existing services, facilities, infrastructure and the environment., with planning obligations being a means of seeking contributions from developers towards these demands, as well as negotiating benefits that improve the standard of development proposals by providing necessary infrastructure and community benefits.
- 8.197 The Planning Obligations SPG sets out the Council’s approach to planning obligations when considering applications for development in Cardiff, providing further guidance on how the policies set out in the LDP are to be implemented.
- 8.198 The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers), and state that a planning obligation may only legally constitute a reason for granting planning permission if it is: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.
- 8.199 In view of the type and form of development proposed in this location (notably the up to 890 residential units proposed in the wider Masterplan), having regard to local circumstances and needs arising from the development, the need for planning obligations which are considered necessary to make the development acceptable in planning terms and to meet the policy and legislative tests for planning obligations has been assessed throughout the report, but in summary the proposed broad Heads of Terms for the required section 106 agreement are as follows (in line with the Planning obligations SPG):-
- Financial contribution of £340,070 (based on 890 units) for health (GP)
 - Provision of no less than 199 sq.m. of floorspace for a healthcare
 - Financial contribution towards Community Facilities =- based on payment of £1,291.38 per dwelling
 - Financial contribution of £250,000 for the loss of the existing park and the on-site provision for the proposed residential units (in line with chapter 5 of the approved Planning Obligation SPG)
 - Affordable housing to be provided in line with Chapter 2 of the approved Planning obligation SPG
 - Education: Financial contribution of £1,499,341 (based on 890 units) (in line with the formula outlined in Chapter 7 of the approved Planning Obligation SPG)
 - Transportation: Financial contribution of £20,000 for TROs around the site,

payment to be made on implementation of the arena development.

8.200 It is emphasised that the final amount services area / Health will receive will be based on the final residential numbers submitted at reserved matters stage.

8.201 Having regard to the legal and policy test outlined above, it is clear that the requested monies are necessary and reasonable to mitigate the impacts of the proposed development and thus ensure that the proposal accords with planning policy.

8.202 A legal agreement is in the process of being drafted to address the above requirements.

OTHER MATTERS NOT ASSESSED ABOVE

8.203 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:

- Concern over wider development is noted however the submission including the description limit the extent of works authorised. To be clear this proposal does not propose work to the craft in the bay property;
- The perceived loss of house value is noted but the planning system does not protect the private interest of one land owner over another and therefore this is not a material consideration in the determination of this application;
- Concern of the loss of existing park land is noted and has been considered in the determination of this application. The planning balance has considered the loss of parkland and the compensation measures combined with wider benefits the proposal will bring in the wider master plan are considered to accord with policy;
- Concern over the lack of health care provision has been considered and addressed within the report. Members will note that the Health Boards have raised no objection, subject to conditions and financial contributions. These will be considered and assessed once the reserved matters are submitted confirming the final residential numbers;
- Concern has been raised that the public and residents concerns have been ignored by the council and developer. The report has considered those material matters that have been raised and has come to a reasoned planning balance;
- The viability and public subsidy are matters for the council, as the developer, to address. However, the council, as developer, believes that the scheme is viable and that the timeframe for delivery is realistic;

- Concern over the siting of the arena and suggested 'better' locations are noted. The ES has considered 'reasonable' alternatives within the submission including the siting on the Red Dragon Centre. However, the duty of the LPA is to consider the submission before it and based upon the submitted information it is concluded, on balance, the proposal is acceptable in planning policy terms;
- Concerns over residential amenity have been noted and the location of the arena within close proximity has raised design challenges but the submitted information provides evidence that has been considered by technical consultees that the proposal would not cause unacceptable harm.
- The loss of trees arising from the siting of the arena and contrary to the council's 'One Planet' Strategy is noted and as explained within the report the Arena itself has little opportunity to provide sufficient compensation but the wider master plan/area does, if developed correctly, provide significant opportunities to provide recreational amenity and habitat mitigation. Whilst the council's 'One Planet' document is not a planning document weight has been given to its objectives where they are consistent with planning policy. It is considered that the wider master plan provides opportunities to ensure these objectives can be achieved
- Economic uncertainty is a risk for the developer to consider however, the LPA is keen to see the wider development delivered and members will be aware there is a cabinet report this month that provides a development pathway for the wider aspirations that provides comfort that the development will be brought forward in a timely manner.
- The observation that following local elections this May, the new administration may not wish to proceed with the development is noted but that is a matter for the council, as developer, to consider and not a material consideration in the determination of this application.
- Concern over climate change is noted. Both the submitted energy strategy and the Environmental Statement have considered climate change in the building and operating the proposal and concludes that over the life of the development the proposal seeks net improvement, if not a neutral position. It is recognised that the wider development will be required to update these assumptions, accord with current or future Building Regulations and planning policies, where there is the potential for wider climate benefits.
- With reference to the comment that the papers for the 'Cardiff Bay Regeneration Overview' reported to Cabinet on 10 March include Masterplan proposals, plans and phasing which differ from those submitted to the Planning website, it is noted that this report considers only the formal application documentation. The masterplan is, however, illustrative, with any detailed schemes required to be put forward as reserved matters subject to complying with the parameter plan submitted

under this application. It is also noted that the reference (in the Cabinet report) to the potential for a 'major Exhibition Centre and ancillary facilities including a business centre and conference hotel' does not form part of this application. Any such proposal would require a further planning application, which would consider the planning merits of any proposed change to the masterplan

- The submitted petitions do not raise any material matters not already considered within the report

9 CONCLUSION

- 9.1 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 (2006–2026) adopted January 2016. In addition, the Council, in accordance with Section 3(3) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, has taken all the environmental information into consideration. In addition, all the relevant European directives, legislation and regulations have been taken into account.
- 9.2 This hybrid application seeks efficient use of a brownfield site that is dominated by car parking and will revitalise the area with a mixed use development. The proposal is ambitious in its nature, the proposed arena / hotel development provides positive benefits by anchoring development as part of the next chapter for investment in the bay. While there will be impacts arising from the development, these can be appropriately controlled by condition to ensure there would be no unacceptable harm on matters including local character, residential amenity, biodiversity/trees and highway safety.
- 9.3 Although full details for the wider master plan will be considered through separate submissions, subject to conditions and the required legal agreement, and also subject to detailed design at reserved matters stages, it is concluded that the wider masterplan development represents a positive next stage in the future of Cardiff Bay, which has the potential to drive economic recovery and facilitate improved links to the Bay based on good placemaking principles.

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 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.

**PLANNING COMMITTEE:****16 March 2022**

REPORT OF THE DIRECTOR OF HIGHWAYS

**TITLE OF REPORT: Section 257 Town and Country Planning Act 1990,
Stopping Up of Footpaths at Lincoln Court and Pennsylvania**

Reason for the Report

There are three areas of Highway that are subject to Planning Permission 21/02935/MNR for development of courtyards over paths which have fallen into disrepair. There are alternative routes for the public to use and the area will be enhanced for residents.

Background

There are three locations of adopted highway which have been identified that are no longer needed and being proposed to be stopped up.

There are alternative footpaths in the vicinity, and it is proposed that the Stopping Up of highway will enhance the aesthetics of the locations and provide private courtyards for residents.

- Location 1 (Grid Reference 319861:180219): Area to be enclosed for residential use within the rear courtyard of 265-273 Pennsylvania
- Location 2 (Grid Reference 319881:180193): Area to be enclosed for residential use within the rear courtyard of 274-282 Pennsylvania
- Location 3 (Grid Reference 319879:180179): Area to be enclosed for residential use within the rear courtyard of 283-291 Pennsylvania

Issues

The stopping up of the adopted highway footpaths is necessary prior to the construction of the courtyards.

Consultation

No comments or objections have been received.

Consultees included:

Adjacent property residents for each of the locations has received initial consultation letters and maps to explain the stopping up application and locations.

Associations/Organisations: Ramblers; Auto Cycle Union; British Horse Society; Byways and Bridleways Trust; Open Spaces Society; Cycling UK; Welsh Trail Riders Association

Utilities: Welsh Water; Virgin Media; Wales and West Utilities; Western Power; BT Openreach

Ward Members: Councillor Joe Carter, Councillor Dan Naughton, Councillor Emma Sandrey, Councillor Frank Jacobsen

Legal Implications

The power to make a stopping up or diversion order under s.257 of the Town & Country Planning Act 1990 (TCPA 1990) is a discretionary power. Section 257 of the TCPA 1990 permits the making of an order for the stopping up or diversion of a footpath or bridleway which is necessary to enable development to be carried out either:

In accordance with a valid planning permission or by a government department.

A conflict between the planning permission and a footpath or bridleway is essential for the grant of a stopping up or diversion order under section 257. The footpath or bridleway does not need to be obstructed by the intended physical development, a change of use of the land can be sufficient, provided the change of use requires the footpath or bridleway to be closed or diverted.

The order may provide for the:

- Creation of an alternative highway or improvement of an existing highway for use as a replacement for the one authorised to be stopped up (section 257(2)(a), TCPA 1990).

- Protection of any rights statutory undertakers have in respect of their apparatus that immediately before the date of the order is under, in, on, over, along or across the footpath or bridleway (section 257(2)(c), TCPA 1990). Payment of costs for carrying out the works (section 257(2)(d), TCPA 1990).
- An application for a stopping up or diversion order under section 257 of the TCPA 1990 cannot be made or confirmed once the relevant development is “substantially complete”. A stopping up order does not affect any private rights of way that exist over the land

The grant of planning permission for the development of land over which there is a public right of way does not in itself constitute authority for interference with the right of way or for its closure or diversion. It cannot be assumed that because planning permission is granted, a stopping up or diversion order will automatically be made. Conditions can be imposed on a stopping up or diversion order tying it to the relevant planning permission in terms of timescale and the need to serve notice on the local highway authority before implementing the order.

The procedure for making an order under section 257 of the TCPA 1990 is governed by Schedule 14 to the TCPA 1990 (Procedure for footpaths and bridleways orders) and involves the Council giving various notices in the prescribed form stating the general effect of the order. Notices must be served on every owner and occupier of land affected. If no representations or objections are duly made, or if any so made are withdrawn, the Council may confirm the order (but without any modification). Where any representation or objection which has been duly made is not withdrawn the matter is referred to the Planning Inspectorate who are an executive agency that reports to the Welsh Government. Before confirming the order the Planning Inspectorate may cause a local public inquiry to be held; or they may give any person by whom any representation or objection has been made an opportunity of being heard by a person appointed by them. After considering the report of the person appointed to hold the inquiry or hearing, the Planning Inspectorate on behalf of the Welsh Government may confirm the order, with or without modifications. An order made under section 257 of the TCPA 1990 is not effective until it is confirmed (section 259, TCPA 1990).

No compensation is payable in respect of those adversely affected by the order.

Equality Act

In considering this matter the decision maker must have regard to the Council’s duties under the Equality Act 2010. Pursuant to these legal duties Councils must, in making decisions, have due regard for the need to:

- (1) eliminate unlawful discrimination
- (2) advance equality of opportunity

(3) foster good relations on the basis of protected characteristics

Protected characteristics are: (a) Age (b) Gender reassignment (c) Sex (d) Race – including ethnic or national origin, colour or nationality (e) Disability (f) Pregnancy and maternity (g) Marriage and civil partnership (h) Sexual orientation (i) Religion or belief – including lack of belief.

Other Considerations

- Consideration should be given as to whether an equalities impact assessment (EQIA) is required, (including an updated assessment if there has been a time lapse since the assessment was carried out), to ensure that the Council has understood the potential impacts of the proposed decision in terms of its public sector equality duty. The decision maker should consider any EQIA. The proposal must also be subject to any relevant health and safety assessment.
- Section 17 of the Crime and Disorder Act 1998 also imposes a general duty on the Council, when exercising its functions, to take account of community safety dimension, with a view to reduce local crime and disorder in its area.
- Before exercising its functions under the 1984 Act, the Council must have regard to its duties under The Active Travel (Wales) Act 2013, the Welsh Language (Wales) Measure 2011.

Well Being of Future Generations (Wales) Act 2015

The decision maker should also have regard, when making its decision, to the Council's wider obligations under The Well-Being of Future Generations (Wales) Act 2015 ('the Act').

The Act places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible.

In discharging its duties under the Act, the Council has set and published well being objectives designed to maximise its contribution to achieving the national well being goals. The well being objectives are set out in Cardiff's Corporate Plan 2021-2024: <https://www.cardiff.gov.uk/ENG/Your-Council/Strategies-plans-and-policies/Corporate-Plan/Pages/Corporate-Plan.aspx> When exercising its functions, the Council is required to take all reasonable steps to meet its well being objectives. This means that the decision makers should consider how the proposed decision will contribute towards meeting the well being objectives and must be satisfied that all reasonable steps have been taken to meet those objectives.

The well being duty also requires the Council to act in accordance with a 'sustainable development principle'. This principle requires the Council to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, the Council must:

- Look to the long term
- Focus on prevention by understanding the root causes of problems
- Deliver an integrated approach to achieving the 7 national well-being goals
- Work in collaboration with others to find shared sustainable solutions
- Involve people from all sections of the community in the decisions which affect them

The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory Guidance issued by the Welsh Ministers, which is accessible using the link below:

<http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>

Financial Implication

None - Applicant has agreed to cover costs.

Recommendations

Highways Officers recommend Planning Committee **approve** the S257 application. This will allow Officers to request Legal Services to process the Stopping Up Legal Order

ANDREW GREGORY
DIRECTOR, TRANSPORT, PLANNING & ENVIRONMENT

24 February 2022

Background Papers:

- Location Map
- Approved Officer Decision Report

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CARDIFF COUNCIL
CYNGOR CAERDYDD

Proposed Order Plan

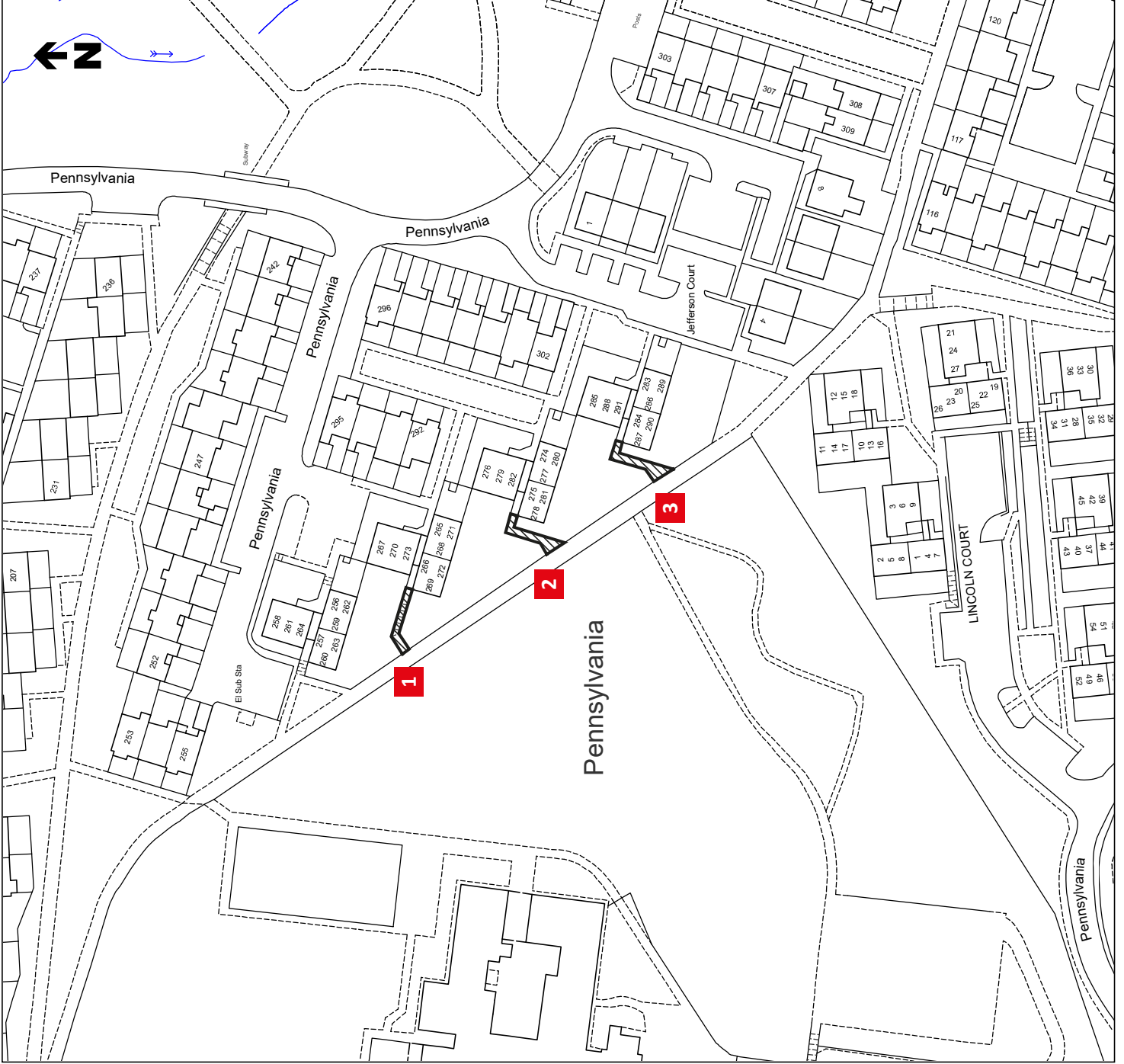
Key



Highway to be stopped up

Title: 257 Application
Drawn by: Kayleigh Fish | Mike Peddle
Date: 20/01/2022
Scale: 1:1250

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PLANNING COMMITTEE:**16 March 2022**

**REPORT OF: DIRECTOR - PLANNING, TRANSPORT &
ENVIRONMENT****Section 118 Highways Act 1980, Stopping Up of Footpaths at Lincoln Court
and Pennsylvania****Reason for the Report**

To extinguish sections of redundant highway, as part of a Neighbourhood Regeneration Scheme, to enhance the aesthetic quality of the area by processing a Section 118 Highways Act 1980 Stopping Up Order.

Background

There are six locations of adopted highway which have been identified that are no longer needed and being proposed to be stopped up.

- Location 1 (Grid Reference 319872:180280): Grass area with a recorded adopted path crossing it which does not physically exist.
- Location 2 (Grid Reference 319961:180162): Area of adopted highway is enclosed within private gardens.
- Location 3 (Grid Reference 320063: 180171): Stopping up of adopted highway to create a new storage bin area and a new footpath is being provided.
- Location 4 (Grid Reference 320032:180114): Adopted path does not exist and partially enclosed by fencing.
- Location 5 (Grid Reference 320029:180095): Grass area with a recorded adopted path crossing it which does not physically exist.
- Location 6 (Grid Reference 319901:180083): Removing of steps and landscaping to create a grass bank as an improved public amenity.

Issues

The only known issue is location 2 which has adopted highway enclosed in two private garden properties. The stopping up is necessary to amend the adopted highway mapping to resolve this historic anomaly.

Overall the Neighbourhood Regeneration Scheme is considered necessary to enhance the overall area for the local community's benefit.

Consultation

No comments or objections have been received.

Consultees included:

Adjacent property residents for each of the locations has received initial consultation letters and maps to explain the stopping up application and locations.

Associations/Organisations: Ramblers; Auto Cycle Union; British Horse Society; Byways and Bridleways Trust; Open Spaces Society; Cycling UK; Welsh Trail Riders Association

Utilities: Welsh Water; Virgin Media; Wales and West Utilities; Western Power; BT Openreach

Ward Members: Councillor Joe Carter, Councillor Frank Jacobsen, Councillor Dan Naughton and Councillor Emma Sandrey

Legal Implications

In considering whether a path or way should be stopped up, the Council must be satisfied that the criteria of the 1980 Act has been met. Where it appears to a Council as respects a footpath or bridleway in its area (other than one which is a trunk road or a special road) that it is expedient that the path or way should be stopped up on the ground that it is not needed for public use, the Council may by an order (a 'public path extinguishment order'), which has been submitted to and confirmed by the First Minister, or confirmed by the Council as an unopposed order, extinguish the public right of way over the path or way. The First Minister must not confirm such an order, and a Council must not confirm such an order as an unopposed order, unless he or it is satisfied that it is expedient to do so, having regard: (1) to the extent, if any, to which it appears to him or it that the path or way would, apart from the order, be likely to be used by the public; and (2) to the effect which the extinguishment of the right of way would have as respects land served by the path or way, account being taken of the provisions as to compensation.

A local authority may recover costs from an owner or occupier of land where it has complied with a request to make a public path extinguishment order.

The procedure for making and confirming a public path order is set out in Schedule 6 of the Highways Act 1980 and involves the Council giving various notices in the prescribed form stating the general effect of the order. If no representations or objections are made, or if any are made and are withdrawn, the Council may confirm the order (but without any modification). Where any representation or objection which has been duly made is not withdrawn the matter is referred to the First Minister of the National Assembly for Wales who shall, before confirming the order, either cause a local inquiry to be held; or give any person by whom any representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by the First Minister for the purpose. After considering the report of the person appointed to hold the inquiry or hearing, the First Minister may confirm the order, with or without modifications.

The First Minister of the National Assembly shall not confirm a public path stopping up order, and the Council shall not confirm an order as an unopposed order, unless he or, as the case may be, they are satisfied that the stopping up to be effected by it is expedient for the reasons mentioned above.

The Council is entitled to recover its costs from the applicant as provided by the Local Authorities (Recovery for Costs for Public Path Orders) Regulations 1993.
Equality Act

In considering this matter the decision maker must have regard to the Council's duties under the Equality Act 2010. Pursuant to these legal duties Councils must, in making decisions, have due regard for the need to:

- (1) eliminate unlawful discrimination
- (2) advance equality of opportunity
- (3) foster good relations on the basis of protected characteristics

Protected characteristics are: (a) Age (b) Gender reassignment (c) Sex (d) Race – including ethnic or national origin, colour or nationality (e) Disability (f) Pregnancy and maternity (g) Marriage and civil partnership (h) Sexual orientation (i) Religion or belief – including lack of belief.

Other Considerations

- Consideration should be given as to whether an equalities impact assessment (EQIA) is required, (including an updated assessment if there has been a time lapse since the assessment was carried out), to ensure that the Council has understood the potential impacts of the proposed decision in terms of its public sector equality duty. The decision maker should consider any EQIA. The proposal must also be subject to any relevant health and safety assessment.
- Section 17 of the Crime and Disorder Act 1998 also imposes a general duty on the Council, when exercising its functions, to take account of community safety dimension, with a view to reduce local crime and disorder in its area.

- Before exercising its functions under the 1984 Act, the Council must have regard to its duties under The Active Travel (Wales) Act 2013, the Welsh Language (Wales) Measure 2011.

Well Being of Future Generations (Wales) Act 2015

The decision maker should also have regard, when making its decision, to the Council's wider obligations under The Well-Being of Future Generations (Wales) Act 2015 ('the Act').

The Act places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible.

In discharging its duties under the Act, the Council has set and published well being objectives designed to maximise its contribution to achieving the national well being goals. The well being objectives are set out in Cardiff's Corporate Plan 2021-2024: <https://www.cardiff.gov.uk/ENG/Your-Council/Strategies-plans-and-policies/Corporate-Plan/Pages/Corporate-Plan.aspx> When exercising its functions, the Council is required to take all reasonable steps to meet its well being objectives. This means that the decision makers should consider how the proposed decision will contribute towards meeting the well being objectives and must be satisfied that all reasonable steps have been taken to meet those objectives.

The well being duty also requires the Council to act in accordance with a 'sustainable development principle'. This principle requires the Council to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, the Council must:

- Look to the long term
- Focus on prevention by understanding the root causes of problems
- Deliver an integrated approach to achieving the 7 national well-being goals
- Work in collaboration with others to find shared sustainable solutions
- Involve people from all sections of the community in the decisions which affect them

The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory Guidance issued by the Welsh Ministers, which is accessible using the link below:

<http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>

Financial Implications

None - The applicant has agreed to cover costs.

Recommendations

For the Planning Committee to **approve** the application allowing Highways Officers to process the Section 118 Stopping Up Order via Legal Services.

ANDREW GREGORY
DIRECTOR, TRANSPORT, PLANNING & ENVIRONMENT

24 February 2022

Background Papers:

- Site Location Map
- Signed Officer Decision Report

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CARDIFF COUNCIL
CYNGOR CAERDYDD

Proposed Order Plan

Key



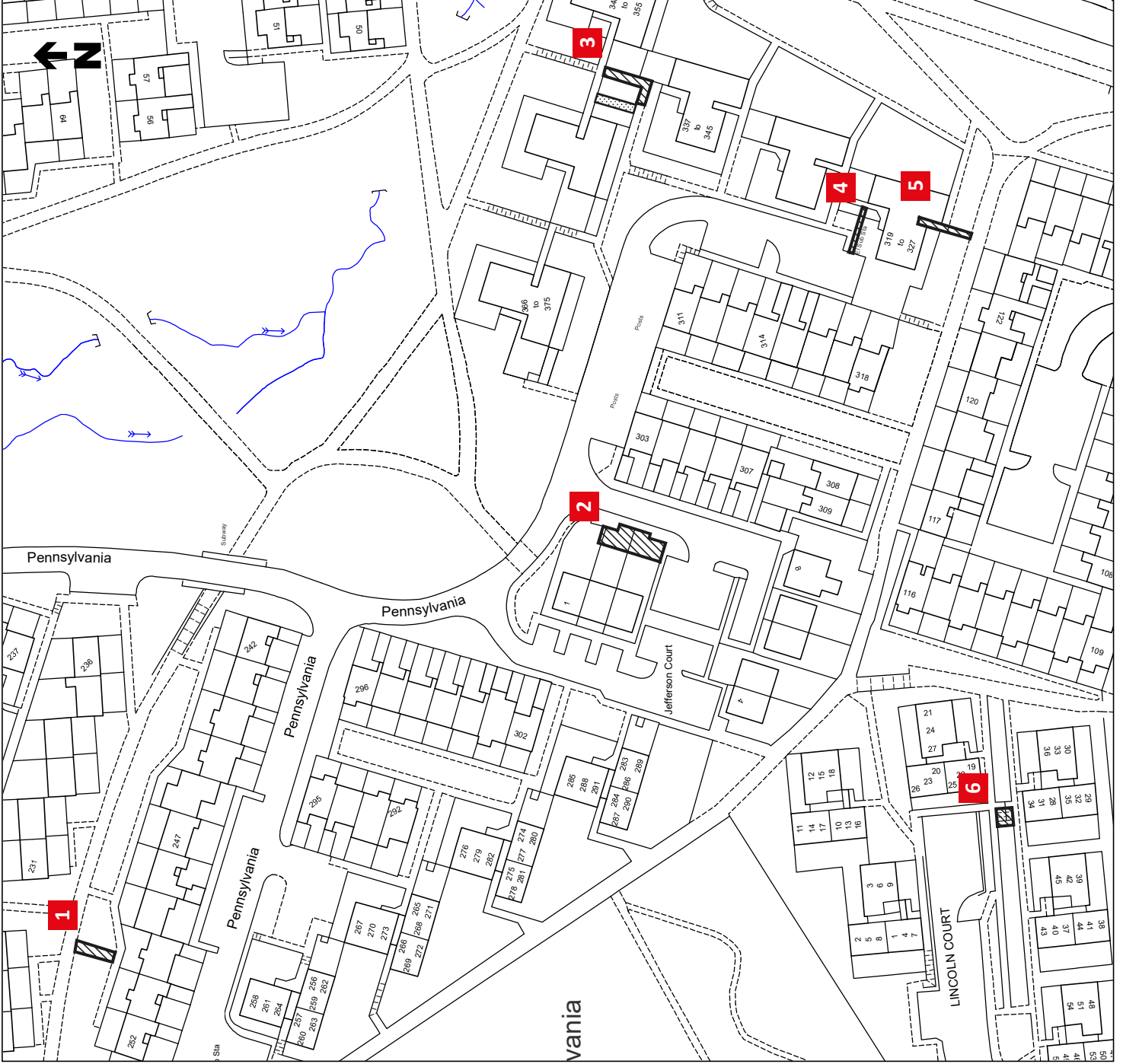
Highway to be
Stopped Up



For Information Only -
New Footpath provided
if Order is confirmed

Title: 118 Application
Drawn by: Kayleigh Fish | Mike Peddle
Date: 20/01/2022
Scale: 1:1250

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PLANNING COMMITTEE:

16 March 2021

**REPORT OF: DIRECTOR - PLANNING, TRANSPORT &
ENVIRONMENT**

**Section 257 Town and Country Planning Act 1990, Stopping Up of St
Mellons No. 2 Public Footpath**

Reason for the Report

Asbri Planning have received planning permission (Application No. 20/01306/MJR) for a new residential development. The Public Footpath will be incorporated into private property gardens and requires a stopping up order.

Background

The Public Footpath historically used to link through to Millfield Close through a car park. Housing stopped up the car park as part of a neighbourhood regeneration scheme and incorporated the car park within private gardens. The southern section of the footpath was outside of their ownership and therefore became an isolated footpath with no alternative route provided within the scheme.

As there is an adopted footpath to the south within a green public amenity space, it is deemed reasonable and necessary to stop up St Mellons 2 Footpath under Section 257.

Issues

The Public Footpath is currently a dead end with no physical way through or link to a Footway.

The Public Footpath Diversion Application must be confirmed in order to allow the proposed development plan to go ahead as approved. If the application is objected to then the applicant will need to amend the Western section of the planning application to allow for the existing footpath alignment to be retained.

Local Member Consultation

The following statutory consultees submitted no objections.

Adjacent property owners are notified of the application

Trowbridge Ward Members: Cllr Bowen-Thomson, Cllr Lay, Cllr Michael

Utilities:

- Virgin
- BT Openreach
- Welsh Water
- Wales & West
- Western Power

Users groups:

- Ramblers
- Auto Cycle Union
- British Horse Society
- Byways and Bridleways Trust
- Open Spaces Society
- Cycling UK
- Welsh Trail Riders Association

Legal Implications

The power to make a stopping up or diversion order under s.257 of the Town & Country Planning Act 1990 (TCPA 1990) is a discretionary power. **Section 257** of the TCPA 1990 permits the making of an order for the stopping up or diversion of a footpath or bridleway which is necessary to enable development to be carried out either:

- In accordance with a valid planning permission or
- By a government department.

A conflict between the planning permission and a footpath or bridleway is essential for the grant of a stopping up or diversion order under section 257. The footpath or bridleway does not need to be obstructed by the intended physical development, a change of use of the land can be sufficient, provided the change of use requires the footpath or bridleway to be closed or diverted.

The order may provide for the:

1. Creation of an alternative highway or improvement of an existing highway for use as a replacement for the one authorised to be stopped up (section 257(2)(a), TCPA 1990).
2. Protection of any rights statutory undertakers have in respect of their apparatus that immediately before the date of the order is under, in, on, over, along or across the footpath or bridleway (section 257(2)(c), TCPA 1990).
3. Payment of costs for carrying out the works (section 257(2)(d), TCPA 1990).

An application for a stopping up or diversion order under section 257 of the TCPA 1990 cannot be made or confirmed once the relevant development is “substantially complete”. A stopping up order does not affect any private rights of way that exist over the land

The grant of planning permission for the development of land over which there is a public right of way does not in itself constitute authority for interference with the right of way or for its closure or diversion. It cannot be assumed that because planning permission is granted, a stopping up or diversion order will automatically be made. Conditions can be imposed on a stopping up or diversion order tying it to the relevant planning permission in terms of timescale and the need to serve notice on the local highway authority before implementing the order.

The procedure for making an order under section 257 of the TCPA 1990 is governed by Schedule 14 to the TCPA 1990 (Procedure for footpaths and bridleways orders) and involves the Council giving various notices in the prescribed form stating the general effect of the order. If no representations or objections are duly made, or if any so made are withdrawn, the Council may confirm the order (but without any modification). Where any representation or objection which has been duly made is not withdrawn the matter is referred to the First Minister of the Welsh Assembly Government. Before confirming the order The First Minister will either cause a local inquiry to be held; or give any person by whom any representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by the First Minister for the purpose. After considering the report of the person appointed to hold the inquiry or hearing, the First Minister may confirm the order, with or without modifications (Section 257(4), TCPA 1990.) An order made under section 257 of the TCPA 1990 is not effective until it is confirmed (section 259, TCPA 1990).

No compensation is payable in respect of those adversely affected by the order.

Equality Act

In considering this matter the decision maker must have regard to the Council's duties under the Equality Act 2010. Pursuant to these legal duties Councils must, in making decisions, have due regard for the need to:

- (1) eliminate unlawful discrimination
- (2) advance equality of opportunity
- (3) foster good relations on the basis of protected characteristics

Protected characteristics are: (a) Age (b) Gender reassignment (c) Sex (d) Race – including ethnic or national origin, colour or nationality (e) Disability (f) Pregnancy and

maternity (g) Marriage and civil partnership (h) Sexual orientation (i) Religion or belief – including lack of belief.

Other Considerations

- Consideration should be given as to whether an equalities impact assessment (EQIA) is required, (including an updated assessment if there has been a time lapse since the assessment was carried out), to ensure that the Council has understood the potential impacts of the proposed decision in terms of its public sector equality duty. The decision maker should consider any EQIA. The proposal must also be subject to any relevant health and safety assessment.
- Section 17 of the Crime and Disorder Act 1998 also imposes a general duty on the Council, when exercising its functions, to take account of community safety dimension, with a view to reduce local crime and disorder in its area.
- Before exercising its functions under the 1984 Act, the Council must have regard to its duties under The Active Travel (Wales) Act 2013, the Welsh Language (Wales) Measure 2011.

Well Being of Future Generations (Wales) Act 2015

The decision maker should also have regard, when making its decision, to the Council's wider obligations under The Well-Being of Future Generations (Wales) Act 2015 ('the Act').

The Act places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible.

In discharging its duties under the Act, the Council has set and published well being objectives designed to maximise its contribution to achieving the national well being goals. The well being objectives are set out in Cardiff's Corporate Plan 2021-24: <http://cmsprd.cardiff.gov.uk/ENG/Your-Council/Strategies-plans-and-policies/Corporate-Plan/Documents/Corporate%20Plan%202021-24.pdf> When exercising its functions, the Council is required to take all reasonable steps to meet its well being objectives. This means that the decision makers should consider how the proposed decision will contribute towards meeting the well being objectives and must be satisfied that all reasonable steps have been taken to meet those objectives.

The well being duty also requires the Council to act in accordance with a 'sustainable development principle'. This principle requires the Council to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, the Council must:

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- Deliver an integrated approach to achieving the 7 national well-being goals
- Work in collaboration with others to find shared sustainable solutions

- Involve people from all sections of the community in the decisions which affect them

The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory Guidance issued by the Welsh Ministers, which is accessible using the link below: <http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>

Financial Implications

The Applicant has agreed to cover the costs of the Order.

Recommendations

Planning Committee to **approve** the Section 257 Diversion Application to allow the Public Rights of Way Team to instruct Legal Services to process the Legal Order

Andrew Gregory

Director: Planning, Transport, Environment.

24 February 2022

Background Papers:

- Signed Officer Decision Report
- Location Map

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CARDIFF COUNCIL
CYNGOR CAERDYDD

Proposed Order Plan

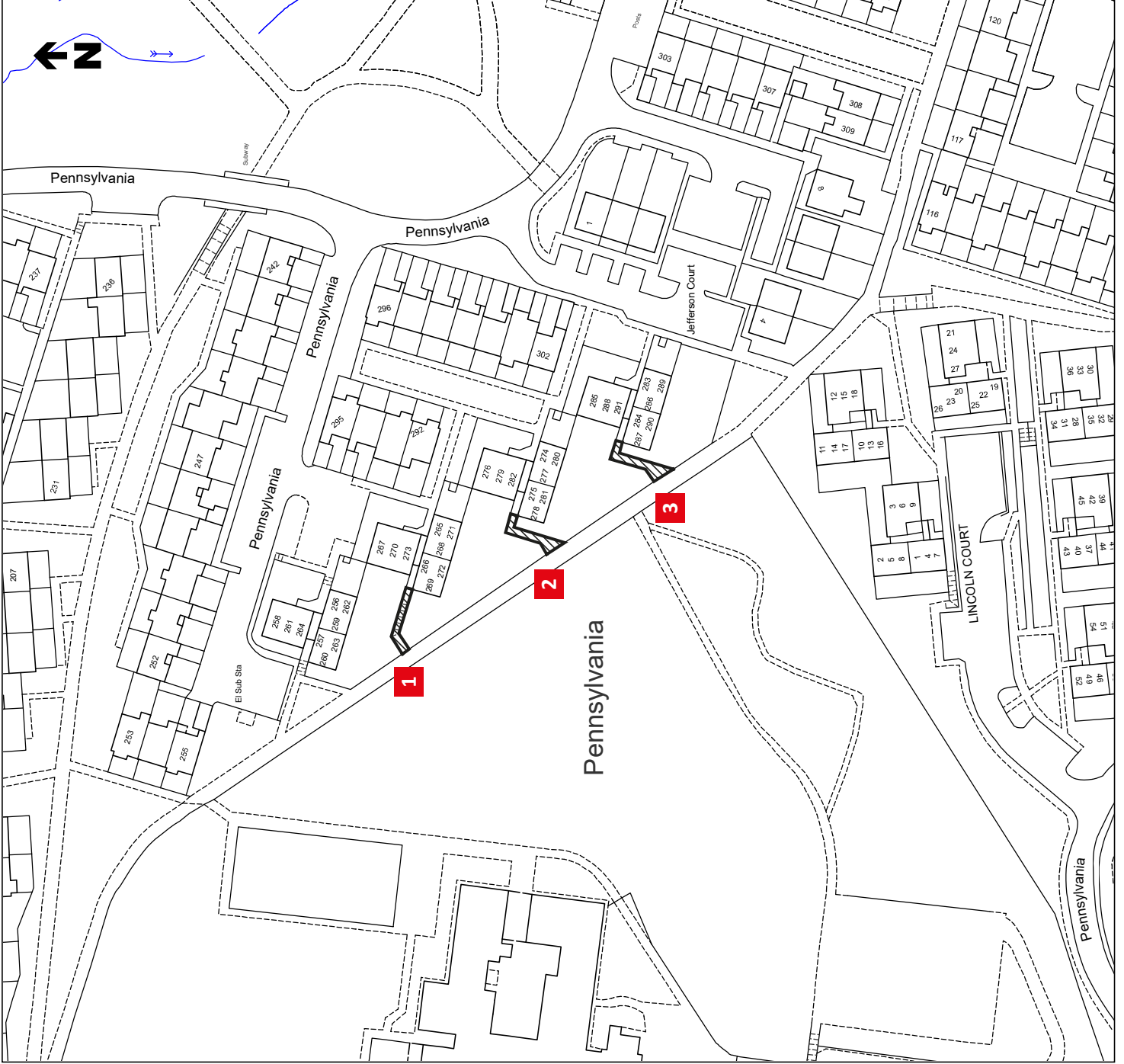
Key



Highway to be stopped up

Title: 257 Application
Drawn by: Kayleigh Fish | Mike Peddle
Date: 20/01/2022
Scale: 1:1250

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