

COMMITTEE DATE: 08/12/2022

APPLICATION No. **22/01717/MJR** APPLICATION DATE: 12/08/2022

ED: **GRANGETOWN**

APP: TYPE: Variation of condition

APPLICANT: Cardiff Council

LOCATION: International Sports Village

PROPOSAL: VARIATION OF CONDITION 2 OF 21/02848/MJR TO AMEND THE LIST OF APPROVED PLANS TO SUBSTITUTE WITH THE AMENDED PLANS

1. BACKGROUND INFORMATION

- 1.1 At the 2nd March 2022, Planning Committee resolved to grant full planning permission, subject to conditions, under application reference 21/02848/MJR for the construction of a 333 metre outdoor velodrome with pavilion and viewing stand.
- 1.2 This application seeks to approve changes to the approved plans as a 'minor material amendment' under section 73 (see section 3).
- 1.3 Whilst no objections have been received to this proposal, it is being reported to committee as the original permission was approved by the Planning Committee and having regard to the nature of the application in question.
- 1.4 For clarity the other conditions imposed under planning reference 21/02848/MJR have been re-imposed under this application.

2. DESCRIPTION OF THE SITE AND AREA

- 2.1 The application site currently comprises a 250 space car park (formerly used in connection with the Toys R Us unit) and adjacent scrub land. Access to the site is via Olympian Drive and the A4055 (Cogan Spur). There is also pedestrian and cycle access to the site via the existing road/ pavements around Grangetown then along Ferry Road and International Drive. From Penarth access can be gained via the cycle / pedestrian bridge (Pont Y Werin)
- 2.2 To the north of the site, at an elevated height, is the A4055 (Cogan Spur), while to the west are the new flats known as Cogan House and Marina View. To the south is the former Toys R Us building with Cardiff International White water rafting centre and the car parking serving the area beyond, and to the west is the International swimming pool and Ice Arena Wales.

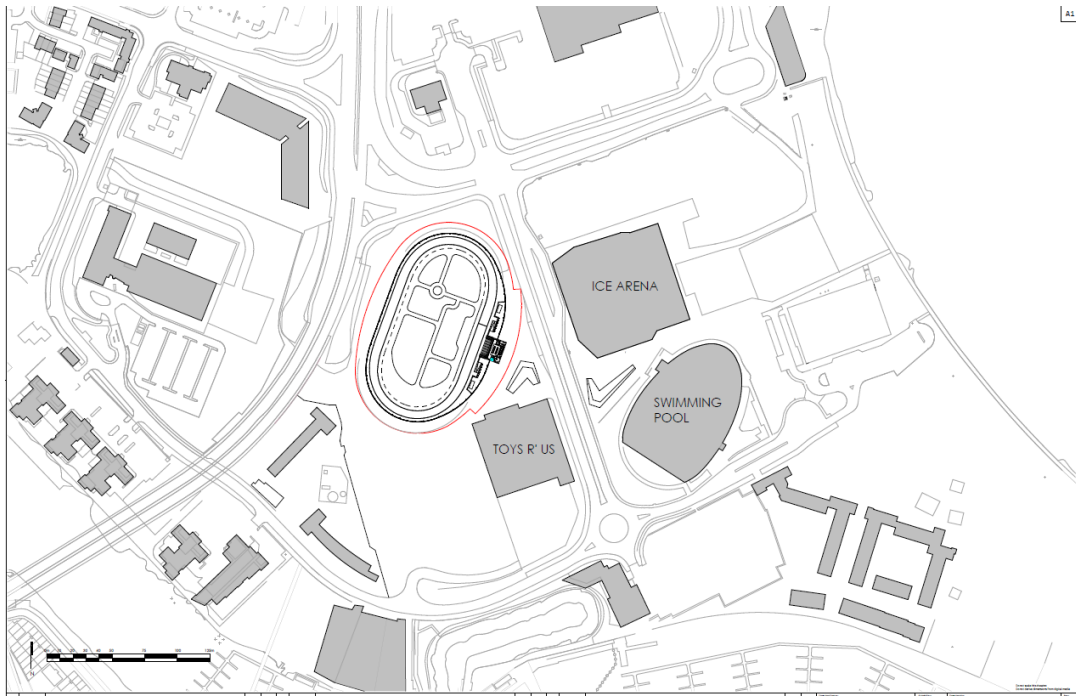


Figure 1: Site Location Plan

3. **DESCRIPTION OF DEVELOPMENT**

3.1 This application proposes the variation of Condition 2 (List of Approved Plans) to allow the following amendments to the scheme (as approved):

- Change to the wind break geometry (Elevation) a reduced height from 9m to 7m ;
- Change to the wind break geometry (Reduction of Perimeter in plan);
- Change to the infield layout (Reduction in tarmac area);
- Reduction in the building footprint (Ground and First Floor) (to 17m x 14m);
- Removal of Architectural “Bay” from main building;
- Reduction in overall building height from 10.56 metres to 9.2 metres;
- Reduction in container storage from 6 to 2
- Removal of the gabion basket screen to the public realm

3.2 The approved clubhouse/stand had a footprint of 25 metre x 15 metres and a height of 10.56 metres and accommodated changing rooms, WC, Offices and on the first floor a multi-use hall with a separate kitchen area that was linked to the viewing platform.

3.3 The plans before committee amended pavilion building reduce the footprint to 17 metres x 14 metres with a height of 9.2 metres. It is also noted that the ground floor internal configuration has removed the gym and there are fewer showers and changing rooms have been removed but lockers are still available.

3.4 The covering letter submitted as part of this application highlights that these facilities are now to be located, along with additional storage and cycle

provision, within the existing former Toys'R'Us building that will act as a welfare hub for a number of additional activities that will be brought forward as part of the wider master plan.

- 3.5 Given the shift in activities from the pavilion building to the vacant Toy'R'us building the Transport Statement has been updated to reflect these minor changes
- 3.6 For clarity the track remains as approved i.e 7 metres wide with a maximum 28 degree banking. The applicant still of the view that the track is still suitable for all users.
- 3.7 All documentation relating to the application, including plans, can be viewed on the Council's website using the following link: [22/01717/MJR](#)

4. PLANNING HISTORY

4.1 The site has the following relevant planning history: -

- [21/02848/MJR](#)- Construction of a 333M outdoor Velodrome with club house and stand- approved
- 00/1340R, permitted remediation on the ISV site. Granted in September 2001
- [01/2617R](#) Outline planning permission for international sports village comprising sports, leisure, retail, residential, hotel, conference centre, casino, restaurant/bar development, highway access, transportation infrastructure, promenade/revetment wall/pier structures in Cardiff bay and landscaping. Granted on 21 February 2003
- [03/2880R](#), Outline planning permission granted on 23 April 2004, permits the same development as 00/2617R but with a varied condition 28, which controls retail floorspace.
- [16/01375/MJR](#)- temporary 5 year 712 surface car park - approved

5. POLICY FRAMEWORK

National Policy

- 5.1 The **Well-being of Future Generations (Wales) Act 2015** (WFG) imposes a duty on public bodies to carry out 'sustainable development' in accordance with the 'sustainable development principle'.
- 5.2 'Sustainable development' means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.

- 5.3 'Sustainable development principle' means that Local Authorities must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 5.4 Well-being goals identified in the Act are:
- A Prosperous Wales
 - A Resilient Wales
 - A Healthier Wales
 - A More Equal Wales
 - A Wales of Cohesive Communities
 - A Wales of Vibrant Culture and thriving Welsh Language
 - A Globally Responsible Wales
- 5.5 The **Environment (Wales) Act 2016** has been designed to complement the WFG Act. It imposes a duty to require all public authorities, when carrying out their functions in Wales, to seek to "maintain and enhance biodiversity" where it is within the proper exercise of their functions. In doing so, public authorities must also seek to "promote the resilience of ecosystems".

National Planning Policy

- 5.6 [Planning Policy Wales](#) (Edition 11) was revised and restructured in February 2021 to coincide with the publication of, and take into account the policies, themes and approaches set out in, [Future Wales - the National Plan 2040](#) (see below) and to deliver the vision for Wales that is set out therein.
- 5.7 The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015.
- 5.8 PPW11 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision-making process.

Technical Advice Notes

- 5.9 PPW is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -
- TAN 4: Retail and Commercial Development (2016)
 - TAN 5: Nature Conservation and Planning (2009);
Noting also the Chief Planning Officer letter dated 23/10/19: securing bio-diversity enhancement;

- TAN 11: Noise (1997)
- TAN 12: Design (2016)
- TAN 15: Development and Flood Risk (2004)
- TAN 16: Sport, Recreation and Open Space (2009)
- TAN 18: Transport (March 2007)
- TAN 20: Planning and the Welsh Language (2017)
- TAN 21: Waste (February 2017)
- TAN 23: Economic development (2014)

5.10 On 16th July 2020 the Welsh Government published [Building Better Places: The Planning System Delivering Resilient and Brighter Futures](#) which provides planning policy guidance for local planning authorities and the development industry on priorities for the planning system to deliver post Covid-19. The guidance is to be read in conjunction with PPW, which contains the principles and policies needed for Wales to recover from Covid-19 in a positive manner, putting placemaking at the heart of future development.

5.11 It also emphasises that development management decisions should focus on creating healthy, thriving active places with a focus on a positive, sustainable future for our communities. The planning system has an important role in supporting healthier lifestyles and reducing inequalities. This includes both direct and indirect opportunities such as the allocation of land for health facilities, ensuring good design and barrier free development, jobs and skills, improving air quality, soundscapes and protecting and improving access to recreation and natural green spaces. These can provide both physical and mental health benefits, improve well-being and help to reduce inequality.

The Development Plan

5.12 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

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

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

KEY POLICIES

- KP5 (Good Quality and Sustainable Design);
- KP6 (New Infrastructure);
- KP15 (Climate Change);
- KP16 (Green Infrastructure);
- KP17 (Built Heritage).

DETAILED POLICIES

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).

Transport

- T1 (Walking and Cycling);
- T5 (Managing Transport Impacts);
- T6 (Impact on Transport Networks and Services).

Community

- C3 (Community Safety/Creating Safe Environments);
- C6 (Health).

Waste

- W2 Provision for Waste Management Facilities in Development

Supplementary Planning Guidance:

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

- Archaeology and Archaeology Sensitive Areas (July 2018)
- 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)
- Waste Collection & Storage Facilities (October 2016).

6. INTERNAL CONSULTEE RESPONSES

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

The updated Transport Statement (“220218 Transport Statement (Amended Nov 22)”) has reflected the changes arising from the Section 73 application, including the relocation of most of the cycle storage into the new hub building that is to be provided on the Toys R Us site. Given the close proximity between the Velodrome and proposed Hub it is considered that the changes would not result in Transport concerns/impacts in comparison with the consented scheme. The amended plans demonstrate that 30 cycle stands (60 spaces) can be accommodated on-site for visitors and other users. The previous transport conditions should be re-imposed with any consent, plus an additional condition ensuring the hub facility (including necessary cycle storage provision) is available when the velodrome is operational.

6.2 The Operational Manager (Waste Management): No objections subject to refuse storage and services conditions

7. EXTERNAL CONSULTEE RESPONSES

7.1 Natural Resources Wales: No objections

8. REPRESENTATIONS

8.1 The application was advertised on the Council Website and by way of, site notice. No letters of representations have been received to date,

9 ANALYSIS

9.1 The key material considerations in the determination of this application concern the extent to which the proposed changes are acceptable, having regard to the nature of the proposed development.

Land Use / Principle of Development

9.2 The principle of the use and design has already been agreed through the existing planning permission. The proposal for a smaller and simpler design – while retaining the size of track approved - is considered to be acceptable and would accord with the council’s design policy.

9.3 As outlined in paragraph 3.3 above a number of the ground floor facilities e.g. gym, workshop will no longer be accommodated within the pavilion and there will also be fewer toilets and showers. The proposed ground floor plans still provide a level of provision to allow cyclists and spectators to use the facility. Provision for greater welfare facilities, that can be used by the users of the Velodrome, will be located a distance of approximately 10 metres away and will be available when the velodrome is built. A comparison between ‘approved’ and ‘proposed’ is shown on the two plans below.

Figure 2a: Ground floor plan (approved)

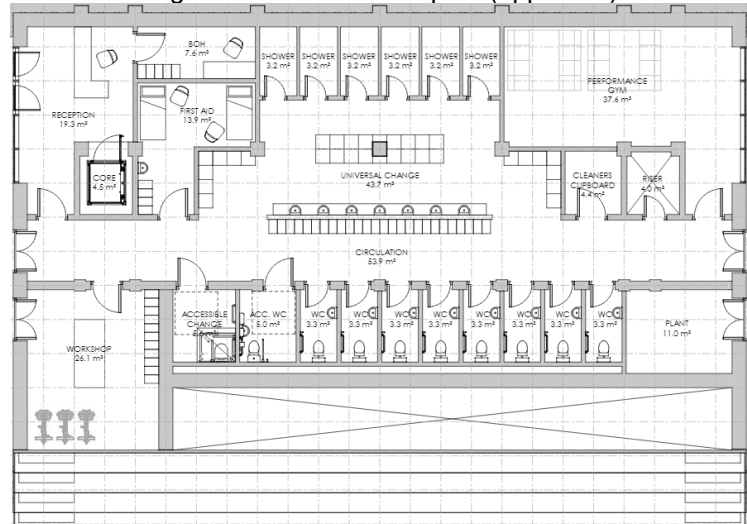
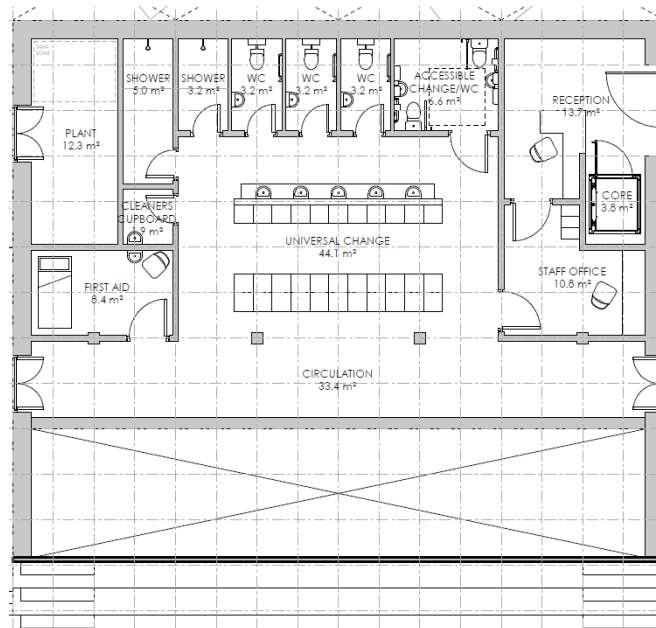


Figure 2b: Seeking approval



It is clear that whilst some facilities within the building will now be located elsewhere the track and the smaller pavilion building are still considered sufficient for the users. Those that are likely to be heavy users will still be able to use the containers on site for those pieces of equipment that need to be next to the track but will also benefit from the additional facilities that will be located just 10 metres away. In land use terms the proposal is still considered acceptable

Impact on the Character of the Area

- 9.4 As noted earlier, the Welsh Government publication [*Building Better Places: The Planning System Delivering Resilient and Brighter Futures*](#) contains the principles and policies needed for Wales to recover from Covid-19 in a positive manner, putting placemaking at the heart of future development.

- 9.5 It also emphasises that development management decisions should focus on creating healthy, thriving active places with a focus on a positive, sustainable future for our communities, and that WG will thus play its role in supporting the vibrancy of places and helping a people-focussed and placemaking-led recovery.
- 9.6 PPW11 also embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision making process.
- 9.7 The variations from the approved scheme are shown on figures 3a/3b and 4a/4b below and, as identified earlier, comprise the following:
- Change to the wind break geometry (Elevation) a reduced height from 9m to 7m ;
 - Change to the wind break geometry (Reduction of Perimeter in plan);
 - Change to the infield layout (Reduction in tarmac area);
 - Reduction in the building footprint (Ground and First Floor) (to 17m x 14m);
 - Removal of Architectural “Bay” from main building;
 - Reduction in overall building height from 10.56 metres to 9.2 metres;
 - Reduction in container storage from 6 to 2
 - Removal of the gabion basket screen to the public realm
- 9.8 The proposed scale, form, massing, design materials and colour palette has not materially altered from the approved scheme, and while there is a variation in the height of the building and wind break, the only noticeable difference is the loss of the gabion ‘wings’ that linked to the main building, however this is not considered to be significantly different to the approved scheme. The main Pavilion building retains its overall appearance and materials to that of the approved scheme but without the wings feature.
- 9.9 In terms of the wider views of the site, the proposed changes are considered to have a minimal impact from the consented scheme and thus are still considered to meet KP5 objectives of good design.

Figure 3a: *Scheme as approved*

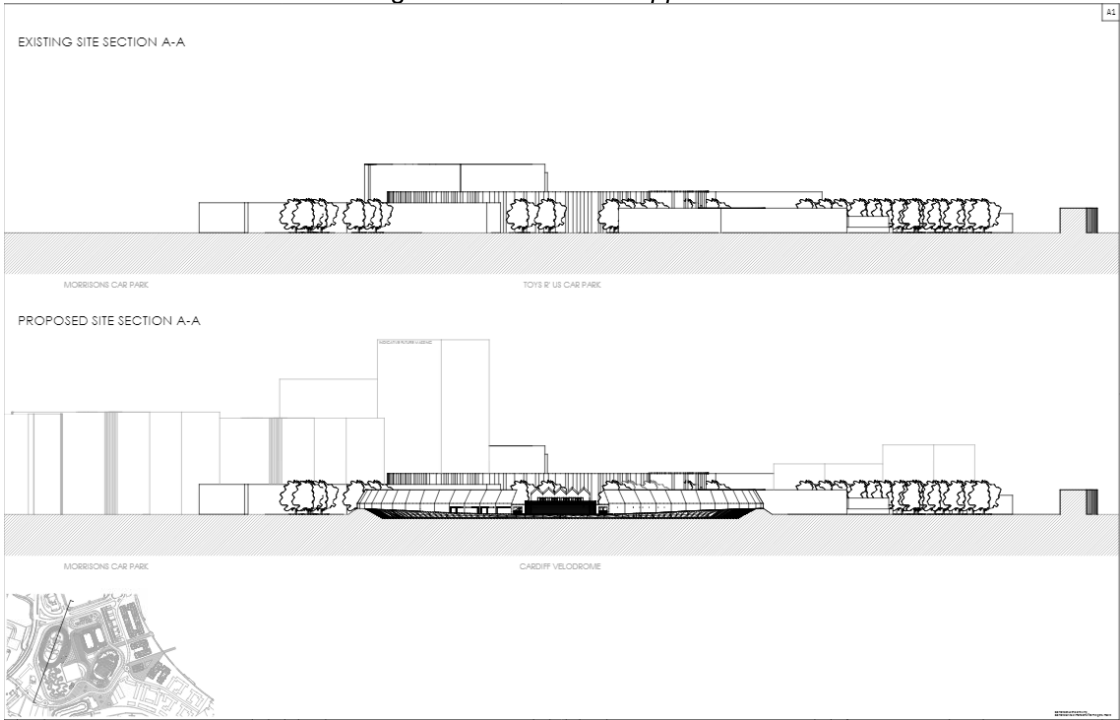


Figure 3b: *Proposed Revised Scheme*

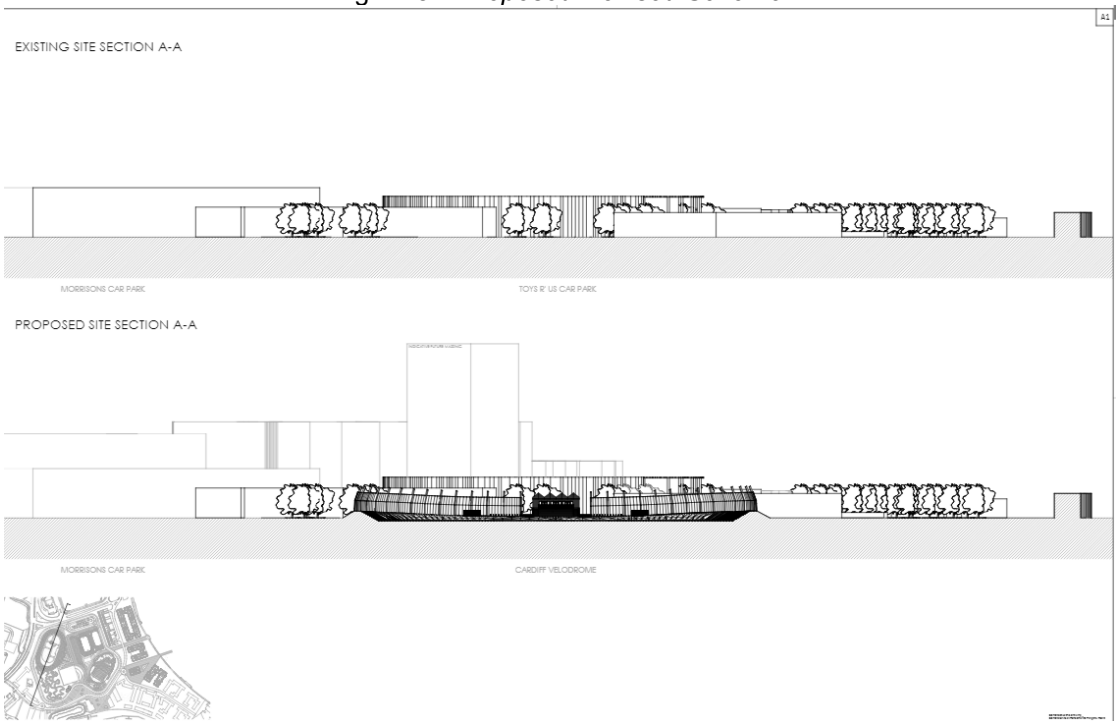


Figure 4a: *Pavilion Building (Scheme as approved)*

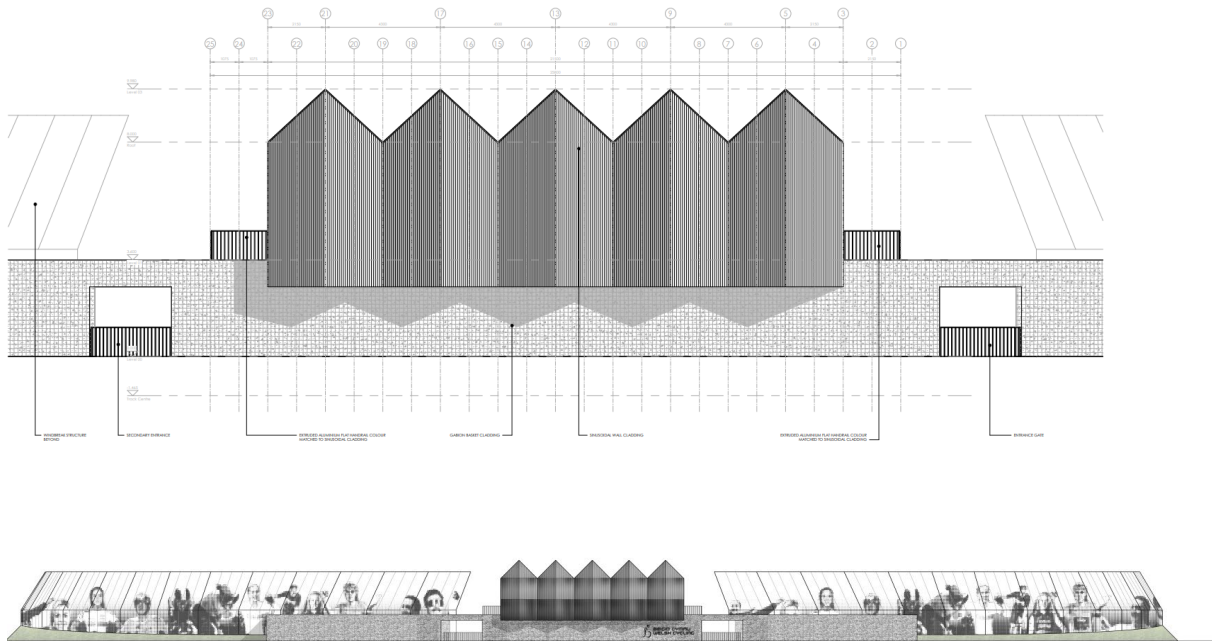
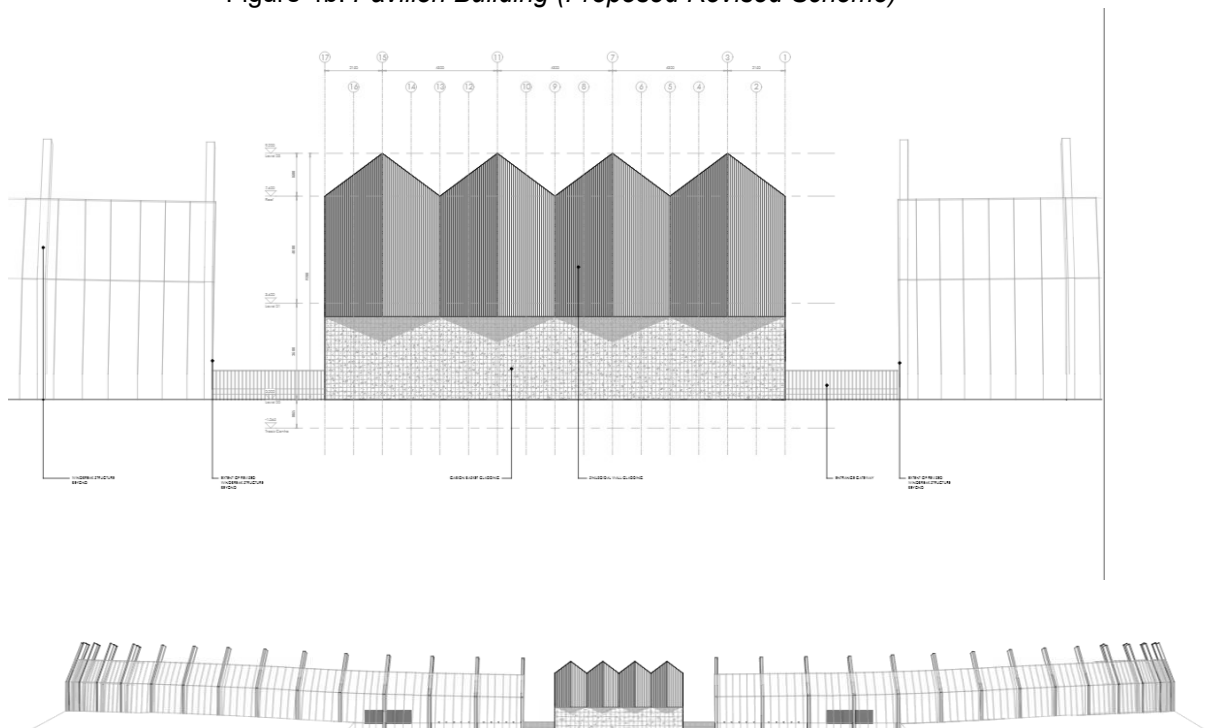


Figure 4b: *Pavilion Building (Proposed Revised Scheme)*



Transportation / Highway Impacts

- 9.10 Chapter 4 of PPW 'Active and Social Places' addresses transport, stating that people should have access to jobs and services through more efficient and sustainable journeys, by walking, cycling and public transport. It further states that *“new development should prevent problems from occurring or getting worse such as...the reliance on the private car and the generation of carbon emissions.”* It further notes that land use and transport planning should be integrated to minimise the need to travel, reduce dependency on the private car and enable sustainable access to employment, local services and community facilities.
- 9.11 By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable development, increases physical activity, improves health and helps to tackle the causes of climate change and airborne pollution by:
- Enabling More Sustainable Travel Choices – measures to increase walking, cycling and public transport, reduce dependency on the car for daily travel; and
 - Network Management – measures to make best use of the available capacity, supported by targeted new infrastructure;
- 9.12 The updated Transport Statement (TS) has considered the relationship and the relocation of some facilities from the Pavilion building to the vacant Toys'R'Us building (noting that such use will require its own separate planning permission). These changes are minor and given the close relationship between the building, in terms of how people would visit the centre and the original assessment is still considered relevant to this application. For reference, these are the key findings from the TS:
- The existing 250 car park spaces that served the former Toys'R'Us site will be lost, with the existing vehicular access to the site from Olympian Drive proposed to be closed (a separate stopping up order application will be submitted in later stage for closure of the highway access). The stopping up will be in place prior to the operational use of the Velodrome.
 - As part of the wider ISV proposals, it is anticipated that in the long term, vehicular access will potentially be modified to accommodate the future development aspirations. Therefore, the access arrangements for the Velodrome are sufficient to accommodate this use until the wider ISV proposals come forward which will need to consider the Velodrome as part of any future modifications to the highway network.
 - Changes will be required to the existing vehicular access and frontage / public realm directly in front of the velodrome, with the existing vehicular access redesigned as a drop off/pick up point onto Olympian Drive, and the area between the layby and the Velodrome being paved to allow pedestrian and cyclist access.

Although outside of the red line boundary, such land is in the control of the Council as applicant and therefore can be conditioned.

- There will not be any dedicated car parking provision for the Velodrome - which is compliant with the Parking Standards – however there are circa 550 car parking spaces i.e. c.320 spaces in car park to the South (including 22 disabled spaces) and c.230 spaces (13 disabled) in the car park to the rear of the pool nearby that would be available for Velodrome users.
- The TS therefore indicates that general use of the Velodrome can be absorbed into the existing car parks that are located within the International Sports Village (ISV). However, it is recognised that major events will require proper management of all available parking, which could include such events not conflicting with other major events in the ISV. An Events Management condition has been imposed to ensure that the assumptions made in the TS are delivered on site.
- The TS also states there will be significant levels of secure bike storage available on site, including for potentially resident Clubs (circa 300 bikes) and for hire for clubs/groups/individuals (200). There will also be 30 Sheffield Stands available on site which provide secure parking for 60 bikes (this is in line with the existing permission).
- The TS provides an assessment of potential trips generated to the site being between 20-45 riders hourly for general use and between 50-300 for regional/national events. It also breaks down anticipated day-to-day activity over 7 days a week, noting likely peak times (weekday evenings and weekend mornings).

9.13 It is noted that surrounding the site are shared pedestrian and cycle routes that link into the wider city network via Ferry Road then onto the city centre and Taff Trail (see Figure 5).

9.14 The TS also notes that the site is accessible from various bus stops in close proximity to the site that are serviced by various hourly services (Cardiff bus routes 5,7,9/9A, H95, X45 & NAT services 89A/89B 304). The site is also accessible from train stations (within reasonable walking distance), including Cogan Train Station (0.6 miles), which has a high frequency train services (circa every 15 minutes).

9.15 Having regard to the above, it is considered that the site is in a sustainable location, which accords with the wider Council aspirations to deliver a sustainable, accessible and inclusive leisure destination.

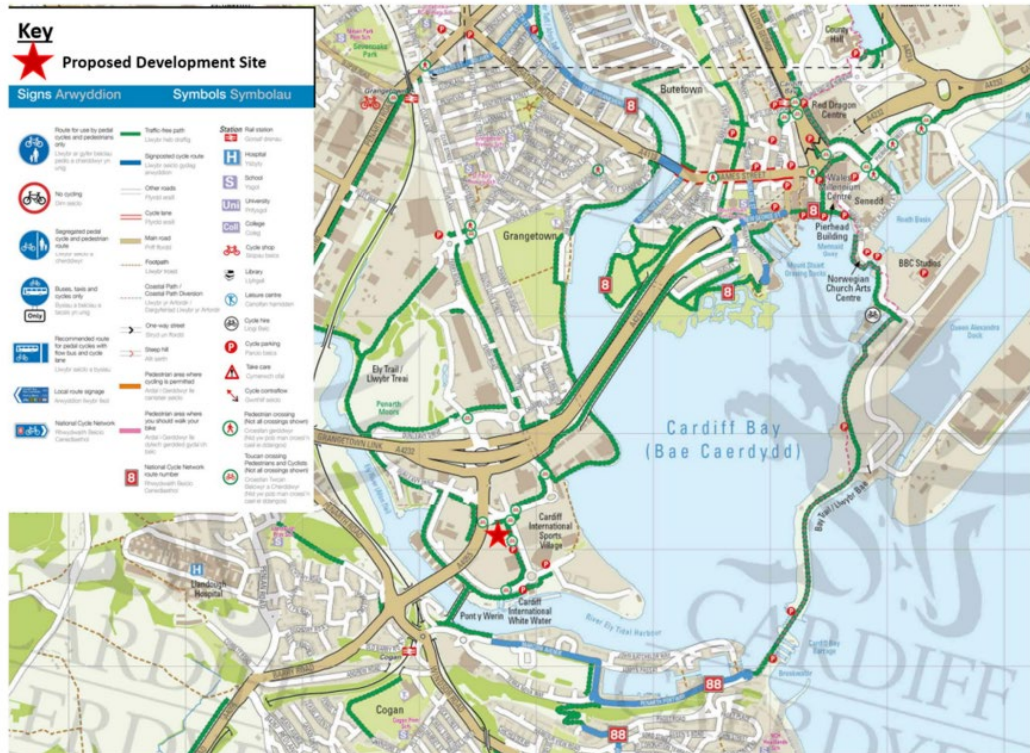


Figure 5: Cycling Infrastructure

9.16 The key difference between the approved and proposed schemes is the cycle provision and additional storage capacity which is addressed within the updated TS and can be summarised as follows:

- The original scheme included container storage allocated for bike storage, predominantly for bikes that belong to Clubs and identified groups that would be used specifically on the new velodrome. The amount of space was initially calculated on the number of bikes that are required to be relocated from Maindy bike store (circa 300) based on each container accommodating between 44 and 50 bikes. In addition, allowances were made for other clubs and groups who had expressed a requirement to store bikes at the new site. In addition to bikes, there would also be a requirement to store other associated items, such as event and coaching equipment.
- Relocating the majority of the storage allocation to the former Toys R Us building and retaining 2 storage containers on site allows adequate provision of storage of items that should be retained on site, whilst relocating the other items, including bikes. It is considered that this will not have a detrimental impact on the operational functionality of the facility, as the former Toys-R-Us building (edged in blue) is very close (circa 10m away) and is intended to become a centralised sports hub such that it will provide additional secure bike storage to service the Velodrome and the wider site, including more clubs, groups and individuals (and will be subject to a separate planning application).

- In respect of cycle parking on the velodrome site itself the amended plans illustrate a total of 30 cycle parking spaces (as per the previous scheme) which have been re-designed so that there is adequate manoeuvring space around them.

9.17 It is considered that the complimentary facilities are not required for the function of the Velodrome itself but are important for regular users and therefore whilst there is a commitment for these wider facilities to become available within the former Toys'R'Us building that will form part of the wider master plan (likely to be submitted to the Planning Department in early 2023) a *Grampian* condition has been imposed to ensure these facilities are delivered prior to the velodrome becoming operational. Whilst the Toys'R'Us building is not within the red line, it is on land that is under the ownership of the applicant (the council) and therefore can be conditioned. Such a condition is also not considered to undermine the likely master plan that will be put forward in 2023.

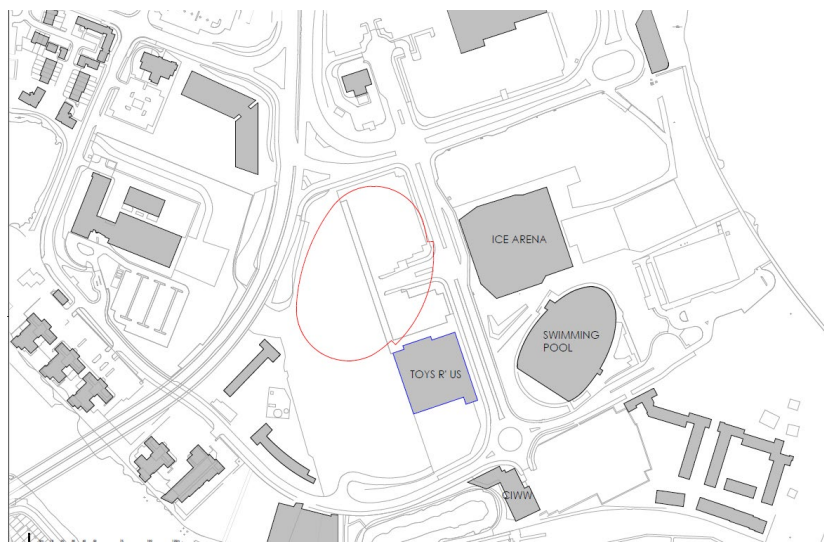


Figure 6: Site within wider context and relationship with former Toys'R'Us building

9.18 The Councils' Transportation section has considered the updated submission and the amended TS and raise no objection to the proposal subject to a number of conditions which seek design details of the car park, cycle storage and the new lay by.

9.19 While it is noted that no Electric Vehicle (EV) Spaces will be provided as part of the Velodrome site, provision for these will be addressed as part of the permanent parking provision under the masterplan for the wider CISV.

9.20 Accordingly, subject to conditions the proposal is considered to have no unacceptable impact on the highway network or highway safety in general.

Impact on Residential Amenity

9.21 The proposed Velodrome would be off set from the existing residential properties to the north west by an additional 2 metres, resulting in an overall separation of approximately 42 metres. These separation distance still ensures that the scale, massing and design would not result in an overbearing

or unneighbourly form of development.

- 9.22 To ensure that the development does not create excessive noise, the previous conditions have been re-imposed on this application, to which noise colleagues and the previous planning committee agreed were acceptable. For reference these were to ensure the track will not be illuminated after 10pm.
- 9.23 In terms of noise, consideration has been given that during competition events there is likely to be a degree of noise, however the council's noise section is satisfied that the proposal would not result in excessive noise given its use, their experience of the existing Maindy facility (that is also located within a residential area), and the background road noise. However, to ensure an acceptable form of development a condition has been imposed requiring approval of an events management plan that will need to consider matters relating to operation of any PA system, a complaints procedure and light trial before first use of the facility. Given the location it is not considered reasonable to limit hours of operation, although a condition restricting use of floodlighting to 23:00 will in effect provide such control in the interests of protecting amenity.

Impact on Ecology

- 9.24 Future Wales Policy 9 Resilient Ecological Networks and Green Infrastructure requires developers to ensure the enhancement of biodiversity, the resilience of ecosystems and provision of green infrastructure. In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net-benefit), the resilience of ecosystems and green infrastructure should be demonstrated as part of development proposals.
- 9.25 LDP Policy EN 8 states development will not be permitted that would cause unacceptable harm to trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage value, or that contribute significantly to mitigating the effects of climate change
- 9.26 The application has been supplemented by a stage 1 ecological report dated December 2021 (ecological report remains valid for 2 years). The assessment includes a desktop and habitat survey of the site, which concludes that no protected habitat will be affected by the proposal and the proposal would not affect protected species.
- 9.27 However, the report notes that structure S1 and Building B1 (the Toy'R'Us building), and the seminatural woodland are suitable for bats and recommends that the lighting spill does not exceed 1 lux on these areas. This proposal, in terms of the lighting provision remains as approved therefore it is considered that the proposal would
- 9.28 NRW has considered the plans and raise no objection to the submission subject to conditions that the submitted lighting plan is conditioned along with a lighting plan during the construction phase to ensure the light spill does not exceed 1lux. Conditions have been recommended to address such matters.

Landscaping

- 9.29 The application has been supplemented by an Arboricultural Technical Note (desktop review) that concludes that the 2 young trees to be lost are category C (trees of low quality) and can be mitigated in the wider development. Whilst the concerns of the Tree Officer are noted it is considered that a landscaping condition which incorporates the wider site and a Tree protection plan to ensure the existing highways trees that front the Cogan spur are retained would overcome the Tree Officers concerns. It is considered that would ensure Future Wales, PPW and LDP Policy EN7 are met.

Sustainability / Energy

- 9.30 Future Wales Policy 16 emphasises that large scale mixed-use development should, where feasible, have a heat network with a renewable / low carbon or waste heat energy source. Planning applications for such development should prepare an Energy Masterplan to establish whether a heat network is the most effective energy supply option and, for feasible projects, a plan for its implementation.
- 9.31 Policy 17 Renewable and Low Carbon Energy and Associated Infrastructure outlines support for developing renewable and low carbon energy at all scales.
- 9.32 *PPW* (para 5.8.1) states that ‘the planning system should support new development that achieves high energy performance, supports decarbonisation, tackles the causes of the climate emergency and adapts to the current and future effects of climate change through the incorporation of effective mitigation and adaptation measures.
- 9.33 LDP Policy EN12 Renewable Energy and Low Carbon Technologies requires major development to maximise the potential for renewable energy. The council will encourage developers to incorporate schemes which generate energy from renewable and low Carbon technologies.
- 9.34 The applicant, in their covering letter, suggest that a smaller new build and a potential use of the existing former Toys’R’Us store would reduce the carbon footprint of the development and the use of ground source heat pumps would meet the council’s corporate ‘one planet’ objectives.

Economic Impact

- 9.35 *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.*”

- 9.36 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.
- 9.37 Whilst the proposal would provide limited employment opportunities it is considered that the Velodrome is a key component of the wider master plan which will create or retain employment within the area.

Drainage and Flooding

Flooding

- 9.38 Future Wales Policy (Policy 8), PPW, TAN15 and LDP Policy EN14 (Flood Risk) seek to direct highly vulnerable development (HVD) away from C1/C2 flood zones.
- 9.39 The site is sited within Flood zone 'B' as defined on the TAN15 DAM maps, and accordingly it is considered that the siting of the velodrome would not be at flood risk, and as a result the proposal accords with flood risk policies. Members should also note that no objection has been raised by Natural Resources Wales (NRW), who are a technical advisor to the LPA on flood risk.

Surface Water

- 9.40 Given the topography of the site TAN15 requires the consideration of surface water flooding. Surface water design is now considered through a technical approval through drainage colleagues acting as the SAB authority. The LPA understands that discussions are advanced in meeting the technical requirements of SAB and therefore there is no requirement for the planning system to duplicate that framework with planning conditions.

Overall Assessment – ‘The Planning Balance’

- 9.41 PPW11 refers to the need to assess the Sustainable Benefits of Development and (at 2.27) emphasises that Planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process and assessed in accordance with the five ways of working to ensure a balanced assessment is carried out to implement the Well-being of Future Generations Act and the Sustainable Development Principle.
- 9.42 Paragraph 3.38 of PPW states that the countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources. The need to conserve these attributes should be balanced against the economic, social and recreational

needs of the local communities and visitors.

- 9.43 There may be occasions when one benefit of a development proposal outweighs others, and in such cases robust evidence should be presented to support these decisions, whilst seeking to maximise contributions against all the well-being goals.
- 9.44 Key factors in the assessment process include:
- *Social Considerations*, including: - who are the interested and affected people and communities; who will benefit and suffer any impacts from the proposal;
 - what are the short and long-term consequences of the proposal on a community;
 - *Economic Considerations* including: - the numbers and types of long term jobs expected to be created or retained; whether, and how far, the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing local employment opportunities;
 - *Cultural Considerations* including: - how far the proposal supports the conditions that allow for the use of the Welsh language; whether or not the development protects areas and assets of cultural and historic significance; have cultural considerations and their relationships with the tourism industry been appropriately maximised; and
 - *Environmental Considerations* including: - will important features of the natural and built environment be protected and enhanced; are the environmental impacts of development on health and amenity limited to acceptable levels and the resilience of ecosystems improved.
- 9.45 At 2.29 it further refers to the need to have an integrated approach to balancing priorities against policy on an individual basis, which enables the full range of costs and benefits over the lifetime of development to be taken into account.
- 9.46 Section 5 of PPW11 provides further emphasis on the need to develop 'Productive and Enterprising Places' which promote our economic, social, environmental and cultural well-being by providing well-connected employment and sustainable economic development.
- 9.47 The role of the Local Planning Authority is therefore to balance the weight to be attributed to each of the positive and negative impacts of the development and come to a balanced conclusion as to whether the development is acceptable or not.
- 9.48 The proposed smaller club house and the offsetting additional facilities into the Toys'R'Us building are noted, along with the simpler design and form of the building. It is acknowledged that these changes have had an impact on cycle provision and the useability of the proposed 36 cycle spaces (up from the approved 30) but these concerns are matters that can be controlled through conditions to ensure that appropriate level of provision is provided.

- 9.49 It must also be noted that there is a fall-back position of the approved scheme, which is similar in design, form and use as that before committee.
- 9.50 It is also worth noting that the provision of a cycle facility within the Grangetown ward has the potential to provide health and active exercise to residents in the southern arc of the poorest wards within the city.

Section 106

- 9.51 The TS still advises that the proposed new lay by in front of the Velodrome will require parking restrictions. As the lay-by is located on the adopted highway any restrictions can only be enforced through a Traffic Order. The Traffic Orders are to be paid for by the applicant.
- 9.52 The council's Highways Officer has advised that the cost in issuing the order would be £15,000. The legal tests for when planning obligations can be used are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010. The tests are:
- (i) necessary to make the development acceptable in planning terms;
 - (ii) directly related to the development;
 - (iii) fairly and reasonably related in scale and kind to the development.
- 9.53 LDP Policy KP7 (Planning Obligations) confirms that obligations will be sought to mitigate any impacts directly related to the development and will be assessed on a case-by-case basis. Accordingly, the financial contribution has been agreed with the applicant to mitigate the impacts of the proposed development.
- 9.54 Having regard to the legal and policy test outlined above, it is clear that the requested monies are necessary and reasonable to ensure that the proposal accords with planning policy. However a legal agreement under section 106 is not required in this case because this is a Council development, and therefore such matters will be addressed through internal procedures

10 CONCLUSION

- 10.1 The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Cardiff Local Development Plan (2011–2026) adopted January 2016.
- 10.2 The proposal would seek to reuse a brownfield site for leisure use. A bigger velodrome has already been approved at this site and this proposal seeks alter the size of the approved building with complimentary facilities e.g gym being located within the former Toys'R'us building. It is considered that the proposed changes are not significant in terms of their impact or intent from the approved scheme and are considered acceptable.

10.3 Accordingly, the proposed amended development is still in accordance with Policies

11 OTHER MATTERS RELEVANT TO THE CONSIDERATION OF THIS APPLICATION

11.1 Crime and Disorder Act 1998. Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

11.2 Equality Act 2010. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

11.3 Well-Being of Future Generations Act 2016. Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision. It is also noted that section 2(5) of the Planning (Wales) Act 2015 affords protection to decisions taken under Part 3 of the 1990 Act, in that the Well-being of Future Generations (Wales) Act 2015 does not alter whether regard is to be had to any particular consideration under section 70(2) of the 1990 Act or the weight to be given to any consideration to which regard is had under that subsection. This means the provisions of the development plan, so far as material to the application, and any other relevant other material considerations remain the primary considerations when determining planning applications.

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

- (a) Diversity between and within ecosystems;
- (b) The connections between and within ecosystems;
- (c) The scale of ecosystems;
- (d) The condition of ecosystems (including their structure and functioning);

- (e) The adaptability of ecosystems.

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

12 **RECOMMENDATION**

12.1 RECOMMENDATION 1:

That planning permission be **GRANTED** subject to the following conditions.

12.2 RECOMMENDATION 2:

That delegated authority is given to the Head of Planning & Operational Manager: Strategic Development & Placemaking, to make changes to the conditions and/or Heads of Terms of the required legal agreement, subject to consultation with the Chair of Planning, up to the point where planning permission is issued.

12.3 **CONDITIONS**

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

1. The development permitted shall be begun before the expiration of five years from the date of this planning permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. The development shall be carried out in accordance with the following approved plans and documents:
 - *3549-WSP-XX-XX-DR-E-600102 Rev P01- external lighting isolines drawing.*
 - *3846-FBA-00-XX-DR-A-01_23 P1.1 existing and proposed site section DD*
 - *3846-FBA-00-XX-DR-A-01_22 P1.1 existing and proposed site section C-C*

 - *3846-FBA-00-XX-DR-A-01_54 Rev P1.1- Proposed long elevation;*

 - *3549-WSP-ZZ-GF-DR-E-680101P01- Electrical services security & CCTV layout level 00;*
 - *3846-FBA-00-XX-DR-A-01_80 Rev P01 - wall detail 001;*
 - *3846-FBA-00-XX-DR-A-01_30 rev P1.1 proposed long section;*

 - *3846-FBA-00-XX-DR-A-01_31 Rev P1.1 proposed short section;*
 - *3846-FBA-00-XX-DR-A-01_50 Rev P1.1 proposed building elevation north;*

 - *3846-FBA-00-XX-DR-A-01_51 Rev P1.1 proposed building elevation south;*

 - *3846-FBA-00-XX-DR-A-01_52 Rev P1.1 proposed building elevation east;*

- *3846-FBA-00-XX-DR-A-01_53 Rev P1.1 proposed building elevation west;*
- *3846-FBA-00-XX-DR-A-01001 Rev P1.1 proposed velodrome plan;*
- *3846-FBA-00-XX-DR-A-01100 Rev P1.1 proposed first floor plan;*
- *3846-FBA-00-XX-DR-A-01_05 Rev P1.1 proposed site plan.*
- *3846-FBA-00-XX-DR-A-01_01 Rev P1.1 Site Location Plan.*
- *3846-FBA-00-XX-DR-A-01_02 Rev P1.1 Site Location Plan.*
- *3846-FBA-00-XX-DR-A-01_03 Application Area.*
- *3846-FBA-00-XX-DR-A-01_04 Existing Site Plan.*
- *3846-FBA-00-XX-DR-A-01_81 Wall Detail 002*
- *3846-FBA-00-XX-DR-A-01_82 Wall Detail 003. 3846-FBA-00-XX-DR-A-01_83 Roof Pitch Detail*
- *3846-FBA-00-XX-DR-A-01000 Rev P1.3 Proposed Ground Floor Plan.*
- *3846-FBA-00-XX-DR-A-01002 Rev P1.3 Proposed Secure Public Bike Storage.*

Documents

Transport Statement (Amended Nov 22) received 30/11/2022
 Preliminary Ecological Appraisal (WSP) project no. 70083549 our ref. no. pea v2
 date: December 2021;
 Pre-Application Consultation Report project no. 70083549: December 2021

Reason: For the avoidance of doubt as to the extent of the permission.

3. Prior to the commencement of any site clearance, construction works or development a Construction Environmental and Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority in order to manage the impacts of construction. The CEMP shall include:
 - (a) an implementation programme for the construction of the roads, footpaths and other publicly accessible areas;
 - (b) details of Construction Traffic Management, which shall include identification of the routes that construction vehicles would take and measures to regulate the routing of construction traffic; times within which traffic will enter and leave the site; times of deliveries, site access, loading and unloading of plant and materials; access within the site including measures to ensure safe and convenient pedestrian, cycle and vehicular access through those areas not under construction or where construction is complete; wheel washing facilities; and details of parking for contractors vehicles, site operatives and visitors;
 - (c) details of the storage of plant and materials, construction compounds, any temporary facilities for construction;
 - (d) details of site hoardings (including the erection, maintenance, security and any decorative displays);

- (e) details of restrictions to be applied during construction including timing, duration and frequency of works and measures to control light spill and monitor and suppress the emission of dust, dirt, vibration and noise during construction;
- (f) details of site waste management for the recycling and/or disposal of all waste resulting from construction works;
- (g) a Construction Drainage Scheme indicating how surface water and land drainage flows will be controlled to prevent contamination, nuisance, subsidence or flooding to land, buildings, watercourses or adjacent highways during the construction period;
- (h) details of fuel and chemical storage and containment including buffer zones; details of waste generation and its management; details of water consumption, wastewater and energy use;
- (i) demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan with particular attention paid to silt mitigation measures.
- (j) invasive species management, species and habitats protection, avoidance and mitigation measures (including a detailed lighting plan showing type and siting of lighting and light spill reduction measures, warning signs and site toolbox talks to ensure all key habitat retention and sensitive areas are protected and remain unaffected by construction works);
- (k) details of topsoil strip, storage and amelioration for re-use.
- (l) Landscape and Ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.
- (m) List of on-site contacts and their responsibilities.
- (n) The development shall be carried out in accordance with the approved plan.

Reason: In the interests of highway safety, and protection of the environment and public amenity in accordance with Local Development Plan Policies T5 (Managing Transport Impacts), T6 (Impact on Transport Networks and Services), EN7 (Priority Habitats and Species), EN10 (Water Sensitive Design), and EN13 (Air, Noise, Light Pollution and Land Contamination).

4. Prior to the first beneficial use of the velodrome, secure/covered cycle parking and appropriate access to such spaces, shall have been provided on site in full accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking spaces shall be retained / maintained and shall not be used for any other purpose.

Reason: To ensure that adequate provision is made for the sheltered and secure parking of cycles in accordance with Local Development Plan Policies KP8 (Sustainable Transport), T1 (Walking and Cycling) and T5 (Managing Transport Impacts).

5. Prior to the beneficial use of the Velodrome hereby approved an update active travel plan shall be submitted to and approved in writing with the Local Planning Authority. The active travel plan shall include, but not limited to, the submission of a named active travel co-ordinator and their contact details, monitoring of active travel modes that shall be submitted yearly along with a strategy to

promote the use of sustainable transport.

Reason: to ensure a sustainable form of development in accordance with Policies T1, T2 and T5 of the adopted Cardiff Local Development Plan (2006-2026)

6. The velodrome hereby approved shall not be brought into beneficial use until such time as additional storage and cycle storage provision has been provided within the former Toys'R'Us building (identified in blue on plan reference 3846-FBA-00-XX-DR-A-01_01 Rev P1.1) in accordance with a schedule of facilities that shall first have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition prior to development commencing. The velodrome shall thereafter only operate while such approved additional storage and cycle storage provision is available to serve the development, unless alternative provision has subsequently been approved

Reason: To ensure an acceptable form of development in accordance with Policies KP5 (Good Design) and T1 (Walking and Cycling) of the adopted Cardiff Local Development Plan (2006-2026)

7. Prior to the beneficial use of the Velodrome hereby approved details of the refuse provision and collection shall be submitted to and approved in writing with the Local Planning Authority. The approved details shall be implemented on site and thereafter to retained.

Reason: To ensure a satisfactory refuse provision in accordance with Policies KP5 (Good Design) and W2 (Provision of Waste facilities in Development) of the adopted Cardiff Local Development Plan (2006-2026)

8. No development shall take place until details of the proposed highway and pedestrian/ cycleway works have been submitted to and approved in writing by the Local Planning Authority, to include:

- (a) details of the existing junction to be closed (including impacts/changes for the traffic and pedestrian signals);
- (b) the new lay-by for drop off and servicing use;
- (c) parking restrictions/traffic orders;
- (d) footway and cycleway amendments/ improvements;
- (e) adopted highway implications;
- (f) swept path assessment; and
- (g) footway/public realm improvements between Olympian Drive and the Velodrome entrances.

Following approval of these details the highway authority shall be contacted in relation to the required highway agreement process. The velodrome shall not be brought into beneficial use until such time as the approved details have been implemented on site.

Reason: To ensure that the use of the proposed development does not interfere with the safety of traffic or pedestrian/cycle accessibility in accordance with policies T1 (walking and cycling) & T5 of the adopted Cardiff Local Development Plan (2006-2026).

9. No development shall take place until details of the finished floor levels of velodrome in relation to the existing ground level and the finished levels of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and completed in accordance with the approved details.

Reason: To ensure an orderly form of development in accordance with Local Development Plan Policy KP5 (Good Quality and Sustainable Design).

10. No development shall take place until the following have been submitted to and approved in writing by the Local Planning Authority (LPA) in accordance with the current British Standard 5837:

- (a) An Arboricultural Method Statement (AMS) detailing the methods to be used to prevent loss of or damage to retained trees within and bounding the site, and existing structural planting or areas designated for new structural planting. The AMS shall include details of site monitoring of tree protection and tree condition by a qualified arboriculturist, undertaken throughout the development and after its completion, to monitor tree condition. This shall include the preparation of a chronological programme for site monitoring and production of site reports, to be submitted to the Local Planning Authority to demonstrate how the approved tree protection measures have been complied with.

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

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

Reason: To enable the Local Planning Authority to assess the effects of the proposals on existing trees, the measures for their protection, to monitor compliance and to make good losses, in accordance with Local Development Plan Policy EN8 (Trees, Woodlands, and Hedgerows).

11. No above ground development shall take place until full details of soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- (a) A soft landscaping implementation programme.
- (b) Scaled planting plans prepared by a qualified landscape architect.
- (c) Evidence to demonstrate that existing and proposed services, lighting, CCTV, drainage and visibility splays will not conflict with proposed planting.
- (d) Schedules of plant species, sizes, numbers and densities prepared by a qualified landscape architect including a strategy for the removal and replacement of retained ash that may succumb to ash die-back disease.
- (e) Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect that show the Root Available Soil Volume (RASV) for each tree.

- (f) Topsoil and subsoil specification for all planting types, including full details of soil assessment in accordance with the Cardiff Council Soils and Development Technical Guidance Note, soil protection, soil stripping, soil storage, soil handling, soil amelioration, soil remediation and soil placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be provided including the parameters for all imported planting soils, a soil scientists interpretive report demonstrating that the planting soil not only meets British Standards, but is suitable for the specific landscape type(s) proposed. The specification shall be supported by a methodology for storage, handling, amelioration and placement.
- (g) 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 landscaping shall be carried out in accordance with the approved design and implementation programme.

Reason: To maintain and improve the amenity and environmental value of the area and to monitor compliance in accordance with Local Development Plan Policy KP16 (Green Infrastructure).

- 12. Any newly planted trees, plants, or hedgerows which within a period of five years from the completion of the development die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced during the first available planting season, to the same specification approved in discharge of condition 10.

Reason: To maintain and improve the amenity and environmental value of the area, in accordance with Local Development Plan Policy KP16 (Green Infrastructure).

- 13. Prior to the commencement of development, a Scheme of Ecological Enhancement Measures and a Detailed Implementation Timetable shall be submitted to and approved by the Local Planning Authority. The Ecological Enhancement Measures shall thereafter be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development.

Reason: To provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales.

- 14. Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval.

Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved

in writing to the LPA. If no protection measures are required than no further actions will be required.

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

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

Reason: To ensure that the safety of future occupiers is not prejudiced.

15. Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:
- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
 - (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
 - (iii) an assessment of the potential risks to:
 - human health,
 - groundwaters and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets,
 - woodland and service lines and pipes,
 - ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)
 - (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

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

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

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

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

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

17. The remediation scheme approved by condition 12 must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

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

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

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

18. 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.

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

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

20. No development shall take place until a scheme for the drainage of the site and any connection to the existing drainage system has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the scheme is carried out and completed as approved.

Reason: To ensure an orderly form of development in accordance with policy EN10 of the adopted Cardiff Local Development Plan(2006-2026).

21. Prior to their use on site, samples of external finishing materials to the walls, the roofs of the main stand and public realm shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory finished appearance of the development in accordance with Local Development Plan Policy KP5 (Good Quality and Sustainable Design).

22. Prior to the first beneficial use of the Velodrome, details of all security measures (which shall include but not be limited to: location of external CCTV and its recording/retention period, bollards) shall have been submitted to and approved in writing with the Local Planning Authority. The velodrome shall thereafter operate in accordance with such approved details.

Reason: To ensure a safe secure form of development in accordance with policy C3 (Community safety/creating safe spaces) of the adopted Cardiff Local Development Plan(2006-2026).

23. Prior to the first beneficial use of the Velodrome, an Events and Car Parking Strategy Management Plan (ECPSMP) shall be submitted to and approved in writing with the Local Planning Authority. The details shall include but not limited to: the proposed public announcement system (including proposed noise levels), number of major events (and how these will be scheduled with other events within the Sports Village) and their timings, details of nearby car parks and parking area that will be used, how the proposed central hub within the former Toys'R'Us building will be used and contact details of a named person for complaints, together with appropriate monitoring arrangements and review mechanisms. All measures contained within the ECPSMP shall be implemented on site, and thereafter all events at the site shall be run in accordance with the approved Plan.

Reason: To ensure a neighbourly form of development which has no unacceptable impact also on highway safety, in accordance with policies EN 13 (Air, noise and light pollution), T5 of the adopted Cardiff Local Development Plan(2006-2026).

24. The floodlighting hereby approved shall not be operational during the hours 22:00- 08:00.

Reason: To ensure the amenities of adjoining neighbours in accordance with policies EN 13 (Air, noise and light pollution), T5 of the adopted Cardiff Local Development Plan (2006-2026).

- 25 Prior to their application a public art strategy shall be submitted to and approved in writing with the Local Planning Authority, which shall include the design of the people/symbols or other design on the proposed windshield to the Velodrome hereby approved.

Reason: To ensure the proposed artwork harmonises with the character of the area in accordance with Policy KP5 of the adopted Cardiff Local Development Plan(2006-2026).

INFORMATIVES:

INFORMATIVE 1 : The applicant is reminded that during the works an arboriculturist and ecologist are on site before, during and after the whole works and provide a report to the Local Planning Authority to demonstrate compliance with the approved details.

INFORMATIVE 2 : To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

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

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

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

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

INFORMATIVE 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.

INFORMATIVE 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.

INFORMATIVE 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.

INFORMATIVE 7: The developer should contact the Local Highway Authority with regards to proposed works to the public highway as these works will be subject to a Highways Agreement between the developer and Local Highway Authority.