

COMMITTEE DATE: 19/10/2023

APPLICATION No. 23/01705/VAR APPLICATION DATE: 24.07.2023

APP: TYPE: Section 73 Variation

APPLICANT: Cardiff Arena Operations Ltd / Robertson Property Ltd

**LOCATION: RED DRAGON CENTRE AND COUNTY HALL,
ATLANTIC WHARF, CARDIFF**

PROPOSAL: A variation of condition application made pursuant to Section 73 of The Town and Country Planning Act 1990 to vary Condition 2 (approved plans), Condition 9 (CEMP) and Condition 10 (Soil Resource Survey) of the detailed planning permission (Arena and Hotel) within hybrid planning permission reference: 21/02687/MJR, which approved:

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), 1,090NO. 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. TOGETHER WITH FULL DETAILS FOR A MULTI-USE, INDOOR ARENA (USE CLASS D2) WITH SUPPORTING USES AND CAFE (USE CLASS A3) A 182NO. 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 planning permission be **GRANTED** subject to the relevant parties entering into a binding legal agreement under the provisions of **SECTION 106** of the Town and Country Planning Act 1990 (as a Deed of Variation to the earlier legal agreement on application ref. 21/02687/MJR) within 6 months of the date of this Resolution, unless otherwise agreed by the Council in writing, and the conditions listed in section 12.

RECOMMENDATION 2:

That delegated authority is given to the Head of Planning &/Or 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 the legal agreement is signed, and planning permission issued.

1. BACKGROUND INFORMATION

- 1.1 Planning permission for the following development was approved on 27 February 2023 under planning reference 21/02687/MJR at Red Dragon Centre and County Hall, Atlantic Wharf, Cardiff:

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), 1,090no. 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. Together with full details for a Multi-use, Indoor Arena (Use Class D2) with supporting Uses and Café (Use Class A3), a 182no. bed space hotel (Use Class C1) plus associated Public Realm, Hard and Soft Landscaping, Drainage, Walking, Cycling, Car Parking and other transport infrastructure.

- 1.2 In short, the application comprised a hybrid application (part detailed planning, part outline) for the proposed development of a mixed-use masterplan within the Inner Harbour, Cardiff Bay.
- 1.3 The Committee Report previously presented to Committee can be found here: [21/02687/MJR](https://www.cardiff.gov.uk/21/02687/MJR).
- 1.4 The application now under consideration has been submitted pursuant to Section 73 of The Town and Country Planning Act 1990 to vary Condition 2 (approved plans), Condition 9 (CEMP) and Condition 10 (Soil Resource Survey) of the detailed planning permission, relating to the Arena and Hotel only.
- 1.5 The following is noted within the Welsh Government Development Management Manual (May 2017):

Sections 73(2) and (4) of the 1990 Act restrict the LPA in their determination of section 73 applications. The effect of the provisions is to limit the LPA to considering the question of whether the conditions identified in the section 73 application should apply as originally stated, would be acceptable if modified or it would be acceptable to remove them. The LPA cannot revisit the original permission and reconsider whether it should have been granted

in the first place. However, as a section 73 application is a planning application in its own right, it is necessary to assess what material changes there may have been in terms of policy since the original permission was granted in order to ensure that all relevant material considerations have been assessed.

The LPA can grant permission unconditionally or subject to different conditions. They can refuse the application if they decide that the original conditions should continue. The original planning permission will continue whatever decision is taken on the section 73 application.

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In granting permission under section 73 the LPA may impose new conditions upon the consent – provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission.

When an LPA grants planning permission, if they do not attach a condition setting a timescale for the commencement of the development, then either section 91 or 92 of the 1990 Act applies a deemed condition upon the consent. This applies a standard timescale of 5 years or 3 years for full or outline planning permission respectively. There are specific provisions within these sections in respect of section 73 applications. The effect of the provision is, unless an LPA apply a new timescale to planning permission granted in respect of a section 73 application, the new permission will only last for the unexpired period of the original permission.

When granting consent, that does not expressly seek an extension of the time limit, the LPA may wish to consider whether a variation in the time period could assist in the delivery of development. For example, where non-commencement of a development has adverse planning impacts, a shorter time period may be appropriate in circumstances where it would encourage commencement. A longer time period may be justified for very complex projects where there is evidence that the time remaining is not long enough to allow all the necessary preparations to be completed before development can start.

1.6 Members are required to review the proposed changes and recommend the approval of the application, in line with Officer recommendation.

2. DESCRIPTION OF THE SITE AND AREA

2.1 The application site comprises an extensive 13.5 hectare area location within the Cardiff Bay area, incorporating the existing County Hall building and car park, Red Dragon Centre and car park, parts of Hemingway Road, Schooner Wat, Ffordd Garthorne, Lloyd George Avenue and an area of public open space to the south and west of Halliard Court known as 20 Park.

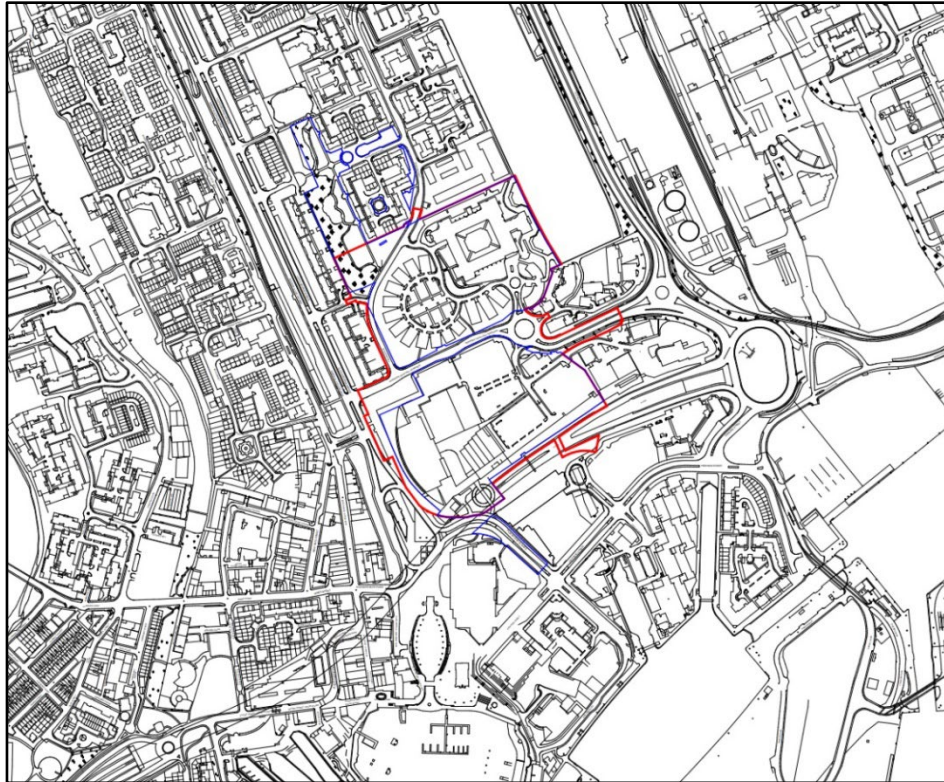


Figure 1: Site Location Plan (Blue line denotes Cardiff Council Ownership)

- 2.2 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 know as Mermaid Quay.
- 2.3 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.
- 2.4 The site is located within Flood Zone B, as defined by Technical Advice Note 15: Development and Flood Risk (2004).

3. DESCRIPTION OF DEVELOPMENT

- 3.1 As noted above, this application solely concerns the full planning permission element of the original consent (21/02687/MJR refers), and seeks changes to the multi-use, indoor arena (use class D2) with supporting uses and cafe (use class A3) and the 182 No. bed space hotel (use class C1) with associated public realm, hard and soft landscaping, drainage, walking, cycling, car parking and other transport infrastructure.
- 3.2 As part of the hybrid planning permission, a site-wide phasing plan (drawing number: 0371-RIO-XX-XX-DR-A-90511) was prepared to set out 6 phases of development, as summarised below.

- Phasing 00: Enabling Works

- Phasing 01 (A+B): 2022 to 2025
 - Phase 1A: Detailed Application:
 - Delivery of a 17,000 capacity Arena & Plaza
 - Completion of a 182 room Travelodge
 - Demolition of the existing Travelodge
 - Phase 1B: Reserved Matters Application:
 - Demolition of existing A3 Unit
 - Construction of a 1,300 space MSCP
- Phases 02-06: 2024 to 2032:

Construction of the wider mixed-use masterplan, including but not limited to the construction of a new Red Dragon Centre, a new Footbridge over the A4232, mixed-use development, an Event Square, museums, commercial offices, residential development and hotel development.

- 3.3 The variations sought as part of this application specifically relate to Phasing 00 (enabling works) to 01A (delivery of a 17,000 capacity Arena and Plaza, completion of a 180 room Travelodge, demolition of the existing Travelodge) only.
- 3.4 For clarity, the application does not seek any changes to Phases 01B, or to Phases 02-06.
- 3.5 As per the previous consent, the full planning permission 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:

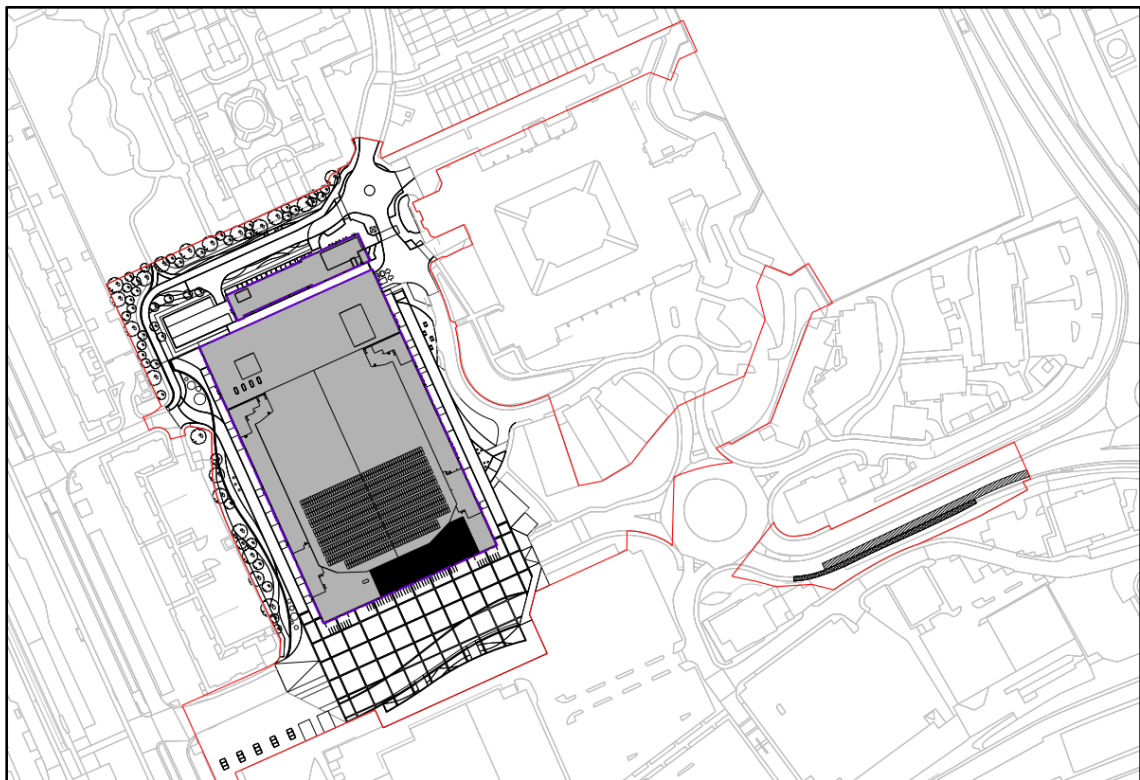


Figure 2: Site Location Plan for Arena and Hotel Development

- 3.6 The proposed changes have arisen as a result of the global economic environment, associated increase in material costs and drive to deliver a more sustainable form of development. These economic drivers have led to a full review of the proposals, considering how greater cost certainty could be achieved.

Arena

- 3.7 The Arena building is still sited on part of the existing County Hall car park, but has been rationalised and reduced in overall massing and scale. Its overall height has been reduced by 6.5 metres, from +46.9m AOD to +40.4m AOD, its width has been reduced by 9.53m, from 101.53m to 92m, and its length has been reduced by 14m, from 162m to 148m.
- 3.8 A comparison is shown below, with the previous consent shown in red and the proposed changes shown in blue:

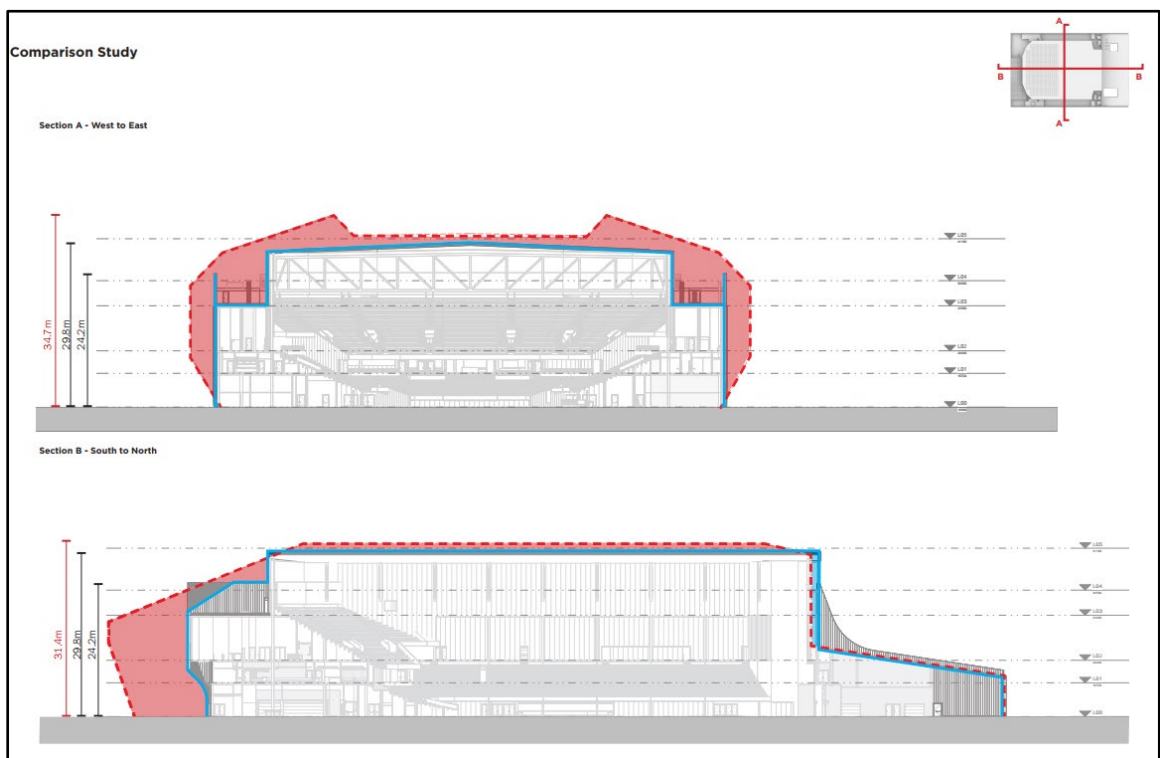


Figure 3: Elevation Comparison

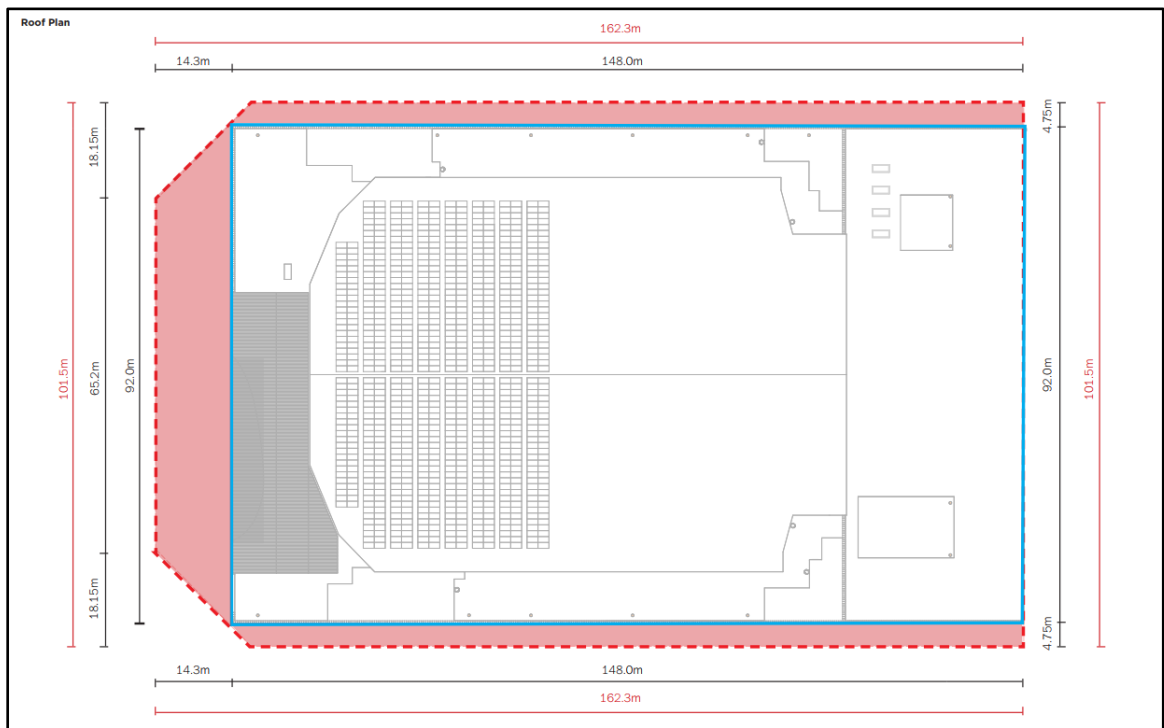


Figure 4: Roof Plan Comparison

3.9 The Arena would have a capacity of circa 15,348, in comparison to the 17,000 previously approved (21/02687/MJR refers), and has been designed with a spacious event floor (Bowl) incorporating flexibility to improve versatility and accommodate large seating capacities, as demonstrated below:

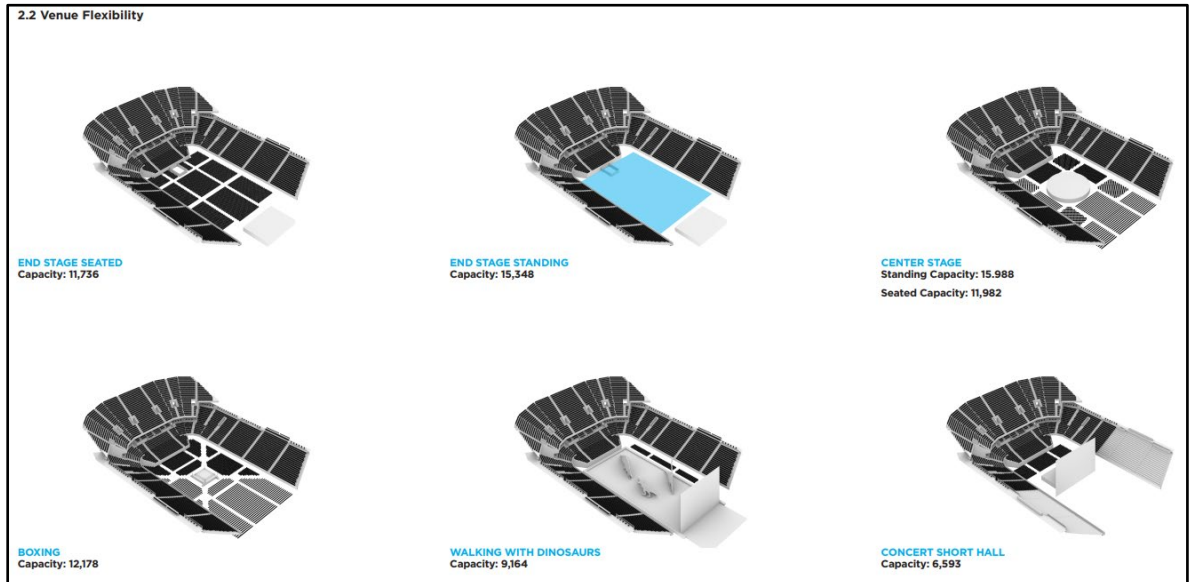


Figure 5: Internal Arena Options

3.10 The flexibility provides the opportunity for the venue to offer a range in the types of shows available, including for example, boxing events, short hall concert events and a range of stage locations within the Bowl itself.

3.11 In terms of materiality, the colour pallet and finish of the Arena has been updated to incorporate a bronze-coloured aluminium for the façade, using a combination of dark bronze patina finish (perforated and non-perforated), a soffit material in

light gold with anodised finish, and a curtain wall system with translucent glass for the glazing.

- 3.12 The architectural detailing of the Arena has been developed further to create a distinctive 'swoop' within the front façade, providing architectural interest on the southern elevation. The 'swoop' is designed to be an instantly identifiable feature of the building's façade, framing the key entry point.
- 3.13 The amount of glazing has also increased on the Arena's side (east and west facing) elevations, creating two 'arches' on both elevations. The dimensions of both arches are 14m in height and 42m in width, and 8m in height 39m in width, symmetrically positioned between the two facades. The arches are designed to be illuminated in an event scenario.

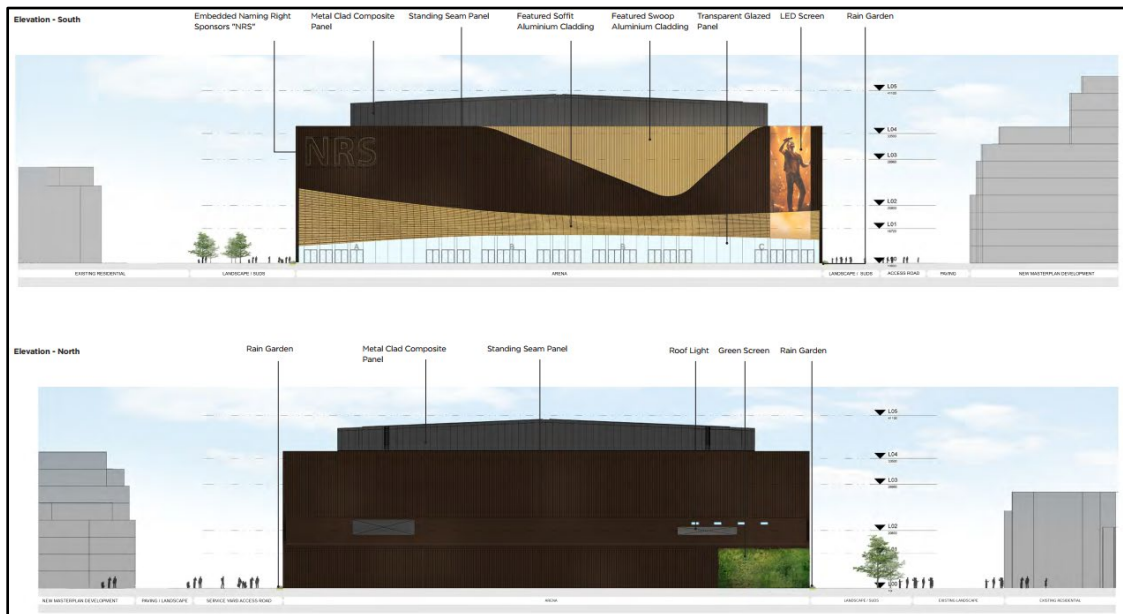


Figure 6: South and North Elevations Proposed

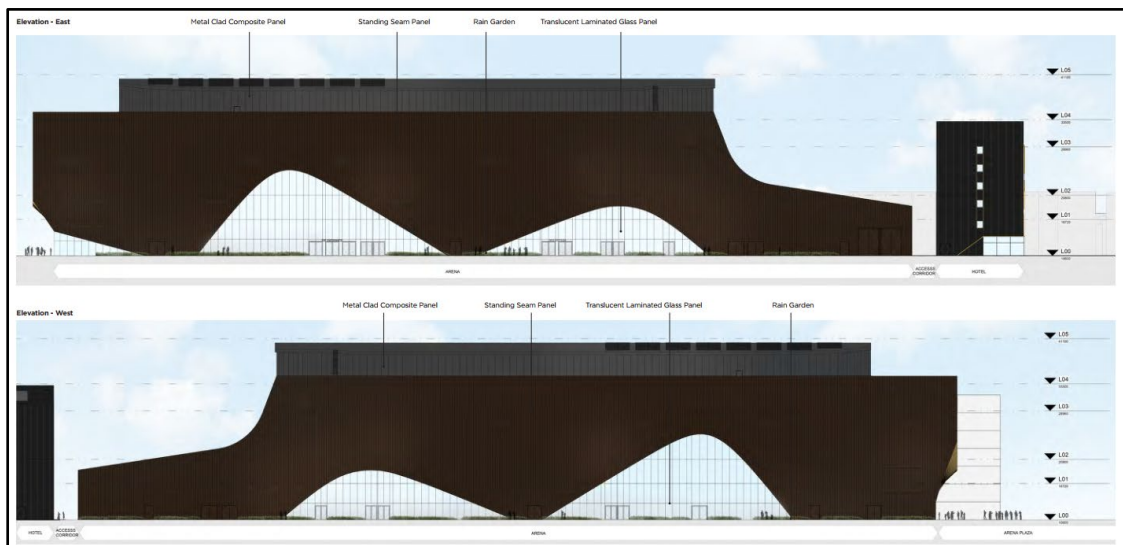


Figure 7: East and West Elevations Proposed

- 3.14 The materials proposed reflect the material pallet of the surrounding area, drawing particular reference to Wales Millenium Centre. The increased level of

glazing to that previously approved allows for more active frontages on both elevations, creating a more pedestrian-friendly, safer environment.

- 3.15 The LED screen which previously sat across the main entrance of the Arena has been reduced in size and repositioned from the centre of the front façade to the eastern section of the front façade, serving to enliven the public plaza. The media wall will measure approximately 250m², and will span from the highest point of the area's façade down the feature soffit, where the media screen is designed to continue into the internal concourse to create one continuous media wall.
- 3.16 Access is provided for general admission off the southern elevation at ground floor level, to both ground level and Level 02 concourse areas. Each concourse area is served by a 'grab and go' market area, toilet facilities and bar/merchandise counter, with access into the central Bowl. A separate entrance on the eastern elevation provides the main staff entrance.
- 3.17 A separate hospitality entrance is located on the eastern elevation, providing access to Level 01. All hospitality patrons are located at this level across a number of different club spaces. Artist dressing rooms and supporting facilities are also provided at Level 01, together with the venue operations offices.
- 3.18 All access points on the southern and eastern elevations will be used during normal egress, with exits on the western elevation only used in cases of emergency.
- 3.19 The Service Yard has a separate entrance point with security control in the north-eastern corner of the building. It will be accessed from the Hemingway roundabout through the existing (reconfigured) County Hall access road, as shown in the extract below:

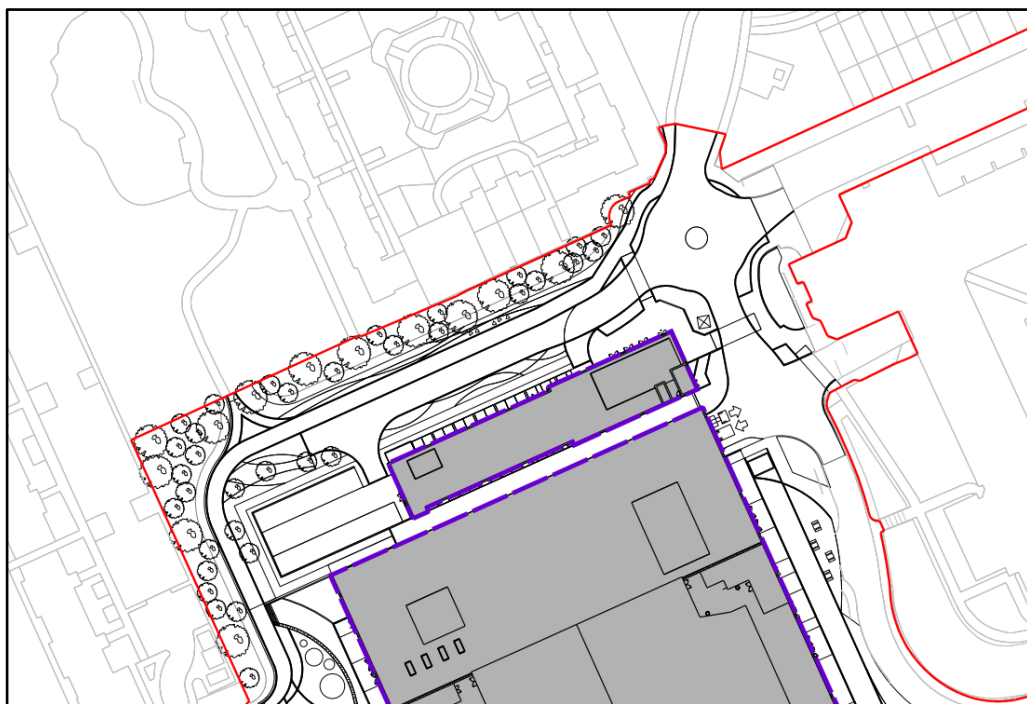


Figure 8: Access and Servicing for the Arena

Hotel

- 3.20 The original full planning permission (21/02687/MJR) grants the erection of a 182no. bed space 'Travelodge' hotel (Use Class C1), which will replace the existing Travelodge hotel currently located to the south of Hemingway Road.
- 3.21 It will be sited to the north (rear) of the Arena, located on part of Silurian Park and the existing highway known as Schooner Way.
- 3.22 The Travelodge hotel ground floor (Floor 00) remains as approved under planning permission reference 21/02687/MJR, offering a total of 51 car parking spaces (29 undercroft and 22 external), 10 of which will be disabled, including a cycle store offering 20 Sheffield cycle stands.
- 3.23 Floor 00 has an entrance lobby with stair core and lift area in the north-eastern section of the building, with access gained from the northern elevation. All plant rooms are located at this level, within the back of house area.
- 3.24 Floor 01 is accessed from the stair core and lift area, which guides guests to the reception area. A large, open-plan bar and restaurant is provided on Floor 01 with views to the north provided through a large expanse of curtain walling. The remainder of Floor 01 provides accommodation for guests, accessed from the bar and restaurant.
- 3.25 The proposal comprises the following breakdown of accommodation:

Floor Level	Accommodation
Level 01	26 x Double Rooms
Level 02	26 x Double Rooms 10 x Family Rooms 3 x Accessible Rooms
Level 03	26 x Double Rooms 11 x Family Rooms 2 x Accessible Rooms
Level 04	26 x Double Rooms 11 x Family Rooms 2 x Accessible Rooms
Level 05	26 x Super Double Rooms 11 x Super Family Rooms 2 x Super Accessible Rooms

- 3.26 Each floor of accommodation is served off the main stair lobby and lift area in the eastern part of the building, with rooms accessed from an internal corridor. There is a secondary stair core on the western side of the building. Two linen rooms are provided on each floor.
- 3.27 The maximum height of the hotel will be retained at +33.82m AOD.

- 3.28 The main change proposed as part of the application currently under consideration is the alteration of the façade and materiality of the proposed Travelodge hotel. The external envelope has been updated to reflect the proposed changes to the Arena building, to tie-in the hotel with the Arena envelope.



Figure 9: Travelodge Hotel Proposed Elevations

- 3.29 The elevations are predominantly clad in a dark grey metal façade with feature gold flashing; Satinline finish Anthracite and Gold Pearl powder coating is proposed.
- 3.30 The ground floor entrance and first floor bar/restaurant area are joined by feature flashing which wraps around the main entrance, restaurant and bar, beginning at the eastern elevation and wrapping round to the west, grouping the two public functions together:



Figure 10: Illustrative View southwards

- 3.31 The western and southern elevations are paired back in comparison to the east and north, given their position in close proximity to the Arena and limited visibility from public vantage points.
- 3.32 It should be noted that the Advertisements shown on both the Arena and Hotel are indicative only, and will be subject to separate Advertisement Consent applications.

Further Changes

- 3.33 Given the changes proposed above, the Arena building is now positioned circa 4m south of its original position, which increases the distance provided between the Hotel and the Arena, as well as between the Hotel and residential properties to the north on Halliard Court.
- 3.34 The southern elevation of the Arena has also moved around 5.5 metres further north, due to the reduction in overall length, creating a larger 'Plaza' to the front of the Arena. As per the existing permission (22/02687/MJR), a plaza will be created at the front of the Arena, requiring the permanent closure of this part of Hemingway Road, as well as the demolition of the existing Travelodge Hotel.
- 3.35 The slight re-siting of both the Arena building and the Hotel has provided opportunities to improve the spatial requirements in this location, such as enhanced amenity, biodiversity, active travel, SuDs and landscaping.

Arena Plaza

- 3.36 The Arena Plaza has been redesigned to complement the different design of the Arena building, and has been rethought so that it provides a betterment in terms of an enhanced and greener amenity space.



Figure 11: Illustrative View of Arena Plaza

- 3.37 The alternative design addresses the operational requirements of the building, namely that it is uncluttered and suitable for high volumes of pedestrian movement and crowd management, and creates a centrepiece which can easily be added to by future phases of the Atlantic Wharf development. It offers 4,855 square metres of amenity space, working with sinuous curves to replicate 'The Swoop' feature of the Arena. The external space has continued to prioritise SuDS and biodiversity.
- 3.38 The hard landscaped areas will be finished with concrete paving units set in a grid design, with a natural stone aggregate top in colours of silver grey and sandy tones (Alpendurada Amarelo).



Figure 12: Concept Sketch for Arena Plaza

- 3.39 The building design now allows rainwater to feed directly into the proposed rain gardens through removal of the angular building overhangs proposed on the original design. A large rain garden is set to the south, which proposes high-impact planting with year-round interest. The Design and Access Statement reads as follows:

The green infrastructure included within the space is designed to juxtapose the paved plaza. Within this area, there will be opportunities for relaxation, sensory stimulation from planting, and some informal play. The design offers the opportunity for a south-facing green space with trees providing canopy cover and dappled light, along with seating beneath.

- 3.40 The colour pallet includes flower with hot colours of reds, yellows, and whites within a mixture of ornamental grasses that will create a smoky haze of seed heads through the summer and hold their form through the winter.

Enhanced Amenity

- 3.41 Given the changes to the size of the Arena and Travelodge Hotel, the opportunity has arisen for the landscape design to offer an enhanced amenity space and facilities within the public realm, in comparison with the original scheme. The changes provide for enhanced public realm provision and facilities including incidental and informal play, informal learning about nature and biodiversity, and improved SuDS provision.

3.42 The changes are summarised as follows:

- Introduction of seating adjacent to Active Travel route in the north of the site, and for hotel visitors;
- The enlargement of staff breakout space to the east of the building with screen hedging, rain gardens and cycle storage all integrated;
- The flexible use of the outside broadcast parking area to the northwest with the introduction of an informal play zone with vibrant coloured surfacing and graphics, step seating and rain gardens;
- Seating and incidental Disks and Beams integrated into the landscape design for incidental play and informal learning about nature and biodiversity in this habitat corridor;
- A dedicated VIP access path with sculptural seating elements set against a backdrop of wildflower planting.

Active Travel

3.43 The active travel route runs east-west to the north of the site. This is a shared space design which will be finished in a distinctive light blue asphalt surface to ensure the route is legible.



Figure 13: Proposed Active Travel Route

3.44 The route will connect the Arena to Schooner Wat to the east and Ffordd Garthorne / Lloyd George Avenue. It has been enhanced from the consented 3m to 3.5m in width, and has also been repositioned to the north of the access road for a continuous and uninterrupted circulation for pedestrians and cyclists.

Supporting Information

3.45 The EIA process aims to ensure that any significant effects arising from a development are systematically identified, assessed and presented to help local planning authorities in determining planning applications. If measures are required to minimise or reduce effects then these are clearly identified.

- 3.46 The original application (21/02687/MJR refers) was identified as an EIA application as defined by the [Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017](#), ('the EIA Regulations') and an Environmental Statement (ES) was provided.
- 3.47 An ES Addendum was subsequently submitted in January 2022 which included new and amended documents and plans in response to comments from statutory consultees. In summary, the following changes were made as part of the addendum:
- The Arena Quarter landscape proposals were amended to reduce the density of proposed trees and amend the species mix and layout around the Arena;
 - A proposed bus gate and bus route were incorporated into the proposals, from Schooner Way to the Hemingway Road roundabout in the short term; and
 - Additional areas of green infrastructure were identified on the Atlantic Wharf, Butetown Masterplan Green and Blue Infrastructure Parameter Plan.

A Transport Assessment (TA) Addendum and Landscape Masterplan Report Addendum were also prepared to accompany the ES Addendum in light of the design changes outlined above.

- 3.48 In support of this application, a secondary ES Addendum has been prepared which considers the likely effects of the proposed changes. Each topic referenced in the original ES, together with the ES Addendum has been reviewed in light of the amendments proposed.
- 3.49 The assessment below has had regard to all environmental information submitted within the ES Addendum (July 2023) along with the comments of statutory consultees on the information supplied, and the comments, observations and representations provided by members of the public have been taken into consideration in the recommendation.
- 3.50 All documentation relating to the application, including plans, can be viewed on the Council's website using the following link: [23/01705/VAR](#).

4. PLANNING HISTORY

- 4.1 The site has a detailed planning history relating to the development of County Hall, the Red Dragon Centre and Travelodge. The only application which is of direct relevance to this application is the original consent to which this application relates:
- **21/02687/MJR** 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),

1,090no. hotel bed spaces (Use Class C1), 19,500sqm or 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. Together with full details for a Multi-use, Indoor Arena (Use Class D2) with supporting Uses and Café (Use Class A3), a 182no. bed space hotel (Use Class C1) plus associated Public Realm, Hard and Soft Landscaping, Drainage, Walking, Cycling, Car Parking and other transport infrastructure
Granted 27.02.2023

5. POLICY FRAMEWORK

National Policy

- 5.1 The **Well-being of Future Generations (Wales) Act 2015** (WFG) imposes a duty on public bodies to carry out 'sustainable development' in accordance with the 'sustainable development principle'.
- 5.2 'Sustainable development' means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.
- 5.3 'Sustainable development principle' means that Local Authorities must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 5.4 Well-being goals identified in the Act are:
- A Prosperous Wales
 - A Resilient Wales
 - A Healthier Wales
 - A More Equal Wales
 - A Wales of Cohesive Communities
 - A Wales of Vibrant Culture and thriving Welsh Language
 - A Globally Responsible Wales
- 5.5 The **Environment (Wales) Act 2016** has been designed to complement the WFG Act. It imposes a duty to require all public authorities, when carrying out their functions in Wales, to seek to "maintain and enhance biodiversity" where it is within the proper exercise of their functions. In doing so, public authorities must also seek to "promote the resilience of ecosystems".

National Planning Policy

- 5.6 [Planning Policy Wales](#) (Edition 11) was revised and restructured in February 2021 to coincide with the publication of, and take into account the policies,

themes and approaches set out in, [Future Wales - the National Plan 2040](#) (see below) and to deliver the vision for Wales that is set out therein.

- 5.7 The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015.
- 5.8 PPW11 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision-making process.

Technical Advice Notes

- 5.9 PPW is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -
- TAN 5: Nature Conservation and Planning (2009);
Noting also the Chief Planning Officer letter dated 23/10/19: securing bio-diversity enhancement;
 - TAN 10: Tree Preservation Orders (1997)
 - TAN 11: Noise (1997)
 - TAN 12: Design (2016)
 - TAN 13: Tourism (1997)
 - 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

- 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
- KP14 Healthy Living
- 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:

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

- 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).

6. INTERNAL CONSULTEE RESPONSES

- 6.1 The **Operational Manager (Traffic and Transportation)** advises that the existing planning conditions, unilateral undertaking and additional recommendations associated with the original consent (21/02687/MJR refers) are sufficient to safeguard transport requirements, and as such, no additional or amended requirements are considered necessary in this respect.

The proposed development has already been shown to be policy compliant and the impact able to be accommodated on the adjacent highway network, as detailed in the current permission – see [report](#) for 21/02687/MJR.

This application seeks to make relatively minor, in transportation terms, changes to the current permission, that have been assessed and are considered to be acceptable.

In conclusion, any objection on transport grounds would be unsustainable and any reason for refusal on this basis would not withstand challenge. On this basis, there is no objection to the application from a Transportation perspective, subject to the comments provided, and the conditions and unilateral undertaking associated with the extant permission.

- 6.2 **Shared Regulatory Services: Environment Team (Contamination)** raised no objection to the original development considered under 21/02687/MJR, subject to the inclusion of the recommended planning conditions, in a response dated 01 December 2021.

In a consultation response dated 31 July 2023, the team confirmed that there is no objection to the application from a contamination perspective, as the proposals do not vary the land contamination conditions recommended in the previous memo. As such, subject to the imposition of the same planning condition, the scheme is considered acceptable in this regard.

- 6.3 The **Conservation Officer** has reviewed the proposed scheme, and has confirmed in a consultation response dated 08 August 2023 that the amendments do not alter the previous conclusions, namely that the development would have negligible impacts upon the two Conservation Areas (Mount Stuart Square and Pierhead) and the 32 Listed Buildings.

- 6.4 The Authority's **Public Rights of Way** Officer has confirmed that there are no recorded Public Rights of Way which affect this site, and therefore no objection is raised in respect of the development proposed.

- 6.5 The **Affordable Housing** team raise no comments in relation to the proposed variation, and advise that the affordable housing obligation remains the same as that secured through the legal agreement. In consideration of the original scheme (21/0687/MJR refers), the following comments were provided:

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.

Subject to there being no changes to the obligations previously secured, no objection is raised.

- 6.6 **Waste Management** raise no objection to the approval of the application in a consultation response dated 21 August 2023, as the changes do not relate to waste management.

- 6.7 In consideration of the original application (21/02687/MJR), **Parks Services** provided the following response:

Parks 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.

The proposed housing is in outline form, so it is not clear at this stage if the onsite 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

In considering the proposed changes currently under consideration, **Parks Services** note that the proposal involves the same loss of public open space at the southern end of Silurian Park aka Schooner Way Open Space and therefore Parks Services maintains its request for the same level of compensation (£250k) agreed under the S106 executed on 27.02.23. This money is to be used by Parks Services towards open spaces in the vicinity including along Lloyd George Avenue, Schooner Way Open Space and Canal Park.

On the presumption that Parks will be taking back responsibility for some areas, it is requested that the Landscape Architect submits reports to the LPA/Parks Services confirming compliance with the approved plans on practical completion and at the end of the maintenance period as a minimum.

- 6.8 **Shared Regulatory Services: Noise Team** have confirmed in a consultation response dated 07 August 2023 that the Es Addendum (July 2023) Appendix A12.1 (Vanguardia Stage 3 Acoustic, Pava, Av and Broadcast Report) demonstrates that the same limits in respect of noise break out, plant and the service yard area will be committed to, as demonstrated again. As such, no concerns are raised in respect of the proposed changes.
- 6.9 The **Land Drainage Team** have confirmed that the application requires SAB approval, and that the developer is in extensive dialogue with the Lead Local Flood Authority, who are satisfied from a flood risk perspective. As such, no objections to the approval of the application are made in the consultation response dated 21 September 2023.
- 6.10 The **County Ecologist** raises no objection to the development, subject to the recommended changes to the existing conditions, and inclusion of additional condition relating to the Autumn Lady's Tresses population.

7. EXTERNAL CONSULTEE RESPONSES

- 7.1 **Dŵr Cymru Welsh Water** raise no objection to the proposal in a consultation response dated 14 August 2023.

In consideration of the original application (21/02687/MJR refers), **Dŵr Cymru Welsh Water** highlighted the location of the site within an area where there are water supply problems, for which there are no improvements planned within their current Capital Investment Programme AMP period (2020 – 2025). In addition, a main drainage pipe will need to be relocated when Phase 01 works are implemented. To address this, appropriate conditions were imposed which will be reimposed if this consent is granted.

- 7.2 The **Glamorgan-Gwent Archaeological Trust (GGAT)** have reviewed the proposed changes, and conclude in a consultation response dated 25 August 2023 that the changes do not relate to archaeological constraints. No objection to the positive determination of this application is raised, subject to the reimposition of the previously recommended archaeological condition.
- 7.3 **South Wales Fire and Rescue Service** have been consulted on the proposed revisions to the scheme, but no comments have been received to date.

In response to the previous application (21/02687/MJR), no objections were raised, but comments were provided to confirm that a comprehensive fire strategy will be required, and this will be achieved through the Building Regulations submission.

- 7.4 **Welsh Government (Transportation)** as highway authority for the Motorway and trunk roads in Wales do not object to the variation of the consented scheme in a consultation response dated 04 August 2023. Their comments on the original submission are noted below:

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.

The Welsh Government would have no objection in principle to the proposal although this should be subject to the following being conditioned as part of the application to address any trunk and motorway issues also:

- *Events Management Plans*
- *Travel Plans*
- *Servicing Plans for HGV routing*
- *Coordination*

These matters are secure through existing planning conditions imposed upon 21/2687/MJR, which will be reimposed upon any subsequent consent.

7.5 **Network Rail** have no comments to make on this application.

7.6 **Welsh Government (Planning)** have been informed of the submission, as required by Environmental Impact Assessment Regulations. No comments have been received to date.

7.7 **Natural Resources Wales** stated in a consultation response on 17 August 2023 that they have no objection to the proposed development as submitted. All previous conditions will be reimposed.

8. REPRESENTATIONS

8.1 The application was advertised on the Council Website and by way of neighbour notification letters (24 July 2023), site notices (04 August 2023) and advertisement in the local press (04 August 2023). Publicity was undertaken in accordance with Regulation 24 of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (requiring a 30 day consultation).

8.2 In total, 15 letters of representation, including a letter of objection from the Atlantic Wharf Residents Association, have been received to date, on the following summarised grounds:

- *Vehicle Access / Closure of Schooner Way*
Concerns are raised about the lack of vehicular access from the southern end of Schooner Way to existing major roads. Generally, the view of closing Schooner Way is considered to be unacceptable to local residents as the alternative routes will become congested and traffic will be pushed towards the Central Link (A4234), Tyndall St and Lloyd George Avenue. These roads are already close to capacity at peak hours.

It is alleged that the proposed closure of Schooner Way will cause residents unjust inconvenience in respect of accessing services, create a cul-de-sac for residents who live off Schooner Way, and isolate Atlantic Wharf from the local Bay area to which it is now affiliated.

Several representations raise concern that emergency services would not be able to attend properties in the case of an emergency.

- *Footfall and Traffic*

The impact of event performances from the new venue will have a high impact on the footfall and traffic in the area.

- *Masterplan / Long-term Implementation*

Several letters refer to the multiple changes made to the masterplan since the consent has been granted (21/02687/MJR refers). Many residents fear the project may be abandoned half way through due to increased costs, thus leaving the area for many years with a half-finished building site. Additionally, many seek reassurances that the development will be built as agreed and future substantial changes will not be made that will further result in the erosion in their quality of life.

- *Public Transport*

The public transport system cannot support people who use the Arena building and implementation of the development should be delayed until a viable public transport system is in place.

- *Noise from Arena Users*

Local residents are concerned that patron noise will detrimentally impact the amenities of local residents, particularly on occasions when the Arena operates at capacity. Anti-Social Behaviour will occur after events which is an area of apprehension.

- *Landscaping*

Retention of the entire existing line of dense mature trees and bushes immediately to the rear of the car park of the residential development to the north of Ffordd Garthorne is essential to help mitigate the adverse impact of the Arena and Hotel as construction and existence.

Additional planting between the existing line of trees and bushes and the development site would be helpful, but should not come at the expense of the removal of any part of the present trees and bushes in this area.

- *Active Travel Routes*

The large investment in active travel routes is not warranted and it assumes that local residents do not want to use private vehicles.

- *Hotel Position and Impact on Residential Amenity*

Concern is raised about the proximity of the Travelodge Hotel to existing residential properties, and the impact of the development on the existing levels of privacy and amenity experienced by residents.

- 8.3 All public representations made on the application are available to view in full on the Council's website at: [23/01705/VAR.](#)

9 ANALYSIS

- 9.1 The key material considerations in the determination of this application are the land use and principle of development, impact upon the character and appearance of the area, transportation impact, impact upon existing properties, loss of public open space, ecology, removal of County Hall and utilities.
- 9.2 As detailed above, this application only relates to the full planning permission granted under reference 21/02687/MJR, and does not relate to the Outline consent granted which permits, with all matters reserved, the next stage of Cardiff Bay's wider regeneration, including Atlantic Wharf, the Red Dragon Centre and County Hall. As such, the wider redevelopment of Cardiff Bay will not be considered further in the appraisal.

Land Use / Principle of Development

- 9.3 As noted above, this proposal relates solely to the development of the Arena and Hotel with associated works. PPW11 states at paragraph 4.3.46 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.' This is understood to be the intention in respect of this development, which aims to act as a facilitator for the future development of Atlantic Wharf.
- 9.4 The planning system manages the development and use of land in the public interest, contributing to improving the economic, social, environmental and cultural well-being of Wales, as required by the Well-being of Future Generations (Wales) Act 2015, and as stated in paragraph 1.2 of Planning Policy Wales (Edition 11, February 2021) (PPW11).
- 9.5 Reinforcing this, Policy 33 *National Growth Area – Cardiff, Newport and the Valleys* of Future Wales: The National Plan 2040 (February 2021) recognises Cardiff as a National Growth Area, stipulating that "Cardiff will retain and extend its role as the primary national centre for culture, sport, leisure, media, the night time economy and finance".

Arena

- 9.6 The application site lies within the Bay Business Area, as defined by Policy KP10 (Central and Bay Business Areas) of the adopted Local Development Plan (2016). The policy describes the range of uses considered appropriate within the defined areas, including new offices, residential and commercial leisure uses.
- 9.7 It states at paragraph 4.140 that the Bay Business Area (BBA) is the focus for government, tourism and leisure development; with the Senedd, the Wales Millennium Centre and other landmark buildings redefining the architectural quality and attractiveness of the waterfront and its environments.

- 9.8 The policy aims to encourage a mix of complementary uses to maintain and enhance the vitality, attractiveness and viability of the identified areas, recognising that new and improved leisure, recreation and tourist facilities are important for the future development of Cardiff. It states the following:

By improving the quality and range of sporting, recreation and leisure facilities, the area is made a more attractive place in which to live, work and visit, thereby helping to attract inward investment and regeneration.

- 9.9 The introduction of an Arena building (Use Class D2 with supporting uses including Use Class A3) and associated works will stimulate economic growth, inward investment and job creation. It will attract more visitors to Cardiff by hosting major concerts and sporting events, increasing Cardiff's visibility on a national and international scale. It will contribute towards Cardiff's cultural and entertainment offerings, fostering a sense of community and cultural richness that can be attractive to both residents and businesses.
- 9.10 The principle of erecting an Arena within the Bay Business Area is coherently aligned with the main aims of Policy KP10, namely, to support the delivery of balanced, mixed use areas where, by virtue of their proximity to public transport, leisure, employment and community facilities, can create sustainable urban neighbourhoods and contribute to the daytime and evening economy. Given this, the principle of developing an Arena is an acceptable form of development in this location.

Hotel

- 9.11 Turning to the development of the Hotel, the aforementioned Policy KP10 is also relevant here. The Hotel will introduce a new facility to support and promote tourism within Cardiff Bay and the wider City of Cardiff, as well as promote economic growth, job creation, revenue generation and business opportunities.
- 9.12 Again, the Hotel will help to support and implement the delivery of a balanced, mixed-use area which promotes placemaking. Its introduction is considered to be compliant with the aims of Policy KP10.
- 9.13 Policy EC5 of the adopted LDP is also relevant, as it refers specifically to hotel development, stating that hotels are acceptable within the Bay Business Area, subject to considerations of scale, location, design, amenity and transportation being acceptable.
- 9.14 Subject to the above-mentioned considerations, the principle of developing an Hotel in this location is considered to be acceptable, and is compliant with Policies KP10 and EC5 of the Local Development Plan (2016).

Public Open Space

- 9.15 Policy C4 *Protection of Open Space* of the LDP seeks to protect open space that has significant functional, conservation, environmental or amenity value, and applies to all areas of open space within the County.

- 9.16 It is important to note that the north west corner of the application site extends beyond the demarcated boundary of the Bay Business Area, into Silurian Park area of Open Space and the existing highway at Schooner Way.
- 9.17 In this regard, part of Silurian Park would be removed to accommodate the delivery of the proposed Arena and Hotel development. This was previously considered under 21/02687/MJR, and the [report](#) states the following at paragraph 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.

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.

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.

- 9.18 The loss of the identified Open Space has previously been considered under 21/02687/MJR, and provision has been made for (a) its replacement as part of the wider masterplan (Outline consent refers) and (b) through a financial contribution of £250,000 towards new or replacement facilities in the local area. Given this, the proposal is acceptable in this regard.

Conclusion

- 9.19 The above assessment demonstrates the acceptability of the proposals in detailed form. As a whole, the scheme offers a unique opportunity to build upon Cardiff Bay's reputation as a leisure destination, to create a dynamic new,

sustainable mixed-use environment, with leisure and placemaking at its heart, and supporting Cardiff's status as an internationally competitive city and core city on the UK stage.

- 9.20 It is important to note in this respect, and having regard to the Council's wider role as landowner and facilitator, that the proposals are firmly supported by Policy 3 *Supporting Urban Growth and Regeneration - Public Sector Leadership* of Future Wales: The National Plan 2040 (February 2021), which states the following:

The Welsh Government will play an active, enabling role to support the delivery of urban growth and regeneration. The Welsh Government will assemble land, invest in infrastructure and prepare sites for development. We 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.

The public sector's use of land, developments, investments and actions must build sustainable places that improve health and well-being.

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

- 9.21 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 in the determination of planning applications.
- 9.22 It is noted that the site is 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 through the agreement of replacing the open space in later phases of the development, and through a S106 contribution.
- 9.23 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.

Impact on the Character of the Area

- 9.24 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.

- 9.25 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.
- 9.26 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.

Area Context

- 9.27 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.
- 9.28 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 (Silurian Park), looking at the site as a whole it is considered that the new Arena and Travelodge Hotel will add character to the area compared to the existing land use.
- 9.29 Taken on its own, the development of the Arena and Hotel, with the former being approximately five storeys in height and of significant size, would undoubtedly represent a prominent building within the area. However, the development is 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').
- 9.30 The Arena Plaza, as shown 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, approved as part of the wider masterplan (21/02687/MJR refers).
- 9.31 The Arena Plaza provides a large area of new open space / public realm within which the Arena would be viewed, with the introduction of hard and soft landscaping balanced with provision of bio-diversely rich rain gardens which also form part of the sustainable drainage strategy:



Figure 14: Arena Plaza

9.32 It is 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 still considered that the design and siting of the building is appropriate to both its current and future context.

Key Changes – Arena

9.33 Turning specifically to the Arena, it is noted that the previous consent (21/02687/MJR) granted an almost entirely black palette of materials, which was intended to emphasise and represent coal, as a nod to the historical context of the site within the docks area.



Figure 15: Artist Impression of Principal (southern) elevation of Arena (21/02687/MJR)

- 9.34 The building had extensive use of glazing in its primary frontage with angular corners and an LED trim around the entrance which would change colour depending on the time of day or event taking place.
- 9.35 As noted in Section 3 above, the Arena has now been reduced in scale, massing and appearance, and now features a striking sculpted roof profile with contrasting colours:

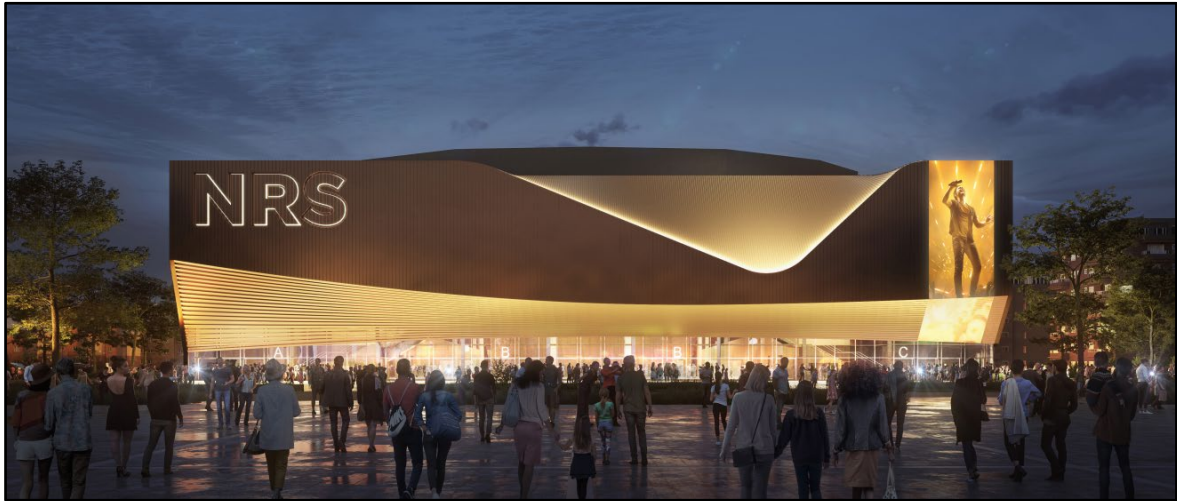


Figure 16: Artist Impression of Principal (southern) elevation of Arena

- 9.36 This architectural feature, known as "The Swoop," draws inspiration from the graceful contours of the Welsh valleys and is intended to serve as a symbolic representation, emphasising the importance of bringing people together. The swoop provides visual contrast to the darker tones of standing seam panels, and lessens the massing of the building when viewed from the south. It introduces an iconic feature to the future landmark building.
- 9.37 The large LED screen permitted across the width of the principal elevation of the approved Arena has been reduced, and is now positioned in the south east elevation. This feature will create an engaging backdrop for events taking place in the arena, thereby activating, and enhancing the overall atmosphere, particularly when experiencing the plaza to the south. In comparison to the consented scheme, the media wall has been resized and re-evaluated to deliver a regulated level of illumination to the public plaza.
- 9.38 This façade will be viewed from the proposed Arena Plaza and the Red Dragon Centre in the short-term, and from the vista leading to Wales Millennium Centre in the longer-term (once the outline proposals within the wider Atlantic Wharf masterplan come forward).
- 9.39 The side elevations of the Arena approved under planning permission reference 21/02687/MJR were previously described as being simpler in appearance to the southern elevation, as shown below:

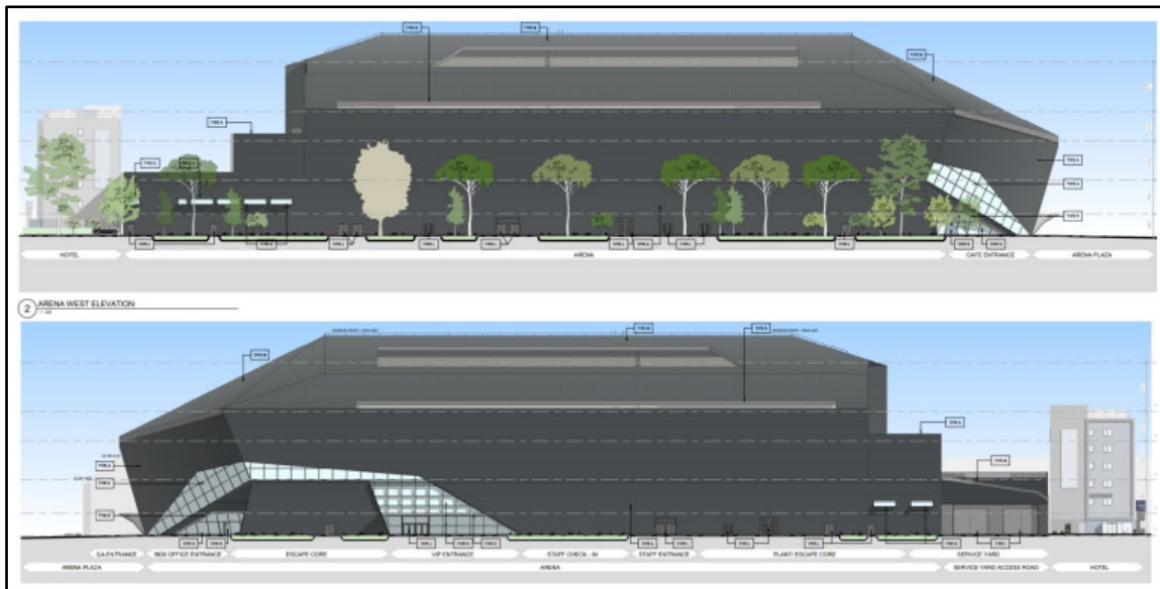


Figure 17: Side Elevations (East and West) of Arena (21/02687/MJR)

9.40 The revised scheme introduces more glazing in a curtain wall system to the side elevations, which is intended to be used as the key area for lighting and activation.

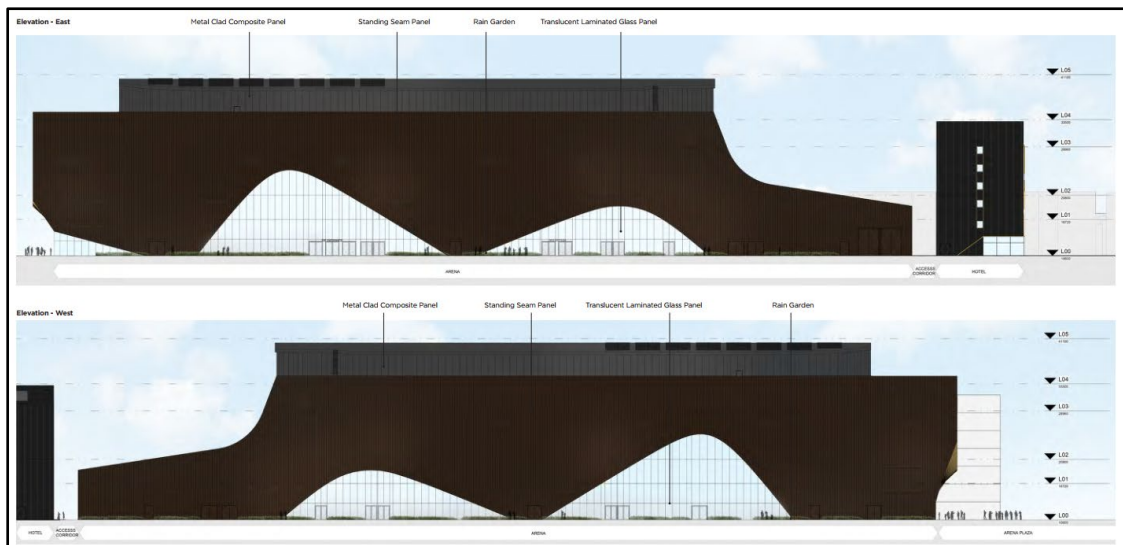


Figure 18: East and West Elevations Proposed

9.41 The eastern arches are designed to be illuminated with dramatic and event specific lighting, while the western arches maintain a subtle lighting scheme to ensure consideration for neighbouring residents, as shown as an example on Figure 19 below.



Figure 19: Example of Arch Lighting on Side Elevations

- 9.42 This change is considered to be a betterment, as it reduces the bulk of the Arena and softens the side elevations, in comparison to that already approved.
- 9.43 In consideration of the proposed changes, the amendments to the size, massing and appearance of the Arena building are considered as an improvement to the consented scheme. The use of a lighter pallet of materials creates a building which is less dominating and less intrusive within the wider context, and introduces a building which has greater similarities to existing buildings, such as the Wales Millenium Centre, within the vicinity.
- 9.44 As well as creating a more efficient and cost effective design, this proposed change has also led to a better performance for the proposed raingardens to the east and west of the Arena, therefore creating a more effective Sustainable Drainage System (SuDS).
- 9.45 The Arena is considered to fit more harmoniously into the urban environment than the previously approved building, which ultimately reduces its visual impact and enhancing the perception of space.

Key Changes – Hotel

- 9.46 The Travelodge Hotel was previous sited to the north of the Arena to act 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. Whilst this is still true, the massing changes have allowed for a review of the positing of both the Arena and Hotel, and the Hotel has now shifted around 4 metres further south that originally approved. The siting of the Hotel has increased the distance provided between the development and residential properties to the north of the application site, reducing its impact.

- 9.47 The previous plan layout had a focussed entrance to the east, predominantly surrounded by service doors at ground floor level. In comparison, the amount of visible service doors has now been reduced in the latest proposal, largely keeping the eastern elevation free from back of house entrances.
- 9.48 As a result, the main change relates to the opening up of the entrance to the north east corner, activating both facades at ground and first floor level, through the use of glazing, and reducing the number of service entrances on the eastern elevation.
- 9.49 This creates a more active frontage and provides greater animation along the eastern façade, improving wayfinding and improving the legibility of the two buildings.

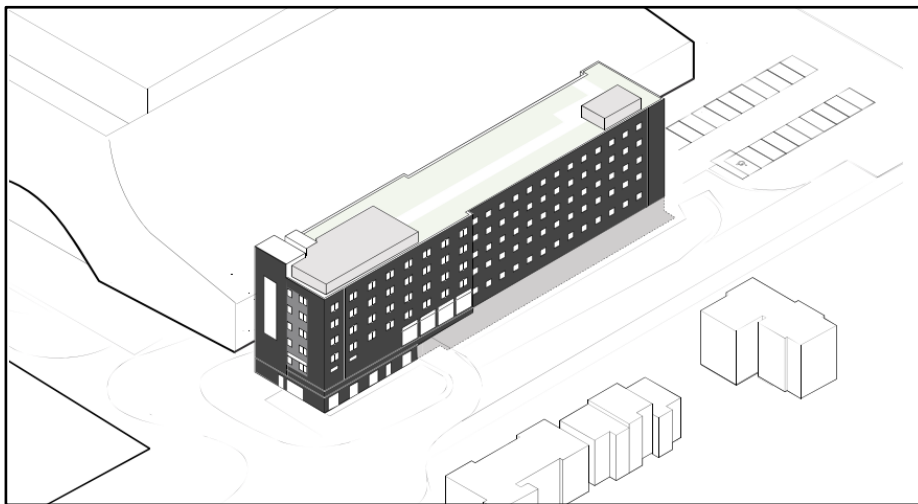


Figure 20: Previously Approved Travelodge Hotel

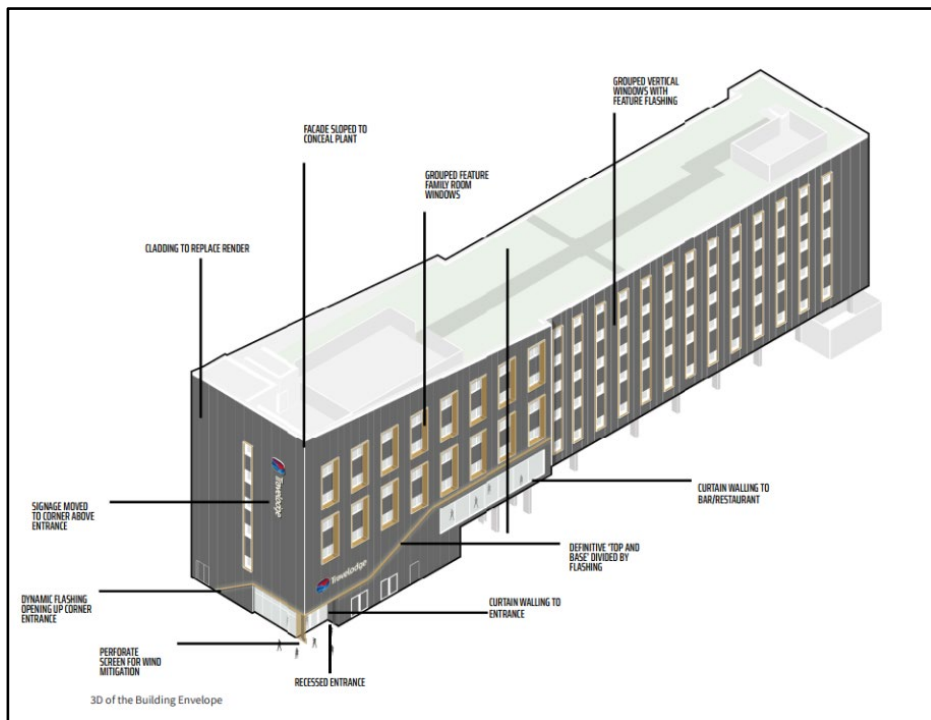


Figure 21: Travelodge Hotel currently under consideration

- 9.50 Additional articulation has been added to the east, north and west windows, and grouped, feature flashing windows to the family rooms in the northern elevation is also proposed, as an alternative to the previous design. This is considered to help articulate the main corner of the façade, and express the building's verticality. This creates relief in the massing, and adds depth to the facades, highlighting the windows as a feature and contrasting them with the darker cladding.
- 9.51 In addition, the materials have been amended (as noted in Section 3 above) to provide a subtle cue to the Arena development, whilst also maintaining its own identity, creating a cohesive development of two separate buildings.

Arena Plaza and Enhanced Amenity

- 9.52 In addition to the above, the changes to the Arena Plaza have provided the opportunity for a new greener amenity space in this location, with the introduction of a green space with trees providing canopy located to the south of the Plaza.
- 9.53 The redesign process also provided an opportunity to reconsider and enhance the approach to the scheme's landscape strategy and amenity value. As a result, to the north east of the Arena, the staff breakout space has been enlarged, with screen hedging, rain gardens and cycle storage all integrated.
- 9.54 To the north west of the Arena, an informal play zone has been introduced, with vibrant coloured surfacing and graphics, step seating and rain gardens and to the south west of the Arena, it is now proposed to integrate seating and incidental Disks and Beams into the landscape design for incidental play and information learning about nature and biodiversity in this habitat.
- 9.55 The changes to the Hotel have provided the opportunity to provide additional mitigation to the north facing service yard wall, through including vigorous self-clinging climbing plants and 6no. multi-stemmed trees. This will reduce the openness of the space and mitigate the visual impact of the car park and service yard wall to glimpsed views.
- 9.56 The proposed landscape changes are considered to provide additional benefits to the consented scheme due to the additional seating, areas for incidental play, soft and hard landscaping and swales.
- 9.57 As a result of the proposed amendments, it is considered that the scheme's amenity space and facilities within the public realm have been enhanced further, and the scale and nature of the amendments, in relation to landscaping, are not substantially different from that which has been approved previously.

Impact on Residential Amenity

- 9.58 Regard must be given to residential amenity, and the impact of the scheme on the neighbouring residential properties.
- 9.59 PPW11 states at paragraph 2.7 that "placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity

impact on neighbouring properties and people”.

Outlook

- 9.60 As noted above, the changes to the Arena have resulted in its repositioning, with the Arena now positioned circa 4m southwards. This change has resulted in the provision of a separation distance of 4m between the Arena and Hotel, and a shift in the built form further southwards, away from residential properties to the north of the application site, namely on Halliard Close.
- 9.61 Considering the properties to the north, the proposed Hotel was originally intended to be sited to the south of the existing 3 storey block at Halliard Court, set approximately 21 metres from the *boundary* of these properties, and 33 metres to the properties themselves. It was previously considered that the new Arena and Hotel would be highly visible from these properties, but given the separation distance and current/proposed screening between neighbouring and proposed built development, the development would not amount to an unacceptable unneighbourly or overbearing form of development.
- 9.62 Given that the distance now provided between the Hotel and the residential properties along Halliard Close has increased from 33m to 37m between both elevations, the relationship between the existing and proposed built form is considered to be an improvement to the originally consented scheme (21/02687/MJR).
- 9.63 Whilst the Arena and Hotel would still be visible, the proposed changes would slightly lessen their impact on residential amenity to the north, which is considered a positive outcome of the proposed changes. The development is therefore still considered to be acceptable in this regard.
- 9.64 Turning to the properties to the west, located on Lloyd George Avenue, the Arena will be positioned approximately 50 metres east from the blocks of flats, with the intervening space occupied by the existing car park serving the flats together with existing and proposed landscaping.
- 9.65 As previously noted, these properties currently look out onto the open car park serving County Hall, so it is clear that the outlook would materially change for the residents of these properties, with their existing outlook being replaced by a view of the side elevation of the new Arena building.
- 9.66 Given that the existing/proposed landscaping will mask the lower part of the building, and owing to the fact that the Arena is now of a smaller massing and size than that previously approved, it is considered that the proposal also represents an improvement for residents on the western side of the application site.

Sunlight/Daylight Assessment

- 9.67 The amendments to the consented development (21/02687/MJR) have the potential to change the assessment of effects on daylight, sunlight and overshadowing given changes to the overall scale and massing of the proposed Arena, as well as slight adjustments to the positioning of the buildings, with a move

south, further from residential properties in the north.

9.68 The following assessment was undertaken in consideration of the previous scheme:

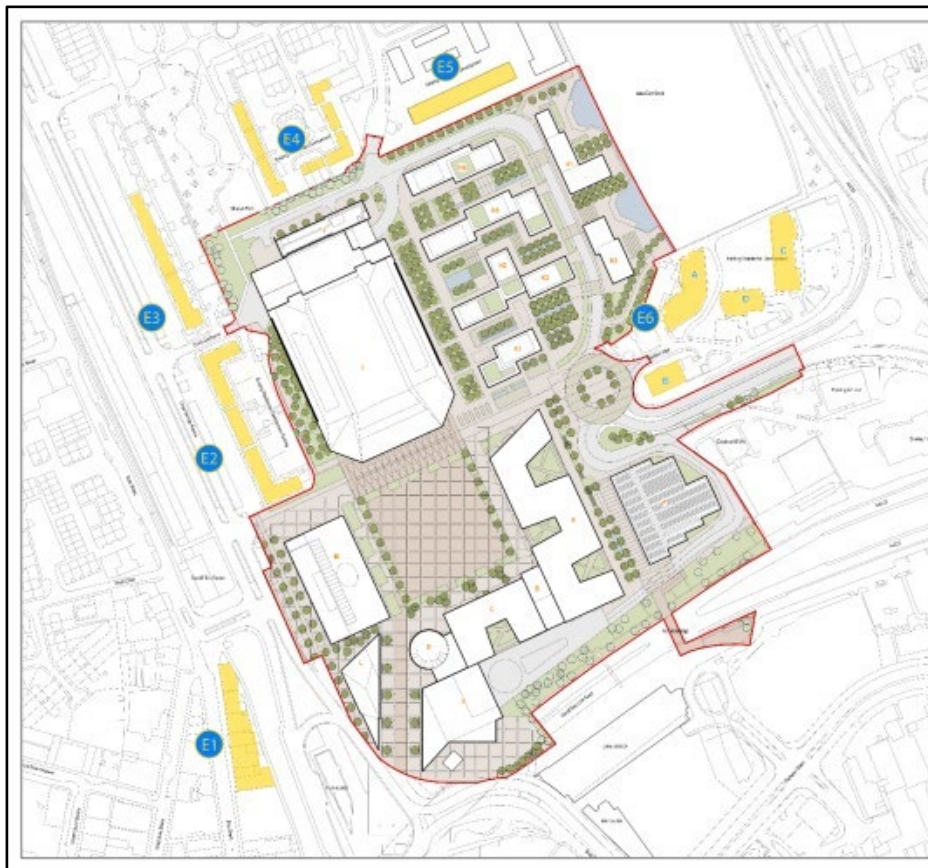


Figure 22: Daylight, Sunlight and Overshadowing Assessment (21/02687/MJR)

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.

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.

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.

- 9.69 The design changes to the massing and height of the Arena and Hotel have a limited impact on the sensitive receptors (neighbouring residential buildings and outdoor spaces).
- 9.70 In consideration of the changes, the ES Addendum (July 2023) confirms that overall, there are no notable updates to effects described in the ES (November 2021) or subsequent ES Addendum (January 2022).
- 9.71 The daylight, sunlight and overshadowing assessments carried out for design changes for the Cardiff Arena and Hotel project show no changes to the conclusions previously drawn, and the assessment still indicates a low impact of negligible significance as concluded previously.

Noise

- 9.72 The following extract is taken from the previous consideration of Noise under application reference 21/02687/MJR:

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.*

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.

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.

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.

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.

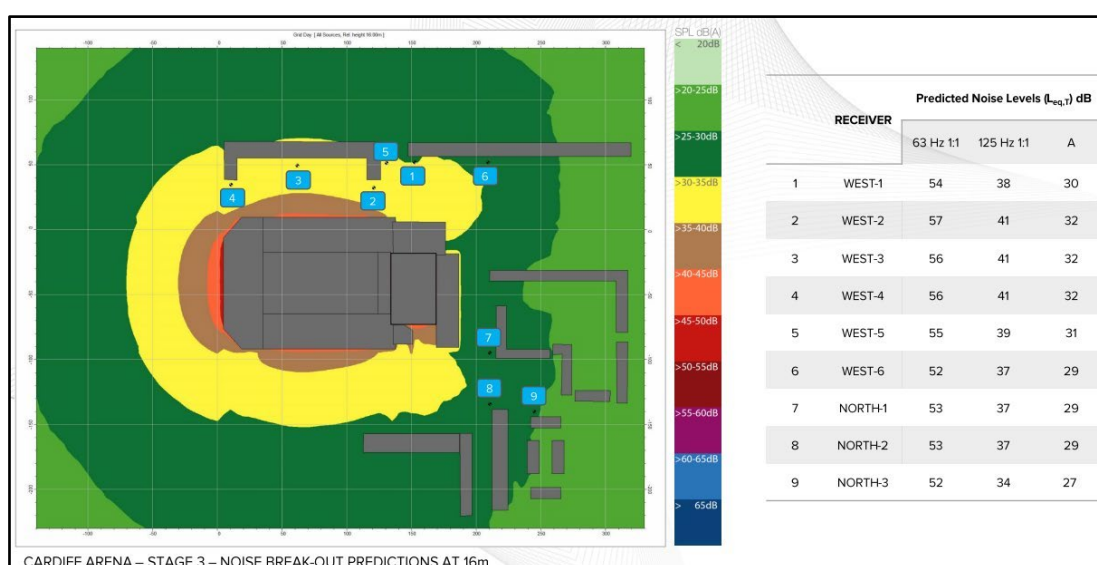


Figure 23: Entertainment Noise (Predicted Noise Modelling)

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.

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).

9.73 The ES Addendum (July 2023) confirms that there are no changes to the conclusions described in Chapter 12 of the ES (November 2021) or subsequent ES Addendum (January 2022). As such, the changes to the Arena and Hotel are considered to have the same impact as those previously considered under 21/02687/MJR, and no further consideration is required in this respect.

Transportation / Highway Impacts

- 9.74 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.
- 9.75 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.
- 9.76 The Section 73 application is supported by a Transport & Access Addendum (TAA) document that sets out the current and further transport analysis undertaken since the original application was approved in February 2023.
- 9.77 It notes that the transport related aspects of the Arena and Hotel development have been subject to significant assessment, as set out in the reports submitted in support of the original planning application ([found here](#)), and that the minor changes proposed as part of the Section 73 application currently under consideration do not change the findings of these reports. As such, it is considered that the previous reports, along with their conclusions, remain valid.
- 9.78 The TAA sets out the transport changes proposed, and sets out further transport analysis undertaken since the original planning submission, in relation to the design changes and to address feedback received during meetings with Council Transportation Officers. The proposed changes to the original consent are outlined below.

Changes to Highway Layout (Hemingway Road and Schooner Way)

- 9.79 As part of the original scheme, Phase 1A (Arena and Travelodge Hotel) granted consent for the following highway layout changes:
- The permanent stopping up of 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 Way to become a no through road.

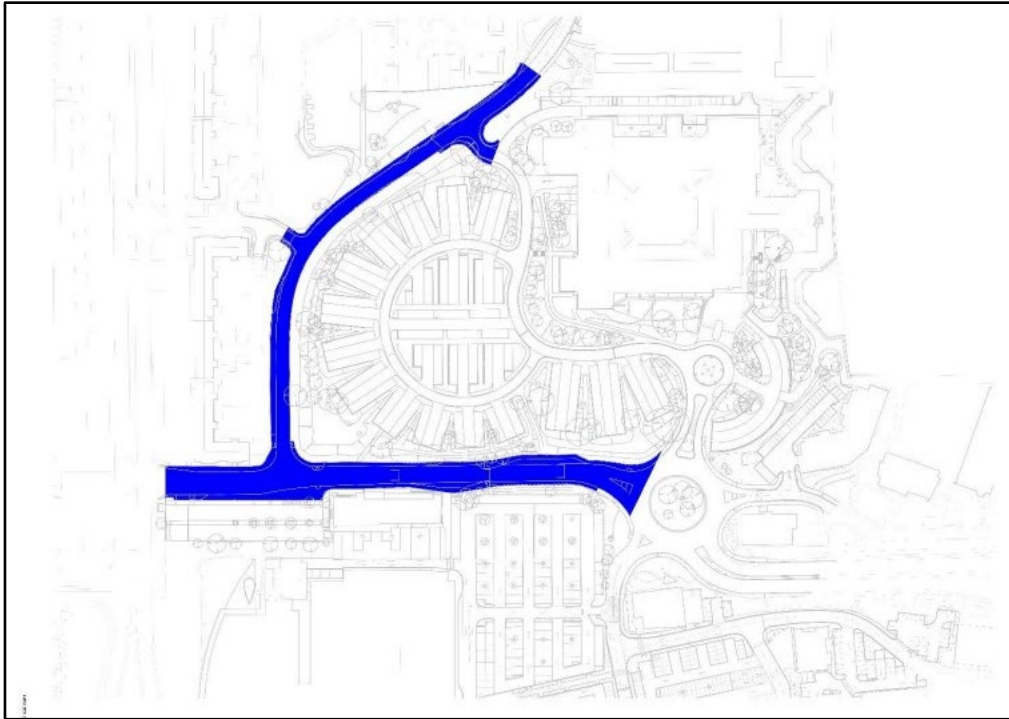


Figure 24: Areas of Hemingway Road and Schooner Way to be stopped up

- 9.80 In the previous consideration of the scheme, the Highway Officer raised no objection to the proposed highway layout changes, subject to changing of traffic lights around Queens roundabout and Lloyd George Avenue.
- 9.81 Hemingway Road is currently the diversion route for traffic at times when the tunnel is closed for maintenance, or in response to an incident. With the closure of Hemingway Road as a through route, the existing permission identified a need to update the existing rotating plank signs (RPS) associated with the diversion and fixed directional signage associated with the use of the closed section of road.
- 9.82 This section of the TAA examines the existing signage and sets out the key principals that will need to be considered as the revised signage proposals are developed. The sign survey identified that 17 signs in the vicinity of Queensgate Roundabout, Central Link, Pierhead Street etc, that will need to be considered in detail; going on to identify one that will require removal, three RPS that require changes, one fixed that requires changing, and 12 that do not require updating.
- 9.83 Modification of the signage associated with the closure of Heminway Road, discussed in this section of the TAA, is already covered by the highway works conditions attached to the current permission and as such no additional safeguarding is considered necessary.

Changes to Highway Layout (Schooner Way Junction)

- 9.84 The original submission included a priority junction at the interface with Schooner Way, providing access to the Hotel and County Hall Car Park in Phase 1A (Arena and Hotel) of the development. It also incorporated a bus

gate, allowing restricted access for buses to use the County Hall Car Park access road. In later stages of the masterplan development, a new spine road is proposed which would reroute this 'through' traffic further east and provide a new access route into the Arena service yard.

- 9.85 In order to cater for vehicle path requirements and minimise potential disruption from future highway changes, a roundabout is now proposed in place of the priority junction.

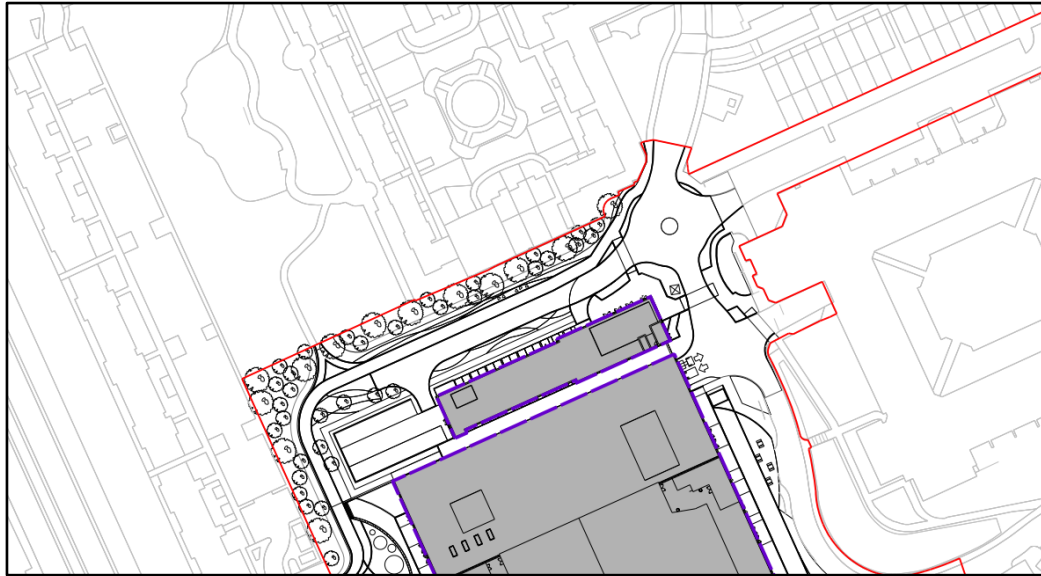


Figure 25: Extract from Site Layout Plan showing Roundabout

- 9.86 A roundabout at this location provides road users with a clearly understood priority arrangement at the junction, and also provides a space for vehicles to turn around if required, supporting the principle of restricted vehicle movements through the new spine road.
- 9.87 The roundabout has been designed in accordance with the Freight Transport Association (FTA) guidance 'Designing for Deliveries' and represents the minimum diameter recommended to U-turn a 16.5m articulated HGV.
- 9.88 The analysis concludes that a roundabout provides the optimum design when considering road safety, clear priority for vehicles, active travel and flexibility between the Arena development and future masterplan works, and as such little benefit was seen in proceeding with a simple junction arrangement.
- 9.89 No objection is made to this change by the Highway Authority. It is considered that this change better deals with vehicle swept path requirements for the development of the Arena and Hotel in Phasing 00 to 01A, as well as the later phases of the masterplan development.

Active Travel Route

- 9.90 The consented proposals originally included a 3m wide shared active travel connection from Schooner Way to Ffordd Garthorne to the north and west of the hotel.

- 9.91 The 'Active Travel Act Guidance' (Welsh Government, July 2021) states that the width of a shared pedestrian and cycle track (DE401) should be a minimum of 3.0m on primary cycle routes, or 2.5m on less busy secondary routes. In this location, Lloyd George Avenue forms the primary north-south route, and has been earmarked for future improvements as Corridor 3 of the wider Cardiff Cycleways network. As such, a minimum width of 2.5m would comply with the guidance, albeit a width of 3.0m was agreed.
- 9.92 Notwithstanding this, further to requests from Cardiff Council to widen the active travel route, it is now proposed to be 3.5m wide, as shown in blue below:

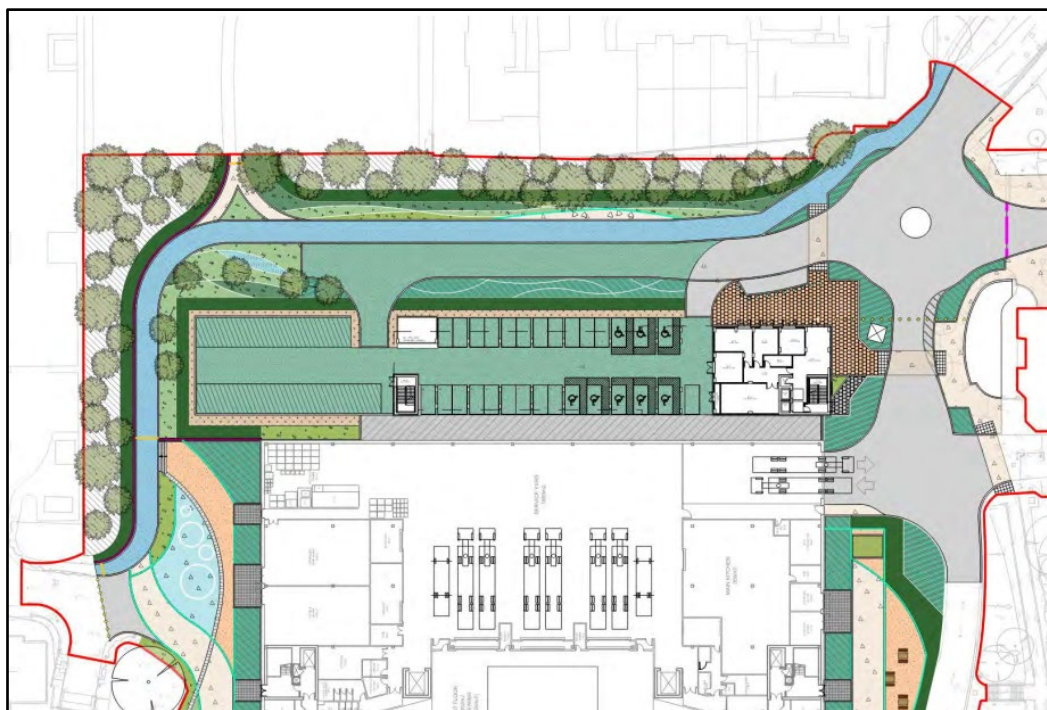


Figure 26: 3.5m wide Active Travel route shown in blue

- 9.93 The active travel route has also been relocated to the north of the access road for a continuous and uninterrupted circulation for pedestrians and cyclists.
- 9.94 This change is welcomed, as it provides additional comfort to users, more capacity and resilience to the active travel route to the north and west of the Hotel.

Bus Gate/Shuttle Working Operation

- 9.95 As approved under 21/02687/MJR, County Hall car park is proposed to be signal controlled to provide shuttle working, as HGVs and Buses would not be able to safely pass on the limited 5.6m wide access road. This arrangement maintains the Arena security protection zone, limiting the vehicles allowed within close proximity of the building and allowing for event day restrictions.
- 9.96 As an alternative, a two-stage shuttle-working signal operation is now proposed, instead of the consented four-stage shuttle working signal operation, creating a more efficient arrangement.

9.97 The revised arrangement would maintain the security elements required, but separate the HVM/Bus Gate from a shuttle working section alongside the Arena to just south of County Hall, resulting in an operation with the signals operating in vehicle actuated mode, where the presence of a vehicle would trigger a green stage, with an 'all-red' default when no vehicles are present. As such, when a vehicle is detected approaching one of the stop lines, the signals would turn green and allow the vehicle to pass into the shuttle working area.

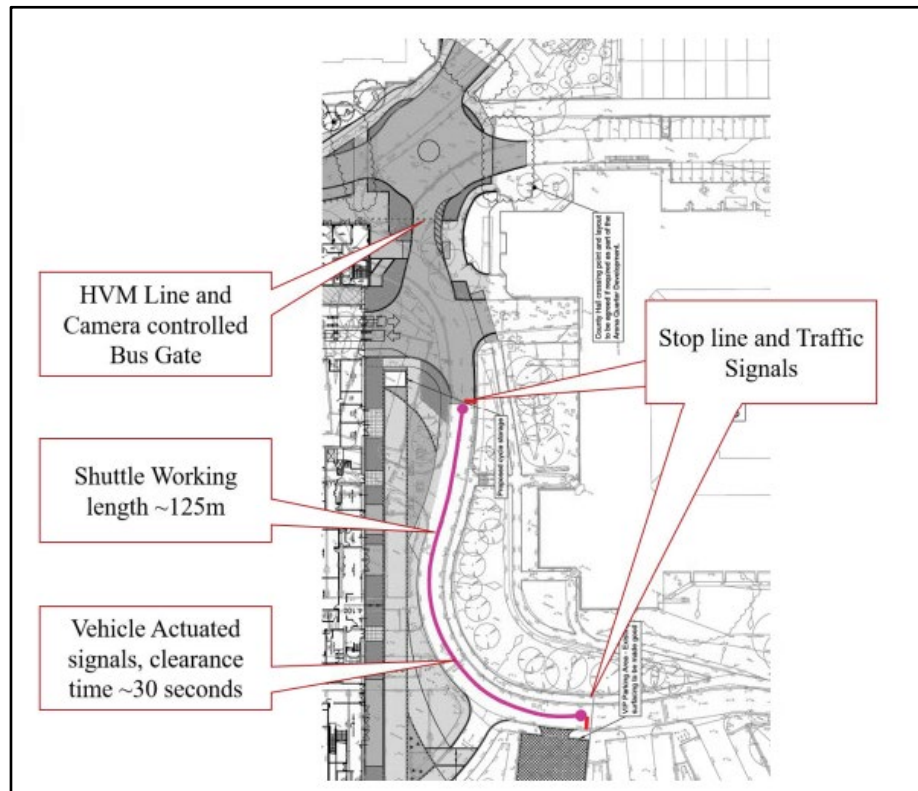


Figure 27: Revised Shuttle Working Arrangement

9.98 As per the approved scheme, this route would be used by buses on non-event days and emergency vehicles only, and would not be used by residents; neither the previous nor revised shuttle working arrangement would facilitate unrestricted private car use between Hemingway Road and Schooner way.

9.99 The TAA analysis also suggests that an access permit scheme for adjacent residents, if fully subscribed would also lead to unmanageable levels of traffic; which along with other inherent complications is likely to make it impractical to implement such a scheme. Any resident access permit scheme that may be considered is therefore likely to need to wait until such time as the main spine road is available.

9.100 While the above advice and method of control are considered an improvement on the previous proposed operation, and therefore are accepted in principle, the use of the access road will be kept under review and changes to the operation may be considered as appears necessary.

People Movement Strategy

9.101 Given the changes proposed to the Arena, the People Movement Strategy has been updated to demonstrate that the strategy remains acceptable, and that the findings remain valid.

9.102 The updated strategy concludes that with some additional infrastructure at the key transport hubs and crowd management during major events, the amended Arena can still safely operate, and the updated design would perform in a similar manner to the consented scheme

9.103 The following changes are noted.

(a) Internal Arena Layout

9.104 The updated Mass Motion modelling has taken into account the amended building design. Overall, the modelling shows that the updated design would perform in a similar manner to the consented scheme, with acceptable Levels of Service and queuing time in both the Pre-Event and Post-Event situations.

(b) Plaza Queuing Area

9.105 The updated modelling includes a revised queuing plaza area, which follows the same general principles as the consented scheme, and provides sufficient queuing capacity for the predicted Pre-Event arrivals profile, including for the additional sensitivity tests assessed.

(c) Cardiff Bay Railway Station Queuing Area

9.106 The updated People Movement Strategy has considered the changes currently being constructed at Cardiff Bay Station, which provide two platforms, an improved concourse and improved access from Lloyd George Avenue.

9.107 The updated modelling has shown that the required Post-Event queuing space can be provided within the new concourse area, which is a significant improvement over the previous queuing profile in which impacted and ideally required a localised short term closure of Lloyd George Avenue.

9.108 Chapter 7 (Traffic and Transport) of the ES Addendum has been updated in support of this S73 application, which confirms that there are no changes to the conclusions described in Chapter 7 of the original ES (November 2021) or the subsequent ES Addendum (January 2022). The proposed changes to the scheme would not be of a sufficient scale to result in changes to the transport assessments.

9.109 The proposed changes to access and movement are considered to be beneficial to the overall scheme as a result of the increased efficiency and ease of movement. As such, the current permission is considered sufficient to safeguard transport requirements and as such no additional or amended requirements are considered necessary in this respect.

9.110 All other transport considerations remain as per agreed under [21/02687/MJR](#).

Impact Upon Listed Buildings and Conservation Areas

9.111 The site is not located within a Conservation Area, nor are there any Listed Buildings within the site. There are two Conservation Areas (Mount Stuart Square and Pierhead Conservation Areas) located to the immediate south west, as well as a number of Listed Buildings:



Figure 28: Conservation Areas (Pink) and Listed Buildings (Red)

9.112 LDP Policy EN9 (Conservation of the Historic Environment) 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.

9.113 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.

9.114 Whilst the site is not located within the Conservation Areas or within the immediate vicinity of Listed Buildings, regard still must be given to the impact of the proposed development on Listed Buildings and Conservation Areas. This was previously considered under 22/02687/MJR, which states the following:

Chapters 16 and 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.

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.

- 9.115 In consideration of the proposed changes, the Conservation Officer has concluded that the previous conclusions remain; there would be negligible impacts upon the two Conservation Areas (Mount Stuart Square and Pierhead) and the 32 Listed Buildings. As such, the proposed changes to the Arena and Hotel are considered to accord with LDP Policies KP 17 and EN9, and are acceptable in this regard.

Impact on Archaeology

- 9.116 Development proposals within areas identified as having heritage assets will only be permitted where it can be demonstrated that the development proposal preserves or enhances that asset's architectural quality, historic and cultural significance, character, integrity and/or setting, according to Policy EN9 of the Local Development Plan (2016).
- 9.117 In consideration of the previous scheme (22/02687/MJR refers), it was concluded that a condition requiring the submission of a written scheme of investigation was imposed upon any planning consent granted, to determine the extent of the archaeological remains and preserve by record any assets that will be impacted.
- 9.118 In consideration of the proposed changes, the Glamorgan-Gwent Archaeological Trust have confirmed that they do not relate to any archaeological constraints. And as such, subject to the condition previously recommended being reinstated into any future planning consent, no objection is raised to the positive determination of the application.

Impact on Trees / Landscaping

- 9.119 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.

- 9.120 LDP Policy EN8 states that *“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”*.
- 9.121 The previously application considered that 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’ to facilitate the implementation of the Arena and Hotel was acceptable. The conclusion was drawn 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.
- 9.122 The revised scheme results in the loss of 3 no. additional trees across the development site, specifically T157 (Norway Maple), T236 (Cherry) and T237 (Cherry). However, it is proposed to include 14no. additional trees as a result of the amendments. 6 no. additional trees (Acer and Birch) have been introduced to the north west, to mitigate the visual impact of the Arena service yard wall and enhance the arrival to the site from Silurian Park to the north. Furthermore, 8 no. additional trees (large canopy trees) are proposed within the Arena Plaza to provide opportunity for a new and greener amenity space. Therefore, there is a net increase of 11 trees as part of the design changes.
- 9.123 Whilst the addition removal of 3 no. trees is unfortunate, the trees to be removed are growing in a hard landscaped area and are slow growing due to their constrained tree pits. As such, it is considered that their removal is acceptable, subject to the implementation of mitigated new planting.
- 9.124 The proposed Landscaping demonstrates an improvement upon the existing consent, as well as proposing appropriate tree planting, it provides a betterment in terms of biodiversity too.
- 9.125 Given the above, the application is considered to be acceptable in this regard, subject to the imposition of appropriately worded planning conditions and implementation of planting and landscaping as proposed.

Impact on Ecology

- 9.126 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.
- 9.127 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.

- 9.128 Chapter 10 of the ES (November 2021) and ES Addendum (January 2022) assessed the significance of effects on biodiversity of the Cardiff Arena and Hotel and wider masterplan proposals. These documents were prepared by Phlorum Limited and refer to the results of ecological surveys and assessments conducted in 2021.
- 9.129 The ES Addendum (January 2022) concluded “Beyond the updated BNG calculation for the Arena Quarter which shows an overall slight improvement, there are no further changes to the conclusions of the Biodiversity ES chapter or its accompanying appendices”.
- 9.130 In support of this application, Chapter 10 (Biodiversity) of the ES Addendum (July 2023) has been updated. Due to the time elapsed since the previous habitat survey, an updated Extended Phase 1 (EP1) Habitat Survey was undertaken on 2nd May 2023, as well as a preliminary roost assessment (PRA) and a preliminary ground level risk assessment (PGLRA) of trees within the site boundary. As the PRA identified a potential roosting feature for bats within the Travelodge car park, one emergence re-entry bat survey was undertaken on 25th May 2023. Subsequent to the EP1, an additional botanical survey was undertaken of the grasslands on 31st May 2023. Whilst guidelines have been updated, there are no major changes to the overall approach to Ecological Impact Assessment (EclA).
- 9.131 Natural Resources Wales provided the following comments in support of the application:

We have reviewed the Environmental Statement Addendum, Cardiff Arena and Hotel (July 2023, Wardell Armstong). The ES addendum provides results of updated survey for bats for the Arena Quarter. It clarifies that no bats or roosts were observed using the main existing hotel during a bat emergence survey in 2023. An updated tree assessment for bat roost potential, confirms the same two trees still have low potential. NRW considers that there should not be a detriment to the maintenance of the favourable conservation status of European Protected Species. We therefore have no objection to the variation of Condition in regard to EPS.

Autumn Lady Tresses

- 9.132 The only significant difference to the habitats previously recorded relates to the classification of grassland, which, despite being regularly mown, is now classed as semi-improved neutral grassland due to the number of recorded species, including Autumn Lady Tresses.
- 9.133 "Autumn Lady's Tresses" is a common name for the plant *Spiranthes spiralis*, which is a species of orchid native to Europe. This orchid gets its name from the spiral arrangement of its small, white, fragrant flowers along a slender, spiralling stem, resembling the braided hair of a lady. It typically blooms in late summer or early autumn, which is why it's associated with the season. Autumn Lady's Tresses can be found in grasslands, meadows, and open woodlands and is known for its delicate beauty. It's a protected species in some regions due to its rarity and susceptibility to habitat loss.

- 9.134 There is an indication that there is a substantial population within the grassland of County Hall, which is considered to be of regional importance and value.
- 9.135 The ES Addendum therefore summarises the additional mitigation and biodiversity enhancement measures required for the Autumn Lady's-Tresses Orchid, which includes translocating the species outside the application site, as well as long-term monitoring and management post-translocation.
- 9.136 Whilst NRW did not provide comments on the mitigation proposed for the population of Autumn Lady's Tresses found at the Areana, due to them not currently being a protected species, their recording was acknowledged, and regard was given to them being of County significance.
- 9.137 To ensure the regionally importance orchid is protected in the longer-term, the County Ecologist has recommended the inclusion of an additional planning condition which requires the developers of future phases to translocate the Autumn Lady Tresses to appropriate receptor sites. Subject to the imposition of this condition, the scheme is considered to be acceptable in this regard.

Biodiversity Net Gain

- 9.138 As noted in the consideration of the original consent (21/02687/MJR), conditions were imposed which provided a 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.
- 9.139 Whilst the existing ecological conditions are sufficient, the County Ecologist has sought to enhance them, placing more emphasis on the importance of biodiversity net gain and environmental conservation and sustainable development. The key focus in the slight alteration of the ecological conditions is the enhancement of the existing planning application, aiming to protect and improve the environmental impacts of this development.
- 9.140 As such, the scheme is now considered to be a betterment in terms of biodiversity, and accords with Policy EN8 of the adopted Local Development Plan, Section 6 duty. Future Wales – The National Plan 2040 - Policy 9 and Planning Policy Wales Section 6.4.2.

Utilities Infrastructure

- 9.141 The following extract is taken from paragraphs 8.173 – 8.178 of the Officer's report pertaining to the original planning permission ([report](#)).

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.

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.

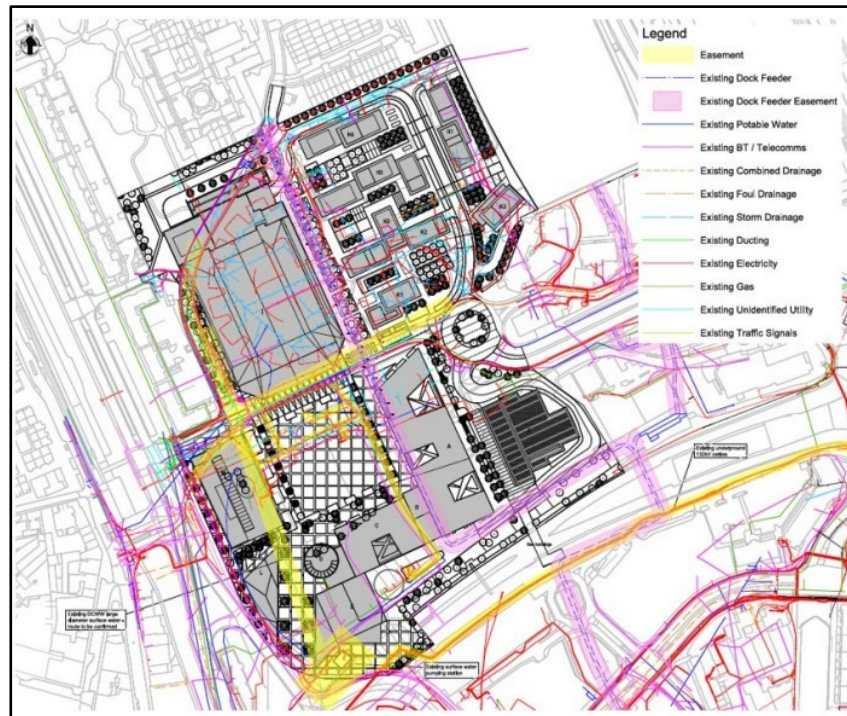


Figure 29: Atlantic Wharf below ground level utilities map

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.

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.

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.

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.

9.142 Since planning permission was granted on 27 February 2023, the Utilities Strategy has been updated (23 June 2023) and reads as follows:

To enable the Cardiff Arena and Travelodge buildings to be developed, the majority of existing utilities and drainage along Schooner Way needs to be diverted or abandoned. The utilities to be diverted include:

- *The DCWW deep surface water sewer*
- *The DCWW water main*
- *The WWU low pressure gas main*
- *The high (11kV) and low voltage electrical cables*
- *The multiple telecoms ducts (Openreach and Virgin)*
- *The Cardiff Council telematics ducts (4No. existing)*

The DCWW deep surface water sewer forms a significant constraint to the development, with potentially a very wide (14m) easement. Discussions have been held with DCWW to see if the easement width could be relaxed and whether other utilities can be placed within the easement zone. DCWW have indicated that they may be prepared to relax the easement requirement, provided that parallel utilities are kept outside of the trench width of the pipe, advised by DCWW to be 3.4m wide. A drawing showing the proposed utility diversion corridors have been developed which includes the DCWW deep sewer diversion route and associated easement, provided on drawing CAH-ARP-RX-ZZ-DR-C-96-5010 in Appendix A.

It is currently proposed not to divert the utilities along Hemingway Road, this will need to be reviewed as public realm proposals in this area develops. There may also be a need to divert utilities leading into County Hall in the north-west, pending further consultation with statutory authorities.

There are also two mobile phone masts present within the site, these are operated by Vodafone and Openreach, these are to be removed and relocated off site. Based on current discussions, the Vodafone cables within Schooner Way will become redundant once the mast relocation has been completed and can therefore be abandoned.

Drainage and Flooding

Drainage

9.143 As per the extant consent (21/02687/MJR refers), and 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.

9.144 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.

9.145 Since the original consent was granted in February 2023, the developer has been involved in significant discussion with the SuDS Approval Body, who are confident that the scheme can satisfy the SAB requirements. As such, no further consideration of surface water is required.

Flooding

9.146 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).

9.147 In support of this application, the submission has considered flood risk through an updated Flood Consequence Assessment (FCA), based on the Flood Map for Planning (FMfP).

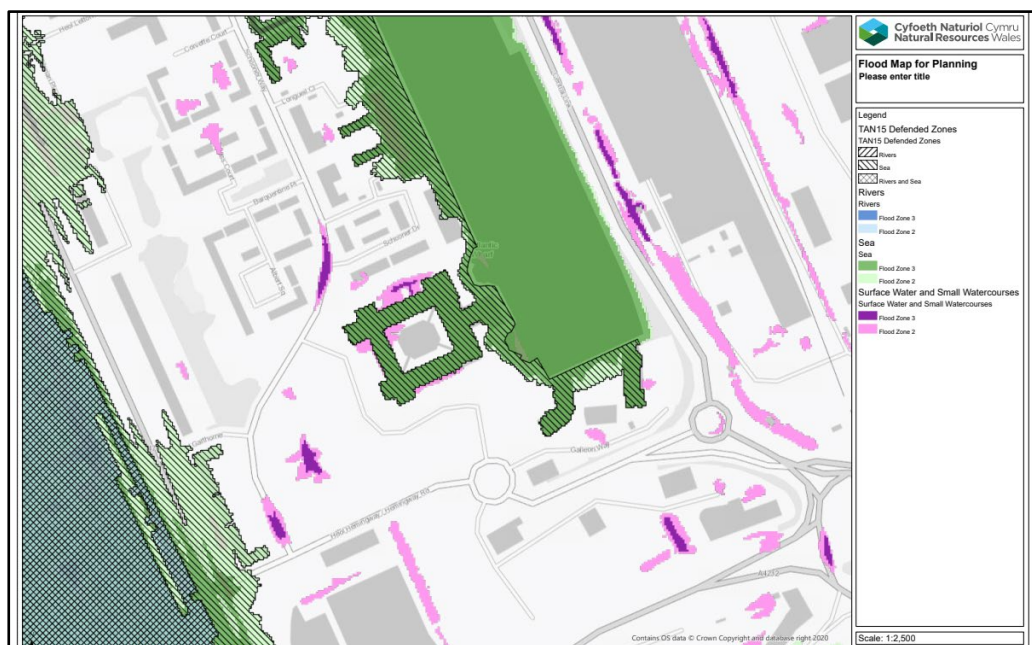


Figure 30: Flood Map for Planning

9.148 Notwithstanding the above, it is considered that the submissions have appropriately considered the existing DAM and climate change.

9.149 The FCA concludes 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).

9.150 As noted in the consideration of flooding as part of 21/02687/MJR, given the proximity of the wider site to a known flood zone, and the current status of the FMfP, which indicates 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. To secure this, the condition previously imposed will be included in any subsequent consent granted.

Section 106 Matters

- 9.151 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”.
- 9.152 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.
- 9.153 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.
- 9.154 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.
- 9.155 In view of the type and form of development proposed, 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.
- 9.156 The following extract is taken from the paragraph 8.199 of the Officer’s report in consideration of the original planning permission ([report](#)).

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.

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.

9.157 Given the comments received from consultees, no changes result to the required contribution because of the development currently under consideration, and 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.

9.158 The legal agreement will need to be updated to account for the revised planning permission.

9.159 It is considered that the S106 Heads of Terms satisfy the requirements of Circular 13/97 Planning Obligations and the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations.

Other Matters Not Assessed Above

9.160 As identified earlier in this report, a number of objections were received in response to the publicity exercise. In response to the main issues raised which have not been addressed elsewhere in this report, the following comments are made:

- The 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.

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. 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.
- 10.2 Acknowledging that the proposed changes to the Arena and Hotel have emerged in response to the current economic climate, it is considered that the changes, primarily due to the revised building mass and proximity to neighbouring structures, positively enhance the development.
- 10.3 The design and material choices in relation to the surrounding architectural landscape improve the originally consented scheme, and the development's alignment with natural features with enhanced landscaping in comparison to the original scheme.
- 10.4 The changes made to the Arena and Hotel remain within the bounds of acceptability and do not fundamentally or substantially alter the essence of the project, thereby ensuring its alignment with the original development description. Furthermore, the project remains in compliance with the Development Plan and addresses pertinent planning considerations associated with this S73 application.
- 10.5 Given these considerations, it is recommended that planning permission is granted for this application, subject to the proposed planning conditions.

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

RECOMMENDATION 1:

That planning permission be **GRANTED** subject to the relevant parties entering into a binding legal agreement under the provisions of **SECTION 106** of the Town and Country Planning Act 1990 (as a Deed of Variation to the earlier legal agreement on application ref. 21/02687/MJR) within 6 months of the date of this Resolution, unless otherwise agreed by the Council in writing, and the conditions listed below.

RECOMMENDATION 2:

That delegated authority is given to the Head of Planning &/Or 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 the legal agreement is signed and planning permission issued.

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 arena and hotel shown on plan CAH-HOK-AX-00-DR-A-00-9900 Rev P06 (Full Planning Application - Red Line Boundary Plan) shall be carried out in accordance with the following approved plans:

- Location Plan: 0371-RIO-XX-XX-DR-A-90500 Rev 5
- Application Plan: 0371-RIO-XX-XX-DR-A-90501-02
- Proposed Illustrative Masterplan CAH-ARP-XX-XX-DR-T-00-1001
- Arena Quarter Proposed Site Layout Plan: CAH-ARP-RX-00-DR-C-00-1011
- Arena General Arrangement Plan Level 00: CAH-POP-AX-00-DR-A-9100-P01
- Arena General Arrangement Plan Level 01: CAH-POP-AX-01-DR-A-9101-P01
- Arena General Arrangement Plan Level 02: CAH-POP-AX-02-DR-A-9102-P01
- Arena General Arrangement Plan Level 03: CAH-POP-AX-03-DR-A-9103-P01
- Arena General Arrangement Plan Level 04: CAH-POP-AX-04-DR-A-9104-P01
- Arena General Arrangement Plan Roof Plan: CAH-POP-AX-RL-DR-A-9105-P01
- Arena GA Sections East-West and North-South: CAH-POP-AX-ZZ-DR-A-9201-P01
- Arena Scope Elevation South and North: CAH-POP-AX-ZZ-DR-A-9301-P01
- Arena Scope Elevation East and West: CAH-POP-AX-ZZ-DR-A-9302-P01
- Arena Visual Elevation South and North: CAH-POP-AX-XX-DR-A-9303-P02
- Arena Visual Elevation East and West: CAH-POP-AX-XX-DR-A-9304-P01
- Arena Elevation South and North: CAH-POP-AX-ZZ-DR-A-9305-P02
- Arena Elevation East and West: CAH-POP-AX-XX-DR-A-9306-P02
- Hotel Proposed Site Plan: 220079-KEP-CAH-KEP-XX-XX-DR-A-601102-P02
- Hotel Proposed GA Plan – Level 00: 220079-KEP-CAH-KEP-XX-00-DR-A-706001-P05

- Hotel Proposed GA Plan – Level 01: 220079-KEP-CAH-KEP-XX-01-DR-A-706002-P01
- Hotel Proposed GA Plan – Level 02: 220079-KEP-CAH-KEP-XX-02-DR-A-706003-P01
- Hotel Proposed GA Plan – Level 03: 220079-KEP-CAH-KEP-XX-03-DR-A-706004-P01
- Hotel Proposed GA Plan – Level 04: 220079-KEP-CAH-KEP-XX-04-DR-A-706005-P01
- Hotel Proposed GA Plan - Level 05: 220079-KEP-CAH-KEP-XX-05-DR-A-706006-P01
- Hotel Proposed GA Plan - Roof Level: 220079-KEP-CAH-KEP-XX-R1-DR-A-706007-P01
- Proposed GA Elevations: 220079-KEP-CAH-KEP-XX-XX-DR-A-703001-P04
- Hotel Proposed GA Sections: 220079-KEP-CAH-KEP-XX-XX-DR-A-708001-P02
- Arena Quarter Landscape Masterplan: CAH-URB-RX-ZZ-DR-L-90-0003-S3-P09
- Base Landscape Plan 1 of 2: CAH-URB-RS-ZZ-DR-L-90-0310-P04
- Base Landscape Plan 2 of 2: CAH-URB-RN-ZZ-DR-L-90-0311-P04
- Tree Retention & Removal Plan 1 of 2: CAH-URB-RX-ZZ-DR-L-90-0007-S3-P08
- Tree Retention & Removal Plan 2 of 2: CAH-URB-RX-ZZ-DR-L-90-0008-S3-P07
- Landscape Site Section AA and Section BB: CAH-URB-XX-ZZ-DR-L-90-0004-S3-P06
- Landscape Site Sections CC – DD – EE – FF: CAH-URB-XX-ZZ-DR-L-90-0013-S3-P03
- Landscape Site Section HH and Section GG: CAH-URB-XX-ZZ-DR-L-90-0014-S3-P03
- Hard Landscape General Arrangement [1 of 3]: CAH-URB-RS-ZZ-DR-L-95-0100-P05
- Hard Landscape General Arrangement [2 of 3]: CAH-URB-RN-ZZ-DR-L-95-0101-P06
- Hard Landscape General Arrangement [3 of 3]: CAH-URB-RE-ZZ-DR-L-95-0104-P04
- Soft Landscape General Arrangement 1 of 2: CAH-URB-RS-ZZ-DR-L-94-0300-P07
- Soft Landscape General Arrangement 2 of 2: CAH-URB-RN-ZZ-DR-L-94-0301-P07
- Cycle Stand Detail: CAH-URB-XX-ZZ-DR-L-90-0502-S3-P04
- Cycle Shelter & Easylift Details: CAH-URB-XX-ZZ-DR-L-90-0504-S3-P03
- Bollard Detail: CAH-URB-XX-ZZ-DR-L-90-0503-S3-P04
- Plaza Operations General Arrangement: CAH-URB-RE-ZZ-DR-L-95-0105-P04

- Arena Plaza Rain Garden Detail: CAH-URB-XX-ZZ-DR-L-94-0404-S3-P04
- Typical Arena Rain Garden Detail (East & West Elevations): CAH-URB-XX-ZZ-DR-L-94-0401-SE-P04
- Rain Garden Maintenance Responsibilities: CAH-URB-XX-ZZ-DR-L-90-0006-S3-P04
- Utilities & Landscape Plan: CAH-URB-XX-ZZ-DR-L-90-0005-S3-P04
- Tree Pit Detail: CAH-URB-XX-ZZ-DR-L-94-0403-SE-P05
- Access Path Surface Detail: CAH-URB-XX-ZZ-DR-L-95-0507-SE-P04
- Pedestrian Deterrent Fence Detail: CAH-URB-XX-ZZ-DR-L-97-0506-P04
- Seating Bench Detail Type 2: CAH-URB-XX-ZZ-DR-L-90-0501-S3-P02
- Wire Trellis System Detail: CAH-URB-XX-ZZ-DR-L-97-0508-S3-P02
- Arena Quarter General Arrangement Plan: CAH-ARP-RX-ZZ-DR-C-90-1000-P02
- Arena Quarter Proposed Finished Levels: CAH-ARP-RX-ZZ-DR-C-90-2000-P02
- Arena Quarter Proposed Utilities Layout: CAH-ARP-RX-ZZ-DR-C-96-5010-P02
- Arena Quarter Proposed Foul Water Drainage: CAH-ARP-RX-ZZ-DR-C-52-4010-P-2
- Arena Quarter Proposed Drainage Details Bute East Dock Outfall: CAH-ARP-RX-ZZ-DR-C-52-4210-P01
- Arena Quarter Proposed Surface Water Drainage Sheet 1 of 2: CAH-ARP-RX-ZZ-DR-C-52-4000-P02
- Arena Quarter Proposed Surface Water Drainage Sheet 2 of 2: CAH-ARP-RX-ZZ-DR-C-52-4001-P02
- Arena Quarter Existing Utilities to be Abandoned: CAH-ARP-RX-ZZ-DR-C-96-5000-P02

Documents:

- Planning Statement (01_ISSUE, 21 July 2023)
- Cover Letter
- Tree Report Addendum (July 2023)
- Landscape Masterplan Report (21.07.2023 Rev P03)
- Arena Quarter Hard Materials Palette (05.06.2023 Rev P04)
- Arena Quarter Soft Materials Palette (05.06.23 Rev P04)
- Arena Quarter Soft Landscape Specification (July 2023)
- Arena Quarter Typical Plant Schedules (21.07.2023 Rev P05)
- Arena Design and Access Statement
- Hotel Design and Access Statement
- Arena External Material Palette Report (05.06.2023, Rev P01)
- Hotel External Material Palette (CAH-KEP-D2-XX-RP-A-852002, 26.06.2023)
- Arena Quarter Drainage Strategy Report (23 June 2023, P03)
- SAB Compliance Statement

- Arena Quarter Utilities Strategy (CAH-ARP-AX-XX-RP-C-96-0600, 23 June 2023, Rev P02)
 - Arena Quarter Flood Consequences Assessment (281124 P03)
 - S73 Planning Application Lighting Report (CAH-ARP-XX-XX-RP-E-63-0002, July 2023, Rev P02)
 - Transport and Access Addendum
 - Cardiff Arena People Movement Strategy
 - Soil Resource Survey (TOHA/22/5454/CM, Issue 2, March 2022)
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 Cardiff Local Development Plan (2006-2026).

4. Prior to the beneficial use of the Arena, a noise report shall be provided to the Local Planning Authority to demonstrate that entertainment noise from the Arena (in the form of surrogate noise testing) 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. The entertainment noise from the Arena shall thereafter accord with the stated noise limits.

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

5. 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 Cardiff Local Development Plan (2006-2026).

6. 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 Cardiff Local Development Plan (2006- 2026).

7. Prior to the first event at the Arena a detailed Operational 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:
 - Details of engagement with, and how the development has followed the guidance of, the relevant law enforcement and security agencies to assess and mitigate potential security risks associated with the development.
 - Details of the implementation of appropriate security measures and safeguards in accordance with the recommendations provided by the aforementioned agencies, including but not limited to physical security features, access controls, surveillance systems, and personnel training.
 - An emergency response and evacuation plan, to include review timetable, to ensure the safety of occupants and visitors in the event of a security threat
 - Crowd management proposals including a noise management policy for pedestrian movements outside the Arena before and after events

- 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 in a 12 month period
- Details of the moving element of the LED Media Screen, to include colours, contrasts and LUX Levels
- 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 creating a safe and secure environment, to mitigate against the potential occurrence of real and serious threat, in the interests of residential amenity and flow of traffic in accordance with policies C3, T1, T5, T6 and EN13 of the adopted Cardiff Local Development Plan (2006-2026).

8. All pre-enabling works relating to Phase 0 shall be undertaken in accordance with the Construction Environmental Management Plan Atlantic Wharf Butetown (Arena Quarter) dated 17 July 2023, and all other development relating to Phase 0 shall be undertaken in accordance with the 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).

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).

9. No development shall take place in each phase until a Soil Resource Plan (SRP) has been submitted to and approved by the LPA, as informed by an approved Soil Resource Survey. The SRP shall provide a methodology for soil stripping, storage, handling, remediation, amelioration and placement and a specification for all imported planting and seeding soils. All soil shall be handled and emplaced in accordance with the approved SRP.

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

10. Prior to beneficial occupation details of a waste strategy for the Arena and Hotel 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).

11. 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 Cardiff Local Development Plan (2006-2026).

12. The development shall be implemented in accordance with the material samples submitted to the Local Planning Authority. The agreed materials shall be used in the construction of external surfaces of the development hereby approved, 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).

13. 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.

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

14. 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.

15. 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.

16. 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.

17. Prior to the commencement of Phase 1A of the development works, 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.

All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development phase 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.

18. No development shall take place in each phase (except Phase 0) until a potable water scheme to serve each phase of 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.

19. No building, other than the multi-storey car park shall be occupied in each phase of development until either:

- a) a point of connection on the heat network has been made, in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority;

OR

- b) an alternative heat/energy strategy has been submitted to and approved in writing by the Local Planning Authority which demonstrates that a connection to the heat network is not financially viable / technically feasible for that phase of development and identifies how each building / phase will incorporate renewable and low carbon technology, together with measures to monitor electric and heat consumption over the lifetime of the development. All agreed measures shall be implemented in accordance with the approved details.

All approved energy measures shall thereafter be retained as approved.

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

20. 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).

21. 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).

22. The rating level of the cumulative plant noise emitted from any development shall not exceed 51dB(A), 15mins 1 meter from the source 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).

23. Prior to commencement of construction and throughout the operational phase of the development, the developer shall:

1. Engage with and follow the guidance of the relevant law enforcement and security agencies to assess and mitigate potential security risks associated with the development.
2. Implement appropriate security measures and safeguards in accordance with the recommendations provided by the aforementioned agencies, including but not limited to physical security features, access controls, surveillance systems, and personnel training.
3. Maintain open channels of communication with the local law enforcement agencies and emergency services to ensure a rapid and coordinated response in the event of any security threat or incident.
4. Periodically review and update the security measures in response to evolving security threats and in compliance with the guidance of relevant security agencies.
5. Provide security training and awareness programs for all personnel working within or having access to the development.
6. Report any suspicious activities or security concerns to the local law enforcement agencies and cooperate fully with their investigations.
7. Comply with all applicable national and local laws and regulations related to counterterrorism and security.
8. Develop and maintain an emergency response and evacuation plan that is periodically reviewed and tested to ensure the safety of occupants and visitors in the event of a security threat

Reason: In the interests of creating a safe and secure environment, to mitigate against the potential occurrence of real and serious threat, to comply with Policies C3 of the Local Development Plan.

Outline Planning Permission (Wider Masterplan)

24.A. Approval of the details of the layout, scale and appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development in each phase is commenced.

B. Plans and particulars of the reserved matters referred to in condition 23A above, relating to the layout, scale and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

C. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission.

D. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of the last of the reserved matters to be approved, whichever is the later.

Reasons:

A. In accordance with the provisions of Article (3)1 of the Town and Country Planning (General Development Procedure) Order 2012.

B. B, C and D. In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

25. Prior to the commencement of each phase of the development works (except Phase 0 and Phase 1A), 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 then 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 phase 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.

26. Prior to the commencement of each phase of the development works (except Phase 0 and Phase 1A), 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.

27. Prior to the commencement of each phase of the development works, 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.

28. The development shall be undertaken in accordance with the phasing plan reference 0371-RIO-XX-XX-DR-A-90511 Revision 6 (Masterplan Phasing), 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).

29. As part of the first reserved matters application for each phase of development as agreed under Condition 24, 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). 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 Cardiff Local Development Plan (2006-2026).

30. The reserved matters for the proposed multi-storey car park (MSCP) as shown on plan number 0371-RIO-XX-XX-DR-A-90503 (Proposed Context Masterplan) 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.

31. 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).

32. As part of the first reserved matters application for each phase of development as agreed under Condition 12 (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).

33. 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 with Policy EN13 of the adopted Cardiff Local Development Plan (2006-2026).

34. No reserved matters application, other than the multi storey car park as shown on plan number 0371-RIO-XX-XX-DR-A-90503 (Proposed Context Masterplan), 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 Frontages
- Pedestrian Movement and Paths
- Character Areas
- Maintaining Existing Street Line
- Interface between the Arena Plaza and Events Square
- Servicing Strategy
- Interface with the surrounding transport network
- Materials
- Public Art Strategy

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).

35. Notwithstanding the details of the approved plan number 0371-RIO-ZZ-ZZ-DR-A- 90502 (Proposed Illustrative Masterplan) and approved plan number 0371-RIOXX-XX-DR-A-90512 (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).

36. No reserved matters application shall exceed the maximum parameter plan reference 0371-RIO-XX-XX-DR-A-90512 revision 9 (Maximum Heights Parameter Plan).

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

37. 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).

38. 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).

39. The A3 uses, as shown on approved plan number 0371-RIO-XX-XX-DR-A-90513 revision 8 (Land Use Parameter Plan), 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 the Use 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 in accordance with Policies KP5 & R8 of the adopted Cardiff Local Development Plan (2006-2026).

40. Prior to commencement of above ground works of each phase of development, other than the Phase 1, a Green Infrastructure and Soft landscaping scheme that builds upon the masterplan, 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 and drawings
- 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 for each landscape type, including any proposed biodiverse green roof (to include layer specifications, installation and planting), prepared by a qualified landscape architect, including full details of how the landscape architect will oversee landscaping implementation and report to the LPA (at 6 monthly intervals) to confirm compliance with the approved plans and specifications.
- Preparation of a work schedule with timings.
- The monitoring requirements to determine the implementation of the landscaping (years 1, 2 and 5).

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 Cardiff Local Development Plan (2006-2026).

41. As part of the first reserved matters application for each phase of development as agreed under Condition 12, the Ecological Impact Assessment and Addendum "*Ecology assessment and Ecology Addendum undertaken by Phlorum, dated 25/01/2022*" shall be reviewed and, where necessary, amended and updated, with careful consideration of "new" ecological receptors. This review shall confirm if there are any changes to ecological receptors and/or mitigation, indicating clearly what applies to the phase. Otherwise, the review shall:

- i. establish if there have been any changes in the presence and/or abundance of habitats and species through update surveys, especially bats;
- ii. identify any likely new ecological impacts that might arise from any changes; and
- iii. identify any changes to legislation, policy or best practice that may alter the conclusions of the assessment. Particular consideration should be given to ecological enhancement and the resilience of ecosystems.

Where the survey results/desk study indicate that changes have occurred, that will result in ecological impacts having not been previously addressed in the hybrid scheme, the original approved ecological measures will be revised. New or amended measures and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Works shall then be carried out in accordance with the new approved ecological measures and timetable.

Reason: To ensure that the assessment of the impacts of the development upon the species concerned, and any measures to mitigate those impacts, are informed by up-to-date information in accordance with legislation especially section 6 of the Environment (Wales) Act 2016, national planning policy and the Cardiff Local Development Plan Policy 2006-2026, KP16, EN4 to EN8.

42. 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 (Quarters Plan) 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).

43. As part of the first reserved matters application for each phase of development as agreed under Condition 24 (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).

44. 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 Cardiff Local Development Plan (2006-2026).

45. Prior to their application on site samples of materials to be used in the construction of external surfaces 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).

46. No development, other than Phase 1, shall take place until the applicant has secured implementation of a programme of archaeological work. Phase 1 shall be undertaken 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).

47. 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.

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

48. 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.

49. 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.

50. 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.

51. No development (other than Phase 1 which shall be undertaken in accordance with the Drainage Strategy Report CAH-ARP-AX-XX-RP-C-90-0400) shall commence in each phase until a foul water drainage scheme that has been informed by a hydraulic modelling assessment for that Phase and includes connection points 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.

52. No development shall take place in each phase (except Phase 0) until a potable water scheme to serve each phase of 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.

53. No building, other than the multi-storey car park shall be occupied in each phase of development until either:

a) point of connection on the heat network has been made, in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority;

OR

b) an alternative heat/energy strategy has been submitted to and approved in writing by the Local Planning Authority which demonstrates that a connection to the heat network is not financially viable / technically feasible for that phase of development and identifies how each building / phase will incorporate renewable and low carbon technology, together with measures to monitor electric and heat consumption over the lifetime of the development. All agreed measures shall be implemented in accordance with the approved details.

All approved energy measures shall thereafter be retained as approved.

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).

54. No phase, other than Phase 1, 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.

55. 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.
- Green Infrastructure/Biodiversity: A section considering detail of biodiversity protection zones, relevant protection and mitigation for each ecological asset (protected sites to species) at the construction stage, the key Green/Blue Infrastructure locations and the areas subject to removal to facilitate the development. The times, roles and responsibilities of an Ecological Clerk of Works.
- 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).

56. 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).

57. The rating level of the cumulative plant noise emitted from any development shall not exceed 51dB(A), 15mins 1 meter from the source 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).

58. Prior any works commencing in each phase, any autumn lady's tress orchid present in that phase, shall be translocated. Prior to the translocation commencing, an Autumn Lady's Tress Orchid Translocation Strategy, shall be submitted to approved in writing by the Local Planning Authority. This strategy shall pay particular attention, but not restricted to; a well structured report, identification of appropriate receptor sites (include soil compatibility), immediate aftercare, long term management of receptors and monitoring.

Reason: To protect a Regionally important population of autumn lady's tress orchid and compliance with the Environment (Wales) Act 2016, to "maintain and enhancement biodiversity" and "promote the resilience of ecosystems", the Section 6 duty. Future Wales – The National Plan 2040 - Policy 9 and Planning Policy Wales Section 6.4.2.