

COMMITTEE DATE: 13/01/2016

APPLICATION No. **15/02597/MJR** APPLICATION DATE: 21/10/2015

ED: **BUTETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: Cardiff Community Housing Association and Morganstone Ltd.

LOCATION: LAND OFF SCHOONER WAY, ATLANTIC WHARF

PROPOSAL: DEVELOPMENT OF 117 NO. RESIDENTIAL DWELLINGS INCLUDING 85 NO. MARKET SALE APARTMENTS AND 32 NO. AFFORDABLE HOUSES AND ASSOCIATED WORKS

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**RECOMMENDATION 1:** That, subject to relevant parties entering into a binding planning obligation in agreement with the Council under **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 9.2 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. The consent relates to the application as amended by the revised plans numbered:  
L(90)001B; L(90)002B; L(90)003C; L(90)020B; L(00)010C;  
L(00)011C; L(00)012 L(00)013B; L(00)014B; L(00)120B;  
L(00)115B; L(00)210; L(00)212B; L(00)222B; L(00)232B;  
L(00)242B; L(00)252B; L(00)253B; L(00)271B; L(00)272B;  
L(00)273B attached to and forming part of this planning application.  
Reason: The plans amend and form part of the application.
3. No development shall take place until samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
Reason: To ensure a satisfactory finished appearance to the development.
4. No development shall take place until a scheme showing the architectural detailing of the main elevations of the apartment block has been submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into beneficial use until the approved scheme is implemented.  
Reason: To ensure a satisfactory finished appearance to the building.
5. C5A Construction of Site Enclosure

6. Notwithstanding the provisions of Classes A, B, D & E of Part 1 and Class A of Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking, or re-enacting that Order) no structure or extension shall be placed within the curtilage of any dwelling, nor shall any dwelling be enlarged by additions or alterations to its roof, nor shall any gates, fences, walls or means of enclosure be erected, constructed or altered.  
Reason: To ensure the orderly development of the area with adequate space around buildings and in the interests of the visual amenity of the area.
7. The cycle parking shown on the approved plans shall be provided prior to the development being brought into beneficial use and thereafter retained and maintained for the parking of cycles.  
Reason: To ensure that adequate provision is made for the secure parking of cycles.
8. E3D Retain Parking Within Site
9. C3K Provision of Road Before Occup. of Dwell
10. No part of the development hereby permitted shall be commenced until a scheme of construction management has been submitted to and approved by the Local Planning Authority, to include as required details of site hoardings, site access and wheel washing facilities. Construction of the development shall be managed strictly in accordance with the scheme so approved.  
Reason: In the interests of highway safety and public amenity.
11. Residential Travel Plan: No part of the development hereby permitted shall be occupied until a residential travel plan, to include but not limited to the promotion of public transport and other alternatives to the private car has been submitted to and approved by the Local Planning Authority.  
Reason: in the interest of sustainability and to help regulate the impact of traffic on use of the adjacent highway.
12. Highway works condition: No part of the development hereby permitted shall be commenced until a scheme of works to Schooner Way, Henke Court and the development roads, as shown in principle in the submission and on Plan 1 of the Strategic Planning (Regeneration) consultation response, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to the creation of the new vehicle egress and residential crossovers, tie-in and layout of the development spine road, and reinstatement of the adjacent public highway; to include street lighting, drainage, signing and lining, renewal of kerbs, channels and edging, and Traffic Regulation Orders as may be required. The agreed scheme to be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation.

Reason: To ensure the provision of the site road and access to the proposed development, in the interests of highway and pedestrian safety.

13. C4P Landscaping Design & Implementation Pro
14. C4R Landscaping Implementation
15. No development shall take place until a scheme for the drainage of the site, including a Hydraulic Modelling Assessment for the Schooner Way Sewerage Pumping Station and any connection to the existing drainage system, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the scheme is implemented as approved.  
Reason: To prevent hydraulic overloading of the public sewerage system and ensure an orderly form of development.
16. D7G Road Traffic Noise
17. Prior to the commencement of any development works a scheme detailing the appropriate gas protection measures that are required 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 has been submitted to and approved by the Local Planning Authority, in writing to the LPA. All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.  
Reason: To ensure that the safety of future occupiers is not prejudiced.
18. The proposed remediation scheme must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.  
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.
19. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the

contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised.

20. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported.

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

21. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported.

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

22. 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.

23. Piling or any other foundation designs using penetrative methods shall not be permitted without the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: To minimise the risk of pollution of controlled waters.

24. No development shall take place until a detailed method statement for removal or the long-term management / control of Japanese knotweed on the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include measures that will be used to prevent the spread of Japanese knotweed during any

operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure any soils brought to the site are free of the seeds / root / stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

Reason: To prevent the spread of Japanese Knotweed which is an invasive species.

25. No clearance of vegetation on or to the east of the bund to the east of the site should take place between March and August inclusive unless otherwise approved in writing by the Local Planning Authority.

Reason: To avoid disturbance to nesting birds.

26. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

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.

**RECOMMENDATION 2:** The highway works condition and any other works to existing or proposed adopted public highway (to be undertaken by the developer) are to be subject to an agreement under Sections 38 and 278 Highways Act 1980 between the developer and Local Highway Authority.

**RECOMMENDATION 3:** To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

**RECOMMENDATION 4:** The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for:

- (i) determining the extent and effects of such constraints;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste

on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:

- Unprocessed / unsorted demolition wastes.
  - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
  - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land. The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

## 1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The detailed application is for the construction of 117 dwellings on an area of vacant land adjacent to Co. Hall and fronting Bute East Dock in the Atlantic Wharf area.
- 1.2 Amended drawings have been received changing the red line boundary to include additional Co. Hall land to the south, removing the undercroft and redistributing the parking, increasing the footway width adjacent to the dock, creating a separate vehicular egress on to Schooner Way, locating townhouses to the Schooner Way frontage, providing an additional public link to the dockside walkway, substituting rooftiles for profiled metal cladding on the houses, and improving the architecture of the apartment block.
- 1.3 A seven storey apartment block comprising 85 one and two bed apartments fronts Bute East Dock. A terrace of 5no. three storey townhouses fronts Schooner Way and a terrace of 16no. three storey townhouses with front and rear gardens backs on to the landscaped boundary with Co. Hall to the south. Within the site facing Henke Court and the access road are three short terraces of 2-storey housing (11 houses in total).
- 1.4 The apartment block is of a similar height and scale to the apartment block to the north and County Hall to the south. Materials are predominantly brick with a setback to the upper two storeys on the dockside, and projecting metal clad bays and balconies at the intermediate floors looking over the dock. The block is also setback at the top on the two gable ends to reduce its massing. The rear elevation also features balconies to the top floors and projecting bays to the lower floors.

- 1.5 Vehicle access is from Schooner Way via Henke Court. The access road forms a loop before exiting on to Schooner Way serving on-street parking and a 20 space parking court to the south of the apartment block. Along most of its length the access road is landscaped and designed in such a way to allow for shared pedestrian and car use.
- 1.6 The majority of traffic will exit the site from Henke Court; the secondary exit point is primarily to allow for emergency and larger vehicles to exit without having to reverse for an unacceptable distance. There is no access from Schooner Way at this point.
- 1.7 The ground floor apartments have small gardens facing on to Bute East Dock accessed by steps from the Dockside walkway which is about 2m wide at this point. There is a 1.5m wide landscaped buffer between the footway and the 1.5m high boundary wall.
- 1.8 To the northern end of the apartment block a generous landscaped area connects Henke Court to the dock. The bike store is located to this area. There is a secondary pedestrian link to the south of the apartment block.
- 1.9 To the SW corner of the site on Schooner way there is an existing pumping station which will be screened by a landscaped bank and a new boundary fence. A line of street trees is proposed on Schooner Way and a landscaped amenity area bisected by the secondary exit point for the access road.
- 1.10 The 3 storey townhouses and 2 storey terraces are in a contemporary traditional design in brick with pitched roofs.
- 1.11 The following additional information is submitted:
  - Design and Access Statement
  - Archaeological Assessment
  - Site Investigation
  - Preliminary Ecological Appraisal 7 Reptile Survey Report
  - Tree Survey
  - Transport Assessment
  - Drainage Strategy
  - Planning Statement
  - Flood Consequences Assessment Report
  - Statement of Community Consultation
  - Various perspective views (CGIs)

## 2. **DESCRIPTION OF SITE**

- 2.1 The application site is located between Schooner Way, a residential distributor road, and the Bute East Dock, an area of water no longer used as part of the docks. Around the perimeter of the Dock is a public foot and cycle

path. The area is primarily residential interspersed with some office and leisure uses.

- 2.2 At the southern end of the Dock is County Hall, the Council's administrative buildings; at the northern end is an unremarkable 7 storey apartment block and more apartment blocks fronting Schooner way.
- 2.3 The existing residential development to the north and west is of conventional design - predominantly red brick with slate pitched roofs. County Hall is a 1980s massive pagoda type building in brick with pitched roofs.
- 2.4 The site is rectangular in shape and there is a large amount of soil dumped on the site that will have to be carted away. The dockside footway is approximately 1.5m lower than the Schooner way pavement. The site has recently been cleared.
- 2.5 There is a heavily landscaped strip to the south on the County Hall land with a number of small to medium sized trees. To the SW corner there is a pumping station. The dockside walkway adjacent to the site is narrow and accommodates 3no. non-functioning lamp posts.

### 3. **PLANNING HISTORY**

- 00/376/C PP for 174 apartments in 3 blocks ranging in height from 4 to 15 storeys refused in 2000 and allowed on appeal in 2001. Never implemented.
- 1997 Outline and detailed approvals for a mixed use redevelopment of the area including 4-5 storey offices on the application site
- 1993 PP granted for a relatively low-rise development
- 1985 Outline consent granted for the wider redevelopment of Bute East Dock (700 dwellings at a relatively low density of approx. 65 dwellings/ hectare, retail, offices and leisure uses). The application site was identified for residential uses.

### 4. **POLICY FRAMEWORK**

#### Relevant national planning policy and guidance

- 4.1 Planning Policy Wales 2016
- 4.2 Technical Advice Note 12 (TAN 12): Design

#### Relevant local planning policy and guidance

- 4.3 Adopted Local Plan  
Policy 11 Design and Aesthetic Quality  
Policy 31 residential open space

- 4.4 Deposit Unitary Development Plan

- Policy 2.20 Good Design
- Policy 2.24 Residential Amenity
- Policy 2.57 Access, Circulation and Parking



- 4.5 Supplementary Planning Guidance  
Infill Sites Design Guide, April 2011  
Residential Design Guide, March 2008  
Open space 2008  
Community Facilities and Residential development, 2007  
Developer Contributions for School Facilities 2007

## 5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 Land Use & Regeneration: The application site is identified in the Local plan as land with an existing residential consent. As such the development of the site for housing raises no land use policy concerns.
- 5.2 This is a large scale proposal, where the intensification of use will place increased pressure on the surrounding pedestrian environment. Planning Policy Wales, Paragraph 3.4.3 states that 'When a new building is proposed, an existing building is being extended or altered, or a change of use is proposed, developers should consider the need to make it accessible for all those who might use the building. The appropriate design and layout of spaces in, between and around buildings, including parking provision and movement routes, is particularly important in ensuring good accessibility'.
- 5.3 The block paved footways surrounding the site are currently of a poor quality, having broken up and sunken in places. Should the application be considered acceptable in all other respects, it is requested that a scheme of public realm / highway improvements be undertaken by the applicant (as identified on Plan 1) to ensure that the key routes around the site are suitably enhanced and in order to provide a consistent high quality pedestrian environment.
- 5.4 Transportation: The Council's Transportation Officer has no objection to the application subject to standard cycle parking, retention of parking within site, provision of road before occupation of dwelling, construction management plan, residential travel plan, and highway improvement works conditions.
- 5.5 A combined Traffic Order and Cycling Improvements s106 contribution of £5,300 is requested towards the provision of cycle access improvements and legal orders in the vicinity of Barquentine Place.
- 5.6 Second Recommendation: The highway works condition and any other works to the existing or proposed public highway (to be undertaken by the developer) are to be subject to an agreement under Sections 38 and 278 Highways Act 1980 between the developer and Local Highway Authority.
- 5.7 Welcome Pack – In addition to any other measures identified in the Residential Travel Plan, the applicant is specifically requested to provide future residents with a welcome pack upon their arrival, detailing sustainable transport options available in the area, to help promote sustainable transport. Leaflets and advice in connection with production of the packs are available from Miriam Highgate, Cardiff Council, County Hall, tel: 029 2087 2213.

- 5.8 Comments: The Access, Circulation and Parking Standards SPG identifies a Central/Bay Area car parking requirement of zero to one space per dwelling and a minimum cycle parking requirement of one space per unit for flats/apartments. The proposed development is therefore considered to be parking policy compliant as submitted and secured by condition.
- 5.9 There are a number of objections to the application that mention parking as a concern/reason for refusal. However as noted above the proposals are considered to be parking policy compliant and I must also take into account that the application includes 27% affordable housing. The site is also within close easy walking distance of bus public transport services on Schooner Way and Hemingway Road, as well as Cardiff Bay rail station.
- 5.10 The site is therefore considered to be both Parking Policy compliant and in a sustainable location in transport terms. I must therefore conclude that an objection on parking grounds would be unsustainable and that any reason for refusal on this basis would not withstand challenge.
- 5.11 The application is supported by a Transport Assessment that considers the impact of the proposals on the adjacent highway, the analysis of which is based on traffic surveys completed on Wednesday 30 September 2015 and interrogation of the TRICS database. The TA calculates that the proposed development could generate up to 43 two-way AM peak and 57 two-way PM peak vehicle movements. Comparison of the calculated peak hour traffic with the existing vehicle movements on the surrounding highway network indicates that the development traffic amounts to less than 5% of existing background traffic, other than at the Henke Court/Schooner Way and Schooner Way/Hemingway Road junctions.
- 5.12 However inspection of the survey data for traffic on Schooner Way reveals that existing local vehicle movements adjacent to the site are very low and as such the combined existing and development traffic is still well within the capacity of the highway network and junctions.
- 5.13 To conclude, the Transport Officer is satisfied that the development is policy compliant and will not have a detrimental impact on the use of the surrounding highway network. He therefore has no objection to the application as submitted subject to the above conditions, S106 matters and other comments.
- 5.14 Pollution Control (Noise & Air): given its location close to a dual carriageway Central Link Road and the steelworks and request an acoustic report prior to determining the application.
- 5.15 Pollution Control (Contaminated Land): Note that the site was formerly used for commercial/ industrial purposes in association with the dock and the potential for contamination on the site is likely and therefore request ground gas, contaminated land verification and remediation, unsuspected contamination, imported soils and imported aggregates and recycled

aggregates conditions, and a contamination and unstable land advisory notice.

- 5.16 Waste Management: No objection subject to a few comments in relation to the apartment block bin storage and collection which have been passed to the applicant.
- 5.17 Parks: The Officer does not consider that the proposals provide any meaningful amenity space on the site but notes the proximity of the open space at Craiglee drive on the opposite side of Schooner Way.
- 5.18 Under current policy the proposed development is subject to Policy 31 of the Local Plan (Provision of open space on new residential developments), which requires the provision of open space for recreational activity. As no open space for recreational activity is being provided on-site, the developers will be required to make a financial contribution towards the provision of open space off-site, or the improvement (including design and maintenance) of existing open space in the locality. Based on the information given, allowing for 117 dwellings, the contribution will be £213,153.
- 5.19 The Public Open Space Contribution shall be used by the Council towards the design, improvement and/or maintenance of public open space within the locality of the development site. The closest area of recreational open space and play area is the Atlantic Wharf open spaces (including Craiglee Drive, Schooner Way POS and Canal Park).
- 5.20 Community Facilities: The SPG seeks a financial contribution for improvements to existing community facilities containing 25 or more new dwellings where there is no on-site provision. Based on 117 dwellings a contribution of £91,430 is sought. Butetown Community Centre and Butetown Youth Pavilion are identified as existing community facilities in the vicinity of the development that are likely to experience added pressure as a result of the development and areas of improvement are identified.
- 5.21 Housing Strategy: The planning application has been submitted jointly by Morganstone Homes and a Registered Social Landlord (RSL), however on the site there will be an affordable housing (social rented) contribution of 27% which exceed the planning policy requirement. The RSL (Cardiff Community Housing Association) will ultimately own and manage all the affordable housing units on the site.
- 5.22 The Housing Development Enabling team fully supports the development of the units on this site for affordable housing, given the high levels of housing need in the area, and have been working very closely with Cardiff Community Housing Association to ensure the successful delivery of the scheme. The affordable housing development will comprise of 32 units of new affordable housing for couples, small and large families, all of which are in high demand in this area of Cardiff.

- 5.23 All social rented units will meet Welsh Government Development Quality Requirements (DQR) & the Welsh Housing Quality Standard (WHQS).
- 5.24 We would use legal contract/agreement to cover: the provision of affordable housing on site including numbers, site mix and layout; the timing and phasing of the provision as relating to open market housing provision. The precise terms of the legal contract/agreement would be drafted by Legal Services.
- 5.25 Ecology: No objection subject to a standard nesting birds condition and advice on maximising the landscaping and incorporating into the landscaping habitats that encourage wildlife.
- 5.26 The Ecology Officer notes that the Preliminary Ecological Appraisal was carried out in February which is not an appropriate time to assess the full diversity of flowering plants or insects which occur there, and is therefore concerned that the site has been largely cleared without such a proper survey having been carried out. He is also concerned that the assessment did not consider whether the site qualified as a wildlife site (Site of Importance for Nature Conservation).
- 5.27 The Reptile Survey is generally acceptable and the Officer accepts that reptiles are either absent from the site, or at least present in very low numbers.
- 5.28 Given the above it is recommended that, in addition to the nesting birds advisory, nesting boxes for birds be incorporated into the design to compensate for loss of nesting habitat, nesting/roosting opportunities be built into the development for bats, and that the proposed landscaped areas should reflect the current mosaic of grassland and scrub and incorporate wildflowers.
- 5.29 The Officer also notes that under the Natural environment and Rural Communities (NERC) Act 2006 every public authority must, in exercising its functions, have regard, insofar as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.
- 5.30 Trees & Landscaping Officer: Notes that the site has trees but no tree survey has been provided. Raises concerns over the viability of new trees given the proposals to cap the contaminated soil with 600mm of topsoil and the usability of the back gardens adjacent to Co. Hall if existing trees are retained (shading/ leaf drop etc).
- 5.31 Requests that the detailed landscaping condition required by condition is informed by a Soil Resource Survey (SRS) and Soil Resource Plan (SRP). Recommendations are given for choice and location of replacement trees. The response has been forwarded to the applicant.
- 5.32 Highways and parks (Drainage): No comments have been received.

- 5.33 Education: In accordance with the SPG Developer Contributions for School Facilities a financial contribution of £229,310 is requested towards the cost of providing additional or improved primary and/or secondary school facilities, namely English medium and Welsh medium primary schools, and English medium secondary/ sixth form education.

## 6. EXTERNAL CONSULTEE RESPONSES

- 6.1 Welsh Water: Welsh Water have no objection subject to conditions requiring a hydraulic modelling assessment of the Schooner Way Sewerage Pumping Station and a drainage scheme which includes an assessment of the of the potential to dispose of surface and land water by sustainable means.

- 6.2 Natural Resources Wales: No objection based on the information provided in the Flood Consequences Assessment report, subject to appropriately worded conditions relating to contaminated land, piling, drainage and invasive species.

## 7. REPRESENTATIONS

- 7.1 Local Members, the Atlantic Wharf Residents' Association, and neighbours were consulted on the application and on the amended plans.

- 7.2 A total of 24 objections have been received from local residents/ owners, including one from the Atlantic Wharf Residents' Association.

- 7.3 The main objections relate to inadequate on-site parking provision leading to overspill parking on neighbouring streets; sharing access with Henke Court and increased traffic exiting on to Schooner Way; excessive scale (height & massing) of the apartment block; materials and appearance of the development not in keeping with the context; overdevelopment of the site; loss of green space and associated biodiversity; proportion of social housing & associated anti-social behaviour; noise and disruption during construction.

- 7.4 Other objections include loss of view; inadequate open space; increased traffic on Schooner Way; inadequate open space on site; Council vested interest in the sale of the land.

## 8. ANALYSIS

### Land Use

- 8.1 Residential use is in accordance with the Local Plan and is acceptable. The most recent consent allowed on appeal in 2001 was for 174 dwellings in buildings ranging from 4 to 15 storeys.

### Design

- 8.2 The 7 storey apartment block is of a similar scale to Henke Court and County Hall and addresses massing concerns by setting back the top two storeys and setting them back from the dockside elevation and gable ends. The elevation to the dock is enlivened by the addition of bays and balconies and the same

treatment is used on the west elevation, albeit more restrained. The building line follows the building line of the adjacent 6 storey Henke Court apartment block.

- 8.3 Street views and views across the dock show that the scale and design of the apartment block is appropriate for its waterside setting. The design and scale is considered appropriate.
- 8.4 Site levels dictate a floor level approximately 1.5m above the dockside footway which is punctuated by steps leading up to front gardens and will provide a more attractive frontage to the dock than the undercroft parking and ramp arrangement on Henke Court. There is the potential to increase the footway from about 2m to 3.5 m by removing the landscaped buffer between the boundary wall and the existing footway.
- 8.5 The simple layout of the housing follows good urban design principles and creates an enhanced east west connection linking Schooner Way to the dock. The 3 storey townhouse frontage to Schooner Way set back behind a landscaped area and line of street trees provides an attractive street frontage and entrance to the scheme and the access road serving the townhouses prioritises pedestrians. There is enough space between the different terraces to incorporate tree planting and areas of landscaping and mitigate the on-street parking.
- 8.6 The choice of materials and architecture for the houses (brickwork/ pitched roofs) is traditional with a modern twist and is sympathetic to the apartment block and the neighbouring development.

#### Residential amenity

- 8.7 The houses all benefit from front and rear gardens. The ground floor apartments facing the dock have front gardens. All of the dockside upper floor apartments have balconies or terraces to take advantage of the waterside location, as do the top two floor apartments facing west towards Schooner Way.
- 8.8 There is no recreational open space on the site. The closest play area is about 200m away on the other side of Schooner Way. Within the scheme fronting Schooner Way and the dock there are small landscaped areas. The design and landscaping of these areas will be controlled by condition.
- 8.9 Loss of view of the Dock for the occupants of the properties to the north or west of Schooner Way is not a material planning consideration. There are no overshadowing, overbearing or overlooking concerns. The impact of the development on the amenity of the neighbouring occupiers is acceptable.

#### Loss of trees

- 8.10 The landscaped buffer on the Co. Hall boundary, which includes a number of semi-mature trees, will be lost as a result of the development. However 34? replacement trees are proposed and the landscaping condition will require a replacement, albeit less extensive, landscaped buffer.

### Public Realm

- 8.11 Adjacent footways (including the dockside footway) will be reinstated/ improved as part of the highway improvement works. A scheme of improvements to the adjacent dockside walkway is also a requirement of the consent.

### Access and Parking

- 8.12 There is no objection from transportation subject to standard conditions and highway improvement works, and a 106 contribution. The proposals are policy compliant in terms of parking provision and access.
- 8.13 The financial contribution includes for Traffic Order modifications that may be required as a consequence of the development.

### Public Realm Improvements

- 8.14 The section of Dockside walkway adjacent to the site has fallen into a poor state of repair and there is scope to improve it as a consequence of the development. As it is not adopted highway and does not form part of the application site the improvements to the footway will be carried out via a Section 106 Agreement.

### Noise

- 8.15 A noise assessment report has been commissioned by the applicant. The findings of the report, further advice from Pollution Control based on the report, and any additional conditions/ recommendations will be reported to committee as a late rep.

### Drainage

- 8.16 A condition has been imposed requiring submission of a drainage scheme including a Hydraulic Modelling Assessment and a Sustainable Drainage Assessment.

### Representations

- 8.17 Objections on the grounds of parking, access, scale (height and massing), materials and appearance, overdevelopment, loss of green space and associated biodiversity, overdevelopment, privacy, daylighting, and loss of view are all addressed above.
- 8.18 Objections related to the proportion of social housing & associated anti-social behaviour, premature clearance of vegetation, noise and disruption during construction, loss of value of neighbouring properties, and construction-related noise and disruption are addressed below.
- 8.19 Proportion of social housing (27%) is in accordance with policy. The fact that there is more than the minimum affordable housing provision is to be welcomed. The increased potential for anti-social behaviour as a result of the introduction of affordable housing is not a planning matter.

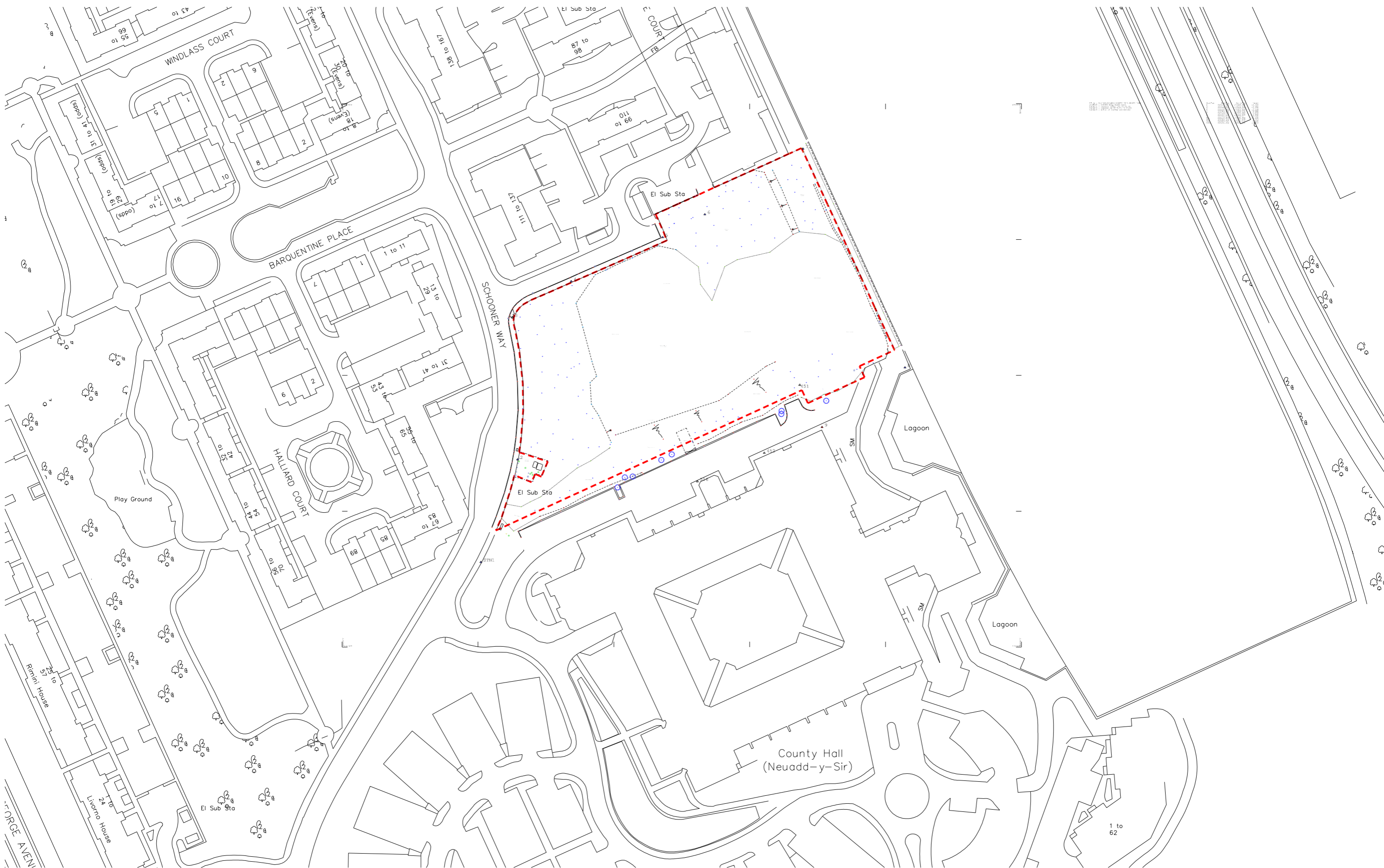
- 8.20 Regarding the loss of vegetation the land in question is not considered public open space and had become overgrown over several years. Furthermore, the site was allocated for residential development as part of the original Atlantic Wharf Masterplan in the mid 1980s. In addition, the site has been identified as "land with planning permission for residential use" from the adoption of City of Cardiff Local Plan in 1996, which remains the statutory development plan policy governing this area.
- 8.21 Disruption caused by construction is not a reason for refusing an application. In the interests of highway safety and public amenity a standard construction management condition is attached.
- 8.22 Potential loss of value of neighbouring properties as a result of the development is not a planning matter.
- 8.23 Neighbour notification was carried out in accordance with statutory requirements and standard Council practice. The applicant held a well-attended public consultation event and a report has been provided.

## 9. **CONCLUSION**

- 9.1 The proposed residential use is acceptable. Scale, design and appearance are acceptable and the proposals preserve the character and appearance of the Bute East Dock and Schooner Way. Access and parking provision is policy compliant. Residential amenity is acceptable.
- 9.2 The following planning obligations have been requested:
- £91,430 towards the improvement of community facilities in the vicinity.
  - A financial contribution of £213,153 towards the improvement of public open space in the vicinity.
  - £229,310 towards the provision of education facilities
  - £5,300 towards transportation-related improvements.
  - Public realm improvements to the dockside walkway adjacent to the site, including resurfacing and lighting, as indicated on Plan 1 of the Strategic Planning (Regeneration) consultation response dated 30.10.15
- 9.3 The applicant has submitted a viability assessment which demonstrates that the development would become unviable with the level of obligations identified above.
- 9.4 The applicant's viability assessment has been independently verified which has confirmed that the development would not be able to provide the contributions listed above and remain viable.
- 9.5 Acknowledging that the proposed development will provide a significant level of affordable housing within an area of high housing need, the granting of planning permission is recommended subject to the conditions identified above and a Section 106 legal agreement.



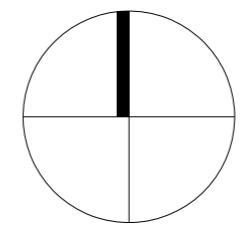




Revision	Description	By	Chkd By	Date
*	Initial input	TB		27.07.15
A	Red site line amended	TB		15.10.15
B	Site boundary amended	TB		11.12.15

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Drawn	TB	Austin-Smith:Lord LLP Architects Designers Planners Landscape Architects one Dunleavy Drive Cardiff CF11 0SN t 02920 225 208 f 02920 225 230 e cardiff@austinsmithlord.com
Date	JUL 2015	
Scale	1:1250 @ A3	
Status	PLANNING	



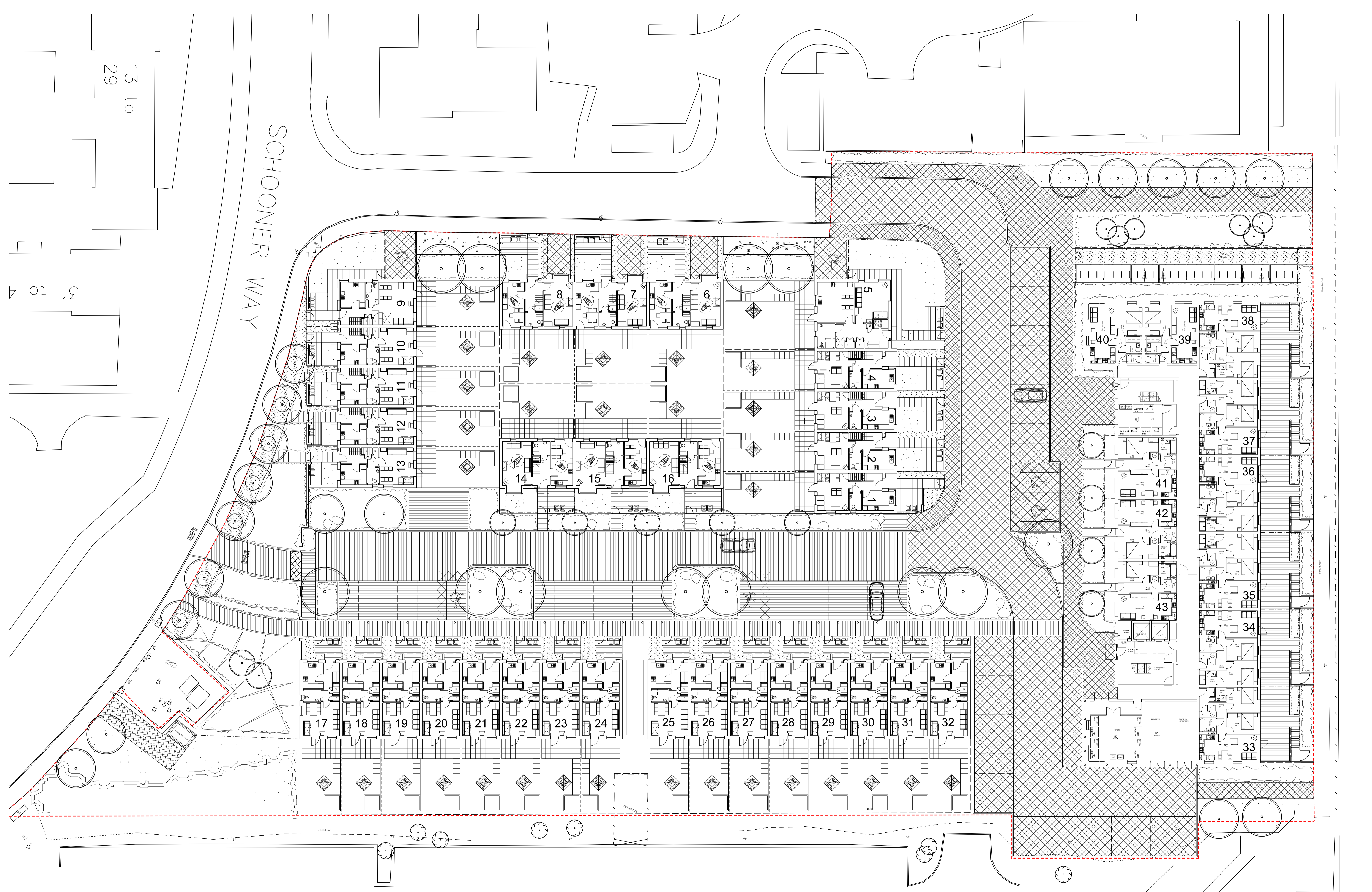
**Austin-Smith:Lord**

Project Schooner Way  
Cardiff Bay

Description Site Location Plan

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Job No. 314295      Drawing No. L(90)001      Revision \* A B



Revision	Description	By	Chkd By	Date
*	Initial Issue	TB	JJ	16.10.15
A	Landscape updated. Plot numbers added	TB		20.10.15
B	Landscape & apt west ele updated	TB		11.12.15
C	Parking to Plots 6,7&8	TB		14.12.15

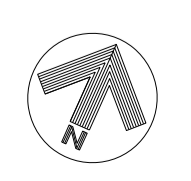
Revision	Description	By	Chkd By	Date

Revision	Description	By	Chkd By	Date

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Drawn	Date	Scale	Status
TB	OCT 2015	1:200 @ A1	PLANNING

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**Austin-Smith:Lord**  
 Project Schooner Way  
 Cardiff Bay  
 Description Masterplan Layout  
 Ground Floor  
 Job No. 314295  
 Drawing No. L(00)010  
 Revision \* A B C

