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LATE REPRESENTATIONS

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

Please see attached Late Representation Schedule received in respect of applications to be determined at this Planning Committee

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LATE REPRESENTATIONS SCHEDULE
PLANNING COMMITTEE – 16th MARCH 2022

AGENDA ITEM 5a	PAGE NO. 1
APPLICATION NO:	21/02687/MJR
LOCATION:	Red Dragon Centre and County Hall, Atlantic Wharf, Cardiff
PROPOSAL:	Hybrid planning application for the proposed development of part of a mixed use masterplan within the inner harbour, Cardiff Bay. including outline details for up to 890no. residential dwellings (use class C3), 1,090no. 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

CORRECTIONS

Paragraph 6.7 currently states “Public Health Wales Comments” but should read “Cardiff & Vale University Health Board comments”.

ADDITIONAL RECOMMENDATION

Officers are aware that the applicant is in discussion with Dŵr Cymru Welsh Water regarding the wording of conditions which might require minor changes post-Committee. In addition, as is common with such large-scale hybrid applications, there may be a need to address minor matters in conditions or the legal agreement prior to issuing a decision following signing of the requisite legal agreement.

Accordingly and to ensure that the decision can be issued expeditiously, and without the need to refer back to Planning Committee, the following additional recommendation is made:

RECOMMENDATION 2: (with all subsequent recommendations re-numbered)

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

LATE REPRESENTATIONS

A number of late representations have been received in respect of the application which are detailed below: -

FROM: Welsh Government (Planning Division)

SUMMARY:

The Welsh Government Planning Division has issued a **Holding Direction** under Article 18(1) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (“the Order”) which enables the Welsh Ministers to give Directions restricting the grant of permission by a Local Planning Authority (“LPA”).

RESPONSE: As Members will be aware, such a holding direction prevents the LPA only from granting planning permission; it does not prevent the LPA from continuing to consider the application, nor does it prevent the LPA from refusing planning permission.

In light of the holding direction, Recommendation 1 is revised to as follows:

RECOMMENDATION 1: That subject to the removal of the Welsh Government Holding Direction, that planning permission be **GRANTED** subject to the relevant parties entering into a legal agreement under the provisions of **SECTION 106** of the Town and Country Planning Act 1990 within 6 months of the date of this Resolution, unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraphs 7.195 to 7.201 of this report and the following conditions:

FROM: Craft in the Bay / Makers Guild in Wales

SUMMARY: Raise concern that the CGI still show the craft in the bay building removed, for which they have not given permission or had any discussions and expressing concern that the granting of this approval would allow their building to go for redevelopment.

RESPONSE: The Craft in the Bay building is a Grade II Listed Building and is located outside the red line of the application site. The context plan has been updated to show the building remaining, while it is emphasised that Listed Building Consent would be required for any proposal to redevelop that site. However, to provide assurances an advisory is proposed to be added as outlined below.

RECOMMENDATION 13: The applicant is advised that the permission relates to the development within the red line boundary.

FROM: Property Halliard Court

SUMMARY: Concerns are expressed over the report, notably paragraph 8.125 which states the hotel is opposite 3 storey properties. This is not correct as it will be opposite 2 storey houses and 5 storey block with a resultant loss of light and privacy.

Also feels that the report does not reflect all the concerns of residents, in particular the impact of blocking Schooner Way and urges Members to read their objections in full rather than the summary in the committee report, and to visit and view from her property.

RESPONSE: Paragraph 8.125 is considered to be correct but is expanded to include the 2 storey houses (shown on aerial views below).



It is also considered that paragraphs 8.126 - 8.130 within the report have appropriately considered the impact upon the neighbouring properties to the north. To clarify given the separation distance of 20 metres to the garden boundary and 30 metres to the houses, the proposed 5 storey hotel would not unacceptably impact upon the privacy of, or light to, these properties.

In terms of the impact on the stopping up of Schooner Way on existing residents, the report recognises that the stopping up of Schooner Way will result in car access from the existing residential properties having to take a longer route to access the wider road network. However, the proposal does retain cycle, pedestrian and public transport routes. This approach in reducing car dominance is supported in Planning Policy Wales and the Council's Local Development Plan, which seek to promote walking and cycling first, followed by Public transport, ultra-low emissions vehicles (ULEV) and then other private motor vehicles.

FROM: Cardiff Civic Society

SUMMARY: The Civic Society make a number of points in relation to the Cabinet paper reported on 10th March 2022. In summary their concerns are the Cabinet paper acknowledges some issues around the Arena but does not resolve them. Cardiff Bay is not just a 'visitor destination' but the paper is indifferent to its impact on those living nearby.

As the Cabinet paper states, "*The Council's strategy for Cardiff Bay involves an extensive programme of increasingly inter-connected projects*". The viability of Planning Application 21/02687/MJR relies heavily on dependencies on projects outside its 'red line' to resolve issues such as transport, open space or biodiversity, and as yet it is still unclear what those projects will deliver, or when. For this reason they argue that the Council should not seek planning approval for 21/02687/MJR on 16 March, and consider the Planning Committee should defer determination of this application until the bigger picture is clearer.

RESPONSE: The application is proposed in hybrid form, with the application made jointly by Robertson Property Ltd. and Cardiff Council. In this respect it is acknowledged that the proposal is part of a 'bigger' picture beyond even the Masterplan within the application site red line boundary. However the proposal has, through its environmental statement, transport assessment and Green Infrastructure submissions considered the impact the proposal will have both from the detailed Arena and hotel development, and the wider master plan. These impacts have been considered by technical consultees, and appropriate conditions have been imposed and obligations sought to ensure the identified impacts can be mitigated. Accordingly, it is considered there are no planning reasons why the application cannot be considered by the Planning Committee at this time.

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