

COMMITTEE DATE: 09/11/2016

APPLICATION No. **16/00660/MJR** APPLICATION DATE: 22/03/2016

ED: **BUTETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: J R Smart

LOCATION: THE WHARF, MANAGERS FLAT AND BOATSHED, 121
SCHOONER WAY, ATLANTIC WHARF, CARDIFF, CF10 4EU

PROPOSAL: MIXED USE RESIDENTIAL DEVELOPMENT OF 180
DWELLINGS WITH A1 (RETAIL) AND A3 (FOOD
AND DRINK) USE TO GROUND FLOOR WITH ASSOCIATED
WORKS

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 following approved plans:

<i>Dwg. No.</i>	<i>Title</i>
PL 101	Location Plan
PL 120A	Proposed Demolition Plan
PL 130A	Proposed Site Context Plan
PL 131A	Proposed Site Plan
PL132A	Proposed Key Plan
PL 133A	Proposed Site Access Plan
PL 210A	Proposed Level 00/ Undercroft Floor Plan
PL 211A	Proposed Level 01 Floor Plan
PL 212A	Proposed Level 02 Floor Plan
PL 213A	Proposed Level 03 Floor Plan
PL 214A	Proposed Level 04 Floor Plan
PL 215A	Proposed Level 05 Floor Plan
PL 216A	Proposed Level 06 Floor Plan
PL 217A	Proposed Roof Plan
PL 220A	Proposed Level 00/ Undercroft Flat Layout
PL 221A	Proposed Level 01 Flat Layouts
PL 222A	Proposed Level 02 Flat Layouts
PL 223A	Proposed Level 03 Flat Layouts
PL 224A	Proposed Level 04 Flat Layouts
PL 225A	Proposed Level 05 Flat Layouts
PL 226A	Proposed Level 06 Flat Layouts

PL 310A	Proposed Context Elevation
PL 311A	Proposed Context Elevation
PL 312A	Proposed Context Elevation
PL 313A	Proposed Context Elevation
PL 314A	Proposed Context Elevation
PL 315A	Proposed Context Elevation
PL 320A	Block A & B - Proposed Elevations
PL 321A	Block C & D - Proposed Elevations
PL 322A	Block E - Proposed Elevations
PL 323A	Block F - Proposed Elevations
PL 324A	Block G - Proposed Elevations
PL 325	Block H - Proposed Elevations
PL 410A	Proposed Context Sections
PL 411A	Proposed Context Sections
PL 430	Proposed Part Section & Part Elevation Details
PL 431	Proposed Part Section & Part Elevation Details
PL 432A	Proposed Part Section & Part Elevation Details
PL 433	Proposed Part Section & Part Elevation Details
PL 434A	Proposed Part Section Detail
PL 435A	Proposed Part Section Detail
PL 436	Proposed Part Section Detail
PL 437A	Proposed Part Section Detail
1133/SK/03revA	Landscape Proposals

Reason: The plans amend and form part of the application.

3. A3 (food & drink) ground floor uses shall be restricted to café/restaurant A3 uses only.
Reason: To ensure that the amenities of existing neighbours and future occupiers are protected.
4. No member of the public shall be admitted to or allowed to remain on any A3 premises between the hours of 20:00 and 08.00 hrs. on any day.
Reason: To ensure that the amenities of neighbours and future occupiers are protected.
5. There shall be no arrival, departure, loading or unloading of vehicles between the hours of 20.00 and 08.00 hours.
Reason: To ensure that the amenities of neighbours and future occupiers are protected.
6. 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.
7. 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.

8. Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 57 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from :

- 1) an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to
- 2) a lower rate of between 10 and 17 litres per second against zero back pressure.

No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room. Any private open space (excepting terraces or balconies to any apartment) shall be designed to provide an area which is at least 50% of the area for sitting out where the maximum day time noise level does not exceed 55 dBA Leq 16 hour [free field].

Reason: To ensure that the amenities of future occupiers are protected.

9. A scheme of sound insulation works to the floor/ceiling structure between proposed commercial and domestic use shall be submitted to and agreed by the Local Planning Authority in writing and implemented prior to occupation.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

10. No member of the public shall be admitted to or allowed to remain in the commercial element of the premises between the hours of 18:00hrs and 08:00hrs on any day. Should the applicant have a specific use class in mind that requires longer hours, contact should be made with the division.

Reason: To ensure the amenity of occupiers of other premises in the vicinity are protected.

11. There shall be no arrival, departure, loading or unloading of delivery vehicles between the hours of 18:00hrs and 09:00hrs.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

12. Prior to implementation a noise assessment shall be carried out and submitted to the Local Planning Authority to ensure the noise emitted from fixed plant and equipment on the site achieves a rating noise level of background -10dB at the nearest noise sensitive premises when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard).
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
13. The extraction of all fumes from the 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-odourising 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 that the amenities of occupiers of other premises in the vicinity are protected.
14. 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.
15. E3D Retain Parking Within Site
16. C3K Provision of Road Before Occup. of Dwell
17. 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.
18. 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.
19. Highway works condition: No part of the development hereby permitted

shall be commenced until a scheme of works to Schooner Way footways and development roads, as shown in principle in the submission and on Plan 1 of the Strategic Planning (Regeneration) consultation response dated 25.5.16, has been submitted to and approved in writing by the LPA. The scheme shall 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 LPA 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.

20. C4R Landscaping Implementation
21. Unless otherwise agreed in writing with the LPA a Hydraulic Modelling Assessment shall be carried out prior to commencement of development to establish any improvements that may be necessary to prevent the hydraulic overload of the foul drainage system. The agreed improvements to the drainage system to be implemented prior to beneficial occupation. Reason: To prevent any potential overloading of the foul drainage system.
22. No development shall take place until a scheme for the drainage of the site, including provision of an oil interceptor and any connection to the existing drainage system, has been submitted to and approved in writing by the LPA. No part of the development shall be occupied until the scheme is implemented as approved.
Reason: To ensure an orderly form of development.
23. *Land Contamination Risk Assessment:* Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. The report of the findings shall include 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; an intrusive investigation to assess the extent, scale and nature of contamination which may be present; an assessment of the potential risks, and an appraisal of remedial options and justification for the preferred remedial option(s).
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.
24. *Submission of Remediation Scheme and Verification Plan:* Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site

management procedures.

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.

25. *Undertaking of Remediation and Issue of Verification Report:* The remediation scheme as approved by the Local Planning Authority (LPA) 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 LPA. The 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 LPA.

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.

26. *Identification of Unsuspected Contamination:* 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 (LPA), 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 LPA. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the LPA. 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.

27. *Ground Gas Assessment:* Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval. Following completion of the approved monitoring scheme and prior to commencement of any development works, the proposed details of any appropriate gas protection measures which may be 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 shall be submitted to and approved in

writing to the LPA. All required gas protection measures shall be installed in accordance with the approved details 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 LPA agrees in writing that the measures are no longer required.

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

28. *Importation of Aggregates:* 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 LPA shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials 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.

29. *Importation of Topsoils:* 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 to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the LPA 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, verification sampling of the material received at the development site is required to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme agreed with in writing by the LPA.

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

30. *Use of Site Won Material:* Any site won recycled aggregate materials 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 reuse. Only material approved by the LPA shall be reused.

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

31. 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.

32. 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: CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE. 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 180 dwellings (177 apartments and 3 townhouses) and ground floor A1 and A3 uses on the former site of the Wharf PH and car park fronting Bute East Dock in the Atlantic Wharf area.
- 1.2 The original application, registered in May 2016, was for demolition of the Wharf PH and the construction of 185 dwellings (including 37 affordable dwellings). A separate application for prior approval for the demolition of the Wharf PH complex and boatshed was subsequently granted in June 2016, and the building has recently been demolished and the site cleared.
- 1.3 Amended drawings have been received reducing the number of dwellings, addressing separation distance from existing dock feeder trees, revising massing and footprint, and improving the public realm. The description has been amended omitting the demolition of the Wharf PH and reducing the number of dwellings from 185 to 180.
- 1.4 Two apartment blocks (6 storeys & 4 storeys) and 3no. detached houses (3 storeys) front Bute East Dock. The ground floor is colonnaded and a ground floor A3 café/ restaurant use is located in the 6 storey block, opening onto an enhanced area of public realm centred on the existing water feature.
- 1.5 To the rear of the site are three more apartment blocks. The highest one is 7 storeys with a ground floor retail use and encloses the public square and existing wharf. The other two blocks are six storeys high and 'front' on to the dock feeder and landscaped footpath that follows the canal through the Atlantic Wharf housing area to Herbert Street.
- 1.6 Access is via the existing access from Schooner way and there are 83 parking spaces, the majority located underneath the apartment blocks. A new landscaped pedestrian route links the existing footbridge and proposed retail uses with Schooner Way via a new set of steps and a ramp for DDA access.
- 1.7 Materials are predominantly brick with a contemporary dockside aesthetic for the buildings facing the dock. The top floor of the main 6 storey block and the blocks to the rear are set back and predominantly glazed. The majority of the apartments in the main blocks looking over the dock have recessed balconies.
- 1.8 The original application included 37 affordable apartments. A viability appraisal submitted by the applicant concludes that a 100% market housing scheme is not viable. The appraisal was assessed by the DV who reached the same conclusion.
- 1.9 The following additional information is submitted:
 - Design and Access Statement
 - Geotech report
 - Noise Assessment
 - Tree Survey
 - Transport Statement
 - Drainage Strategy Statement

- Flood Consequences Assessment Report
- Various perspective views (CGIs)
- Viability Statement by Savills dated 28.7.16
- Review of Viability Statement by DVS dated 20.9.16

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. The site was formerly the Wharf public house, Boatshed gym and extensive surface car park. The buildings were recently demolished and the site is cleared awaiting redevelopment. There are a number of relatively large trees on the car park area.
- 2.2 To the south and west the site is bounded by the Bute East Dock Feeder canal and a line of mature trees. Just before the dock feeder discharges into the wharf there is a pedestrian footbridge which forms part of the public foot and cycle path running around the perimeter of the dock, and a small area of shallow water enclosed on three sides which formed a feature for the pub's outdoor seating area.
- 2.3 The area is primarily residential interspersed with some office and leisure uses. To the south, beyond the dock feeder, is the 4 storey Holiday Inn Express Hotel and Amity Court, both four storeys. To the west and north beyond the dock feeder and located on Schooner Way is three and four storey residential development. Design is conventional - predominantly red brick with slate pitched roofs.
- 2.4 The 0.87 ha site is roughly rectangular in shape with an elongated section to the north alongside the dock. At the northern end of the site levels are approximately 3m below Schooner way road level and there is a densely landscaped bank screening the site from the road. Vehicular access is from Schooner Way. Pedestrian access is from Schooner Way via steps, and from the dockside walkway.
- 2.5 Immediately to the north of the site, between schooner way and the dock is a grassed area which has planning permission for a predominantly 3 storey residential development with some undercroft parking.

3. **PLANNING HISTORY**

- 16/976/MJR Prior approval granted in June 2016 for the demolition of the Wharf PH including office and apartment accommodation, and boatshed.
- 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.

Related planning history

- 14/572/DCI planning permission granted Nov 2015 for construction of 8 residential dwellings with under-croft parking, cycle and bin store facilities.
- 14/188/DCI Resolution to grant planning permission for use of former dock for wakeboarding and water skiing and installation of a straight line cable system. Subject to signing of legal agreement.

- 12/691/DCI Resolution to grant planning permission for use of former dock for wakeboarding and water skiing and installation of cable tow system. Subject to signing of legal agreement.

4. **POLICY FRAMEWORK**

National Policy

- 4.1 Planning Policy Wales (PPW) Edition 8, 2016 favours the sustainable re-use of previously developed land.
- 4.2 The following Technical Advice Notes (TANs) are relevant:
- TAN 12: Design (2009)

Local Policy

- 4.3 The following policies of the recently adopted 2016 City of Cardiff Local Development Plan (LDP) are relevant to the consideration of this application:-
- C1 Community Facilities
 - C5 Provision for Open Space, Outdoor Recreation, Childrens' Play and Sport
 - H3 Affordable Housing
 - KP5 Good Quality and Sustainable Design
 - KP7 Planning Obligations
 - EN13 Air, Noise, Light Pollution and Land Contamination
 - EN14 Flood risk
 - T1 Walking and Cycling
 - T6 Impact on Transport Networks and Services
- 4.4 The following Supplementary Planning Guidance relates to the previous 1996 Local Plan. It is under review following the adoption of the LDP however it remains a material consideration in considering the application insofar as it is consistent with LDP policy:
- Cardiff Residential Design Guide (2008)
 - Open Space (March 2008)
 - Affordable Housing (Mar 2007)
 - Affordable Housing Delivery Statement (Oct 2010)
 - Community Facilities and Residential Development (2007)
 - Developer Contributions for School Facilities (2007)
 - Access, Circulation and Parking Requirements (2010)
 - Waste Collection and Storage Facilities (2007)

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 Land Use & Regeneration: The proposal is for the redevelopment of The Wharf PH site at Schooner Way from a Class A3 public house (incorporating an element of Class B1 office floorspace) to 180 dwellings (flats), incorporating an element of Class A1 (retail / 311sqm) and Class A3 (Food and Drink / 186sqm) floorspace at the ground floor. The site is located outside the Central and Bay Business Areas of the Cardiff LDP.

- 5.2 The acceptability of Class C3 (Residential) use at this location: LDP Policy H6 (Change of use or redevelopment to residential use) identifies criteria for assessing proposals that involve the redevelopment of previously developed land to residential use, including whether there is an overriding need to retain the existing use of the land or premises. The LDP does not specifically seek to protect Class A3 uses and with regard to Class B1 (office) floorspace, the site is not located within either the Central or Bay Business Areas, or within an area of existing employment land. Taking into consideration the established residential nature of the wider Schooner Way / Atlantic Wharf area, the proposed redevelopment of the site to residential use is considered acceptable in this instance.
- 5.3 The acceptability of a Class A1 (Shop) use at this location: As the site is located outside the Central Shopping Area (CSA) of the City Centre and also falls outside of any designated District / Local Centres as identified within the LDP, any proposal for a Class A1 (shop) use at this location would have to satisfy the three tests of out-of-centre retail policy. In this regard and given the relatively small scale of the proposed unit at 311sqm, an element of convenience retail could be considered acceptable to serve the newly established population and the wider residential community within the surrounding area. The sale of comparison goods would not be considered acceptable at this location and an associated condition could be attached that excludes the sale of comparison goods.
- 5.4 The acceptability of a Class A3 (Food and Drink) use at this location: Local Development Plan Policy R8 (Food and Drink Uses) identified that outside District/Local Centres and the Central and Bay Business Areas, consideration needs to be given to impact on residential amenity and potential to cause nuisance from noise and odour. A condition could therefore be applied limiting any ground floor A3 use to a café / coffee shop (excluding hot food takeaway) in order to safeguard the amenity of adjacent occupiers.
- 5.5 Public Realm Considerations: This is a large scale proposal, where the increase in floorspace and intensification of use will place increased pressure on the surrounding pedestrian environment, particularly due to the residential nature of the proposal where movements will take place across a longer period of time, including late at night.
- 5.6 The public realm surrounding the site is generally of a poor quality and there is a need for it to be upgraded to a standard commensurate with recent city centre / bay developments in order to provide a safer and more efficient pedestrian environment than that which serves the area at present.
- 5.7 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'. Cardiff Local Development Plan Policy KP6 (New Infrastructure) seeks that new developments will make appropriate provision for, or contribute towards, necessary infrastructure required

as a consequence of proposed development, including public realm improvements.

- 5.8 The applicant, as part of their proposal has identified a series of public realm and landscaping works within the sites boundary. It is requested that the extent of these works be extending to include the following elements that integrate the site with the surrounding area (as identified on Plan 1 'Proposed Extent of Public Realm Works' dated 22.5.16), with the works being undertaken by the developer:
- The resurfacing of the Bute East Dock footway along the eastern boundary of the site to tie-in with the sites wider public realm treatment;
 - The repainting of the dockside railings around the boundary of the site;
 - The replacement of the dockside lighting columns along the eastern boundary of the site;
 - The repair / replacement of the Schooner Way and canal side footways along the northern, western and southern boundaries of the site;
 - The extension of the site's soft landscaping treatment to include the embankment along the western boundary of the site (between the Dock Feeder Canal and Schooner Way), including the installation of railings along the back edge of the footway (refer to residential boundary treatment immediately south of the site);
 - The resurfacing of the carriageway at the entrance to the site and the installation of associated dropped kerbs and tactile paving.
- 5.9 Transportation: The Officer's consultation response will be reported to planning committee as a late representation.
- 5.10 Pollution Control (Noise & Air): No objection subject to standard road traffic noise, sound insulation, opening hours, delivery times, plant noise and kitchen extraction conditions, and a construction site noise advisory.
- 5.11 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 standard ground gas assessment condition, modified contaminated land measures assessment condition, and standard verification and remediation, unsuspected contamination, imported soils, imported aggregates and recycled aggregates conditions, and a contamination and unstable land advisory notice.
- 5.12 Waste Management: No objection subject to comments in relation to the apartment block bin storage and collection which have been passed to the applicant.
- 5.13 Parks: The Officer does not consider that the proposals provide any meaningful amenity space on the site but notes that there are a number of open spaces within the vicinity of the site which will benefit from improvements, including the dock feeder walkway.
- 5.14 Under current policy the proposed development is subject to Policy C5 of the Cardiff LDP (Provision for open space, outdoor recreation and sport 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 180 dwellings, the contribution will be £223,357

- 5.15 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/ Silurian Way open space, and the dock feeder/ canal walkway).
- 5.16 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 180 dwellings a contribution of £106,728 is sought, directed towards either the Butetown Community Centre, or another community facility in the vicinity of the development likely to experience added pressure as a result of the development.
- 5.17 Housing Strategy: Make the following comments on behalf of Housing Development in respect of the developer's affordable housing offer: The offer to 'sell' the Courtenay Road site to an RSL is an option that we would wish to explore in more detail, and would support in principle. Subject to negotiations with the developer the formal consultation response will be reported to committee as a late representation.
- 5.18 Trees & Landscaping Officer: No adverse observations.
- 5.19 Highways and parks (Drainage): No comments have been received.
- 5.20 Education: In accordance with the SPG Developer Contributions for School Facilities a financial contribution of £155,735 is requested towards the cost of providing/ improving catchment schools.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Welsh Water: Welsh Water express reservations about the capacity of the foul water drainage system to accommodate the proposed flows from the development, and request a condition requiring a hydraulic modelling assessment to establish any improvements that may be necessary to prevent the hydraulic overload of the foul drainage system. The agreed improvements to the drainage system to be implemented prior to beneficial occupation.
- 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 unsuspected contamination.
- 6.3 South Wales Police: No objection subject to standard recommendations pertaining to Secured by Design principles.

6.4 Glamorgan Gwent Archaeological Trust (GGAT): No objection subject to an archaeological watching brief condition.

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 Objections have been received from the Atlantic Wharf Residents' Association, the Twentieth Century Society, the applicant for the dock wakeboarding proposals, and from 12 local residents.

7.3 The main objections relate to:

- Inadequate on-site parking provision leading to overspill parking on neighbouring streets;
- Inadequate retail parking;
- Dangerous access from Schooner Way;
- Excessive scale (height & massing) of the apartment blocks to the rear of the site;
- Materials and appearance of the development not in keeping with the dockside context;
- Loss of the Wharf PH;
- Loss of privacy for neighbouring properties;
- Loss of daylighting for neighbouring properties;
- Loss of trees;
- Section 106 obligations;
- Loss of view;
- Noise and disruption during construction.

8. **ANALYSIS**

Land Use

8.1 Residential use is in accordance with the LDP and is acceptable. The small-scale shop and café uses are acceptable subject to A3 use restrictions and opening hours conditions.

Design

8.2 The layout has been amended to address concerns over the separation distance of blocks AB and CD from neighbouring properties (Amity Court and Corvette Court), and from the existing canal trees, and to create the new public square and a generous east west pedestrian route. The relationship of the blocks to each other and to the dockside and neighbouring residential properties is acceptable.

8.3 The inclusion of a retail shop unit and restaurant/ café to animate the square mitigates the loss of the Wharf PH and creates a focal point for the scheme and for the wider area.

- 8.4 The blocks range in height from 3 to 7 storeys. The two blocks located on the former pub car park are closest to neighbouring residential development and are 6 storeys in height.
- 8.5 In the case of the westernmost block (block AB) topography dictates that it is set down by several meters from the level of Schooner Way. It is separated from the Corvette Court development to the west by the canal and the road, and from Amity Court apartments to the south by the existing buffer of trees and the dock feeder canal. The top storey is also set back to reduce massing.
- 8.6 Block AB is 3.2m higher than the highest ridge line of Amity Court at a separation distance of 22.5m and 4.7m higher than the ridge of the Corvette Court properties at a separation distance of 36m.
- 8.7 The southernmost block (block CD) is 6 storeys at its western end where it is closest to Amity Court, and 7 storeys where it fronts on to the new square and the dockside. The block does not directly face Amity Court and is separated by the existing landscaped buffer and the dock feeder canal.
- 8.8 Street views and views across the dock show that the scale and design of the apartment blocks are appropriate for its waterside setting and for the residential context.
- 8.9 The simple layout of the housing follows good urban design principles and creates generous public realm on the waterside and an attractive east west connection through the scheme. There is enough space between the different blocks to incorporate tree planting and areas of landscaping and mitigate the on-street parking.
- 8.10 The choice of materials and architecture (red brickwork/ metallic cladding and highly modelled facades to provide depth and visual interest) takes a traditional dockside aesthetic and gives it a contemporary interpretation. The development reinforces the waterside and enhances the character and appearance of Bute East Dock.

Residential amenity

- 8.11 A significant proportion of the apartments benefit from some amenity space in the form of balconies. There is no recreational open space on the site. The closest open space/ play areas are Craiglee Drive, Schooner Way/ Silurian Way open space, the dock feeder/ canal walkway, and the dockside walkway and dock itself. Within the scheme there are small landscaped areas. The design and landscaping of these areas will be controlled by condition.
- 8.12 All blocks meet Council guidance on minimum separation distances to safeguard privacy (21m between windows of habitable room windows directly facing each other), and there are no overshadowing, overbearing or overlooking concerns.
- 8.13 Levels of daylighting enjoyed by ground floor habitable rooms in Amity Court will not be significantly affected because of the policy compliant separation distance

(22.5m) and the gable relationship of block AB to Amity Court. The development will not cause unacceptable harm to residential amenity.

Loss of trees

- 8.14 The loss of the category 'C' trees located in the car park and the category 'B' trees on the Schooner Way boundary is mitigated by the planting of 20 no. new trees and provision of landscaped areas. The new planting will reinforce the Schooner Way boundary and define the new routes through the site. The existing trees lining the dock feeder footpath are to be retained. The location of the new tree planting and the retention of the landscaped buffer to the dock feeder ensures that the site retains a landscaped character. The Tree Officer has no adverse observations and the landscaping proposals are acceptable.

Public Realm

- 8.15 The public square centred on the existing wharf, the new east-west pedestrian route and stairs/ramp linking this space to Schooner Way and adjacent footways (including the dockside footway) will be reinstated/ improved as part of the highway improvement works. Two new links connecting the site to the dock feeder canal footpath are proposed.
- 8.16 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.

Access and Parking

- 8.17 The scheme makes use of the existing access and there is no objection from transportation subject to standard conditions and highway improvement works, and a potential 106 contribution (to be confirmed in late rep). The proposals are policy compliant in terms of parking provision.

Representations

- 8.18 Objections on the grounds of parking, access, scale (height and massing), materials and appearance, loss of privacy, loss of daylighting, and loss trees are all addressed above.
- 8.19 The demolition of the Wharf PH no longer forms part of the planning application and is therefore not a consideration in determining the application. Loss of view is not a planning consideration.
- 8.20 The concerns raised by the applicant for the wakeboarding scheme relate to draft conditions requiring the provision of parking spaces and ancillary equipment for the wakeboarding facility on an area of land which forms part of the application under consideration.
- 8.21 The area of land in question comprises the Wharf car park, and an area of land between the Wharf PH and the Boatshed gym that gives access from the car park to the dockside, and forms part of applications 14/188/DCI & 12/691/DCI for a wakeboarding facility on the dock. Both of these applications benefit from

resolutions to grant planning permission subject to the signing of Section 106 legal agreements.

- 8.22 The grant of planning permission for the wakeboarding facility requires the signing of a legal agreement with all parties with an interest in the land in question. Since the latest resolution to grant in 2014 the applicant has agreed to a series of extensions of time to allow the 106 to be signed but as of August this year it is my understanding that little real progress had been made.
- 8.23 The applicant for the scheme under consideration, J.R. Smart, has an interest in the former Wharf PH site and would therefore be a party to any such legal agreement. Furthermore the implementation of the wakeboarding scheme as resolved to grant by planning committee would require the agreement of the landowner because of the conditions of the permission.
- 8.24 The question of which potential planning permission is implemented in the first place is therefore a matter for the respective applicants to resolve and not a material planning consideration in determining this application.
- 8.25 Noise and 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. A standard construction site noise advisory is attached.

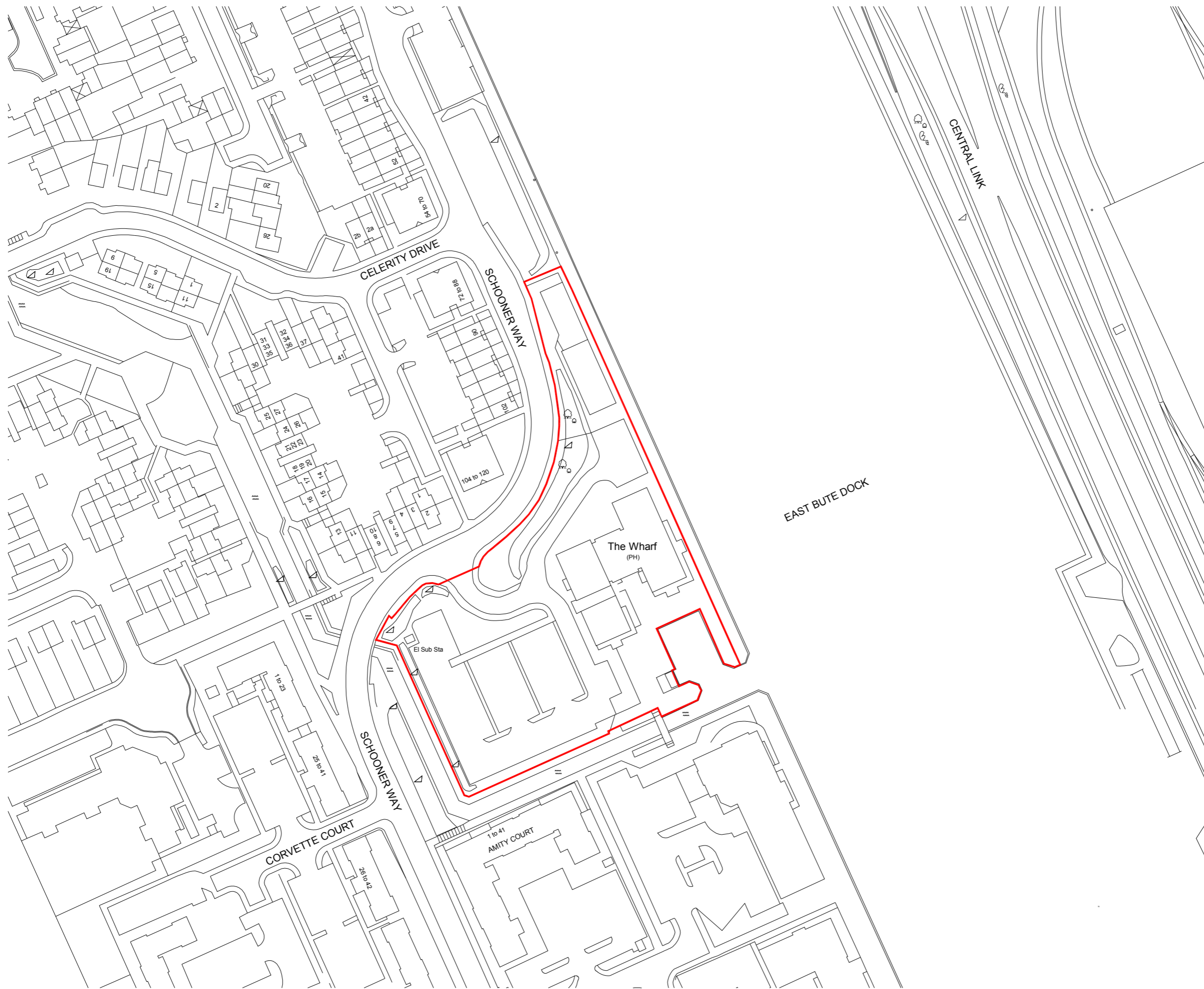
Section 106

- 8.26 Section 106 obligations are required to meet planning policy and guidance, and national planning obligations tests, and are also subject to viability. Notwithstanding the viability exercise carried out by the applicant and verified by the District Valuer the view of the LPA is that a significant market housing scheme on an attractive site close to the city centre that does not deliver any affordable housing is not policy compliant, and cannot therefore be recommended for approval.
- 8.27 In light of this the developer has offered the Courtenay Road site for a 100% affordable housing scheme. This site is in the applicant's ownership and benefits from a resolution to grant planning permission for 30 dwellings (14/2886/MJR), subject to a section 106 for 6 affordable units on site (or financial contribution in lieu), and public open space and community facilities contributions.
- 8.28 The principle of a land transfer to an RSL for the provision of a 100% affordable housing scheme (up to 30 units) in lieu of on-site provision of 20% affordable housing is acceptable in principle and it is recommended that planning permission be made subject to a 106 legal agreement to secure off-site affordable housing.
- 8.29 Given the above, and the conclusion of the independently assessed viability appraisal that the scheme is not viable, the contributions requested by service areas towards public open space, community facilities and education are waived.
- 8.30 In the interests of the safe operation of the Schooner Way access and associated traffic management on Schooner Way, it is recommended that planning

permission be made subject to a financial contribution of up to £15,000 for necessary transport-related improvements.


9. **CONCLUSION**

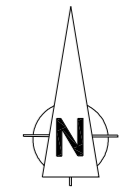
- 9.1 The scale, design and appearance are acceptable. The proposals retain retail uses, create new public realm, and enhance the dockside and the character and appearance of the Bute East Dock and Schooner Way. The proposed residential use and access and parking provision are policy compliant. Residential amenity of occupiers and neighbours is acceptable.
- 9.2 The granting of planning permission is recommended subject to conditions being imposed, and a Section 106 legal agreement to secure the following:
- The transfer of the Courtenay Road, Splott site to an approved RSL for the delivery of a 100% affordable housing scheme of 30 dwellings, prior to implementation of the Wharf scheme. Details to be agreed as part of the 106 negotiations
 - A financial contribution of not more than £15,000 towards transportation-related improvements to ensure the safe operation of the Schooner way access, amount to be confirmed by late representation.
 - Public realm improvements to the dockside walkway adjacent to the site, including resurfacing and lighting, as indicated on Plan 1 'Proposed Extent of Public Realm Works' of the Strategic Planning (Regeneration) consultation response dated 25.5.16



THIS DRAWING IS COPYRIGHT
 ALL DIMENSIONS TO BE CHECKED ON SITE
 ANY DISCREPANCIES TO BE REPORTED TO THE ARCHITECT
 DO NOT SCALE THIS DRAWING

REVISIONS		
No	By	Description

 Application Site
 Area
 2.16 Acres
 0.87 Ha



Scale: 1:1250 @ A3
 1:625 @ A1

morgan hayman

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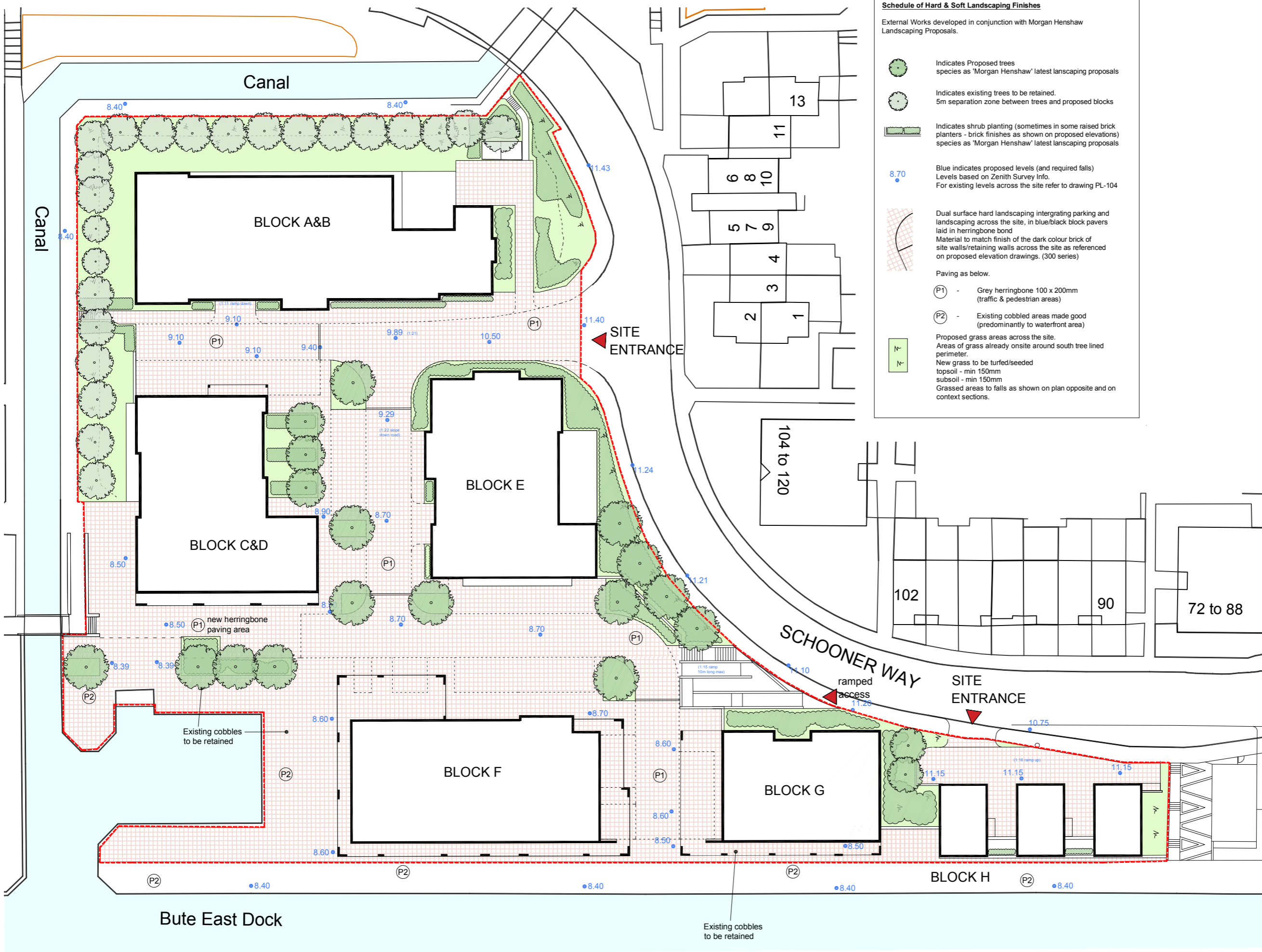
Project
 The Wharf, Schooner Way, Cardiff

Client
 JR Smart Ltd

Drawing Title
 Existing Site Location Plan

Site Location Plan

Drawn	Checked	Scale	Original	Date
DG	ARM	1:1250	A3	Mar 2016
Job Number	Drawing Number	Revision	Status	
3046	PL	101	Planning	



Schedule of Hard & Soft Landscaping Finishes

External Works developed in conjunction with Morgan Henshaw Landscaping Proposals.

- Indicates Proposed trees species as 'Morgan Henshaw' latest landscaping proposals
- Indicates existing trees to be retained. 5m separation zone between trees and proposed blocks
- Indicates shrub planting (sometimes in some raised brick planters - brick finishes as shown on proposed elevations) species as 'Morgan Henshaw' latest landscaping proposals
- Blue indicates proposed levels (and required falls) Levels based on Zenith Survey Info. For existing levels across the site refer to drawing PL-104
- Dual surface hard landscaping intergrating parking and landscaping across the site, in blue/black block pavers laid in herringbone bond. Material to match finish of the dark colour brick of site walls/retaining walls across the site as referenced on proposed elevation drawings. (300 series)

Paving as below.

- (P1) - Grey herringbone 100 x 200mm (traffic & pedestrian areas)
- (P2) - Existing cobbled areas made good (predominantly to waterfront area)

Proposed grass areas across the site. Areas of grass already onsite around south tree lined perimeter. New grass to be turfed/seeded topsoil - min 150mm subsoil - min 150mm. Grassed areas to falls as shown on plan opposite and on context sections.

Scale: 1:500 @ A3
 1:250 @ A1

morgan hayman

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Project: The Wharf, Schooner Way, Cardiff
 Client: JR Smart Ltd
 Drawing Title: Proposed Site Plan

Drawn	Checked	Scale	Original	Date
DG	ARM	1:500	A3	Mar 2016

Job Number	Drawing Number	Revision	Status
3046	PL	131	A Planning

Proposed Site Plan

8.0 Perspective View

