



Cynulliad Cenedlaethol Cymru

The National Assembly for Wales

Holder Mathias Alcock

Parc Cathays / Cathays Park

Architecture, Urban Design, Planning

Caerdydd / Cardiff

Management

CF10 3NQ

The Bonded Warehouse

Eich cyf / Your ref: SH/PJM/2514(S)

Atlantic Wharf,

Ein cyf / Our ref:

Cardiff CF10 4HF

Dyddiad/Date: 30 November 2001

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 78

APPEAL BY CARILLION DEVELOPMENT MANAGEMENT AGAINST CARDIFF COUNTY COUNCIL'S DECISION TO REFUSE PERMISSION FOR HIGH DENSITY RESIDENTIAL APARTMENT DEVELOPMENT COMPRISING 174 UNITS IN THREE BLOCKS RANGING FROM 4-15 STOREYS (INCLUDING UNDERCROFT PARKING) ON SITE NORTH OF AND ADJACENT TO COUNTY HALL, SCHOONER WAY, ATLANTIC WHARF, CARDIFF.

1. Consideration has been given to the report of the Inspector Mr C I Cochrane MSc DipArch Reg Arch MRTPI who held a hearing, on 31 May 2001, into your client's appeal under section 78 of the Town and Country Planning Act 1990 against the decision by Cardiff County Council to refuse planning permission for high density residential development on land adjacent to County Hall in Schooner Way, Cardiff.
2. The Planning Decision Committee is minded to grant your client's appeal, subject to conditions, under section 78 of the Town and Country Planning Act 1990, when the National Assembly for Wales is satisfied in respect of the issues set out in paragraph 8 below.
3. On 27 March 2001 a direction was issued by the Planning Inspectorate that the appeal should be

determined by the National Assembly rather than by a planning Inspector. On 20 November 2001 the National Assembly resolved that a committee to be known as Planning Decision Committee 2001 /7 be established in accordance with Assembly Standing Order 35 to discharge the functions of the Assembly under section 79 of the Town and Country planning Act 1990 in respect of the above appeal. Accordingly, the Planning Decision Committee has considered the appeal and, as required by Standing Order 35.16, the Chair of the Committee has signed this letter which the Committee has resolved to adopt.

4. The Inspector's conclusions are set out in paragraphs 9.1 to 9.19 of his report, a copy of which is enclosed, and those conclusions are reproduced as an Annex to this letter. The Inspector recommended that the appeal be allowed and planning permission granted subject to conditions. Subject to the comments below the Planning Decision Committee agree with his conclusions and accept his recommendation.

5. Section 54A of the Town and Country Planning Act 1990 requires the determination of a planning application to be in accordance with the development plan unless material considerations indicate otherwise. The approved South Glamorgan (Cardiff Area) Replacement Structure Plan 1991-2001 and the City of Cardiff Local Plan (1996) comprise the development plan for the purposes of this appeal. The Council refers to three Local Plan policies in its reasons for refusal, which the Inspector has set out in paragraph 6.1 of his report. The situation regarding the emerging Unitary Development Plan is set out in paragraph 3.5 of the Inspector's Report.

6. The Committee agrees with the Inspector that there are no planning policy reasons to rule out a tall building at this point and has concluded that it is not necessary to create a homogenous townscape along the waterfront. The Committee agrees with his finding that the overall design and form of the proposal is acceptable. Furthermore, because the dwellings would be less likely to attract family units with children, the Committee agrees with the Inspector's conclusion that the open space being provided on-site should be adequate for the likely occupiers and that this issue can be dealt with satisfactorily by way of a unilateral planning obligation, an obligation which can also suitably provide for affordable housing units.

7. The Committee considers that the appeal should be granted subject to the 14 conditions submitted to the local planning authority. However, it considers that the word "either" should be inserted before the word "generated" in condition 11 and that the words "and implemented before the development is brought into beneficial use" be inserted at the end of condition 14.

8. Following the close of the public inquiry, the appellant has entered into a unilateral undertaking for the provision of affordable housing and the residual open space requirement. The Committee is satisfied that the planning obligations entered into in that undertaking address the concerns about those matters raised at the inquiry but considers that there are some technical amendments required to the Deed. Accordingly the Committee requires a further deed, addressing these matters, to be entered into. The Committee is also of the view that the appellants must provide evidence of title to the land.

9. Subject to the above comments, the Planning Decision Committee agrees with the Inspector's conclusions and accepts his recommendation

10. A copy of this letter has been sent to the Head of Regulatory Services , Cardiff County Council, to

Nick Davies Associates, and to those persons and organisations represented at the hearing.

Yours faithfully



KAREN SINCLAIR AM

Chair, Planning Decision Committee 2001 /7

ANNEX TO NATIONAL ASSEMBLY LETTER OF 30 NOVEMBER 2001

9 Conclusions

9.1 With regard to the development plan policies, residential development of the appeal site has been accepted in principle for several years [3.1, 4.1, 7.4, 7.5], but the Council takes the view that this particular proposal would be unacceptable in terms of design, density and open space provision [6.1-6.10], contrary to Local Plan policies. Although local residents raise concerns about car parking and traffic [8.1], these are not supported by the Council, because it is clear that the proposed development would provide adequate road access, servicing and car parking for the site. I find the proposed access and car parking arrangements adequate for the scale of residential development, and there are no sustainable grounds for concern over congestion on Schooner Way or other access roads.

9.2 Dealing with the design issues first, the Council would prefer the last piece of land in Atlantic Wharf to be developed in conformity with the original 1985 design concept [6.6-6.8], a style of development that the appellants describe as "banal, sterile and monotonous" [7.7], even though the same architects initiated that form of residential development in the late 1980s [6.6]. There is however a clear pattern of development in the brick warehouse vernacular of the former dockside throughout the whole of the urban renewal project at Atlantic Wharf. This includes the County Hall development next to the appeal site, which is also medium-rise, of brick construction with oversailing tiled roofs.

9.3 Whilst the Council clearly wishes to complete the Atlantic Wharf development in accordance with the original design brief [6.6-6.8] in the form of a series of residential courtyards linked by roads and footpaths along the dockside, the appeal proposals would be a complete break from that pattern of development [7.1] (see model). The aim of the proposed scheme is to create a contrast in form, bulk, scale and appearance from the development so far, in this locality. The intention is to introduce a landmark development in terms of its height, design and sculptural qualities [7.7-7.12].

9.4 The Council correctly rebuts the concept of the development forming a "bookend" tall building [6.4], because the site lies within, rather than at the edge of, the existing medium rise development that constitutes Atlantic Wharf. It cannot be doubted however that the curved block and the 15-storey tower would form a new visual landmark in the inner harbour area. To this extent it would certainly fulfil the aims of the designers.

9.5 The existing pattern of blocks of medium rise development 'would not link through to County Hall, beyond the appeal site to the south, because the north-south pedestrian link through the courtyards would cease at the boundary of the County Hall car park. Nor does the County Hall development provide any links from east to west or north to south through the courtyards within the building complex itself, so the original planning layout concept for Atlantic Wharf would terminate at its northern boundary, regardless of the pattern of development on the appeal site.

9.6 Apart from the dockside walkway, the County Hall site is impermeable for the general public. Consequently, although County Hall has a similar scale and building materials to the Atlantic Wharf housing, it does not integrate into the pattern of walkways and courtyards. Nor is its heavy-roofed architecture similar to the plainer wharveside buildings further north. Although the proposed development would create a new scale and style of architecture on the appeal site, contrary to the Council's wishes [6.7], the layout would perpetuate the cross-links for pedestrians from north to south and east to west through the site, as far as the County Hall boundary.

9.7 Viewed in this context, the proposed scale of the scheme would make an appropriate visual punctuation or landmark to terminate the housing development along Bute East Dock, at the point of transition from inner city housing to the civic building complex of County Hall. As the appellants point out, this area is not a conservation area [7.2], but one where the dockland waterfront inspires modern architecture, possibly in the form of a landmark statement. This area is dominated by large landscape features, the expanse of the dock and the massive industrial buildings on the opposite side of the City Centre Link Road. A new building with significant vertical emphasis would form an appropriate focal point in views across the water, and it would create identity for the area, as a landmark against the medium-rise buildings forming the background (see model).

9.8 Although the tower block itself would be taller than the existing buildings in Cardiff Bay, it would not be of great height and scale when compared to other buildings in the City Centre, which is not far away. It would create a striking contrast with the existing residential development at Atlantic Wharf, but there are no planning policy reasons to rule out a tall building at this point. The tower block would be sited towards the south-east corner of the site where the building would be unlikely to overshadow or overlook nearby apartments in the Rigarossa development. Similarly, although the eastern end of the curved block would be 7 and 8 storeys high, this would be unlikely to appear overbearing or detract from the amenity of the existing residential area due to the distance between adjoining blocks.

9.9 With regard to the design of the proposed buildings, the submitted plans and elevations provide little detailed information. The appellants describe the blocks as being of smooth white finish in the modernist style of the 1920s or 1930s with a maritime flavour [7.13], and the drawings show white elevations dominated by metal balconies and wide windows which give a strong horizontal emphasis to the long curved block, and a strong pattern of solid and void on the tall building. Elevationally, the tower would be in the form of a rotunda with faceted sides.

9.10 The proposed design of the new scheme would create a strong contrast with the more traditional appearance of the brick and tile buildings in Atlantic Wharf. The Council finds this unacceptable [6.8], but it does not appear necessary to create a homogeneous townscape along the waterfront of Bute East Dock. There do not appear to be any overriding historical or architectural

reasons for restricting today's design to the 1985 concept for the area. A greater variety of scale, colour, design and "urban grain" at this location would add considerable architectural interest to the overall scene, and I find the proposed design to be appropriate in this location. Whilst the overall design and form of the development is acceptable in principle, a great deal of detail is missing from the plans, and this would require further approval at a later stage.

Density and Open Space

9.11 The density of the proposed scheme would be greater than that for similar sites within the Atlantic Wharf redevelopment [6-51] and the Council claims that this would have repercussions in a lack of public open space available for residents of the development and in the area generally. The residential open space requirement for all new housing developments is set out in the City of Cardiff Local Plan Policy 31 [3.3], which requires a minimum of 2.43 ha of recreational open space per 1000 projected population.

9.12 As the commentary to Policy 31 explains, this is a National Playing Field Association minimum standard for outdoor playing space applied to all types of housing. It comprises 0.3 ha of equipped children's' play area, 0.5 ha of informal recreational open space and 1.6 ha of formal recreational open space per 1000 population. This is to be assessed in relation to the type and density of the development proposed, and in some circumstances the particular characteristics of the site or the development proposed might make a variation from the normal provision appropriate. Open space is normally sought within the development site, but the Council may be prepared to negotiate off-site contributions directly related to the development. The explanatory text also states that recreational and amenity space within the Cardiff Bay Development Corporation area is being planned on a comprehensive basis, so that a strategy for new areas of open space will provide for the anticipated population levels for the whole area.

9.13 According to the formula in Policy 31, the proposed number of apartments would require slightly more than 1 ha of recreational open space. However, this proposed development is quite different from an estate of family houses. The 3 blocks would contain 81 one-bedroom and 93 two-bedroom apartments, of which only 23 would be at ground floor level (Site Plan 1:500 - 2514/01). The scheme is clearly designed as city centre housing for couples and small families, and the accommodation would be far less suitable for children than other developments nearby.

9.14 In my view, the policy should be applied more flexibly in such circumstances, because not all of the 3 open space components in the NPFA standard of 2.43 ha per 1000 population are relevant to this particular type of housing. I consider that the inclusion of some 0.19 ha of public open space within the development, amounting to 18% of the total requirement under the policy, is adequate for the likely occupiers. This would be provided conveniently in a central amenity space between the blocks, which would be made available by the design of the undercroft car parking and the deck close to the dockside. As stated in the policy, the residual open space requirement relevant to the development would be provided within the Cardiff Bay area, where there are many public spaces, and a commuted payment for this provision is offered by the appellants, in the section 106 undertaking [7.15].

9.15 A precedent for this type of arrangement has been established recently on a nearby development site at the southern end of Bute East Dock. The Council granted planning permission in

December 2000 for residential development on 1.4 ha of land to the southeast of County Hall [4.2] with conditions requiring a minimum on-site provision of 20-25 of the open space requirement under Policy 31, and subject to a section 106 Agreement to provide affordable housing units and a contribution for public open space elsewhere. Although neither the Council nor the appellants have taken these areas into account [7.9], it should be noted that the development would also include paved areas and landscaped walkways along the dockside and from the dock to Schooner Way, which would make an attractive addition to the site and the whole area.

9.16 The Council refers to the existing deficiency, and forecast shortfall of open space, for the population of Atlantic Wharf [6.10], but Policy 31 refers to the overall provision of public recreation space in Cardiff Bay being met on an aggregated basis for the new housing development. Atlantic Wharf is part of the Cardiff Bay development, and therefore it would be appropriate to provide public open space through commuted payment for the benefit of the whole area. I conclude that sufficient amenity space would be provided on site for the immediate needs of the residents and that an appropriate financial contribution would be made for overall provision in Cardiff Bay.

Affordable Housing

9.17 Local Plan Policy 24 requires the inclusion of affordable housing units within the proposed development [3.2], and the Council's waiting lists indicate that 20% of the proposed units should be affordable 1 and 2-bedroom flats [6.11]. The appellants are willing to include this element within the scheme, and a suitable clause is included in the section 106 Unilateral Undertaking.

Conditions and Unilateral Undertaking

9.18 The Council's suggested list of 14 conditions is included with the statement at Appendix 15. As reported above [6.12], the Council also suggests a further condition requiring that all windows of apartments facing Bute East Dock should be double-glazed for sound proofing against the industrial area and the dual carriageway link to the City Centre.

9.19 The submitted section 106 Unilateral Undertaking (Document 4) would ensure that adequate measures would be taken to provide a proportion of affordable housing units and a financial contribution towards the provision of public open space within the Cardiff Bay area.

10 Recommendations

10.1 I recommend that the appeal be allowed and planning permission be granted subject to the conditions referred to above.



INSPECTOR

The Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff CF10 3NQ

Tel: 029 2082 3889 Fax: 029 2082 5150

Report

Inquiry opened on 31/05/01

by Clive Cochrane DipArch RegArch MSc MRTPI

an Inspector appointed by the National Assembly for Wales

Date 12/07/2001

TOWN AND COUNTRY PLANNING ACT 1990

SECTIONS 78

CARDIFF COUNTY COUNCIL

APPEAL

By

CARILLION DEVELOPMENT LTD

Hearing held on 31 May 2001

Land Adjoining County Hall, Schooner Way, Atlantic Wharf, Cardiff.

File ref: APP/Z6815/A/00/1053306

File Ref: APP/Z6815/A/00/1053306

Site address: Land adjoining County Hall, Schooner Way, Atlantic Wharf, Cardiff.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Carillion Development Ltd against the decision of Cardiff County Council.
- The application (Ref: 00/00376/C), dated 38/03/00, was refused by notice dated 18/05/00.
- The development proposed is the erection of a high density residential apartment development of 174 units in three blocks ranging from 4-15 storeys (including undercroft parking).

Summary of Recommendation: The appeal be allowed and planning permission granted subject to conditions.

1 Procedural Matters

1.1 The development proposed falls within the description at paragraph 10(b) of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 for development requiring an Environmental Impact Assessment. In a letter of 24 January

2001 however, having taken into account the selection criteria in the Regulations, the National Assembly decided that the development would not be likely to have significant effects on the environment by virtue of its nature, size or location. The letter comprises a screening direction to the effect that an EIA is not required for the proposed development.

2 Site and Surroundings

2.1 The appeal site comprises 1.1 ha of vacant land in Atlantic Wharf, lying to the north of County Hall between Schooner Way and Bute East Dock. Alongside the site to the north is a newly constructed high-density residential development by Redrow, known as "Rigarossa", ranging from 3 to 7 storeys high on the dockside. The site is the last undeveloped plot in the Urban Renewal Scheme, known as Atlantic Wharf. On the west side of Schooner Way, opposite the appeal site, there is further medium density housing development of recent construction.

2.2 The site lies close to Cardiff Bay Inner Harbour and has access to these facilities and those of the City Centre, which are both within walking distance. The site faces onto the dockside and has access to a footpath network linking to the east and west and north and south, throughout Atlantic Wharf.

3 Planning Policy

3.1 The appeal site is allocated for residential development in the City of Cardiff Local Plan 1996, and as such it is protected for residential use under Policy 22 - Protection of Residential Land.

3.2 Policy EV2 of the South Glamorgan (Cardiff Area) Replacement Structure Plan 1991 2011 favours the regeneration of derelict or degraded urban land, particularly within Cardiff Bay, for appropriate employment, retail, residential, tourism, leisure and nature conservation uses, subject to their consistency with other policies. Structure Plan Policy H1 gives priority to the development of housing sites with planning permission and infrastructure in Cardiff Bay.

3.3 The following policies of the City of Cardiff Local Plan 1996 are of particular significance:

Policy 11 Design and Aesthetic Quality

All new developments should be of a good design which has proper regard to the scale and character of the surrounding environment and does not adversely affect the aesthetic quality of the area.

Policy 31 Residential Open Space Requirement

Provision of a satisfactory level and standard of open space will be sought on all new housing developments, based on a minimum of 2.43 hectares of recreational open space per 1000 projected population. In assessing particular requirements regard will be had to evidence of the extent and nature of need in the locality.

Policy 24 Affordable and Special Needs Housing

Provision for an element of affordable housing and for housing for special needs groups will be sought on all new housing sites of more than 50 dwellings where there is evidence of need which can be satisfactorily met on the site and where conditions allow. The precise scale will vary from case to case and will be a matter of negotiation.

3.4 In addition the City of Cardiff Local Plan (Supplementary Planning Guidance) Open Space, January 1999, sets out standards of open space provision for all new housing developments.

3.5 The Unitary Development Plan for Cardiff 1996-2016, Outline Proposals for Consultation, published in May 2001, is now in an eight week consultation period; the plan is timetabled for 'deposit' in September 2002. There are, however, no site-specific proposals in the document relating to the appeal site.

4 Planning History

4.1 The planning history of the site dates back to the 1985 outline planning permission for comprehensive redevelopment of 38 ha of land at Bute East Dock for a mix of 700 residential units, retail, offices, leisure uses, open space and landscaping. The outline permission was accompanied by a Section 52 Agreement and a written statement setting out the key infrastructure and phasing, principal land uses and other planning matters. The appeal site was identified for residential use, and detailed planning permissions were granted in 1993 and 1994 for residential development of the appeal site and land to the west of Schooner Way at densities of 65 and 69 dwellings per hectare. The latter development for 139 dwellings and open space has been completed.

4.2 In 1997, outline and detailed approvals were given for a mixed use redevelopment of the area including 4-5 storey offices on the appeal site. There have been further consents for an hotel and flats at 125 dwellings per hectare on adjoining sites. Mostly, these developments are between 3 to 6 storeys, although a 7-8 storey residential development was recently permitted on land to the south-east of County Hall. That outline planning permission includes 20-25 % open space provision and a section 106 Agreement for an element of affordable housing and contributions for public open space provision.

5 The Proposals

5.1 The proposed development would entail the construction of 174 residential apartments in three blocks ranging from 4 to 15 storeys high, with undercroft and surface car parking for 208 cars and 40 cycle stands. There would also be an extension of the existing access road off Schooner Way into the car parking and servicing area, a central amenity space, dockside paved area and a tree-lined walkway from the dock to Schooner Way.

5.2 The apartments would be arranged in a long, curving block across the site from Schooner Way to the waterfront next to Rigarossa, ranging from 5 to 9 storeys high (including the car parking

undercroft), a triangular block of 4 storeys on the Schooner Way corner of the site and a 15-storey tower block on the dockside, close to County Hall.

6 Case for the local planning authority

The material points are:

6.1 The Council refused planning permission on 18 May 2000 for 4 reasons:

(i) The proposal by reason of its siting, scale and density is considered an over development of the site which is over dominant and out of keeping with the character of the area and detrimental to the visual amenities of the area and contrary to the provisions of policy 11 of the Local Plan.

(ii) The proposal is considered an inappropriate and incongruous form of development by reason of its layout, form, design and materials which is out of keeping with the character, form, layout and design of the area and detrimental to the visual amenities of the area and contrary to the provisions of policy 11 of the Local Plan.

(iii) The proposal fails to satisfactorily address the provision of open space in accordance with policy 31 of the Local Plan and approved Supplementary Planning Guidance (Open Space) and results in a cramped and substandard form of development.

(iv) The proposal fails to satisfactorily address Policy 24 of the Local Plan in respect of affordable/special needs housing in an area where there is established need and where the site is considered appropriate for such housing.

Scale and Massing

6.2 The proposed development is considered to be out of scale with the existing nearby buildings in Atlantic Wharf, which are generally between 3 and 4 storeys, with taller blocks along the water's edge of 5 to 7 storeys. Immediately adjacent to the appeal site, County Hall is 5 storeys high (27m max height) and the Redrow housing scheme nearing completion (Rigarossa) is 6 storeys (23m) high. The proposed development would range from 4 storeys on Schooner Way rising to 8 and 15 storeys on the waterfront (45m at highest point).

6.3 The proposed scale of development along the dock would be over dominant, over-bearing and an incongruous mass of building. It would be completely out of context with the existing scale and massing of building in the immediate environment. This is contrary to Planning Guidance (Wales) - Planning Policy advice in paragraph 4.2 and Policy 11 of the Local Plan.

6.4 It is not considered justifiable in design terms to erect a landmark tower block of excessive scale on the dock edge, where it would be wholly inconsistent with its surroundings. It would not fit the design concept of a "bookend" in this particular position on the dock edge, because it would be in

the middle of a medium-rise area of development. It is recognised that there is a need to maximise the use of brownfield sites for residential purposes, but it is also necessary to have proper regard to the achievement of a satisfactory design and layout.

6.5 Although housing densities have been increasing in Atlantic Wharf over time to reflect national trends, the proposed net density of 158 dwellings per hectare would greatly exceed the residential densities already approved on adjoining sites (Bellway 128, Redrow 125, Schooner Way 69, appeal site 65). The excessive density would lead to a lack of open space provision within the scheme, one of the requirements of the Local Plan. The failure to provide adequate open space leads to the view that the appeal proposals would constitute over-development of the site, which would be detrimental to the amenities of future residents and of the whole of the Atlantic Wharf area.

6.6 The character of the Atlantic Wharf area has developed over 15 years as a pattern of 2-4 storey blocks forming courtyards, built in brick with pitched slate roofs. This concept was established in the master plan and early designs for the area, carried out by the same architects as for the appeal site. The appeal proposals are a contradiction of the layout and design principles of the master plan for the area. The Bute East Dock Written Statement envisaged that "houses will be formed in groups around landscaped courtyards or facing the canal and green spaces".

6.7 The curved building and tower block proposed would be out of keeping with the established character, and it would disrupt the pedestrian linkages through the appeal site. It would diverge from the alignment of existing buildings and the street pattern and it would result in a series of ill-defined and leaky spaces on the dock frontage and the Schooner Way access road. This is contrary to the guidance in Planning Guidance (Wales) - Technical Advice Note (Wales) 12 - Design, where paragraph 3 states that "relationships between different buildings, streets, waterways and other public spaces, which make up the public domain, are relevant in determining planning applications and appeals, as are the nature and quality of the public domain itself". The proposed scheme has little regard for the established scale and pattern of the local built environment in terms of height, massing, spacing and character.

6.8 Whilst there are other high density residential developments in Cardiff Bay, the appeal site lies within an established residential area with its own distinctive pattern of development and character. The design of the buildings themselves is unacceptable. The proposed modern flat-roofed buildings with a white finish would contrast with the pitched roof brick buildings of the Atlantic Wharf area, which have a warehouse vernacular.

Open Space Provision

6.9 The proposed development fails to provide the minimum open space required for new housing under Policy 31 of the Local Plan. Based on an occupancy rate of 2.5 persons per unit, the development ought to provide about 1 hectare of open space, but only includes 0.06 ha of amenity space. This would result in a cramped and substandard form of development in an area already projected to be deficient in public open space.

6.10 The Supplementary Planning Guidance accepts that payments may be made by developers for off-site provision of open space, but this has to be viewed in the light of the adequacy of the existing provision of recreational open space and the needs of the locality. There are planning approvals for a

total of 973 dwellings in the whole of Atlantic Wharf, which warrants open space provision of 5.91 ha under the Local Plan policy, but only 3.03 ha is actually available. There is no significant recreational area in the vicinity of the appeal site and the proposed amenity area is considered inadequate for the amount of development proposed.

Affordable Housing

6.11 Policy 24 of the Local Plan requires an element of affordable or special needs housing on all new housing sites of more than 50 dwellings, where there is evidence of a local need that could be met on the site. It is considered that the proposed development should include some-') 0% of the total number of units in the form of 1 or 2-bedroom flats to meet an established need for affordable housing in the Butetown area. This has been raised with the appellants, who have expressed their willingness to meet this requirement, but there is no indication about how this need would be addressed in the scheme.

Conditions and Unilateral Undertaking

6.12 Without prejudice to their case, the Council has put forward a list of 14 draft conditions for consideration in this appeal. In addition, it is considered advisable to require the installation of double glazing to all windows facing onto the waterfront.

6.13 The Council's comments on the draft Unilateral Undertaking tabled at the hearing are contained in a letter of 05/06/01, addressed to the Inspectorate. These concern the definitions of "affordable housing units", "approved organisations" and "general market housing units", the timescale for completion of affordable housing units, the open space clause and contribution, and the definition of "Council". Clause 2(b) of the Planning Obligations, which provides for an alternative of commuted payments in lieu of 20% of the units being Affordable Housing, is not acceptable to the Council, because the affordable units are required to be provided on the site.

7 Case for the Appellants

The material points are:

7.1 The appeal site is the only site remaining undeveloped as the last stages of this major urban renewal project at Atlantic Wharf near completion. The developer, Carillion, has been involved throughout and is anxious to achieve a landmark development of outstanding merit. The scheme would achieve this by marking the break between dockside housing and the offices of County Hall in a unique way. It is not intended to downgrade the achievements so far by providing a major building of inferior or ordinary design.

7.2 The Council has already approved a detailed proposal on the appeal site for an extension of County Hall, which is not in accord with existing local plan policy. This is not a conservation area, but part of the former Development Corporation area, where modern and innovative forms of architecture are actively encouraged.

7.3 It is considered that the 174 apartments in the proposed development would make a useful

contribution to meeting Cardiff's housing requirements during the current development plan period. The proposal is also in line with current Assembly thinking in that it would provide high density housing on a brownfield site in a designated residential development area.

7.4 With regard to the development plan, Policies EV2 and H1 of the South Glamorgan (Cardiff Area) Replacement Structure Plan 1991-2011, adopted 1997, are considered to be relevant. These are concerned with the regeneration of derelict or degraded urban land, particularly within Cardiff Bay, for uses including housing, and giving priority to the development of housing sites in Cardiff Bay.

7.5 With regard to the reasons for refusal of planning permission; the proposed siting of the proposed residential development is in accordance with the relevant development plan policies, the development includes open space in a useable form in the centre of the site and discussions are ongoing about a financial contribution in lieu of total open space to comply with Local Plan Policy 31, and the appellants accept the need for an element of affordable housing in the scheme and discussions have taken place with the Council.

7.6 The appellants have offered to enter into a section 106 agreement in order to guarantee the provision of open space and affordable housing, but the LA declined to discuss this further before determining the application. Design Concept

7.7 The developers wish to meet the growing trend and government initiative for higher density, good quality, innovative design in urban living by developing a flagship building or group as a good example of residential architecture and urban design for Cardiff and South Wales. The intention is to proceed beyond the generally banal, sterile, and monotonous residential design prevalent in Atlantic Wharf to achieve a landmark building incorporating new standards for inner city residential accommodation in terms of density, whilst providing high levels of private and public amenity and comfort.

7.8 The designers have a vision of a tall block on the dockside at this site to act as a "book end" to terminate the predominantly residential development around East Bute Dock, to allow space for County Hall to stand alone as a civic, pavilion building. The geometric design of the building is principally a response to the street and water frontages, the need to create a high proportion of views of the water and the immediate context of the site.

7.9 High density does not necessarily mean over-development of the site. It represents a low land take, closer proximity to communal facilities and the opportunity for a viable bus route. The proposed high density development would have a proportionate degree of amenity space in a single area, with a garden platform between the tall blocks at the dockside. It is calculated that the central green space (0.12 ha) and the garden platform (0.07 ha) total 0.19 ha, which is 18% of the total open space requirement of 1.05 ha for the whole development in accordance with Local Plan Policy 31. These calculations omit other open spaces within the proposed development: the tree-lined walkway between Bute East Doc, and Schooner Way, the paved dockside area, and the paved and landscaped areas around the triangular block.

7.10 The design of the proposed development is a modern, unashamedly significant urban form that would provide a rich and varied townscape. It represents a conscious decision to create a contrast

with the utilitarian buildings of Atlantic Wharf. In rejecting the proposals, the Council is applying the bland, generic guidelines that have established the character of Atlantic Wharf. This would not achieve the quality and creativity sought for this site.

7.11 The juxtaposition of differing scales of building would create quality and visual interest. This also creates townscape. Scale is not just about size, but the manipulation of the difference in the size of buildings. The design is intended to create a visual interplay between the form and scale of the individual blocks: the curved block juxtaposed against the tall block when viewed from various points around the water frontage, and the triangular block viewed along Schooner Way. This is intended to reduce the overall impact and apparent scale of the development, so as to provide visual drama and spatial stimulation.

7.12 It is claimed that the use of the dynamic relationship of the blocks, together with references to fragments of the existing built environment and other metaphors such as "book ends" and "landmarks", would create a good quality of architecture and urban design for all to enjoy. The design would engender legibility of the places created, as a transition between residential and the civic pavilion building, and it would use principles of geometry and sculpture.

7.13 The design would redefine the "urban grain" of the area from the meandering nature of Schooner Way. The elevational treatment would provide a visual and architectural contrast with the existing style of Atlantic Wharf. The elevations would have the quality and simplicity of the modernist principles of the 1920s and 1930s, with maritime associations of the site and the elegance of city mansion blocks, and the emphasis on balconies with views of the water. Although no details are shown on the drawings, the walls would be clad in a smooth white or light-coloured stone or similar material, with metal balcony rails, timber decking, glass blocks and a feature projecting wall on the dockside.

Car parking

7.14 Most of the car parking would be accommodated in a semi-basement undercroft so as to give the buildings a plinth to the dockside walkway. Spaces would be provided on the ratio of one per apartment plus 20% for visitors, as required by the Council. This would discourage on-street parking, particularly on Schooner Way.

Undertakings and Conditions

7.15 The conditions put forward by the Council are acceptable, and a signed section 106 Unilateral Undertaking is submitted to ensure that other matters such as affordable housing and open space provision would be provided by the developer.

8 Written Representations

8.1 Six residents of Schooner Way have made written objections to the proposed development on the grounds that there should not be any further residential development on Schooner Way,

particularly development of such height and density. In summary these residents consider that there should be no more dockside development because there would be no amenity/leisure space left at all, there are parking and traffic congestion problems in the area that would be made worse, and the proposed development would be out of keeping with the scale and character of Atlantic Wharf.

9 Conclusions

9.1 With regard to the development plan policies, residential development of the appeal site has been accepted in principle for several years [3.1, 4.1, 7.4, 7.5], but the Council takes the view that this particular proposal would be unacceptable in terms of design, density and open space provision [6.1-6.10], contrary to Local Plan policies. Although local residents raise concerns about car parking and traffic [8.1], these are not supported by the Council, because it is clear that the proposed development would provide adequate road access, servicing and car parking for the site. I find the proposed access and car parking arrangements adequate for the scale of residential development, and there are no sustainable grounds for concern over congestion on Schooner Way or other access roads.

9.2 Dealing with the design issues first, the Council would prefer the last piece of land in Atlantic Wharf to be developed in conformity with the original 1985 design concept [6.6-6.8], a style of development that the appellants describe as "banal, sterile and monotonous" [7.7], even though the same architects initiated that form of residential development in the late 1980s [6.6]. There is however a clear pattern of development in the brick warehouse vernacular of the former dockside throughout the whole of the urban renewal project at Atlantic Wharf. This includes the County Hall development next to the appeal site, which is also medium-rise, of brick construction with oversailing tiled roofs.

9.3 Whilst the Council clearly wishes to complete the Atlantic Wharf development in accordance with the original design brief [6.6-6.8] in the form of a series of residential courtyards linked by roads and footpaths along the dockside, the appeal proposals would be a complete break from that pattern of development [7.1] (see model). The aim of the proposed scheme is to create a contrast in form, bulk, scale and appearance from the development so far, in this locality. The intention is to introduce a landmark development in terms of its height, design and sculptural qualities [7.7-7.12].

9.4 The Council correctly rebuts the concept of the development forming a "bookend" tall building [6.4], because the site lies within, rather than at the edge of, the existing medium rise development that constitutes Atlantic Wharf. It cannot be doubted however that the curved block and the 15-storey tower would form a new visual landmark in the inner harbour area. To this extent it would certainly fulfil the aims of the designers.

9.5 The existing pattern of blocks of medium rise development 'would not link through to County Hall, beyond the appeal site to the south, because the north-south pedestrian link through the courtyards would cease at the boundary of the County Hall car park. Nor does the County Hall development provide any links from east to west or north to south through the courtyards within the building complex itself, so the original planning layout concept for Atlantic Wharf would terminate at its northern boundary, regardless of the pattern of development on the appeal site.

9.6 Apart from the dockside walkway, the County Hall site is impermeable for the general public.

Consequently, although County Hall has a similar scale and building materials to the Atlantic Wharf housing, it does not integrate into the pattern of walkways and courtyards. Nor is its heavy-roofed architecture similar to the plainer wharfside buildings further north. Although the proposed development would create a new scale and style of architecture on the appeal site, contrary to the Council's wishes [6.7], the layout would perpetuate the cross-links for pedestrians from north to south and east to west through the site, as far as the County Hall boundary.

9.7 Viewed in this context, the proposed scale of the scheme would make an appropriate visual punctuation or landmark to terminate the housing development along Bute East Dock, at the point of transition from inner city housing to the civic building complex of County Hall. As the appellants point out, this area is not a conservation area [7.2], but one where the dockland waterfront inspires modern architecture, possibly in the form of a landmark statement. This area is dominated by large landscape features, the expanse of the dock and the massive industrial buildings on the opposite side of the City Centre Link Road. A new building with significant vertical emphasis would form an appropriate focal point in views across the water, and it would create identity for the area, as a landmark against the medium-rise buildings forming the background (see model).

9.8 Although the tower block itself would be taller than the existing buildings in Cardiff Bay, it would not be of great height and scale when compared to other buildings in the City Centre, which is not far away. It would create a striking contrast with the existing residential development at Atlantic Wharf, but there are no planning policy reasons to rule out a tall building at this point. The tower block would be sited towards the south-east corner of the site where the building would be unlikely to overshadow or overlook nearby apartments in the Rigarossa development. Similarly, although the eastern end of the curved block would be 7 and 8 storeys high, this would be unlikely to appear overbearing or detract from the amenity of the existing residential area due to the distance between adjoining blocks.

9.9 With regard to the design of the proposed buildings, the submitted plans and elevations provide little detailed information. The appellants describe the blocks as being of smooth white finish in the modernist style of the 1920s or 1930s with a maritime flavour [7.13], and the drawings show white elevations dominated by metal balconies and wide windows which give a strong horizontal emphasis to the long curved block, and a strong pattern of solid and void on the tall building. Elevationally, the tower would be in the form of a rotunda with faceted sides.

9.10 The proposed design of the new scheme would create a strong contrast with the more traditional appearance of the brick and tile buildings in Atlantic Wharf. The Council finds this unacceptable [6.8], but it does not appear necessary to create a homogeneous townscape along the waterfront of Bute East Dock. There do not appear to be any overriding historical or architectural reasons for restricting today's design to the 1985 concept for the area. A greater variety of scale, colour, design and "urban grain" at this location would add considerable architectural interest to the overall scene, and I find the proposed design to be appropriate in this location. Whilst the overall design and form of the development is acceptable in principle, a great deal of detail is missing from the plans, and this would require further approval at a later stage.

Density and Open Space

9.11 The density of the proposed scheme would be greater than that for similar sites within the Atlantic Wharf redevelopment [6-51] and the Council claims that this would have repercussions in a lack of public open space available for residents of the development and in the area generally. The residential open space requirement for all new housing developments is set out in the City of Cardiff Local Plan Policy 31 [3.3], which requires a minimum of 2.43 ha of recreational open space per 1000 projected population.

9.12 As the commentary to Policy 31 explains, this is a National Playing Field Association minimum standard for outdoor playing space applied to all types of housing. It comprises 0.3 ha of equipped children's' play area, 0.5 ha of informal recreational open space and 1.6 ha of formal recreational open space per 1000 population. This is to be assessed in relation to the type and density of the development proposed, and in some circumstances the particular characteristics of the site or the development proposed might make a variation from the normal provision appropriate. Open space is normally sought within the development site, but the Council may be prepared to negotiate off-site contributions directly related to the development. The explanatory text also states that recreational and amenity space within the Cardiff Bay Development Corporation area is being planned on a comprehensive basis, so that a strategy for new areas of open space will provide for the anticipated population levels for the whole area.

9.13 According to the formula in Policy 31, the proposed number of apartments would require slightly more than 1 ha of recreational open space. However, this proposed development is quite different from an estate of family houses. The 3 blocks would contain 81 onebedroom and 93 two-bedroom apartments, of which only 23 would be at ground floor level (Site Plan 1:500 - 2514/01). The scheme is clearly designed as city centre housing for couples and small families, and the accommodation would be far less suitable for children than other developments nearby.

9.14 In my view, the policy should be applied more flexibly in such circumstances, because not all of the 3 open space components in the NPFA standard of 2.43 ha per 1000 population are relevant to this particular type of housing. I consider that the inclusion of some 0.19 ha of public open space within the development, amounting to 18% of the total requirement under the policy, is adequate for the likely occupiers. This would be provided conveniently in a central amenity space between the blocks, which would be made available by the design of the undercroft car parking and the deck close to the dockside. As stated in the policy, the residual open space requirement relevant to the development would be provided within the Cardiff Bay area, where there are many public spaces, and a commuted payment for this provision is offered by the appellants, in the section 106 undertaking [7.15].

9.15 A precedent for this type of arrangement has been established recently on a nearby development site at the southern end of Bute East Dock. The Council granted planning permission in December 2000 for residential development on 1.4 ha of land to the southeast of County Hall [4.2] with conditions requiring a minimum on-site provision of 20-25% of the open space requirement under Policy 31, and subject to a section 106 Agreement to provide affordable housing units and a contribution for public open space elsewhere. Although neither the Council nor the appellants have taken these areas into account [7.9], it should be noted that the development would also include paved areas and landscaped walkways along the dockside and from the dock to Schooner Way, which would make an attractive addition to the site and the whole area.

9.16 The Council refers to the existing deficiency, and forecast shortfall of open space, for the population of Atlantic Wharf ^[6.10], but Policy 31 refers to the overall provision of public recreation space in Cardiff Bay being met on an aggregated basis for the new housing development. Atlantic Wharf is part of the Cardiff Bay development, and therefore it would be appropriate to provide public open space through commuted payment for the benefit of the whole area. I conclude that sufficient amenity space would be provided on site for the immediate needs of the residents and that an appropriate financial contribution would be made for overall provision in Cardiff Bay.

Affordable Housing

9.17 Local Plan Policy 24 requires the inclusion of affordable housing units within the proposed development ^[3.2], and the Council's waiting lists indicate that 20% of the proposed units should be affordable 1 and 2-bedroom flats ^[6.11]. The appellants are willing to include this element within the scheme, and a suitable clause is included in the section 106 Unilateral Undertaking.

Conditions and Unilateral Undertaking

9.18 The Council's suggested list of 14 conditions is included with the statement at Appendix 15. As reported above ^[6.12], the Council also suggests a further condition requiring that all windows of apartments facing Bute East Dock should be double-glazed for sound proofing against the industrial area and the dual carriageway link to the City Centre.

9.19 The submitted section 106 Unilateral Undertaking (Document 4) would ensure that adequate measures would be taken to provide a proportion of affordable housing units and a financial contribution towards the provision of public open space within the Cardiff Bay area.

10 Recommendations

10.1 I recommend that the appeal be allowed and planning permission be granted subject to the conditions referred to above.



INSPECTOR

Documents

1. Attendance list for Hearing.
2. Letter of notification and addresses.
3. Appellants' open space calculations.
4. Section 106 Unilateral Undertaking.

Plans & Model

A Location Plan 1:2500 - 2514/00

Site Plan 1:500 - 2514/01

Floor Level Plans - 2514/02-12

Elevations - 2514/13-14

Section A-A - 2514/15

B Model of proposed development and context in the Bute East Dock/Atlantic Wharf area.