

COMMITTEE DATE: 09/12/2015

APPLICATION No. **15/02268/MJR** APPLICATION DATE: 23/09/2015

ED: **ADAMSDOWN**

APP: TYPE: Full Planning Permission

APPLICANT: PMG McLaren Ltd

LOCATION: FITZALAN COURT, NEWPORT ROAD, ADAMSDOWN

PROPOSAL: PART SINGLE AND PART TWO STOREY VERTICAL
EXTENSIONS TO EXISTING BUILDINGS TO PROVIDE 99 BED
STUDENT ACCOMMODATION IN 90 ONE AND TWO BED UNITS

RECOMMENDATION: **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. 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.
3. No development shall take place until a scheme showing the architectural detailing of the principal elevations has been submitted to and approved in writing by the LPA 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.
4. Prior to commencement of development and unless otherwise agreed in writing by the Local Planning Authority (LPA) a scheme shall be submitted to and approved in writing by the LPA 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 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.

RECOMMENDATION 2: 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.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The proposal is for a rooftop extension to existing buildings at Fitzalan Court, a late 1980s office development comprising 4 office blocks arranged around a central courtyard, to provide student accommodation for 99 beds.
- 1.2 The extension rises from one storey at the eastern end adjacent to Shand House to two storeys on the corner of Newport Road and Fitzalan Road. The extension is designed to contrast with the existing building and forms a continuous curved top to the building, clad in a silver fish scale metal cladding, samples of which have been provided. It will be visually separated from the existing building by a continuous recessed gap forming a clear distinction between the existing building and the new extension.
- 1.3 There is a separate application (15/02257/MJR) under consideration for the change of use of the existing buildings to student housing (256 beds), and associated facilities and A1/A3 use to part of the ground floor. The applicant has chosen to submit a separate application for the rooftop extension in order to

reduce the risk of an application for the change of use of the building and rooftop extension potentially being refused on grounds related to the extension.

- 1.4 In the event that committee resolves to grant permission it will be subject to a legal agreement that makes implementation dependent on the implementation of the change of use application 15/2257/MJR.

Additional Information

1.5 The following additional information is submitted:

- Design and Access Statement
- Environmental Noise Survey
- Transport Statement
- Draft Residential Travel Plan
- Air Quality Assessment
- Environmental Noise Study
- Cardiff Student Property: Market Analysis & Development Review
- Fitzalan Court and wider Cardiff office market assessment
- Fitzalan Court Marketing Brochure
- Energy Statement

2. DESCRIPTION OF SITE

- 2.1 The application site is on the SE corner of the very busy Newport Road/ Fitzalan Road crossroads just to the east of the City Centre and Queen Street Railway Station, and close to the City Road shops and the Clifton Street/Broadway District Centre. It is well served by public transport, and is within walking distance of the University and Colleges and various city parks.
- 2.2 The immediate area consists of a mixture of offices, multi-storey car park, hotel and educational buildings - all of different ages, styles, heights and materials. The site is opposite the Grade II listed University Queen's Building located to the other side of Newport Road.
- 2.3 The site is bounded to the east by Shand House which was recently converted from office to student housing use, and to the southeast by office development. To the north is the busy Newport Road arterial route into and out of the city centre and to the west the more lightly-trafficked Fitzalan Road links Newport Road to Knox road and the NCP multi-storey car park to the south.
- 2.4 The office buildings range in height from 3 to 5 storeys and are red brick under a lead feature capping and flat roof. There is a basement car park (65 spaces) accessed from Fitzalan Road with access for those using the basement via an existing stair to the central courtyard. There is pedestrian access to the courtyard from Newport Road and Fitzalan Road. There is also direct access to the two office blocks fronting Newport Road.

2.5 The buildings are currently approximately 30% occupied.

3. **PLANNING HISTORY**

- 15/02257/MJR Concurrent application under consideration for change of use of the existing buildings to student housing (256 beds) and associated facilities and A1/A3 use to part of the ground floor.

4. **POLICY FRAMEWORK**

4.1 Relevant National Policy Guidance

- Planning Policy Wales (Edition 7, July 2014)
- TAN 12 Design

4.2 The local policy framework for this advice is as follows:

- City of Cardiff Local Plan (Adopted January 1996): Policy 11: Design and Aesthetic Quality
- Cardiff Unitary Development Plan (to 2016): Policy 2.20 Design; Policy 2.24 Residential Amenity

5. **INTERNAL CONSULTEE RESPONSES**

5.1 Pollution Control (Noise): Consultation response will be reported to committee.

5.2 PC (Air): Consultation response will be reported to committee.

5.3 Waste Management: The Sustainable Planning Officer has no objection subject to access and collection point comments. These comments have been forwarded to the agent.

5.4 Parks Services: The Parks Officer notes that under current policy the proposed development is subject to Policy 31 of the Local Plan (Provision of Open Space on New Residential Developments). As no recreation space 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. Utilising the residential information Parks request a contribution of £63,737. This is calculated in accordance with the Open Space SPG.

5.5 The use of the contribution will be determined in accordance with the approved procedure which requires consultation with Members. The baseline figure for open space provision for student accommodation excludes the playground element of typical public open space provision.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Welsh Water: Welsh Water has no objection subject to provision of a drainage scheme.
- 6.2 Police Architectural Liaison: The Police Architectural Liaison Officer has no objection to the development and makes a number of recommendations regarding security. The advice has been forwarded to the agent.

7. **REPRESENTATIONS**

- 7.1 The proposals were advertised in the press and on site as a major application and Local Members and neighbours were consulted. One letter from a tenant of Fitzalan Court requesting details of the application has been received. Details have been provided. Any representation will be reported as a late rep to committee.

8. **ANALYSIS**

- Land Use
- 8.1 The site is located within the City Centre Principal Business Area (PBA), of the adopted City of Cardiff Local Plan. As such, the main land use planning policy issues relate to:
- 8.2 Student Accommodation at this location: Whilst student accommodation is a 'sui generis' use, the nature of such a use exhibits many characteristics of a typical high density city centre residential scheme, particularly in terms of impact on its surroundings / environs and the need to protect the amenity of future residents and adjoining businesses. It is acknowledged that student / residential uses can be appropriate within city centre locations, as evidenced by similar recent developments at Summit House and Shand House.
- 8.3 For the above reasons and subject to detailed design, amenity and public realm considerations, the proposed student accommodation use is considered acceptable in land use policy terms.
- Public realm
- 8.4 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 nature of the proposal as student accommodation where movements will take place across a longer period of time, including late at night.
- 8.5 The public realm along Newport Road is generally of a poor quality and there is a need to upgrade the public realm surrounding the site to a standard commensurate with that in the core of the city centre in order to provide a safer

and more efficient pedestrian environment than that which serves the area at present.

- 8.6 Planning permission for the change of use application 15/2257/MJR is subject to a legal agreement securing a financial contribution of £75,000 towards public realm/ highway improvements along and at the junction of Newport Road/ Fitzalan Road.

Design

- 8.7 The height, massing and form of the proposed roof extension is acceptable.
- 8.8 The choice of materials and design of the extension, and its relationship to the existing building, provides an exciting addition to a prominent corner site in a very busy city centre site, and gives the tired-looking and dated Fitzalan Court development a much-needed boost. Conditions are attached controlling architectural details and choice of materials.
- 8.9 Given the modern and contrasting nature of the design getting the materials and architectural details right, particularly the junction between the existing building and the extension, will be critical.
- 8.10 The extension taken together with the refurbishment and improvements of the existing building that form part of the change of use application represent a significant enhancement of this prominent corner and busy junction.

Amenity of future and neighbouring occupiers (noise & air quality)

- 8.11 The proximity to a busy arterial road raises the issue of noise for future occupiers and this is addressed by a standard road noise condition.
- 8.12 In relation to road traffic noise a noise survey in the immediate vicinity of the site was carried out. The consultant held discussions with Pollution Control and these are detailed in their report. The Environmental Noise Study concludes that to achieve the target limits required by Cardiff Council standard thermal double glazing (4/12/6) will be satisfactory along with a mix of standard window head trickle ventilators and through-wall acoustically rated vents for the habitable rooms not impacted upon by the poor AQ on Newport Road.
- 8.13 A standard road traffic noise condition is imposed.
- 8.14 In relation to air quality (AQ) an assessment of AQ in the immediate vicinity of the site was carried out. The AQ Assessment report concludes that predicted PM10 (particulate matter) concentrations fall within safe limits. However predicted NO2 concentrations approach or exceed the relevant AQ objectives in 2013 and 2017 across the ground, first and second floors along the north-facing facades of offices (fronting Newport Road).

8.15 The proposed rooftop extension is not therefore affected and AQ mitigation is not required.

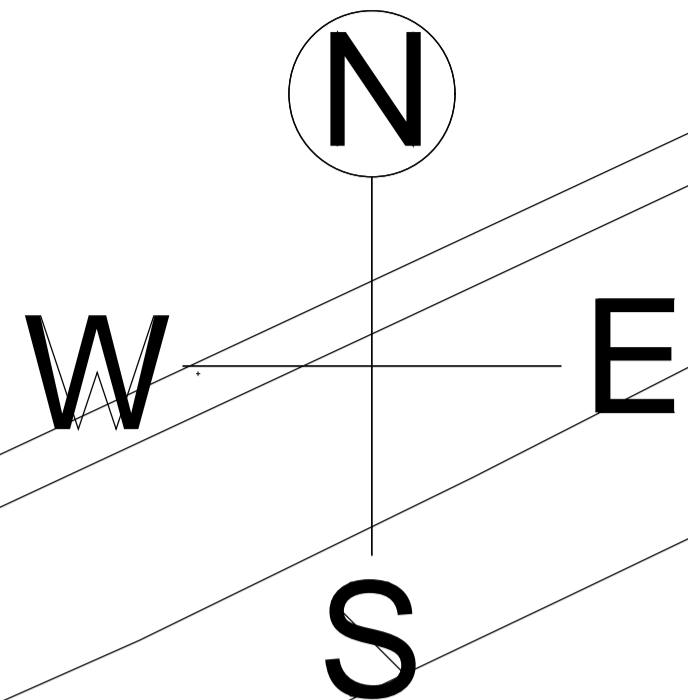
Amenity of future occupiers (community facilities & external amenity space)

8.16 Planning permission for the change of use application 15/2257/MJR is subject to a legal agreement securing a financial contribution of £45,000 towards improvement of community facilities in the vicinity, and £135,000 towards improvement of public open space in the vicinity.

9. **CONCLUSION**

9.1 The proposed extension significantly improves the existing building and enhances the area.

9.2 The granting of planning permission is recommended subject to conditions being imposed, and a legal agreement that restricts the development to student use only, and makes the implementation of the permission dependent on the implementation of the change of use application 15/02257/MJR.



NOTE
 RED LINE PLANNING BOUNDARY
 SHOWN REPRESENTS AN
 INTERPRETATION OF
 INFORMATION RECEIVED FROM
 THIRD PARTIES



Rev	Date	AM	Check	DESCRIPTION
				FIRST ISSUE

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Project
 Fitzalan Court
 Newport Road, Cardiff
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 Title
 Existing Site Location Plan

Status
 Planning

Scale at A1
 1:200

Job No 4090	Zone	Sheet No PL-A-00-08	Rev
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Materials Key:

1. Existing brickwork
2. Existing lead feature roof
3. Existing aluminium windows
4. New aluminium windows to replace existing
5. New curtain wall system with feature metal plinth below glazing
6. New metal clad feature entrance fin
7. New large format diamond shingle metal cladding (nominal 1m x 1m)
8. New aluminium windows with feature surround
9. New metal cladding to existing stair/new flues & lower brick plinth
10. New aluminium feature band above curtain walling
11. New metal clad shadow band between existing and new materials

All colours to be confirmed

Location of Spandrel panel:

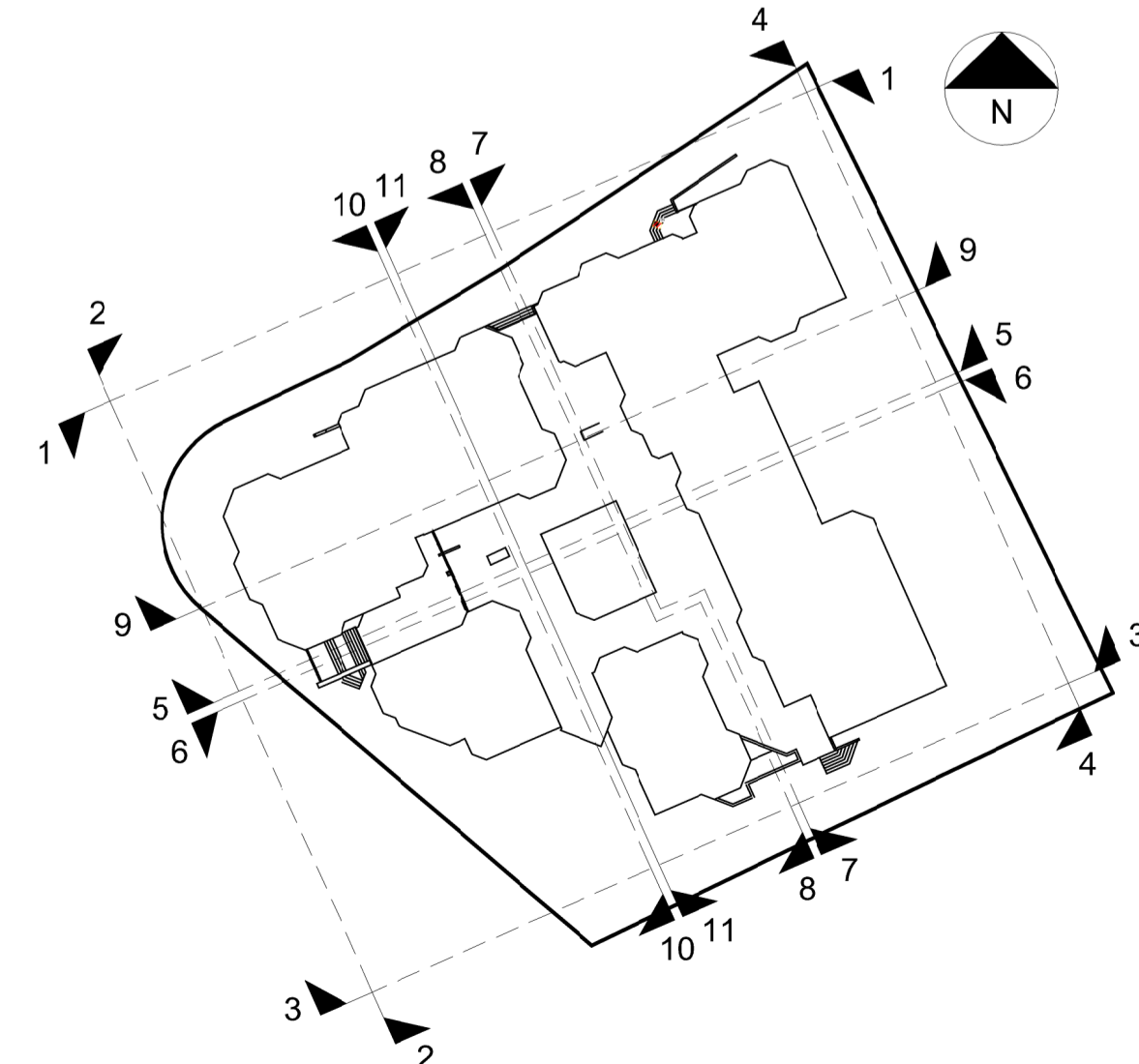


Metal faced, glazed in spandrel panels, colour to be confirmed

PROPOSED NEWPORT ROAD ELEVATION (Sectional Elevation 1) 1:150



PROPOSED FITZALAN ROAD ELEVATION (Sectional Elevation 2) 1:150



SECTIONAL ELEVATION LOCATION KEY PLAN NTS

Rev	Date	Check	Description
A	17.09.15	DL	Amended to suit planners comments
-		AM	FIRST ISSUE

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Title
Proposed Site Sectional Elevations Sheet 1
Status
As Indicated

Job No	Zone	Sheet No	Rev
4090		PL-A-00-210	A

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