

COMMITTEE DATE: 13/09/2017

APPLICATION No. **17/01063/MJR** APPLICATION DATE: 15/05/2017

ED: **ADAMSDOWN**

APP: TYPE: Full Planning Permission

APPLICANT: Boardroom Properties Ltd and Howells Properties

LOCATION: HALLINANS HOUSE, 22 NEWPORT ROAD, ADAMSDOWN, CARDIFF, CF24 0TD

PROPOSAL: DEMOLITION OF HALLINANS HOUSE AND ERECTION OF BUILDING (11-32 STOREYS) TO ACCOMMODATE MANAGED PURPOSE BUILT STUDENT CLUSTER FLATS AND STUDIOS, AMENITY AREAS, REFUSE AND CYCLES STORES, INCLUDING FLEXIBLE COMMERCIAL FLOORSPACE AT GROUND FLOOR AND ASSOCIATED WORKS

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**RECOMMENDATION 1** : That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this Resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in Section 9 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. The development shall be carried out in accordance with the following approved plans and documents:

Approved Plans:

- (i) 6505-A-B500-P-00-001 A SITE LOCATION PLAN
- (ii) 6505-A-B500-E-01-001 B PROPOSED SITE ELEVATIONS - WEST & NORTH
- (iii) 6505-A-B500-E-02-001 A PROPOSED SITE ELEVATIONS - EAST & SOUTH
- (iv) 6505-A-B500-XP-00-002 A EXISTING SITE PLAN
- (v) 6505-A-B500-P-00-002 E PROPOSED SITE PLAN
- (vi) 6505-A-B500-XE-01-002 A EXISTING SITE ELEVATIONS - W & N
- (vii) 6505-A-B500-XE-02-002 A EXISTING SITE ELEVATIONS - E & S
- (viii) 6505-A-B500-P-00-003 F PROPOSED GROUND FLOOR GA PLAN
- (ix) 6505-A-B500-P-01-003 D PROPOSED FIRST FLOOR GA PLAN
- (x) 6505-A-B500-P-01M-003 C PROPOSED FIRST FLOOR MEZZANINE GA PLAN

- (xi) 6505-A-B500-P-02-003 E PROPOSED LEVEL 02 GA PLAN
- (xii) 6505-A-B500-P-03-003 B PROPOSED TYPICAL FLOORS  
03-06 GA PLANS
- (xiii) 6505-A-B500-P-07-003 B PROPOSED TYPICAL FLOORS  
07-08 GA PLANS
- (xiv) 6505-A-B500-P-09-003 C PROPOSED TYPICAL FLOOR 09  
GA PLAN
- (xv) 6505-A-B500-P-10-003 C PROPOSED TYPICAL FLOORS  
10-15 GA PLANS
- (xvi) 6505-A-B500-P-16-003 C PROPOSED TYPICAL FLOORS  
16-17 GA PLANS
- (xvii) 6505-A-B500-P-18-003 B PROPOSED TYPICAL FLOORS  
18-20 GA PLANS
- (xviii) 6505-A-B500-P-21-003 B PROPOSED TYPICAL FLOORS  
21-23 GA PLANS
- (xix) 6505-A-B500-P-24-003 B PROPOSED TYPICAL FLOORS  
24-27 GA PLANS
- (xx) 6505-A-B500-P-28-003 A PROPOSED TYPICAL FLOORS  
28-30 GA PLANS
- (xxi) 6505-A-B500-P-31-003 C PROPOSED TYPICAL FLOOR 31  
GA PLAN
- (xxii) 6505-A-B500-P-RF-003 B PROPOSED ROOF LEVEL GA  
PLAN
- (xxiii) 6505-A-B500-XE-01-003 A EXISTING GA ELEVATIONS -  
WEST & NORTH
- (xxiv) 6505-A-B500-XE-02-003 A EXISTING GA ELEVATIONS -  
EAST & SOUTH
- (xxv) 6505-A-B500-E-W-003 B PROPOSED WEST ELEVATION
- (xxvi) 6505-A-B500-E-E-003 B PROPOSED EAST ELEVATION
- (xxvii) 6505-A-B500-E-N-003 B PROPOSED NORTH ELEVATION
- (xxviii) 6505-A-B500-E-S-003 C PROPOSED SOUTH ELEVATION
- (xxix) 6505-A-B500-XS-01-003 A EXISTING GA SECTIONS - AA,  
BB & CC
- (xxx) 6505-A-B500-S-01-003 B PROPOSED GA SECTION AA
- (xxxi) 6505-A-B500-S-02-003 A PROPOSED GA SECTIONS BB &  
CC
- (xxxii) 6505-A-B500-A-01-00W A BLOCK 01, LEVEL 00-02, WEST  
ELEVATION
- (xxxiii) 6505-A-B500-A-01-TYPW A BLOCK 01, TYPICAL UPPER  
LEVELS, WEST ELEVATION
- (xxxiv) 6505-A-B500-A-01-RFW A BLOCK 01, ROOF LEVEL, WEST  
ELEVATION
- (xxxv) 6505-A-B500-A-03-00W A BLOCK 02, LEVEL 00-02, WEST  
ELEVATION
- (xxxvi) 6505-A-B500-A-03-TYPW A BLOCK 02, TYPICAL UPPER  
LEVELS, WEST ELEVATION
- (xxxvii) 6505-A-B500-A-03-RFW A BLOCK 02, ROOF LEVEL, WEST  
ELEVATION
- (xxxviii) 6505-A-B500-A-05-00S C BLOCK 04, LEVEL 00-02, SOUTH  
ELEVATION

- (xxxix) 6505-A-B500-A-05-00W A BLOCK 04, LEVEL 00-02, WEST ELEVATION
- (xl) 6505-A-B500-A-05-RFW A BLOCK 04, ROOF LEVEL, WEST ELEVATION
- (xli) 1770701 B HARD AND SOFT LANDSCAPE LAYOUT

Approved Documents:

- (xlii) Transport Statement, Curtins, 7 April 2017
- (xliii) Tall Buildings Assessment, LDA Design, 25 April 2017
- (xliv) Cultural Heritage Assessment, Rubicon Heritage 4 November 2016
- (xlv) Air Quality Assessment, Air Quality Consultants Ltd, 11 April 2017
- (xlvi) Environmental Noise Survey, Hunter Acoustics, 28<sup>th</sup> October 2017
- (xlvii) Drainage and Flood Risk Report, Curtins Consulting, 24 April 2017
- (xlviii) Preliminary Roost Assessment, Arbtech 19<sup>th</sup> July 2016
- (xlix) Ground Conditions Report, GeoSmart Information, October 2016
- (l) Daylight and Sunlight Planning Report, BMT Fluid Mechanics, 10<sup>th</sup> May 2017
- (li) Wind Microclimate Study, BMT Fluid Mechanics, 28 April 2017

Reason: For the avoidance of doubt

3. No development shall commence, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be adhered to throughout the construction period. The CMP shall provide for:
  - (i) The parking of vehicles of site operatives and visitors;
  - (ii) Loading and unloading of plant and materials;
  - (iii) Storage of plant and materials used on constructing the development;
  - (iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - (v) Details of highways/footway closures;
  - (vi) Wheel washing facilities;
  - (vii) Measures to control the emission of dust and dirt during demolition and construction; and
  - (viii) A scheme for the recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of highway safety and public amenity.

4. The secure cycle parking for a minimum of 134 no. cycles hereby approved on 6505-A-B500-P-00-003 F shall be provided prior to the development being brought into beneficial use and shall be retained in perpetuity.

Reason: To ensure that adequate provision is made for the secure parking of cycles.

5. No part of the development hereby approved shall be occupied until a travel/parking/traffic/resident/letting management plan to include, but not limited to, the promotion of public transport and other alternatives to the private car; the management of traffic at the start and end of term; the control of vehicular access to the site; the exclusion and control of student resident car parking in the surrounding area, has been submitted to and approved by the Local Planning Authority.

Reason: in the interest of highway safety and to regulate the impact of the development on use of the adjacent highway.

6. No part of the development hereby approved shall be commenced until a scheme of highway and public realm reinstatement/improvement works to Newport Road and Fitzalan Place adjacent to the site has been submitted to and approval in writing by the Local Planning Authority. The scheme shall include the reinstatement and resurfacing of the footway abutting the site and provision of the loading bay shown in principle on 6505-A-B500-P-00-003 F. The scheme shall also include hard and soft landscaping, surfacing, kerbs, edging, guidance path paving, drainage, lighting, lining, signing and street furniture as may be required as a consequence of the scheme. No part of the development shall be occupied until the approved scheme has been implemented.

Reason: To reinstate the footway/highway and provide an improved pedestrian environment to facilitate safe commodious access to the proposed development in accordance with Policy T6 of the adopted Local Development Plan (2006-2026).

7. Ground floor windows and doors shall be installed to avoid open outwards over the adjacent public footways.

Reason: In the interests of pedestrian safety.

8. No development other than demolition and remediation works shall take place until a site assessment, including ground permeability testing, has been undertaken to determine whether sustainable drainage techniques can be utilised, and a drainage scheme for the disposal of surface, foul and land water including any connection to the existing drainage system has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To ensure an orderly form of development.

9. Unless otherwise agreed in writing by the Local Planning Authority, no development other than demolition and remediation works shall take place until a potable water scheme to satisfactorily accommodate the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to beneficial occupation.

Reason: To ensure future residents can be adequately supplied with

water, and to protect existing residents from any undue detriment.

10. The development shall be carried out in accordance with the metallic cladding external finishing material submitted on 18<sup>th</sup> July 2017. Prior to their installation, the external finishes to the switch room, sub-station, refuse store and plant on the ground and first floors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
Reason: To ensure a high quality finished appearance to the development.
11. The ground floor commercial premises hereby approved shall be used only for purposes within Class A1 or A3 of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order) and for no other purpose whatsoever. Any A3 use shall be restricted to coffee shop/café/restaurant type uses where the primary function is the sale and consumption of food within the premises, and for no other A3 Use (including as a bar or other vertical drinking establishment).  
Reason: To ensure the amenity of future residents and occupiers of other premises in the vicinity are protected.
12. The refuse storage facilities for the student accommodation shown on drawing no. 6505-A-B500-P-00-003 F shall be provided before the development is brought into beneficial use and shall be thereafter retained for future use.  
Reason: To secure an orderly form of development and to protect the amenities of the area.
13. Prior to their installation, details of refuse storage facilities for the commercial units hereby approved shall be submitted to and approved by the Local Planning Authority. No commercial unit shall be put into beneficial use until its approved facilities have been provided. The approved facilities shall be retained thereafter.  
Reason: To secure an orderly form of development and to protect the amenities of the area.
14. No member of the public shall be admitted to or allowed to remain on the ground floor commercial premises hereby approved outside the hours of 07:00 to 23:00 on any day.  
Reason: To protect the amenities of future residential occupiers and other occupiers in the vicinity of the site.
15. There shall be no loading or unloading of vehicles between the hours of 22:00 and 07:00 hours.  
Reason: To ensure that the amenities of neighbours and future occupiers are protected.

16. No development other than demolition and remediation works shall take place until an air quality assessment examining the projected air quality levels for NO<sub>2</sub> at the commercial and residential levels of the proposed development has been submitted to and approved in writing by the Local Planning Authority. The report shall consider the cumulative impact derived from nearby traffic and the on-site energy plant, accurately determining those areas and rooms where exceeding and elevated levels of NO<sub>2</sub> is predicted. Where annual average levels  $\geq 36 \mu\text{g}/\text{m}^3$  at residential rooms and  $\geq 50 \mu\text{g}/\text{m}^3$  at commercial areas are projected, mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation and retained thereafter.  
Reason: To safeguard the health of future occupiers of the proposed development.
17. 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.
- Reason: To ensure that the amenities of future occupiers are protected.
18. A scheme of sound insulation works to the floor/ceiling and party wall structures between the commercial units and residential accommodation shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to occupation. Reason: To ensure that the amenities of future occupiers are protected.
19. If at any time the use of either of the ground floor commercial premises is to involve the preparation and cooking of hot food the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed with the Local Planning Authority, and the extraction system shall be provided with a deodorising filter. Details of

the above equipment shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed prior to the commencement of use for the cooking of food and 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 site in accordance with Policy R4 of the adopted Cardiff Local Development Plan (2006-2026).

20. The windows on the south elevation of floors 2 – 9 inclusive shall be non-opening below a height of 1.8 metres above internal floor level and glazed with obscure glass and thereafter be so maintained.

Reason: To ensure that the development does not prejudice the future development of adjoining land.

21. No above ground superstructure works shall take place until full details of hard and soft landscaping, including the living wall design, have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be prepared by a qualified landscape architect and shall include:

- A landscaping implementation programme.
- Scaled planting plans
- An Acer Lobelii feature tree in the pavement with a minimum soil volume of 20 cubic metres;
- One of *Ostrya carpinifolia*, *Zelkova serrata*, *Koelreuteria paniculata*, *Aesculus x carnea* 'Briotii' in the raised planter with a minimum soil volume of 20 cubic metres
- Proposed finished levels.
- Earthworks.
- Hard surfacing materials.
- Existing and proposed services and drainage above and below ground level.

Planting plans shall be supplemented by:

- Schedules of plant species, sizes, numbers or densities
- Scaled, site specific, tree pit and planter sectional and plan drawings
- Topsoil and subsoil specification (including structural soil media) for all planting types, including soil type parameters, certification in accordance with British Standards, interpretive reports by a soil scientist demonstrating fitness for purpose and a methodology for handling, amelioration and placement.
- Planting methodology and post-planting aftercare methodology

The submitted details shall be consistent with drawings numbered 1770701/SK/GA/001 B (Hard and Soft Landscape Layout), 1770701/SK/GA/002 A (Sketch Green Wall General Arrangement), and 1770701/SK/GA/003 A (Sketch Raised Planter General Arrangement) submitted in support of the application and the landscaping shall be carried out in accordance with the approved design and implementation

programme.

Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance.

22. C4R Landscaping Implementation

23. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme and verification plan shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority 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, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

24. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. 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, sampling of the material received at the development site shall verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with Policy EN13 of the Cardiff Local Development Plan.

**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.

**RECOMMENDATION 3 :** 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 and;
- (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.

**RECOMMENDATION 4:** Prior to the commencement of development, the developer shall notify the Local Planning Authority of the commencement of development, and shall display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

**RECOMMENDATION 5:** Bats often roost in houses and other buildings, and work on these buildings may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building in which bats are roosting, Natural Resources Wales (NRW) must be contacted. They must be given reasonable time to advise as to whether the works should be carried out and, if so, the method to be used. This legislation does not apply to bats in the living area of a dwelling-house. If work has already commenced and bats are found, or if any evidence that bats

are using the site as a roost is found, work should cease and NRW should be contacted immediately. For buildings other than a dwelling-house, no works of site clearance, demolition or construction should take place unless a licence to disturb these species has been granted in accordance with the relevant legislation. The Cardiff office of NRW can be contacted at:

Rivers House  
St Mellons Business Park  
St Mellons  
Cardiff  
CF3 0EY

Enquiry Line: 0300 065 3000

For further advice on bats please contact:

Bat Conservation Trust  
5<sup>th</sup> Floor,  
Quadrant House  
250 Kennington Lane  
London  
SE11 5RD

Bat Helpline: 0345 1300228

**RECOMMENDATION 6:** That the applicant be advised that the highway works condition and any other works to existing or proposed adopted public highway will be subject to agreement(s) under Section 278 and/or Section 38 of the Highways Act 1980 between the developer and Council.

**RECOMMENDATION 7:** That the Applicant / Developer be advised of South Wales Police's recommended design and layout principles for designing out crime, set out in their letter of 9 June 2017, forwarded to the Agents acting on behalf of the Applicant.

**RECOMMENDATION 8:** That the Applicant / Developer be advised of South Wales Fire and Rescue Service's advice set out in their letter of 29 June 2017, forwarded to the Agents acting on behalf of the Applicant.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Full planning permission is sought for the demolition of Hallinan's House at 22 Newport Road and the erection of a new building ranging between 11-32 storeys in height, arranged over four connected towers, to provide managed student accommodation.
- 1.2 The existing building dates from the 1960s and is currently occupied by Howell's Solicitors, who intend to relocate to modern offices to suit their requirements. A café is also located at ground floor fronting onto Fitzalan Place (approximately 140 square metres).

- 1.3 The four towers are designed to be connected, yet distinct through varying heights, materials and fenestration treatment. Copper, charcoal and zinc finishes will be applied to metallic panelling on all towers. A variety of fenestration will be applied including both protruding and recessed windows and both horizontal and vertical emphases.
- 1.4 The development will contain accommodation for 464 students, arranged in a mixture of cluster flats (424 beds, 55 flats) and studio rooms (40 beds). In addition, amenity facilities for residents will be provided at first and second floors containing both open plan and enclosed quiet study areas, a gym and a laundry. A further amenity space will be provided on the 32<sup>nd</sup> floor offering views across the city.
- 1.5 The ground floor will contain two separate commercial units of 185 square metres and 40 square metres respectively, a total of 225 square metres. The larger unit will have a dual frontage, with a smaller unit fronting onto Fitzalan Place.
- 1.6 134 no. cycle parking spaces would be provided at a ratio of 1 space to every 3.46 beds.
- 1.7 95 square metres of public realm will be created fronting onto Newport Road which will include both hard and soft landscaping including tree planting and a living wall to the side elevation of the exposed hotel to the east.
- 1.8 Refuse storage, cycle parking and plant will be accessed via a service yard off Fitzalan Place.
- 1.9 The applicant undertook a formal pre-application consultation in November/December 2016 accordance with The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. A pre-application report summarising the outcomes has been submitted with the application.
- 1.10 The application was screened under the 2017 Environmental Impact Assessment (EIA) Regulations where it was concluded that the development was not EIA development as it would be unlikely to have significant effects on the environment. The screening opinion concluded that the development is not a major development of more than local importance, nor is it located within a particularly environmentally sensitive or vulnerable location, nor would any unusually complex or hazardous environmental effects arise.
- 1.11 The following documents have been submitted in support of the application:
  - (i) Transport Statement, Curtins, 7 April 2017
  - (ii) Tall Buildings Assessment, LDA Design, 25 April 2017
  - (iii) Cultural Heritage Assessment, Rubicon Heritage 4 November 2016
  - (iv) Air Quality Assessment, Air Quality Consultants Ltd, 11 April 2017
  - (v) Environmental Noise Survey, Hunter Acoustics, 28<sup>th</sup> October 2017

- (vi) Drainage and Flood Risk Report, Curtins Consulting, 24 April 2017
- (vii) Preliminary Roost Assessment, Arbtech 19<sup>th</sup> July 2016
- (viii) Ground Conditions Report, GeoSmart Information, October 2016
- (ix) Daylight and Sunlight Planning Report, BMT Fluid Mechanics, 10<sup>th</sup> May 2017
- (x) Wind Microclimate Study, BMT Fluid Mechanics, 28 April 2017

## 2. **DESCRIPTION OF SITE**

- 2.1 Hallinan's House is prominently located on the southeast corner of the junction between Newport Road, Fitzalan Place and West Grove, occupying a site that extends to approximately 0.09 hectares. The site is within the Central Business Area.
- 2.2 Newport Road is a key arterial route to the city centre from the east side of the city and is well served by public transport. Bus services rely upon Newport Road and Cardiff Queen Street Station is a short walk (approximately 5 minutes).
- 2.3 The existing building contains both 4 and 5 storey elements and an existing hotel of 15 storeys height is adjacent to the east. Other buildings in the immediate vicinity comprise a mix of office, university and student accommodation of 3 to 6 storeys.
- 2.4 In respect of heritage, the Tredegarville Conservation Area is approximately 85 metres to the north, set back behind buildings fronting Newport Road. Queen's Building, a Grade II listed building is opposite the site on the northwest corner of the Newport Road/West Grove junction.

## 3. **SITE HISTORY**

- 3.1 03/01810/C: Permission granted in July 2004 for extension to existing offices.
- 3.2 00/00621/C: Permission granted in May 2000 for change of use from A1/B1 sandwich bar/offices to form mixed A1/A3 retail/café sandwich bar and installation of canopies.
- 3.3 99/00637/C: Permission granted in June 1999 for change of use to sandwich bar and four awnings.
- 3.4 94/00449/C: Permission granted in May 1994 to replace existing wire fence with brick wall and iron railings

## 4. **POLICY FRAMEWORK**

- 4.1 Planning Policy Wales, Edition 9 (November 2016).

*4.2.2 The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when...taking*

*decisions on individual planning applications.*

*4.2.4 Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise.*

*4.3.1 All those involved in the planning system are expected to adhere to (inter alia):*

- putting people, and their quality of life now and in the future, at the centre of decision-making;*
- taking a long term perspective to safeguard the interests of future generations, whilst at the same time meeting needs of people today;*
- respect for environmental limits, so that resources are not irrecoverably depleted or the environment irreversibly damaged. This means, for example, mitigating climate change, protecting and enhancing biodiversity, minimising harmful emissions, and promoting sustainable use of natural resources;*
- tackling climate change by reducing the greenhouse gas emissions that cause climate change and ensuring that places are resilient to the consequences of climate change; and*
- taking account of the full range of costs and benefits over the lifetime of a development, including those which cannot be easily valued in money terms when making plans and decisions and taking account of timing, risks and uncertainties. This also includes recognition of the climate a development is likely to experience over its intended lifetime.*

*4.4.1 The following sustainability objectives for the planning system reflect our vision for sustainable development and the outcomes we seek to deliver across Wales. These objectives should be taken into account...in taking decisions on individual planning applications in Wales. These reflect the sustainable development outcomes that we see the planning system facilitating across Wales.*

*4.4.3 Planning policies, decisions, and proposals should (inter alia):*

- Contribute to the protection and improvement of the environment so as to improve the quality of life and protect local and global ecosystems*
- Ensure that all communities have sufficient good quality housing – including affordable housing – in safe neighbourhoods*
- Promote access to employment, shopping, education, health, community facilities and green space*
- Foster improvements to transport facilities*
- Foster social inclusion.*
- Promote resource-efficient and climate change resilient settlement patterns that minimise land-take and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites;*
- Locate developments so as to minimise the demand for travel, especially by private car;*

- *Support the need to tackle the causes of climate change by moving towards a low carbon economy.*
- *Play an appropriate role to facilitate sustainable building standards (including zero carbon) that seek to minimise the sustainability and environmental impacts of buildings.*
- *Contribute to the protection and improvement of the environment, so as to improve the quality of life, and protect local and global ecosystems.*
- *Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods.*
- *Promote access to employment, shopping, education, health, community, leisure and sports facilities and open and green space, maximising opportunities for community development and social welfare.*
- *Foster improvements to transport facilities and services which maintain or improve accessibility to services and facilities, secure employment, economic and environmental objectives, and improve safety and amenity.*
- *Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that development is accessible by means other than the private car.*

#### Planning Policy Wales

4.10.12 Local Authorities under Legal Obligation to consider the need to prevent and reduce crime and disorder.....

8.2.1. – Transport – Provision of safe, convenient and well signed routes

9.1.1. –Housing – Objective to provide homes that are in good condition, in safe neighbourhoods and sustainable communities

9.1.2. Housing – Greater emphasis on quality, good design, and the creation of places to live that are safe and attractive

#### 4.2 Technical Advice Notes (TANs):

- 11 Noise
- 12 Design
- 15 Development and Flood Risk
- 16 Sport, Recreation and Open Space
- 18 Transport
- 21 Waste
- 23 Economic Development

#### 4.3 Local Development Plan (January 2016):

- KP5 Good Quality and Sustainable Design
- KP6 New Infrastructure
- KP7 Planning Obligations
- KP8 Sustainable Transport
- KP9 Responding to Evidenced Economic Needs
- KP10 Central and Bay Business Areas
- KP12 Waste
- KP13 Responding to Evidenced Social Needs

KP14	Healthy Living
KP15	Climate Change
KP17	Built Heritage
KP18	Natural Resources
H6	Changes of Use or Redevelopment to Residential Use
EC3	Alternative Use of Employment Land and Premises
EC4	Protecting Offices in the Central and Bay Business Areas
EN9	Conservation of the Historic Environment
EN10	Water Sensitive Design
EN11	Protection of Water Resources
EN12	Renewable Energy and Low Carbon Technologies
EN13	Air, Noise, Light Pollution and Land Contamination
T1	Walking and Cycling
T5	Managing Transport Impacts
T6	Impact on Transport Networks and Services
R6	Retail Development (Out of Centre)
R8	Food and Drink Uses
C1	Community Facilities
C3	Community Safety/Creating Safe Environments
C5	Provision for Open Space, Outdoor Recreation, Children's Play and Sport
C6	Health
W2	Provision for Waste Management Facilities in Development

- 4.4 The following guidance documents were supplementary to the City of Cardiff Local Plan (1996), now superseded by the Local Development Plan (LDP). They remain a material consideration insofar as they are consistent with LDP policy:

*Access, Circulation and Parking Standards* (January 2010)

*Trees and Development* (March 2007)

*Open Space* (March 2008)

- 4.5 Supplementary Planning Guidance:

Waste Collection and Storage Facilities (October 2016)

Planning Obligations (January 2017)

Tall Buildings Design Guide (January 2017)

Residential Design Guide (January 2017)

Locating Waste Management Facilities (January 2017)

## 5. **INTERNAL CONSULTEES RESPONSES**

- 5.1 The Operational Manager, Transportation, makes the following comments:

- (i) The adopted Access, Circulation and Parking Standards Supplementary Planning Guidance confirms that up to one car parking space per 25 beds may be provided for operational use and that there is no requirement for on-site resident car parking for the sui generis use of student accommodation. In addition, established practice is that one

cycle parking space be provided per two to three beds for the proposed type of development (154 to 232 cycle spaces for the proposed 464 beds). Being mindful of the sustainable, central location of the site and that of the proposed use, I am satisfied that the proposed development is compliant with adopted parking policy as submitted with zero on-site car parking spaces. Having considered the amended cycle parking, which increases the on-site provision from 84 no. to 134 no. secure spaces, he considers that this is an acceptable compromise, mindful of the site's location and in order to retain the commercial unit fronting onto Fitzalan Place. He requests a relevant condition. It is also expected that active travel and demand for cycle parking will be monitored as part of the conditioned Travel Plan and that facilities will be increased/enhanced as may be identified by any review.

- (ii) With reference to the location and wider development considerations, it is noted that the site is in a central location, adjacent to and with good links to the City Centre and direct access to employment, leisure, shopping and wider university facilities. The site is also within an area where walking, cycling and public transport offer viable daily alternatives to use of a private car; having very good access to both bus and train based public transport services and Cardiff's cycle network. The site is therefore considered to be very sustainably located in transport terms and entirely appropriate for the proposed form of development.
- (iii) Notwithstanding the above, it must be acknowledged that the introduction of some 464 resident students who will be reliant on walking and cycling for daily journeys will put additional pedestrian traffic onto adjacent footways and crossings in the vicinity of the site. Conditions and a financial contribution are therefore sought to secure reinstatement/improvements to the adjacent footways, this being the minimum level of reinstatement/improvement required and could form part of wider public realm improvements sought by other consultees, along with the provision of improvements to an existing pedestrian crossing (widened/upgraded/current standard) at the north end of Station Terrace.
- (iv) He is also satisfied, subject to agreement of the Traffic Management Plan, that there is sufficient capacity on the adjacent public highway to accommodate the arrival and departure of students at the start and end term, as outlined in the submitted Transport Statement (TS). The management plan will also assist with the control of access to and student car parking within the site and surrounding area.
- (v) It should also be noted that a separate licence will be required for the provision of tables & chairs on the footway, should they be proposed in association with any A3 use of the ground floor units. All costs associated with securing any licence, permission or agreement required to facilitate the development or its use must be met by the developer/operator as appropriate to the licence/activity.
- (vi) With particular reference to the loading bay on Fitzalan Place, shown on the submitted plans and discussed in the supporting TS. The principle of a loading bay with a 'shared use' approach, to allow use as a footway outside loading times, is accepted and should be reflected in the design of the highway works subject to condition below. Having considered the



generality of the design of the loading bay, it is suggested that it should be at a consistent level with the surrounding footway, paved in a similar material in terms of surface appearance (albeit likely to be a smaller element), enclosed on the footway side with 800mm of contrasting colour guidance path tactile and retained by a full height splay kerb on the carriageway side.

- (vii) In relation to the possible costs to relocate the traffic signal controllers/boxes recently installed as part of the Fitzalan Place/Newport Road junction scheme; he advises:- *Consistent with the previous verbal estimate, the costs of relocating the recently installed cabinets is likely to be in the region of £25k (including the cabinets, ducting, local civils, etc.), plus a further circa £25k for implementation (including traffic management, re-cabling, relocated power supply, etc.). The latter £25k covering items that would not have been required had the works formed part of the recent junction remodelling. The above represents the likely maximum outturn cost and any underspend, should the scheme come in under this estimate, would be returned/not recharged.*
- (viii) It is not considered the above discussed controller relocation is required to address any particular transport shortcoming/issue and the cost estimate is given without prejudice to detailed consideration of the same.
- (ix) He accepts the applicant's offer of £50,000 to implement revised Traffic Orders on Fitzalan Place adjacent to the site and improvements to the pedestrian crossing at the north end of Station Terrace, west of the site. This crossing is on the pedestrian desire line to Queen Street, the wider city centre and Cardiff University's buildings. It is therefore considered appropriate for the proposed development to contribute towards the provision of improved pedestrian facilities in this location, to support the proposed development and provide safe commodious access to/from adjacent facilities, support sustainable transport options and encourage the uptake of active travel. The Traffic Order element of the contribution is required to extend the existing Loading Ban on Newport Road along the site frontage on Fitzalan Place to the start of the proposed loading bay.

5.2 The **Operational Manager, Environment (Contaminated Land)**, has considered the Environmental Desk Study (October 2016) submitted with the application. In reviewing available records and the application for the proposed development, the site has been identified as formerly commercial offices and retail. Whilst no contamination is known at the site the potential for this cannot be ruled out. Should there be any materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use. He therefore requests the inclusion of the following conditions and informative statement in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

- 5.3 The Council's **Tree Officer**, regarding the feature tree, supports the proposed planting of an *Acer lobelii*, but requires comfort concerning the availability of sufficient below ground space to support its healthy long-term growth. This will depend largely on service constraints, but the minimum target volume should be 20m<sup>3</sup>. Open structured soil crates (e.g. Silva Cells, RootSpace) supporting un-compacted soil are the preferred method for providing a secondary root zone here, and full, site specific details will be required in due course.
- 5.4 He acknowledges that some of the trees suggested for the planter are not widely available at the sizes likely to be desired, though *Koelreuteria paniculata* in addition to *Ostrya carpinifolia*, should be available. He hereby lists, in order of preference, the trees that he thinks are best suited to the planter, based on aesthetic and arboricultural considerations, and likely availability.
- 1) *Ostrya carpinifolia* – good ornamental qualities (winter catkins, hop-like fruits through summer, clear yellow autumn colour, rugged bark), domed crown, no major P&D problems or structural problems, very good tolerance of dry soils (likely to prevail in the planter).
  - 2) *Zelkova serrata* – good ornamental qualities (graceful form and leaves, autumn colour), domed crown, no major P&D problems or structural problems, good tolerance of dry soils.
  - 3) *Koelreuteria paniculata* – excellent ornamental qualities (flower, subdivided leaves, autumn colour, fruit bladders), domed crown, no major P&D problems but possibly better in more sheltered situation and may seed freely, extremely good tolerance of dry soils.
  - 4) *Aesculus x carnea* 'Briotii' – spectacular in flower but little other ornamental interest, domed crown, possible structural problems associated with bud proliferation cankers, possible perceived nuisance issues with large leaves and flower panicles, moderate tolerance of dry soils. Better as an avenue in parkland than stand-alone tree.
- 5.5 He has discounted *Acer platanoides* 'Globosum' as he does not think it has the stature for the proposed position, and is better used as a group in a more intimate setting. It is also unfortunately very prone to mildew (*Sawadaea tulasnei*) that can be disfiguring aesthetically.
- 5.6 So long as the planter provides for a minimum 20m<sup>3</sup> freely draining, well-aerated soil, he does not foresee problems with the establishment of healthy growth of any of the above trees, though a full soil specification will be required in due course. It would be desirable to maximise the surface area of the 'open planter' and minimise the extent of the secondary root zone at depth beneath pavers. At depth, gas exchange and water availability may be constrained, and if the planter was narrow and long, with a substantial percentage of root available soil 'sealed' beneath pavers, aeration and irrigation points would be required (e.g. 'Arborvent') at one per 5m<sup>3</sup> root available soil. Details of the planter are indicative only, and detailed, site specific information will be required in due course. It should be noted that structural soil media typically require application at x3 the volume of a 'natural' soil to give equivalent 'nutritious' root available soil volume, and their correct installation is critical to their successful performance, otherwise there can be problems with settlement

and poor structure (leading to excessively dry or wet and anaerobic conditions). Consideration should be given to the use of open-structured soil crates back-filled with un-compacted soil as an alternative to structural soil. The planter general arrangement drawing depicts a caged tree root-ball – it is essential that all non-biodegradable root-ball wrappings are removed on planting, and biodegradable wrappings removed, or if this is impractical, cut and peeled back to minimum one-third root-ball height. It is essential that roots have immediate access to soil and are not constrained in a way that will lead to distorted root architecture and potential anchorage and health problems.

- 5.7 He has no objections to the indicative green wall details, but would defer to one of the Parks Landscape Architects for further commentary. Full, site specific details will be required in due course.
- 5.8 He concurs with the Parks comments. With regard to the proposed tree species for the planter, *Ostrya carpinifolia*, *Zelkova serrata* and *Koelreuteria paniculata* that he recommends are all very tolerant of dry soils and urban environs generally. Appropriate under-storey planting should be selected on the basis of aesthetic and functional compatibility with the selected tree and planting environment.
- 5.9 The **Operational Manager, Waste Management**, following discussions with the agent, observes the following:
- (i) Private contractors will be commissioned to remove waste and it is their intention to have the waste collected twice weekly. She is still concerned that a twice weekly collection would still require 26 bins to service the proposed number of units (13 of each waste stream) and also a small number of food recycling bins. She is doubtful that the 37 sqm will accommodate this amount of bins even taking into account a twice weekly collection.
  - (ii) Rooms will be organised by the Building Management Team and they will dispose of bulky waste as and when it occurs thus alleviating the need for a bulky waste area.
  - (iii) Commercial Units - Although the operators are unknown a designated storage area for waste would need to be indicated on the plan. This needs to be a separate area to that proposed on the plan for the residential units. The agent has suggested an internal storage area which would be acceptable, however their preference would be an external storage area to service these units. Amended plans would need to be submitted showing this area.
  - (iv) She has no further observations or objections to the proposed development and recommends a relevant condition.
- 5.10 The Council's **Ecologist** advises that the nature and location of this building does not suggest that roosting bats are likely to be present, therefore his only comment would be to attach an advisory note to any consent that if any protected species such as nesting birds and/or bats are discovered during works, then those works should stop while advice is sought from Natural Resources Wales, the statutory nature conservation advisor.

- 5.11 The **Operational Manager, Air Pollution**, advises that projected air quality levels envisaged for the proposed development do not only consider the potential impacts associated with traffic derived emissions, as seen with the Fitzalan Court and Windsor House developments nearby, but are also further impacted by emissions derived by the on-site energy plant. As documented in the air quality report produced by Air Quality Consultants Ltd (AQC's) there is uncertainty associated with the modelling, especially due to the fact that only the air quality levels associated with the traffic data can be verified for a baseline year.
- 5.12 With reference to the Local Air Quality Management (LAQM) Technical Guidance TG16, April 2016, examples of where the air quality objectives should apply are detailed in Box 1.1. Based on the detailed criteria, projected levels of traffic derived emissions (NO<sub>2</sub> & PM<sub>10</sub>) must be quantified, considering both the short term and long term air quality objectives. The Air Quality Assessment should look to focus on the national annual mean (40µg/m<sup>3</sup>) & 1-hour mean objective for NO<sub>2</sub> (200µg/m<sup>3</sup> not to be exceeded more than 18 times a year) and annual mean (40µg/m<sup>3</sup>) & 24-hour mean objective for PM<sub>10</sub> (50µg/m<sup>3</sup> not to be exceeded more than 35 times a year) at the various levels of the building. It must be acknowledged that there is no safe level as such when it comes to potential impacts of certain pollutants. The modelling undertaken by AQC's has adopted a worst case scenario and it should be this scenario that is used to quantify where the elevated and exceeding levels for NO<sub>2</sub> are found.
- 5.13 The report highlights breaches of the annual average objective for NO<sub>2</sub> at the Northwest and Western boundaries of the development. As previously suggested, it is now agreed that the applicant undertakes further detailed air quality modelling to quantify which residential rooms and commercial areas will be subjected to elevated and exceeding levels of NO<sub>2</sub> as a result of the cumulative impact derived from nearby traffic and the on-site energy plant. However, in order to ensure national objectives are not breached and to account for any uncertainty in the modelling it is a requirement that annual average projected levels ≥35 µg/m<sup>3</sup> at residential rooms and ≥50 µg/m<sup>3</sup> at commercial areas are treated with mitigation systems. He therefore recommends a relevant condition. In addition, the introduction of relevant exposure into the area will place an additional burden on the Council's resources by way of ongoing monitoring, review and assessment as required by statute. He therefore requests a financial contribution of £8,000 which would be used to fund additional nitrogen dioxide monitoring in the immediate area.
- 5.14 The **Operational Manager, Noise Pollution**, having read the proposal and the Environmental Noise Survey dated the 28th October 2016 does not object to the application and makes the following comments:

- (i) The insertion loss of the masonry external wall build up should be no less than **RW 50**;
- (ii) The insertion loss of the roof build up should be no less than **RW 45**;
- (iii) The insertion loss for the glazing to critical façades (indicated as blue in figure 4268/SP2 in the Environmental Noise Survey Report) shall be no less than the figures contained in figure 4268/T6
- (iv) Habitable rooms exposed to critical façades shall have MVHR ventilation systems meeting the requirements of Part F of the Building Regulations; and
- (v) The elements identified in (i) to (iii) above should be confirmed to the Local Authority in writing at the detailed design stage by a qualified Acoustic Consultant (i.e. a member of either the Institute of Acoustics (IOA) or the Association of Noise Consultants (ANC));
- (vi) The element identified in 4 above should be confirmed to the Local Authority in writing at the detailed design stage by a suitably qualified building surveyor.

5.15 The Council's **Access Officer**, has been consulted and any comments will be reported to Committee.

5.16 The **Operational Manager, Regeneration**, acknowledges that some amenity space would be provided in the development, however they also consider that it is reasonable to expect a population of 464 students to use local facilities as well. The Planning Obligations Supplementary Planning Guidance (SPG) states "a reduced level of community facility provision will be sought from student accommodation developments where a significant element of communal facilities are provided onsite, we still expect a contribution towards local community facilities from the developer." Consequently, they request that the developer contribute £64,291.84. This is based on the developer paying for 0.32 sqm of offsite community facilities for a quarter of the population of the development. (0.32 sqm x 116 students = 37.12sqm multiplied by £1723). This funding would be used towards community provision within the converted Cardiff Royal Infirmary chapel. The community facilities planned for the CRI chapel include library, information and advice services, meeting spaces and public access IT provision. The provisional programme, subject to approvals and funding, is for conversion work to take place in the latter part of next year. This contribution is considered to be a reasonable level which (i) acknowledges the significant on-site provision of communal facilities in this development, as pointed out by the agent; (ii) reflects what is in the SPG about a reduced contribution being applicable in such circumstances, and (iii) recognises that students do make use of other community provision in the locality where they live.

5.17 The **Operational Manager, Drainage Division**, has been consulted and any comments will be reported to Committee.

5.18 The **Operational Manager, Parks and Sport** provides comments in relation to the current LDP (C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport; KP16 Green Infrastructure), and the 2017 Planning Obligations

Supplementary Planning Guidance (SPG), supported by policies set out in the 2008 SPG for Open Space which set the Council's approach to open space provision. The Council's LDP requires provision of a satisfactory level and standard of open space on all new housing/student developments, or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable.

- 5.19 Based on the information provided on the number and type of units, he has calculated the additional population generated by the development to be **464**. This generates an open space requirement of **0.59 ha** of on-site open space based on the criteria set for **Student accommodation**, or an off-site contribution of **£253,589**. As no public open space is being provided on-site, the developers will be required to make a financial contribution towards the provision of new open space, or the design, improvement and/or maintenance of existing open space in the locality, given that demand for usage of the existing open spaces would increase in the locality as a result of the development. The use of S106 contribution from this development will need to satisfy CIL and the current distance requirements set out in the 2017 Planning Obligations SPG – play areas 600m (not applicable to student and sheltered accommodation), informal recreation 1000m, and formal recreation 1500mm, measured from edge of the site.
- 5.20 The calculation for student accommodation applies a lower rate compared to the full amount required for general purpose housing. This takes into account omission of the play provision element which is not applicable and the resident's accessibility to student sports facilities. However students will still regularly use public open spaces and sporting facilities within Parks, and therefore the off-site contribution relates to increased use of local public open spaces, with a corresponding need for increased maintenance, more rapid upgrading and potential expansion of existing facilities. In the event that the Council is minded to approve the application, it will be necessary for the applicant and the Council to enter into a Section 106 Agreement to secure payment of the contribution. Use of the contribution will be confirmed at Section 106 stage. The closest areas of recreational open space are Cemetery Park, the proposed new open space at Howard Gardens, and Bute Park.
- 5.21 In respect of landscape design, he has reviewed the comments submitted by the applicant / designers regarding the living wall and he is happy with the information given. The submitted comments provide the reassurances needed in terms of design, construction and maintenance. Determining planting species for the wall based on site conditions once development has commenced is reasonable and can be dealt with by condition, as can the design / planting species / potential irrigation for the planter. The main concern regarding the planting bed and tree will be the presence of services which he accepts cannot be accurately identified at this stage as they are under the existing building, but as long as the planters/trees are identified as being a requirement of the planning permission this should ensure they are delivered. He makes the following comments on the green wall design:

- (i) The designers have used a specialist company ANS to provide the modular wall system. Although not having experience of the company they appear to have a solid track record. This is reassuring as green walls are a specialist area of design, and if designed and installed incorrectly could easily fail to establish effectively.
- (ii) It is clear that detailed discussions have been held with ANS on technical design, including the drainage and irrigation aspects, which are critical.
- (iii) He interprets from the sketch drawing that the modules will be provided fully planted, with species chosen by ANS. He is not clear why the species cannot be specified at this stage.

5.22 Further clarification should be sought as follows:

- (i) Confirmation that ANS will provide the modules fully planted and will have chosen the species to be suited to the location.
- (ii) Clarification of why the detailed design / planting plan is not available at this stage, and when this would be expected to be provided. Given the importance of this element in the scheme he agrees that detailed design at this stage is important, rather than being left until a later stage when it could be compromised;
- (iii) Clarification of who will build the green wall – will it be done by ANS or a specialist contractor acting for them? What arrangements are in place for overseeing construction and signing off at completion.
- (iv) Will a detailed maintenance schedule be provided by ANS, and who will be responsible ultimately for maintenance of the wall?
- (v) How long is the defects period for the wall, and what mechanisms will be in place for replacement of failed plants during the defects period, and subsequently

5.23 Regarding planters, he advises that the list of indicative species contained a number of plant species that may struggle to establish and survive in this quite exposed and heavily used location. Design would need to take into account any shading (from building or tree), wind exposure/turbulence, impact of litter, and general wear and tear which will inevitably result from people sitting adjacent to the planting, and the likelihood that the planter will contain relatively dry soil.

5.24 Proposals for maintenance of the planter will be needed at an early stage, including replacement of poor quality and dead plants, weeding, litter clearance, feeding/improvement to soil. Many planters around the city receive very little maintenance once installed and often deteriorate rapidly as a result, becoming an eyesore rather than a positive feature.

5.25 In respect of services, the drawings indicate that they are indicative at this stage. Experience has shown that until the positions are established it is difficult to guarantee that a landscape scheme, including tree planting, can be delivered. Therefore reassurance is needed on current services anticipated, and when detailed investigation of services will be carried out.

5.13 The **Operational Manager, Building Control**, advises that the proposed

works would be subject to Building Regulations. Full detail drawings and specifications would be required. Due to the nature of the proposal South Wales Fire Service consultation would be carried out. The developer should also formally notify the Building Control Service prior to demolition of the existing building to enable consideration and counter notice issue.

- 5.14 The **Operational Manager, Economic Development**, advises that they would look to defend the site for employment use unless a financial contribution is secured towards the loss. In line with the Supplementary Planning Guidance they would look to agree £26,068 to compensate for the loss of employment land.

## 6. **EXTERNAL CONSULTEES RESPONSES**

- 6.1 **Dwr Cymru Welsh Water** requests that the applicant commissions a hydraulic modelling assessment in order to establish what would be required to ensure the site can be served with an adequate water supply. They request a relevant condition. They have reviewed the information submitted as part of this application with particular focus on the Drainage Statement dated 24 April 2017 which outlines the proposed drainage arrangement. The content of this report is acknowledged and formed part of their assessment for this application. They note the absence of a full surface water strategy and therefore request that these matters are provided at a later date and suitably controlled by condition.
- 6.2 **Glamorgan Gwent Archaeological Trust** notes the submission of a Cultural Heritage Assessment which assesses the archaeological resource of the application area and any potential impact on it by the proposed development. It identified 53 heritage assets within the study area, although none are in the proposed development area. It also indicated that the wider area has been utilised since the Roman period and it is possible that there are surviving subsurface remains. However, it is likely that the previous development of the site has had an adverse effect on any potential archaeological remains that might be present. The construction of the existing buildings is likely to have heavily truncated any features that may have been present, particularly considering that the current office building has a basement. Furthermore, whilst there are a number of Listed Buildings and Scheduled Monuments in the area, there is unlikely to be a significant impact on their setting due to the nature and volume of existing multi-storey developments in the immediate vicinity. As a result there is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to the Local Planning Authority, they have no objection to the positive determination of this application. The record is not definitive, however, and features may be disturbed during the course of the work. In this event, the developer should contact the Trust.
- 6.3 The **South Wales Police Designing Out Crime Officer** advises that over a period between May 2016 and May 2017 there were 3281 incidents reported to South Wales Police within the Adamsdown ward. Over the same period there were 112 incidents reported in the vicinity of the development. These include 32 thefts, 11 violent incidents, 9 incidents of anti-social behaviour, 3 damages



and a burglary. Consideration must be given to the fact that the site is located in a busy area and is in close proximity to the city centre. Insufficient information has been provided in the Design and Access Statement to satisfy South Wales Police that the proposed development will meet required security and safety standards. South Wales Police would request that the following issues could be addressed by way of conditions with regards to any approval

- (i) External Lighting - In order to maximize opportunities for surveillance and minimize the fear of crime it is necessary to provide an adequate lighting system. External lighting should be designed to provide a uniform spread of light, clear colour rendition, avoiding deep shadows and minimise light pollution. Luminaries should be sturdy and resistant to vandalism, tampering and adverse weather conditions. Any form of lighting system should be properly planned, particularly if it is to be used in conjunction with CCTV. Security lighting, such as metal halide units, should be installed in all areas where surveillance is considered important, such as entrances, main pedestrian access routes, service area, bicycle parking and other facilities. Other areas should use lighting operated by photoelectric cells, which should illuminate all elevations and recesses of the building. All fittings should be vandal resistant and positioned out of reach.
- (ii) Entrance to the building should be supervised 24-7 by a concierge or if not it should include an appropriate access control system to allow access to students and to prevent entry by unauthorised persons. If main entrance is not supervised then an appropriate access control system should be incorporated into the main student communal entrance door into the building and should include audio / video confirmation facility which would allow callers to be identified prior to access being granted.
- (iii) Access to lifts and student's rooms should also be controlled. An internal access control system should be installed to serve each block of cluster flats.
- (iv) Ground floor windows and those easily accessible above ground floor should be glazed with laminated glass certified to British Standards.
- (v) All glazing in and adjacent to doors should be laminated and securely fixed in accordance with the manufacturers specifications. The location of the development is close to Cardiff city centre which is a designated crowded places. On busy weekends hundreds if not thousands of people could be in close proximity to the site.
- (vi) All external entrance door sets, internal apartment doors and emergency exit doors should be certified to relevant standards;
- (vii) All windows should have window restrictors.
- (viii) Security to the building would be enhanced if an appropriate CCTV system was installed to monitor the main areas.
- (ix) Appropriate smoke alarms / fire alarms must be fitted to enable early warning of fire and effective evacuation of premises. Consideration should be given to fitting of sprinkler systems to minimise any risks from fire. Advice should be sought from the South Wales Fire and Rescue Service to ensure fire prevention, warning signs and appropriate evacuation policies are in place.

- (x) The bicycle store should be secured and accessed by students only, have individual stands for securing bicycles and must be lit during the hours of darkness.
- (xi) The bin storage area should be secure and due to it being an internal area of the building it should be fire proofed.
- (xii) Trees and shrubs should be positioned away from the buildings giving a clear and unobstructed view of the boundary. All shrubs and hedges should have a maximum growth height of 1 metre, whilst all trees should be pruned up to a minimum height of 2 metres, thereby maintaining a clear field of vision around the site. Mature trees should not mask lighting columns nor become climbing aids.
- (xiii) Ensure that all hard landscaping features such as coping stones, pavers etc. and street furniture are securely fixed and cannot be removed and used for criminal purposes.
- (xiv) If A3 is to be authorised to the ground floor commercial unit the hours of business should be restricted to no later than 23.00 hours.
- (xv) Low risk retail units should be fitted with door sets that comply with standards;
- (xvi) Laminated glazing should be fitted to all shop fronts in areas where persons are likely to come in contact with glazing;
- (xvii) Where roller shutters are considered necessary to protect property these should have a minimum security rating in accordance with standards. Perforated versions of shutters can provide for more defused lighting, allow the viewing of products in windows and make street scenes less intimidating.
- (xviii) Consideration should be given to fitting a monitored alarm system
- (xix) Consideration should be given to the fitting of CCTV both internally and externally to identify person(s) entering or leaving the premises and to protect the shop frontage. The CCTV system should be capable of providing evidential quality imagery to at least recognition standards and be operated in accordance with the Data Protection Act.

6.4 The **South Wales Fire and Rescue Service** advises that the developer considers the need for the provision of adequate water supplies on site for firefighting purposes and access for emergency firefighting appliances.

6.5 **CADW** has carefully considered the information provided with this planning application and considers that there would be only a slight impact. They therefore have no objections to the impact of the proposed development on Cardiff Castle and Roman Fort (GM171) and PGW (Gm) 26 (CDF) Cathays Park.

6.6 The proposed building is located some 830m east of scheduled monument Cardiff Castle and Roman Fort (GM171). The monument consists of the remains of a Roman Fort the site of which was then used to build a major medieval castle. The proposed development will probably only be visible from the towers of the castle and most obviously from the motte and ring tower at its centre. From these points the proposed building will be seen behind the existing Capitol Building of some 22 storeys. Consequently whilst the proposed building will add a further very high structure in the vicinity of the castle the vista

in that direction is already altered by a large vertical modern structure. Consequently the impact of the proposed development on the setting of scheduled monument Cardiff Castle and Roman Fort (GM171) will be slight.

- 6.7 The proposed building is located some 550m southeast of the registered PGW (Gm) 26 (CDF) Cathays Park Historic Park and Garden. However in most views from the registered park the immediate surrounding buildings will block views towards the proposed development. When openings in the buildings allow views towards the proposed development it will be seen along with other large structures and therefore the impact of the proposed development on the setting of the registered historic park will be very slight.
- 6.8 The **Defence Infrastructure Organisation (DIO)** confirms that the application relates to a site outside of Ministry of Defence safeguarding areas and therefore they confirm that the Ministry of Defence has no safeguarding objections to this proposal.
- 6.8 The **Head of Airfield Operations, Cardiff Airport**, confirms that the development would be outside of Cardiff Airport's Safeguarding zone of 15 kilometres. Also, at 15 kilometres, they would only object to anything extending through the Outer Horizontal surface, which is 150 metres. As this proposal is at a maximum height of 95m it is not an issue from an obstacle perspective. He notes that the agent has confirmed that the maximum crane height would be 8 metres therefore the overall height during construction would still be well below the 150 metre threshold for lighting.
- 6.9 The **Civil Aviation Authority** advises that In the UK, the need for aviation obstruction lighting on 'tall' structures depends in the first instance upon any particular structure's location in relationship to an aerodrome. If the structure constitutes an 'aerodrome obstruction' it is the aerodrome operator that will review the lighting requirement (part of the safeguarding process). For civil aerodromes, they will, in general terms, follow the requirements of CAP 168 - Licensing of Aerodromes. Chapter 4 refers to obstacles and obstacle lighting. Away from aerodromes Article 222 of the UK Air Navigation Order applies. Article 222 requires that for en-route obstructions (i.e. away from aerodromes) lighting only becomes legally mandated for structures of a height of 150m or more above ground level. Typically, structures less than 150m above ground level and away from the immediate vicinity of an aerodrome are not routinely lit for civil aviation purposes. However, structures of lesser high might need aviation obstruction lighting if, by virtue of their location and nature, they are considered a significant navigational hazard. Note that if the structure is to be 150m or higher, the lighting specification set out in Article 222 becomes a statutory requirement. In this latter case, any proposal to seek a lighting specification at odds with Article 222 should involve the CAA at the earliest convenience. They also recommend that this proposal be brought to the attention of Cardiff Heliport, Cardiff Airport, National Police Air Service Support Units, the Safeguarding Department within the MoD's Defence Infrastructure Organisation, and the Wales Air Ambulance.

## 7. **REPRESENTATIONS**

- 7.1 **Local Members** have been consulted. Any comments received will be reported to Committee.
- 7.2 The application was publicised as a major development by press and site notices under Article 12 of the Town and Country Planning (Development Management Procedure (Wales) Order 2012 (as amended).
- 7.3 An objection has been received from the occupiers of **7 Windway Avenue, Canton**, who state the following reasons:
- (i) A building as large as 11 – 32 floors is completely unsuitable for students. Young people who are leaving home – often for the first time – in a new and strange city - need accommodation in a much more civilised atmosphere. They need accommodation of a moderate size that has a feeling of human society.
  - (ii) The size of the building that is intended to be built is also too large to suit a city with a moderately friendly atmosphere, which is one of Cardiff's main virtues. Such a development would be intimidating and threatening. The site is far too limited for such a high building,
  - (iii) It must also be remembered that we hear often about the decrease in the number of foreign students that are likely to come to British universities after we leave the European Union – and mainly foreign students would be able to afford taking expensive accommodation in a similar development to that proposed. The influence of the “Brexit” decision is already to be seen in the number of staff posts that are disappearing from our colleges and it would be foolish to take it for granted that the number of foreign students who want to come here is likely to rise.
  - (iv) There have been a number of reports recently saying that we do not have enough buildings of acceptable quality for modern offices in the city – again a number of buildings that have been offices originally have been changed in recent years into living spaces for students. Building more offices would create more jobs for Cardiff citizens.
  - (v) I understand that owners of buildings that provide accommodation for students are exempt from paying Council Tax. If this is the case, is this the reason why more and more land and buildings in the city centre are being earmarked for students, in order for their owners to be exempt from paying Council Tax? For developers developments like these are good business: very often the accommodation is let to other people who are visiting the city during college holidays and in this case, of course, developers say that they intend to use the ground floor as a “flexible commercial space”. In my opinion, in cases such as this it should be ensured that the Council Tax is payable for a full year for any part of the development that is used for commercial purposes and it should also be ensured that Council Tax is paid on other parts of the development at those times when they are available for such purposes. Erecting more and more buildings for students means a loss of income from the Council Tax and most of the financial burden of preparing public services for these buildings falls to us the residents of Cardiff – including

quite poor people and pensioners – who would have to subsidise the people who make a large profit from these developments. It is also worth noting that students who live for part of the year in places like this are able to vote in the public elections in the city – an example of “representation without taxation” to reword the old saying!

- (vi) It is completely unrealistic to think that providing places to keep bikes is sufficient for students these days. A considerable number of them drive cars and certainly should permission be given for a development like this, it should be ensured that there are plenty places for parking cars so that the development does not cause more parking problems for other people who use that part of the city.
- (vii) I am afraid that more and more developments are providing student accommodation rather than homes for local people in order to avoid the necessity of providing a specific number of reasonably priced dwellings that ordinary people could consider buying, in addition to avoiding paying Council Tax. More homes for ordinary people is one of the city’s main needs but instead of ensuring that houses and other dwellings are erected close to the city centre the Council is pushing most of such developments into the suburbs and rural areas at the edge of the city. This will create great difficulties for people who will live there but work closer to the centre of the city and will add greatly to the terrible problems of travelling in and out of the city that so many people face at present. It would be much better to develop other houses and homes closer to the centre of the city where there would be no need for people to drive a car or have to depend on public transport to reach work.
- (viii) I remember people living in happy neighbourhoods that were close to the city centre and many more such facilities should still be provided. The old Avana site in Grangetown would have been very suitable for affordable dwellings but rather than that, the site has been used for student flats. A huge student building is being erected in Tyndall Street although this has long been one of the areas where people who were the backbone of the city lived. My husband and I were brought up in Cathays which was very convenient for people working close to the city centre – but now the area is given over almost completely to students and the area been lost for families. Similarly also, large areas of Roath and Adamsdown. Recently, it appears that houses in the Gabalfa estate – which were built specially after the war to help Cardiff families to have homes – are being taken over by families to rent to students. If so much valuable land has been earmarked for student accommodation, arrangements should be made for those areas in which the vast majority of the houses have been turned into student accommodation to be reclaimed for families in the city who want to live near the centre. The Council should promote such projects by co-operating with housing associations to buy and re-adapt large parts of areas such as Cathays and Roath.
- (ix) The Council should pay attention to the common opinion among Cardiff people who are very dissatisfied with the way that things are changing in our city. Providing facilities that respond to the needs of Cardiff citizens should be a priority for the Council rather than allowing developments that will be of little value to us. As you see, I oppose this application for a

number of reasons. Much better development must be ensured on this site that will contribute to creating more jobs and affordable homes for the people of Cardiff.

- 7.4 An objection has been received from RPS Planning and Development on behalf of the owners of **Cromwell House**, which is immediately south of the application site. They oppose the application for the following reasons:
- (i) No comments are being made on the erosion of the Central and Bay Business Area (CBBA) that the development might cause. The address is Newport Road but given the minimal frontage to Newport road the greatest impact at street level is on Fitzalan Place.
  - (ii) In accordance with the Guidelines for Landscape and Visual Impact Assessment (GLVIA3) produced by the Landscape Institute and the Institute of Environmental Management and Assessment, the key receptor location to determine the significance of the impact is Queen Street.
  - (iii) LDP Policies KP5 (Good Quality and Sustainable Design) and EN13 (Air, Noise, Light Pollution and Land Contamination) are relevant, together with the Tall Buildings Supplementary Planning Guidance (January 2017);
  - (iv) They identify four key matters requiring assessment:
    - Whether the building would be of a design, bulk, massing, form and appearance appropriate to its context;
    - Whether the building will be acceptable in terms of impacts to the amenity of nearby occupiers;
    - Whether the introduction of managed student accommodation in this location is acceptable in terms of land use;
    - Whether the loss of existing office uses at Hallinan's House is acceptable in relation to policies seeking to protect employment generating uses.
  - (v) In respect of bullet 1 the overriding conclusion is the building will cause overshadowing to adjacent properties when considered alongside Section 4 of the SPG. They consider a more thorough presentation of the impacts is required and consideration be given to appropriate forms of mitigation. They note the comments of the Design Commission for Wales (DCfW) at pre-application stage, who advised the relationship with adjacent buildings should be considered in detail and fully justified, the impacts upon privacy and overshadowing need to be fully explored using verified views, they opposed the relationship with Cromwell House and welcomed the prospect of this neighbouring site being incorporated into the application as this would bring benefits for access, servicing and the ground floor layout. Alternative future uses also needed to be demonstrated if demand for student accommodation were to change.
  - (vi) In respect of bullet 2 the planning statement contends that daylight and sunlight are not planning matters and should not be material considerations however the 2004 permission did consider the impact upon Cromwell House and resulted in amendments. The application is 10 storeys and almost twice the height and therefore cannot be similar to the permitted scheme and any comparisons are misplaced. The Tall

Buildings SPG states no material harm should be caused by overshadowing or overlooking and where significant detriment occurs, proposals should not be permitted. 21 metres is the accepted distance to protect residential amenity as stated in the 2008 Residential Design Guide Supplementary Planning Guidance. The residential use of the development would be permanent although the students occupying the premises would be transient. There is no distinction in the Tall Buildings SPG between the amenities of residential and commercial occupiers.

- (vii) In respect of bullet 3 they have no objection;
- (viii) In respect of bullet 4 they consider that the loss of 1260 square metres of B1 Class floorspace would be directly contrary to LDP Policy EC4. However, in this instance they note that the building has a relatively low floor to ceiling height and cannot accommodate a new raised access floor for data cabling or a suitable heating or cooling system. The building is not suitable for modern office occupation and cannot compete with other better quality buildings.
- (ix) In conclusion they consider the effect of the development upon Cromwell House to be harmful. The overlooking and overshadowing is far greater than caused by the 2004 permission to extend Hallinans House. The impact upon privacy and amenity given the separation distance is again far greater than this permission. If development were to proceed it would stifle investment to convert Cromwell House to a hotel. They seek amendments which set the 10 storey development back 21 metres from Cromwell House if clear glazing is to be used in the south elevation or install opaque glazing to the south elevation and set the building back 5 metres from Cromwell House.

Interested third parties have been re-consulted on the amended proposals and any further comments will be reported to Planning Committee.

## 8. **ANALYSIS**

- 8.1 The Tall Buildings Supplementary Planning Guidance (January 2017) supplements policies in the Local Development Plan (LDP) (particularly KP5 (Good Quality and Sustainable Design)) and provides advice on the provision of high quality well-designed tall buildings within Cardiff. The themes contained within this document therefore provide a sound basis for assessing the merits of this application.

### **Principle of Development**

#### **Loss of Office Floorspace**

- 8.2 Policy EC4 (Protecting Offices in the Central and Bay Business Areas) of the LDP identifies that to ensure Cardiff continues to attract and retain quality businesses, the city centre must provide a range and choice of office premises for existing and future occupiers, including small and medium size enterprises. It states that when assessing a proposal for the alternative use of office accommodation, a series of issues will be considered, including whether the development of the site for appropriate uses will facilitate the relocation of

existing office occupier/s to other suitable accommodation within the Central or Bay Business Areas.

The applicant has identified in their planning statement that the existing occupiers of the premises are currently expanding their workforce and (as part of this application) are seeking to relocate to alternative office accommodation within the city centre, which is a consideration in determining the acceptability of this proposal. In addition, given the availability of similar grade office accommodation within the local area, there is some policy justification to support the proposed change of use on quantitative grounds in this instance.

#### Acceptability of Student Accommodation

- 8.3 Policy H6 of the LDP (Change of Use or Redevelopment to Residential Use) identifies criteria against which the change of use of previously developed land will be considered, including whether there is an overriding need to retain the existing use of the land and whether necessary community and transportation facilities are accessible or can be readily provided.

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 in the vicinity at Howard Gardens, Shand House and Fitzalan Court, and recent permissions at West Wing, Cardiff Royal Infirmary.

#### Acceptability of Ground Floor Commercial Uses

- 8.4 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 Local Development Plan, 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 units (184/40sqm), an element of convenience retail could be considered acceptable to serve the newly established population and the wider residential community within the surrounding area. Policy R8 (Food and Drink Uses) of the LDP identifies the Central Business Area as an appropriate location for food and drink uses, subject to amenity considerations. Ground floor Class A3 floorspace has previously been consented on the site and there is an established mix of similar uses in the immediate vicinity. Taking into consideration the relatively small scale of the floorspace, the mixed use nature of the development and the location of the site within the Central Business Area at Newport Road, the proposed commercial floorspace is considered acceptable in this instance.

#### **Skyline and Key Views**

- 8.5 The building would be sited on a key junction on Newport Road, which is



characterised by a number of tall buildings forming an avenue on this eastern approach to the city centre. The majority of these buildings date from the 1960s, aside from some recent conversions, and the introduction of a high quality tall building in this location has the potential to raise the quality of this area of Newport Road, creating a landmark at the eastern edge of the city centre.

A number of key views have been submitted in support of the application, demonstrating the impact the building would have on the city's skyline. Long range strategic views, intermediate views and local/close range views have been provided. These views demonstrate the positive impact that the building would have upon the city's skyline. This building acts as a reference point for the eastern approach along Newport Road, a key arterial route in the City. A number of the submitted views are now considered:

Queen Street looking East: The building will be visually prominent forming a striking landmark to the east edge of the city centre. The amended scheme setting the building back from the footway allows for glimpses of the adjoining hotel to be retained, allowing the remainder of Newport Road to be appreciated.

Fitzalan Place looking North: The slender appearance of the building creates a positive impression. This is one of the only intermediate/longer range views where the full height of the building can be seen.

Newport Road looking West: two views are provided showing the upper sections of the taller elements rising above other buildings along Newport Road, creating a sense of arrival at the city centre. The copper material finish highlights the building's presence in relation to the neighbouring hotel.

Windsor Road Bridge looking North: The slender design of the building can be seen from this intermediate range view.

Uplands Road, Rumney Hill looking West: demonstrates a clustering of tall buildings in the city centre with a gradual rising of heights along Newport Road from east to west. The building would be read with existing tall buildings from this long-range view and would be appropriate in scale.

## **Historic Environment**

- 8.6 It has been established that the site is within 100 metres of the Tredegarville Conservation Area to the north and therefore this relationship requires assessment. It must first be observed that the site itself is separated from the Conservation Area boundary by Newport Road, a dual carriageway, and the line of buildings fronting the north side of Newport Road. These existing commercial buildings already form a backdrop to the Conservation Area when viewed from within and the introduction of the proposed building, whilst being substantially taller than the existing buildings, is not considered to result in a harmful interruption to views within and beyond the Conservation Area. A key viewpoint looking south towards the development from West Grove confirms the relationship. The building would be read alongside the existing Holland

House Hotel which helps to define the extent of the Conservation Area. It is considered that the character and appearance of the Conservation Area is preserved as required by LDP Policy EN9 (Conservation of the Historic Environment).

Queens Building is a Grade II listed building fronting onto Newport Road occupied by Cardiff University. It is opposite the application site on the northwest corner of the Newport Road/West Grove junction. This listed building is seen in the context of the existing tall buildings on Newport Road and occupies a significant presence along Newport Road. It is therefore considered that the proposed building would not harm the setting of this listed building.

A long range view has been provided to show the impact of the development from the entrance to Cardiff Castle. The top of building would be partially visible above existing buildings on Kingsway View however it is not considered that the view would noticeably change. In fact, the glimpse of the building aids legibility by bringing definition to the eastern edge of the City Centre. It would not detract from views of Cardiff Castle.

It is noted that CADW, in their assessment of the application, do not object to the proposals and conclude that, because the development will be visible, it will have a slight, though not objectionable, impact on heritage assets (see paragraph 6.5 – 6.7).

### **Design Proposals**

- 8.7 LDP Policy KP 5 (Good Quality and Sustainable Design) contains criteria for assessment of new development proposals to ensure that high quality, sustainable designs occur which positively contribute to the creation of distinctive communities, places and spaces. Such criteria includes, for example, a proposal's response to the local character and context, creating legible development, providing a diversity of land uses, creating distinctive places, providing a healthy environment, and adaptable design. The Tall Buildings SPG expands on these criterion and provides a guide for assessing the acceptability of tall building proposal to ensure their design and appearance is of exceptional quality.

### Mixed Use

- 8.8 The amended proposals contain two separate commercial units at ground floor. The larger unit has dual frontage onto both Newport Road and Fitzalan Place and the smaller unit fronts onto Fitzalan Place. Both of these units will provide pedestrian activity around and within the building, creating an active frontage on this key corner location.

In addition to a reception lobby at ground floor, the first floor and approximately half of the second floor will provide a student amenity area including a gym, laundry and communal and quiet study areas. This provision, in addition to the commercial uses, will promote activity and vibrancy in and around the building at street level.

The creation of a double height glazed frontage to ground and first floors is considered to provide a high quality design that will further enliven this key junction.

A further amenity space for students will be provided on the 32<sup>nd</sup> floor offering views across the City and wider area which is welcomed.

### Form and Silhouette

- 8.9 The provision of key views and a visual impact assessment with the application have been helpful in considered the building's form. A thorough pre-application process has also proven a valuable exercise in guiding the evolution of the design.

The amended proposal, with varying heights to four connected towers is considered to be an acceptable design for what is a narrow site. The variety in heights provides distinction between the building parts and the use of fenestration styles and metallic cladding in various colours provides what is considered to be a striking design of high quality. The projecting living room/kitchen windows to the tower fronting Newport Road, and the use of recessed windows are welcomed.

The building is slender in form when viewed from the north and south and is largely screened from the east due to the presence of existing tall buildings on Newport Road. The view from the west (Queen Street) is where the building would be most visually prominent. The amended proposal will, in the view of officers, provide a landmark feature that makes a positive contribution to this part of the city centre. It is considered that the amended proposal successfully creates an elegant and slender building.

Regarding adaptability, the ground and first floors can potentially be used for a variety of commercial uses should the need arise. The agent has confirmed that the floor to ceiling heights are suitable for hotel and residential uses and there is also flexibility in the structure to facilitate conversion to an alternative use.

It is noted that the Civil Aviation Authority has no objection to the proposed development, noting that the building would be lower than 100 metres in height therefore falling below the statutory requirement for aviation obstruction lighting.

### Quality and Appearance

- 8.10 The use of Alpollic/Alucobond metallic cladding in a variety of colours gives confidence that the finished product will be of high quality. The metallic finish, together with the glazing through the development (and especially at ground and first floor) will enhance reflectivity that helps create an elegant finished appearance.

The double height glazing at ground and first floor will help to avoid a bulky feel

to the development a street level and will provide transparency as well as vibrancy and activity.

### Street Interface and Impact

- 8.11 It is recognised that the building is positioned at a key junction where significant footfall already occurs. The provision of ground floor commercial units and multiple access points to the building will help provide further vibrancy and activity around and within the building which will help to enliven this junction throughout the day and into the evening.

In respect of public realm impact, there will be increased pressure from the future occupiers of the student accommodation, as there will be increased pedestrian movements across a longer period of time, including late at night.

The public realm along Newport Road is currently being upgraded in order to provide a safer and more efficient pedestrian environment than that which serves the area at present. Initial phases of the project have included the resurfacing of the footways along the southern side of Newport Road and the upgrading / introduction of pedestrian crossing facilities, which have been funded, in part, by recent development activity within the surrounding area. Future public realm enhancements within the surrounding area will (subject to funding) include the resurfacing of the remaining footways along Newport Road/Fitzalan Place. A condition is recommended to secure footway resurfacing works adjacent to the site on Newport Road and Fitzalan Place.

In addition, the amended proposals include the creation of a new area of public realm fronting onto Newport Road by setting the original building back from the site boundary (approximately 4.5 – 6.5 metres). This new space will include new tree planting and hard and soft landscaping including the creation of a living wall to the exposed wall of the adjoining hotel. This space will become important for legibility and the street scene generally. Relevant conditions are recommended to agree landscaping details.

### Sustainable Building Design

- 8.12 The development contains passive design measures to reduce the building's energy requirement through thermal insulation, air permeability and performance glazing to maximise solar gain.

Energy efficiency will also be sought through mechanical ventilation, a gas-fired combined heat and power unit, and internal and external lighting.

In respect of fire safety, the proposed cladding will be Alpolic/Alucobond, an aluminium composite material, which has a non-combustible high fire retardant core. The applicant has also specified the use of non-combustible insulation.

### **Amenity Considerations**

- 8.13 The daylight sunlight study accompanying the application reveals that the adjoining hotel, the Cardiff Sixth Form College and the lower floors of Shand House would have their light affected by the development. However, the hotel (approximately metres away at its nearest point) benefits from rooms with dual aspect, the Cardiff Sixth Form College is approximately 50 metres northeast of the site and Shand House is a conversion to student accommodation on the southwest side of the Newport Road/Fitzalan Place junction. It is not considered that the loss of light to these premises would be so adverse as to justify the refusal of planning permission.

The objections received on behalf of Cromwell House immediately south of the site have been considered by the applicant who has amended their application to install opaque glazing to the south elevation of floors Ground to 10. This element of the proposals would be approximately 4.5 metres from the north elevation of Cromwell House and this amendment is considered to be sufficient to ensure that the existing and future occupiers of this neighbouring property are safeguarded.

The relationship with the adjoining hotel in respect of overlooking is considered to be satisfactory, mindful that the building core is positioned closest to the hotel and the hotel rooms have a dual aspect.

The wind assessment accompanying the application found that the introduction of canopies and soft landscaping to the public realm as mitigating features created an environment that rated as suitable for pedestrians in respect of their safety and comfort. Where there are exceptions in the vicinity these are pre-existing exceedances e.g. entrance locations in other buildings.

In respect of air and noise pollution, relevant conditions are attached. The applicant has also agreed to a financial contribution towards ongoing air quality monitoring. This is summarised in Section 9.

The proposals are considered to be in accordance with LDP Policy KP5(x) (Good Quality and Sustainable Design) in that no undue effect on the amenity of neighbouring occupiers would occur and LDP Policy EN13 (Air, Noise, Light Pollution and Contamination) in that no unacceptable harm to health or local amenity would arise.

### **Transportation**

- 8.14 It is recognised that the site is conveniently located on the east edge of the city for both walking and cycling and public transport (both train and bus networks). Overall the site is considered to be a very sustainable location for a development of student accommodation.

The amended application has increased the amount of cycle parking to a ratio of 1 space for every 3.46 beds which has been accepted by the Transportation Officer as an acceptable provision. It is noted that no on-site car parking is provided for future occupiers and this is accepted by officers.

The Operational Manager, Transportation, seeks a financial contribution towards footway crossing enhancements which are summarised in Section 9.

A management plan is conditioned to accommodate the arrival and departure of students at the beginning and end of their semesters.

The principle of a loading bay with a 'shared use' approach, to allow use as a footway outside loading times, is accepted and will adequately provide for servicing to the commercial units and refuse collections for the accommodation.

Relevant conditions are recommended to secure cycle parking, footway improvements, and a management plan.

### **Objections**

- 8.15 The objections submitted by the occupiers of 7 Windway Avenue Canton have largely been addressed in this analysis. The building is designed with the needs of students in mind and is considered to provide high quality accommodation. Concerns raised about the future demand for student accommodation and Council Tax payments are not material to the application which must be determined on its own planning merits. The applicant has demonstrated, in accordance with the SPG requirements, that the building could be adapted for future uses if required.

The objections raised by Cromwell House have been addressed through the amended submission showing installation of opaque glazing to the relevant part of the south elevation.

### **Other Considerations**

- 8.16 *Crime and Disorder Act 1998* – Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

*Equality Act 2010* – The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic

*Well-Being of Future Generations Act 2016* – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with

the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

## 9. **SECTION 106 AGREEMENT**

9.1 The following planning obligations have been agreed to mitigate any significant adverse impacts of the proposed development and to provide essential, enabling and necessary infrastructure as defined within LDP policies KP6 (New Infrastructure) and KP7 (Planning Obligations).

- (i) Economic Development: £26,068 to support business development, accessibility to employment and to attract and create new jobs in Adamsdown and adjacent wards;
- (ii) Air Quality Monitoring: £8,000 towards additional nitrogen dioxide monitoring;
- (iii) Public Realm/Open Space/Transportation: £279,000 towards improvements to the pedestrian crossing at the top of Station Terrace and public realm improvements on the north side of Newport Road west of West Grove, the option to relocate service cabinets on the new public realm (£50,000) plus £2,000 towards revised Traffic Orders on Fitzalan Place.

9.2 This results in a total amount of £313,068.

9.2 The Section 106 Agreement will also include an obligation restricting the occupation of the residential accommodation to students only.

9.3 It is considered that the s106 Heads of Terms satisfy the requirements of Circular 13/97 Planning Obligations and the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations.

## 10. **CONCLUSIONS**

10.1 The amended proposals are considered to provide a high quality tall building on the eastern edge of the City Centre which will provide a landmark feature on a major junction on a key arterial route in the City. The building is ideally sited to maximise opportunities for travel by sustainable modes. The provision of mixed uses at ground floor and the provision of a new public realm with tree planting and soft landscaping including a living wall will enhance and enliven this important junction. The proposals have been assessed against relevant LDP Policies, particularly KP5 (Good Quality and Sustainable Design) and the Tall Buildings Design Guide SPG and has been found to be compliant with their aims, subject to the completion of a legal agreement to secure a range of compensatory measures. It is therefore recommended that permission be granted subject to the completion of a legal agreement to secure the measures identified in Section 9, and relevant conditions.



Cardiff University

+ 11.0m

10.1m

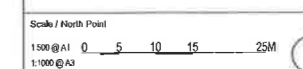
No.	Date	Drawn	Checked	Appr.	Rev. set or reason for issue
A	04/17/16	GS	GS	JR	ISSUED FOR PLANNING CONSULTATION
	10/04/17	GS	GS	JR	ISSUED FOR PLANNING

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**Project Title**  
**NEWPORT ROAD, CARDIFF**



**Drawing Title**  
**SITE LOCATION PLAN**

**Drawing Number**  
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**Revision**  
**A**

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No.	Date	Dr'n	C'n	App	Revision or reason for issue
-	04/11/16	PT	PT	JR	ISSUED FOR PLANNING CONSULTATION
A	16/12/16	PT	CS	JR	ISSUED FOR INFORMATION
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**Project Title**  
**NEWPORT ROAD, CARDIFF**  
 Scale / North Point  
 1:200 @ A1 / 1:400 @ A3

**Drawing Title**  
**PROPOSED WEST ELEVATION**  
 Drawing Number  
**6505-A-B500-E-W-003**  
 Drawing Status  
**PLANNING**  
 Revision  
**B**



No.	Date	Des	Chk	App	Revision or reason for issue
-	04/11/16	PT	PT	JR	ISSUED FOR PLANNING CONSULTATION
A	19/12/16	PT	GS	JR	ISSUED FOR INFORMATION
B	07/04/17	PT	GS	JR	ISSUED FOR PLANNING

**General Notes**  
 Do not scale from drawing. Use marked dimensions.  
 To be read in conjunction with all other Consultant's drawings.  
 The Architect to be immediately notified of any discrepancies.  
 Copyright on this drawing retained by the Architect.

**Client**  
**BOARDROOM PROPERTIES LIMITED**

**DENTON CORKER MARSHALL**  
 Architect  
 Denton Corker Marshall LLP  
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 London E1 1DU  
 Telephone 020 7833 2020  
 Email mail@dentoncorkermarshall.co.uk

**Project Title**  
**NEWPORT ROAD, CARDIFF**

**Scale / North Point**  
 1:200 @ A1 / 1:400 @ A3

**Drawing Title**  
**PROPOSED NORTH ELEVATION**

**Drawing Number**  
**6505-A-B500-E-N-003**

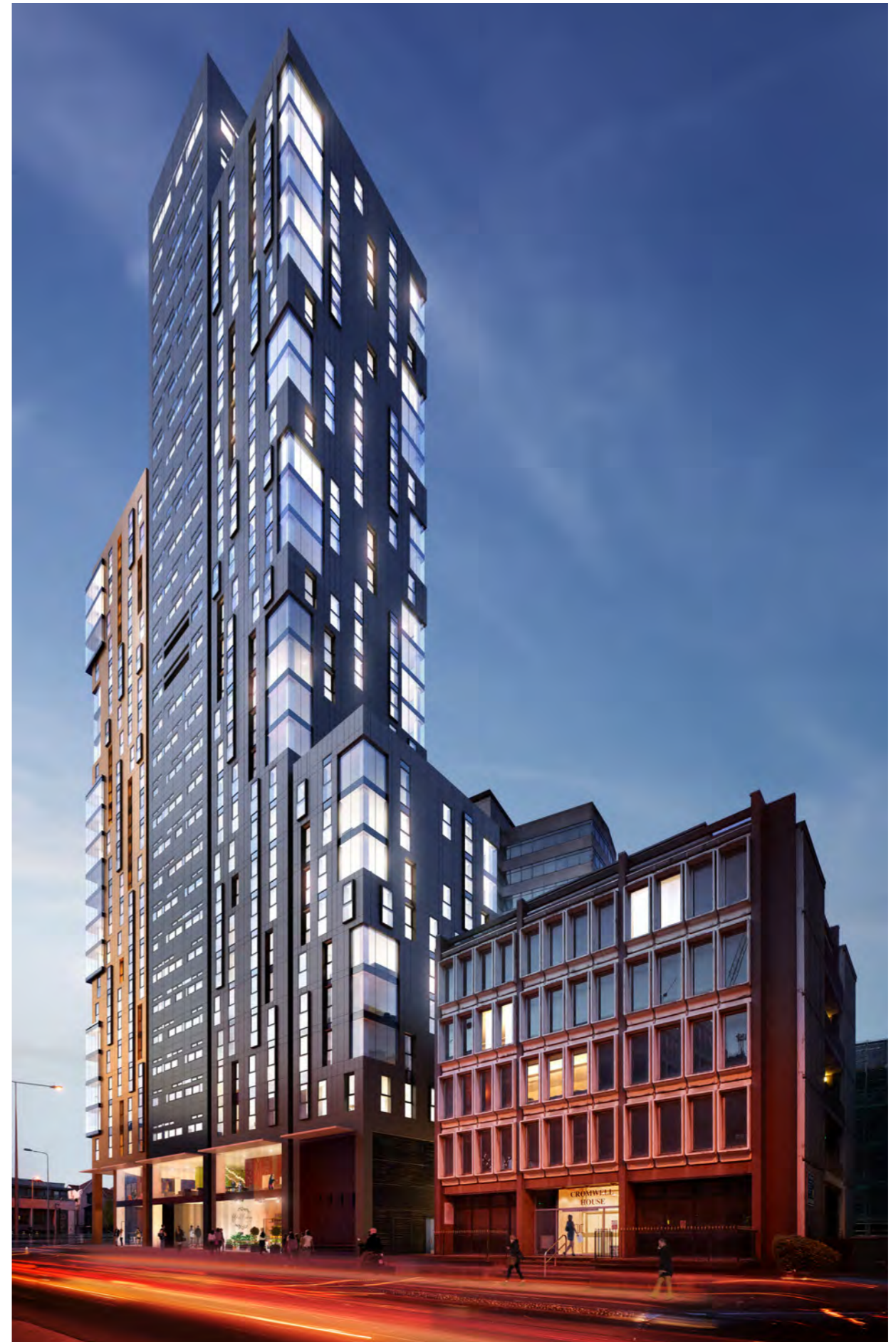
**Revision**  
**B**

**Drawing Status**  
**PLANNING**

## 5.6 GROUND FLOOR VIEW 2



View from Newport Road



View from Fitzalan Place



HOLLAND HOUSE HOTEL

CROMWELL HOUSE

Rev	Date	Des	CHK	App	Rev Issue or reason for issue
-	28/03/17	GS	GS	JR	ISSUED FOR INFORMATION
A	31/03/17	GS	GS	JR	ISSUED FOR INFORMATION
B	10/04/17	GS	GS	JR	ISSUED FOR PLANNING

**General Notes**  
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 To be read in conjunction with all other Consultant's drawings.  
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 Copyright on this drawing retained by the Architect.

**Client**  
 BOARDROOM PROPERTIES LIMITED

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 CORKER  
 MARSHALL  
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 London E1 10JL  
 Telephone 020 1833 2020  
 Email mal@dentoncorkermarshall.co.uk

**Project Title**  
 NEWPORT ROAD, CARDIFF

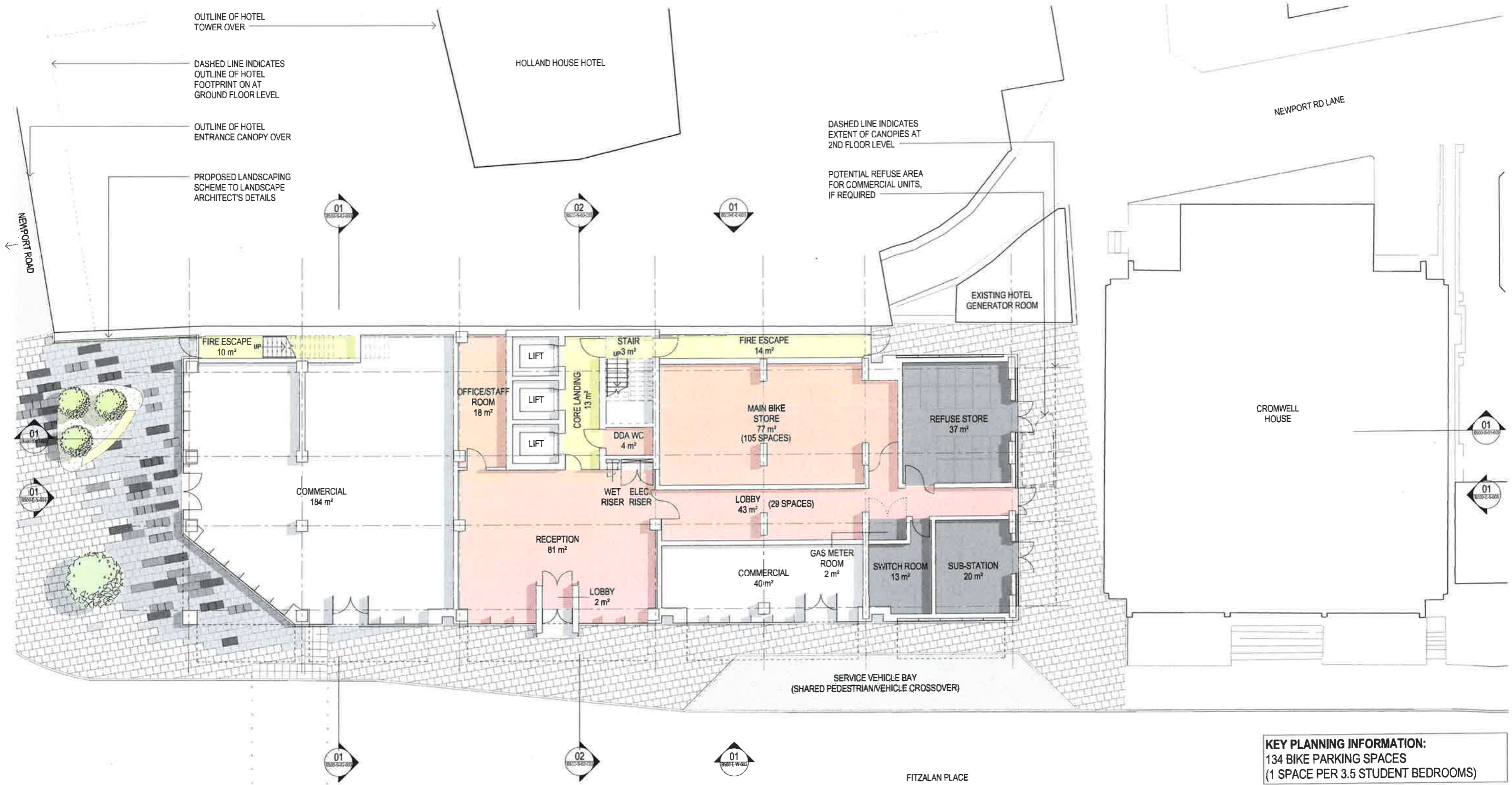
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 1:200 @ A3

**Drawing Title**  
 PROPOSED LEVEL 09  
 GA PLAN

**Drawing Number**  
 6505-A-B500-P-09-003

**Revision**  
 B

**Drawing Status**  
 PLANNING



**KEY PLANNING INFORMATION:**  
 134 BIKE PARKING SPACES  
 (1 SPACE PER 3.5 STUDENT BEDROOMS)

EXTERNAL HIGHWAY WORKS GENERALLY AS PER THE CITY OF CARDIFF COUNCIL NEWPORT ROAD/FITZALAN PLACE JUNCTION GENERAL ARRANGEMENT PLAN REF. SPHTT15031-10.

EXTERNAL LANDSCAPING PROPOSALS AS PER SOLTYS BREWSTER DRG. NO. 1770701/SK/GA/001

No.	Date	Drawn	Checked	Appr.	Revision or reason for issue
A	17/09/16	GS	GS	JR	ISSUED FOR INFORMATION ONLY
	25/09/16	GS	GS	JR	PREVIOUSLY ISSUED AS C200-P-000 REISSUED FOR INFORMATION
	04/11/16	GS	GS	JR	ISSUED FOR PLANNING CONSULTATION
	17/03/17	GS	GS	JR	ISSUED FOR INFORMATION
	21/03/17	GS	GS	JR	ISSUED FOR INFORMATION
	10/04/17	GS	GS	JR	ISSUED FOR PLANNING
	21/08/17	GS	GS	JR	REISSUED FOR PLANNING

**General Notes**  
 Do not scale from drawing. Use marked dimensions. To be read in conjunction with all other Consultant's drawings. The Architect to be immediately notified of any discrepancies. Copyright in this drawing retained by the Architect.

**Client**  
 BOARDROOM PROPERTIES LIMITED

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**Project Title**  
 NEWPORT ROAD, CARDIFF

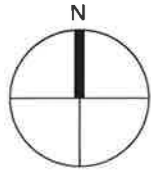
Scale / North Point  
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 1:200 @ A2

**Drawing Title**  
 PROPOSED GROUND FLOOR GA PLAN

**Drawing Number**  
 6505-A-B500-P-00-003

**Revision**  
 F

**Drawing Status**  
 PLANNING



- KEY:**
- Site Boundary (Provided by Others)
  - Existing Lime Tree
  - Proposed Standard Tree Planting (*Acer labellii*, 16-18cm girth, tree grille to approval) refer to Sketch Green Wall General Arrangement drawing ref. 1770701/SK/GA/002)
  - Proposed Raised Planter Tree Planting - Species TBC refer to Sketch Green Wall General Arrangement drawing ref. 1770701/SK/GA/002)
  - Proposed Ground Cover Shrub Planting (3-SL pots, 4-10 per m2, mixed species) refer to Sketch Green Wall General Arrangement drawing ref. 1770701/SK/GA/002)
  - Existing Paving Retained (Silver Grey)
  - Existing Blister Paving Retained
  - Proposed Feature Paving (Multiple Greys)
  - Proposed Planter refer to Sketch Raised Planter General Arrangement drawing ref. 1770701/SK/GA/003)
  - Proposed 'Living Wall' refer to Sketch Green Wall General Arrangement drawing ref. 1770701/SK/GA/002)
  - Above Ground Service Information - Not Comprehensive, Based on Topographic Information. Some Service Positions Placed Indicatively Where Visible

- Notes:**
- Design to be coordinated with missing above and below ground service information.
  - Detailed planting plan subject to services resolution and consultation.
  - Tree pits and planter details subject to services resolution.
  - 'Living Wall' ground level finish and irrigation subject to agreement.

## PLANNING

B	10.07.17	Planning issue	EL
A	06.07.17	Update to planter position, trees and drawing key for team comment	EL
A	13.04.17	First issue	NH
Rev.	Date	Comment	Drawn

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client	Boardroom Properties Ltd		
project	22 Newport Road Redevelopment		
drawing title	Hard and Soft Landscape Layout		
scale	drawn	approved	date
1:100 @ A2	NH	EL	Apr 2017
drawing no.			revision
1770701/SK/GA/001			B

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