

LOCAL MEMBER OBJECTION

COMMITTEE DATE: 14/12/2016

APPLICATION No. **16/02039/MNR** APPLICATION DATE: 29/09/2016

ED: **PENYLAN**

APP: TYPE: Conservation Area Consent

APPLICANT: Mr Boltman

LOCATION: 2 WESTVILLE WALK, ROATH, CARDIFF, CF23 5DD

PROPOSAL: DEMOLITION OF BUNGALOW AND REPLACEMENT WITH 2 STOREY HOUSE WITH NEW OFF-ROAD PARKING

RECOMMENDATION 1 : That, subject to the granting of planning application 15/02038/MNR, Conservation Area Consent be **GRANTED** subject to the following condition :

1. C05 Statutory Time Limit - Con Area Consent

RECOMMENDATION 2: In the light of the low risk that bats may be present in the buildings to be demolished, the following precautionary mitigation measures are recommended to the applicant:

- Demolition works should be timed to avoid bats' maternity and hibernation seasons, so demolition in September/October or March/April is advisable;
- Site operatives should be advised to be aware that bats may be present;
- If bats are found during these works, they should stop immediately and Natural Resources Wales contacted for advice – to continue otherwise may result in a criminal offence;
- Features such as soffits, barge-boards, fascias etc, and any other features which bats may use to roost or to access a roost should be 'soft-stripped' in order to reduce the risk of harm to bats;
- A bat-licenced ecologist should be on call in case bats are found during demolition;
- Enhancement measures for bats, such as bat bricks, bat tiles or providing bat access to roof void may be incorporated into the new building;
- If works do not take place within one year of the most recent bat survey, the bat survey should be repeated as bats may colonise the building in this time.

RECOMMENDATION 3 : To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential

property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

1. DESCRIPTION OF THE SITE

- 1.1 The application site is sited on the periphery of the Roath Mill Gardens Conservation Area and bounds the Roath Park Conservation Area.
- 1.2 The site extends to approximately 550m² and fronts Westville Walk, a street of predominately pre-first world war and Edwardian terraced housing, to the west of the site lies Roath Brook Gardens, to the east terraced properties on Pen Y Lan Road and to the rear the Roath Brook.
- 1.3 A 1950's bungalow sits relatively centrally within the site. The bungalow is a single storey in height with pebble dashed walls, concrete tile roof and uPVC fenestration. The house does not reflect the period, detailing or style of properties within the Conservation Area and is considered to be of little architectural merit.
- 1.4 The site is enclosed to the front and side by high stone and brick walls, which are more characteristic of the Conservation Area setting, and which substantially mitigate the impact of the dwelling which stands behind. The rear boundary separating the site from the Roath Brook is enclosed by vegetation.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 Conservation Area Consent is sought for the demolition of the existing bungalow and its replacement with a two storey dwelling.
- 2.2 Conservation Area Consent is required for the substantial demolition of any unlisted building within a Conservation Area by virtue of Sec. 74 of The Planning (Listed Building and Conservation Areas) Act 1990.
- 2.3 The merits of the proposed replacement dwelling are considered in full in a separate application for planning permission.

3. PLANNING HISTORY

- 3.1 There is no pertinent planning history relating to the application site.

4. LEGISLATION & POLICY FRAMEWORK

- 4.1 Legislation
 - The Planning (Listed Building and Conservation Areas) Act 1990
- 4.2 National Planning Policy
 - Planning Policy Wales (8th Ed, 2015)

- Welsh Office Circular 61:96 & 1:98 Planning and the Historic Environment

4.3 Supplementary Planning Guidance

- Roath Mill Gardens Conservation Area Appraisal (2008)

5. INTERNAL CONSULTEE RESPONSES

- 5.1 The Operational Manager (Shared Regulatory Services) has been consulted, no representations have been received.
- 5.2 The Operational Manager (Traffic and Transportation) raises no objections to the proposal, subject to the proposed access doors not opening over the highway. .
- 5.3 The Operational Manager (Waste Management) raises no objections to the proposal.
- 5.4 The Councils Ecologist raises no objection to the proposal, subject to recommendations.
- 5.5 The Councils Planner (Trees) raises no objection to the proposal subject to conditions.

6. EXTERNAL CONSULTEE RESPONSES

- 6.1 None

7. REPRESENTATIONS

- 7.1 The application was advertised by way of neighbour consultation letters, site and press notice.
- 7.2 Nine letters of representation, seven from neighbouring occupiers and 2 from members of the public that would not be directly affected by the development, have been received objecting to the proposal. The principal of the objections relate to the redevelopment of the site through provision of a new dwelling. Concerns with regards to general nuisance, through noise and dust, have, however, been raised which are pertinent to this application.
- 7.3 Local Ward Members, Cllrs Boyle and Kelloway, have raised objections to the proposal so far as it relates to the application for planning permission, however, appear to raise no objections relevant to the application for conservation area consent.

8. ANALYSIS

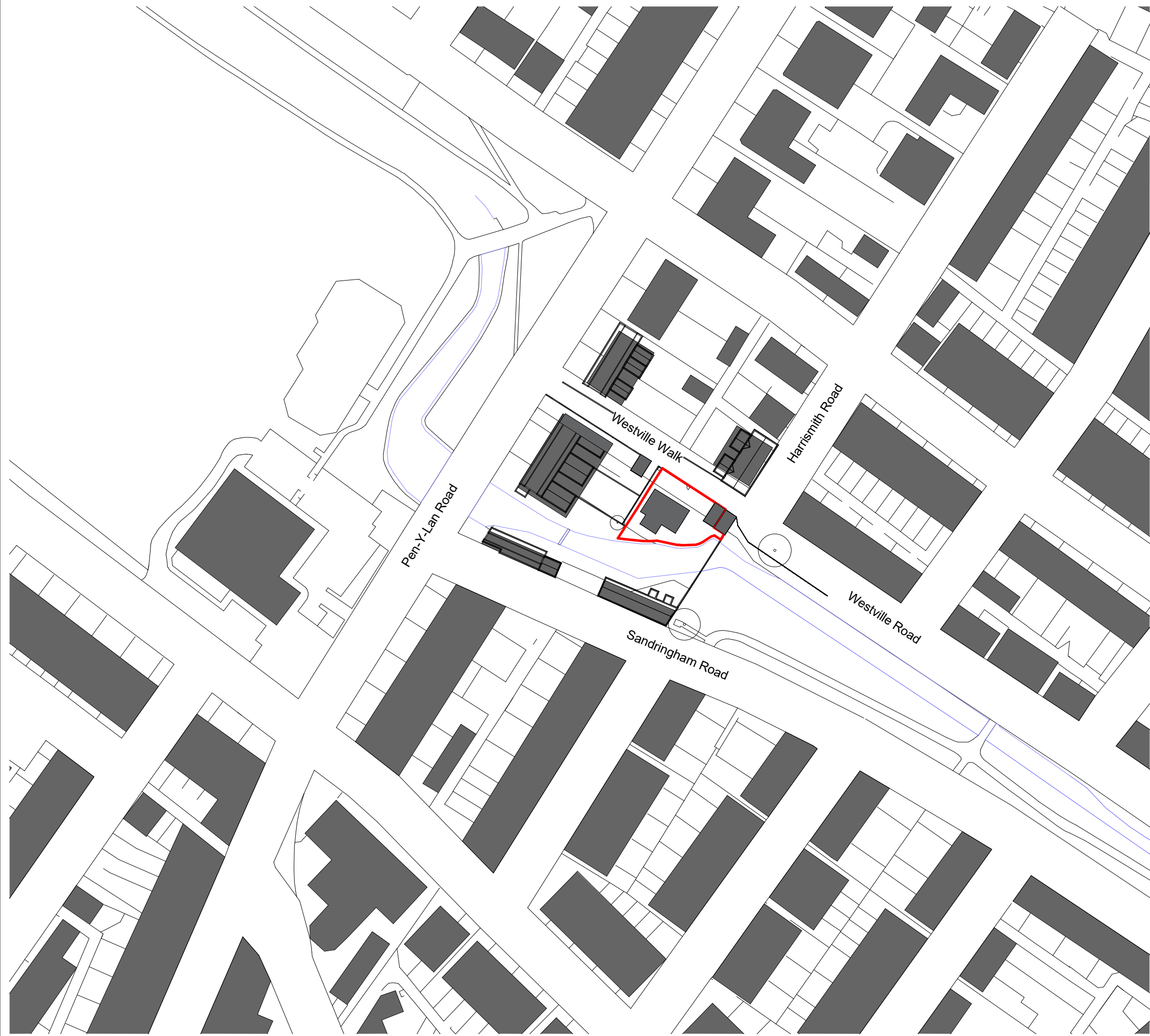
- 8.1 The application was presented to Planning Committee on the 9th November 2016 where Members resolved to defer determination of the application to enable Committee to carry out a site visit. The site visit took place on 7th

December 2016.

- 8.2 The Local Planning Authority are required by virtue of Sec. 72 of The Planning (Listed Buildings and Conservation) Areas Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area and that proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish Listed Buildings.
- 8.3 The general criteria relevant to the consideration of all listed building consent applications relate to the importance of the building, its intrinsic architectural and historic interest and rarity; the particular physical features of the building; the building's setting and its contribution to the local scene; and the extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic regeneration of the area or the enhancement of its environment.
- 8.4 In respect of the 'broad criteria' forming part of the assessment of the demolition of Listed Buildings mentioned above. Section 91 of Welsh Office Circular 61:96 confirms that the Secretary of State would not expect consent to be given for demolition simply because redevelopment is economically more attractive to the developer than repair and re-use of a historic building; and advises that the following should be taken into consideration:
 - (i) the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use;
 - (ii) the adequacy of efforts made to retain the building in use. (Including the offer of the unrestricted freehold of the building on the open market at a price reflecting the building's condition;
 - (iii) the merits of alternative proposals for the site.
- 8.5 It should, however, be noted despite the general and broad principles referenced that in the case of Conservation Areas special regard is to be had to the preservation of the character of the area as opposed to the preservation of building fabric, as is the case in relation to a Listed Building.
- 8.6 The Roath Mill Conservation Area is designated due to its historic and architectural merit and is defined by pre-first world war and Edwardian dwellings with significant architectural merit.
- 8.7 The existing bungalow, a later 20th century addition to the area, is of a contrasting architecture and finish to the predominant building form in the area. This, coupled with its relatively screened setting, ensures that the building contributes little to the areas character and appearance. As such, the principle of the demolition of the existing bungalow and its replacement with an appropriate replacement would be considered acceptable.
- 8.8 Full details of the replacement dwelling proposed have been provided. The replacement dwelling, while being of a greater scale, represents a high quality, bespoke piece of architecture. While it would therefore be more prominent

within the conservation area, it is unashamedly of a different architectural approach and finish. This approach, coupled with the high quality complimentary finishing materials proposed, is consequently favoured over a poor pastiche of the traditional style of buildings found in the area.

- 8.9 On the basis that that the existing building provides no intrinsic contribution to the Conservation Area and given the high architectural quality of the proposed replacement building it is considered that the proposal would result in an enhancement to the Conservation Area.
- 8.10 In situations where harm would be caused to the character and appearance to the Conservation Area if site redevelopment did not occur it may be necessary to impose conditions restricting demolition, by virtue Sec. 17(3) of the Act, that the building should not be demolished until such time as a contract for redevelopment of the site and/or planning permission has been granted. However, in this case due to the screening provided to the site such a condition is not considered necessary in this instance.
- 8.11 The Local Planning Authority may also control demolition so far as it relates to the method of demolition and site restoration. In respect of the latter a detailed scheme of redevelopment is proposed and the comments at para. 8.9 are pertinent. With regards to the former a demolition management plan has been submitted detailing how the building will be demolished and proposing measures to suppress dust and avoid noise nuisance, including proposed working hours. Given the scale of the site and proposed development the proposed details are considered adequate. It should also be noted that working hours, noise and dust nuisance can be controlled by separate legislation.
- 8.12 It is recommended that Conservation Area Consent be granted for demolition of the building.



first issue	RB	19/08/16
rev	description	by date

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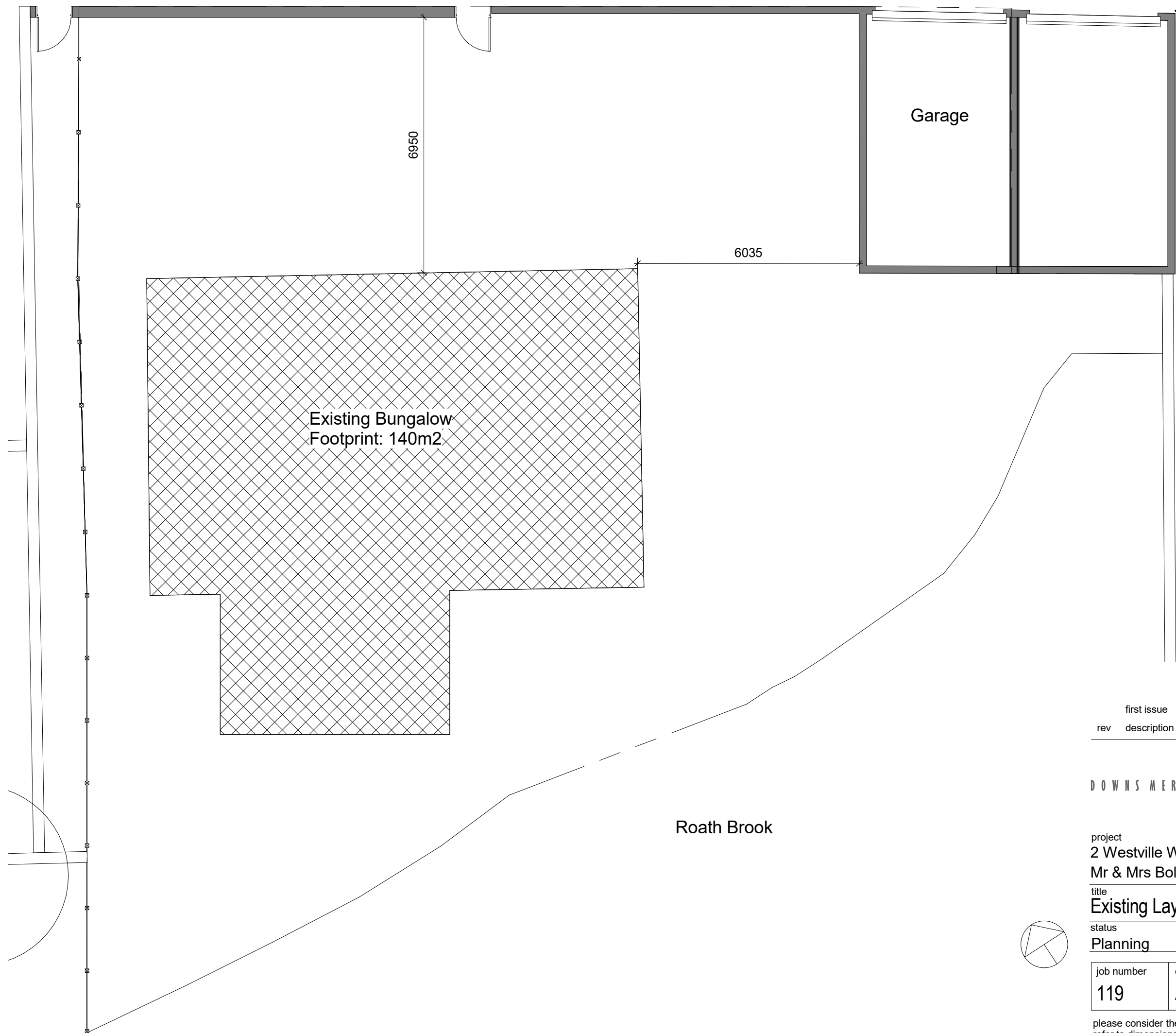
project
2 Westville Walk
Mr & Mrs Boltman

title
Location Plan

status	scale @ A3
Planning	1 : 1250

job number	drawing number	rev
119	A(P)-01	

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Existing Bungalow
Footprint: 140m2

Garage

6950

6035

Roath Brook

rev	description	by	date
	first issue	RB	19/08/16

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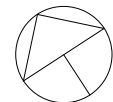
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title
Existing Layout

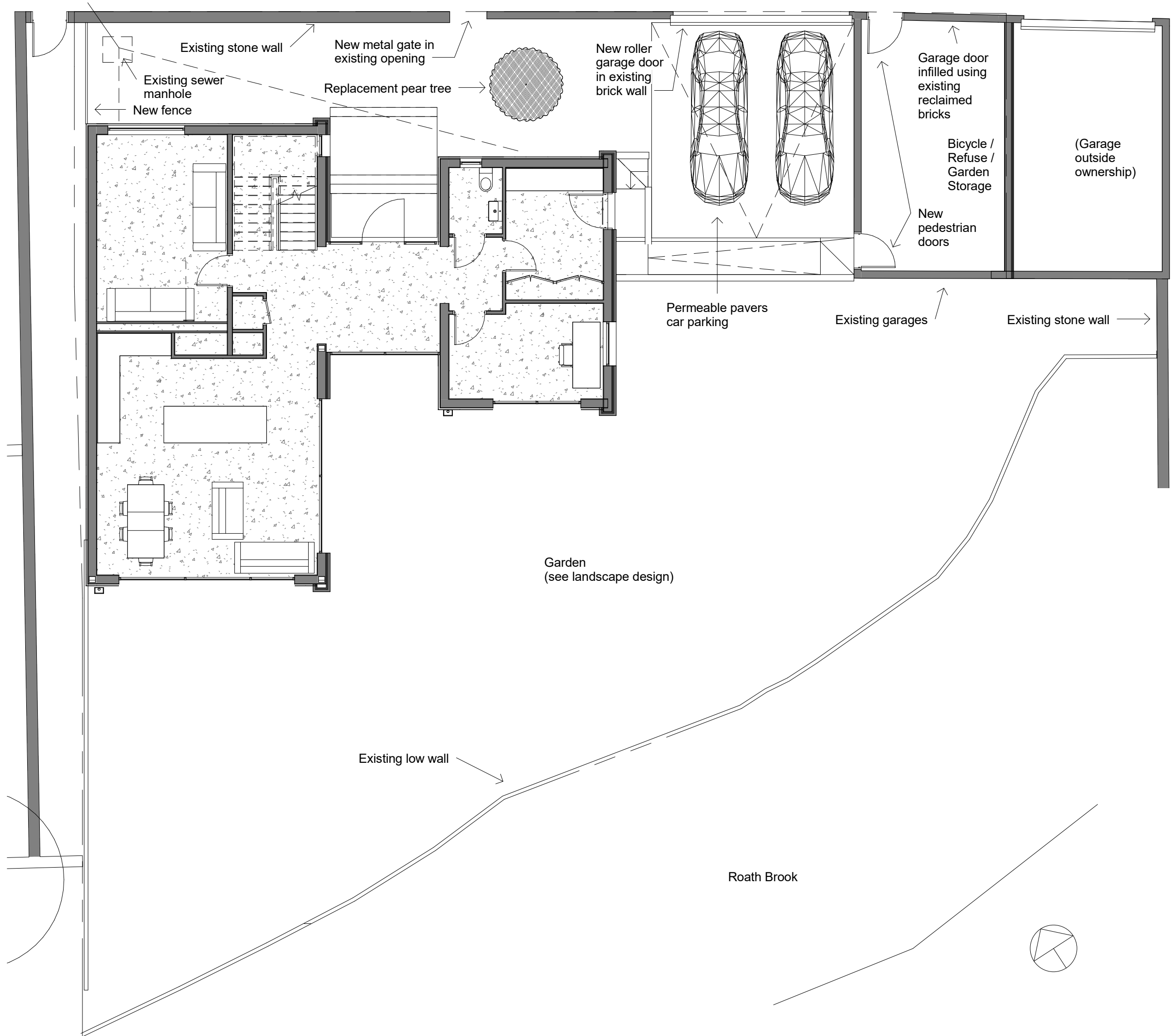
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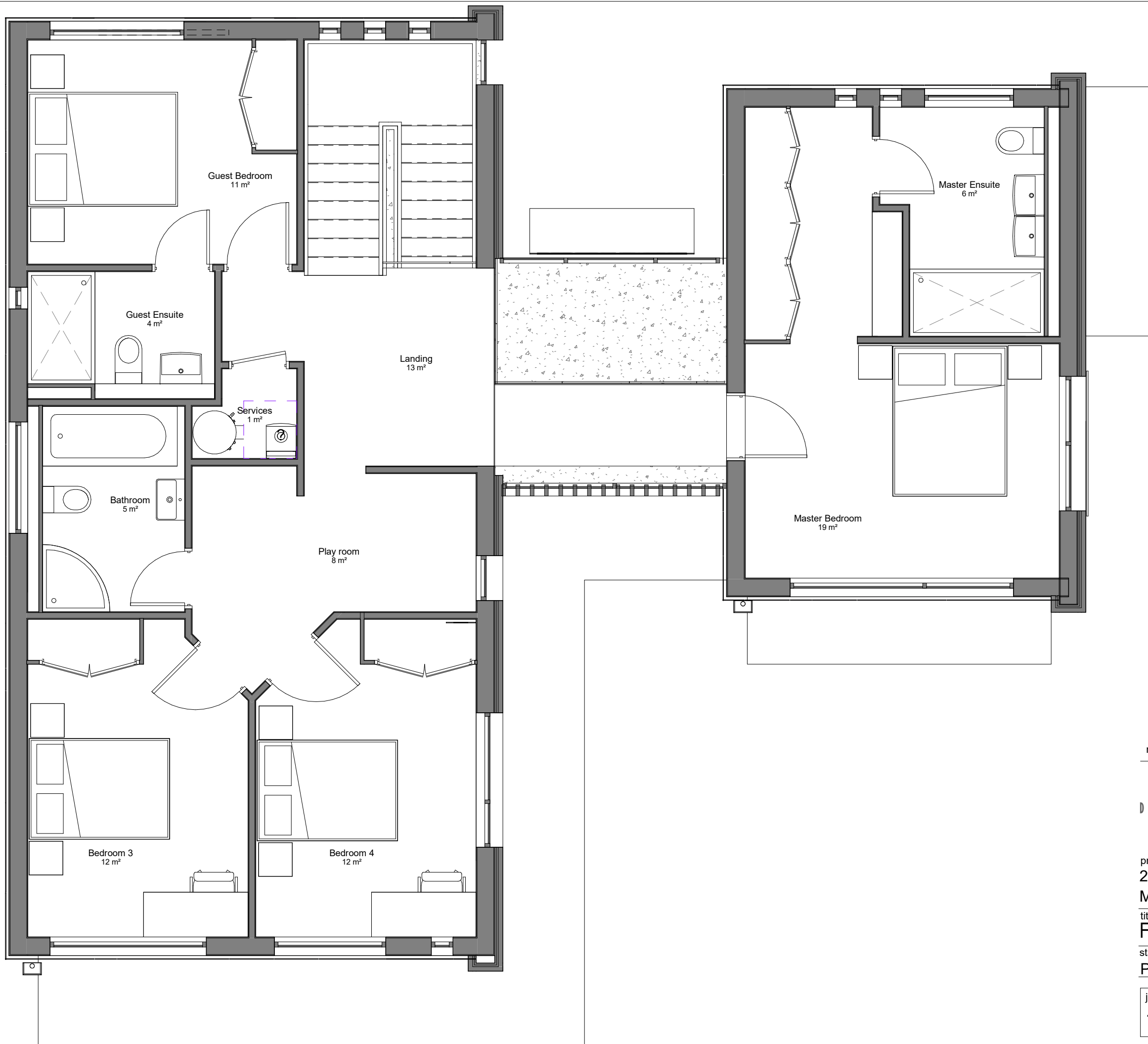
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Proposed Site

status
Planning

scale @ A3
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job number	drawing number	rev
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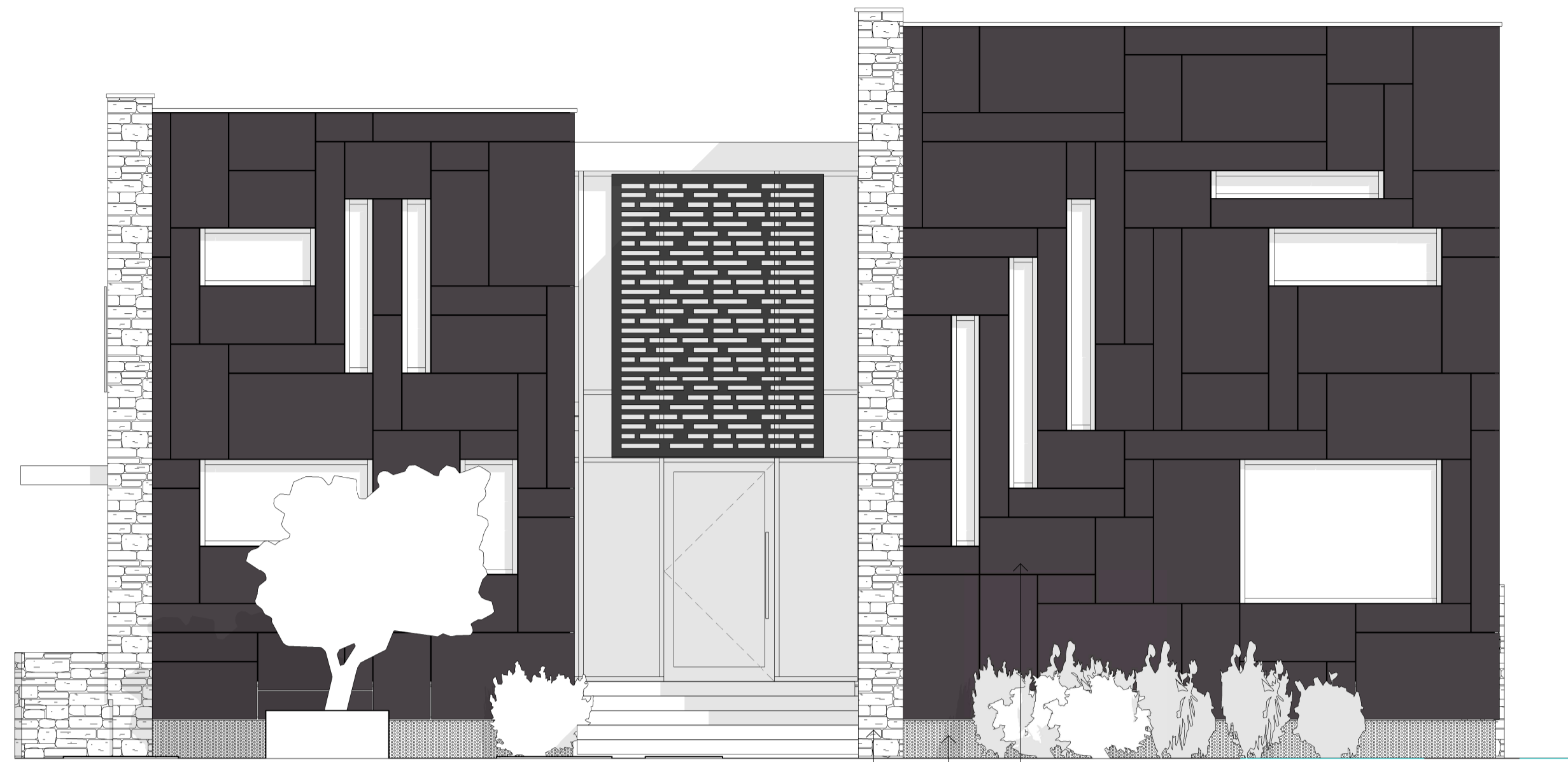
project
 2 Westville Walk
 Mr & Mrs Boltman

title
First Floor

status	scale @ A3
Planning	1:50

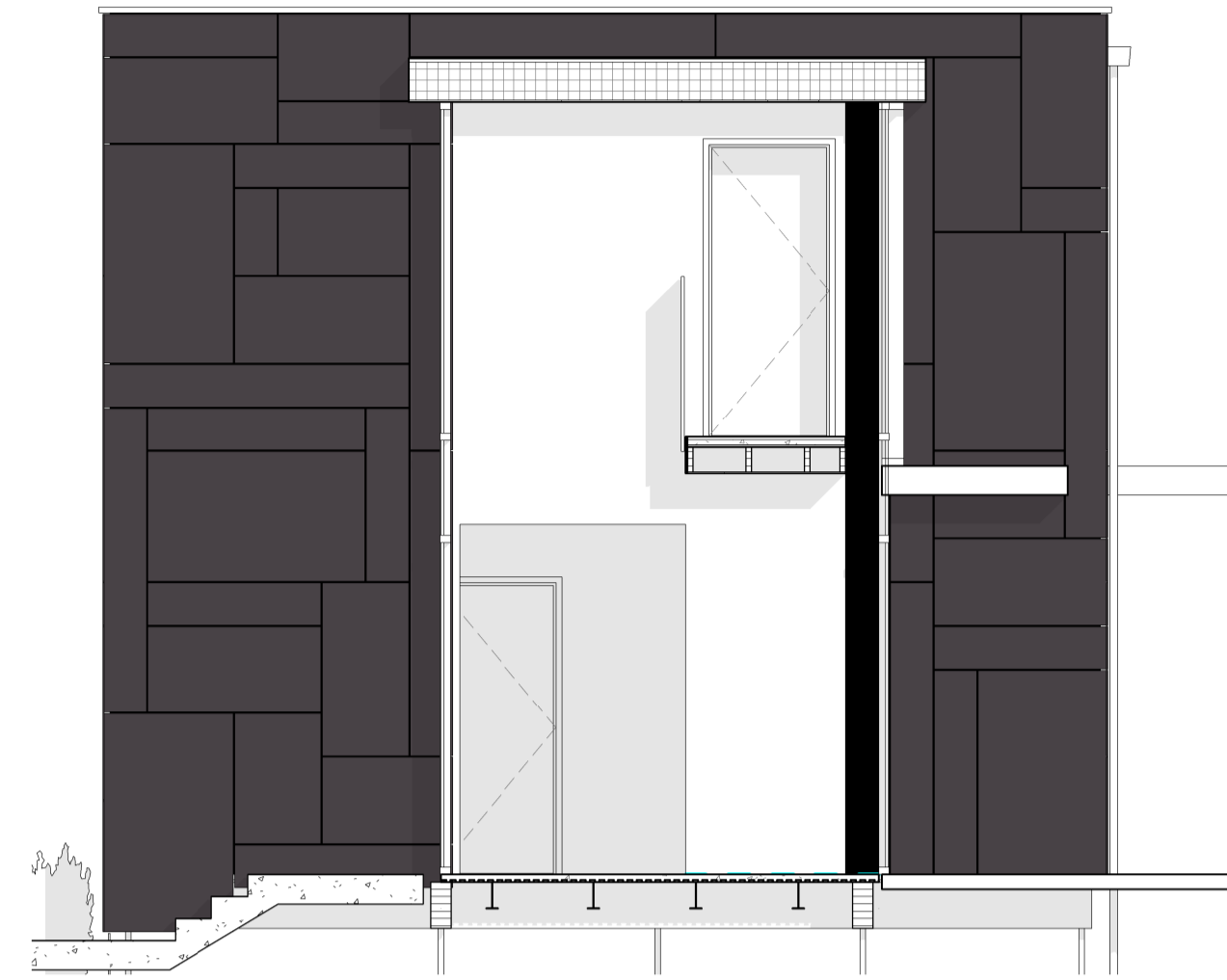
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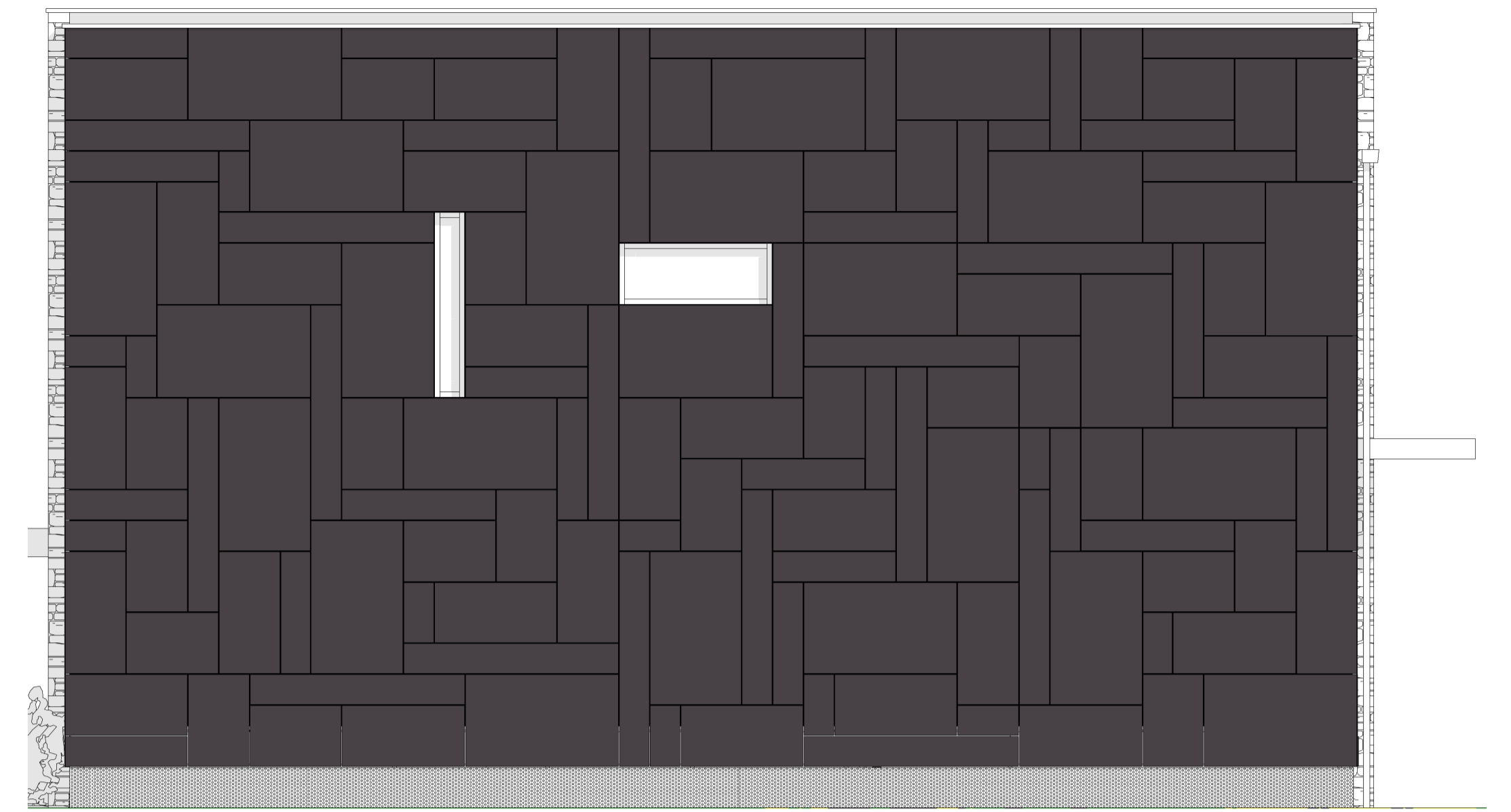


1 Front Elevation
1:50

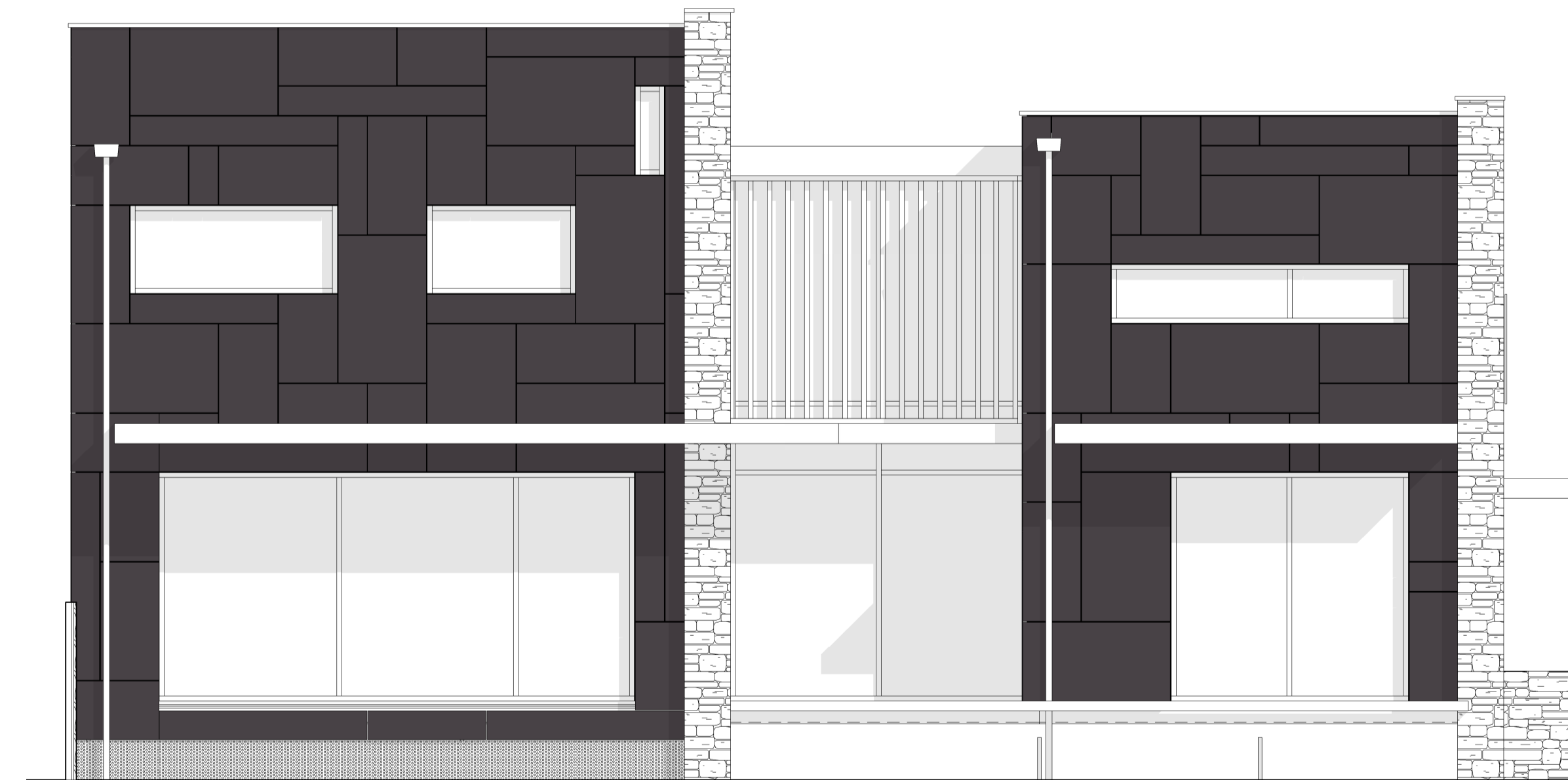
Stone cladding
Wire mesh
Cladding board



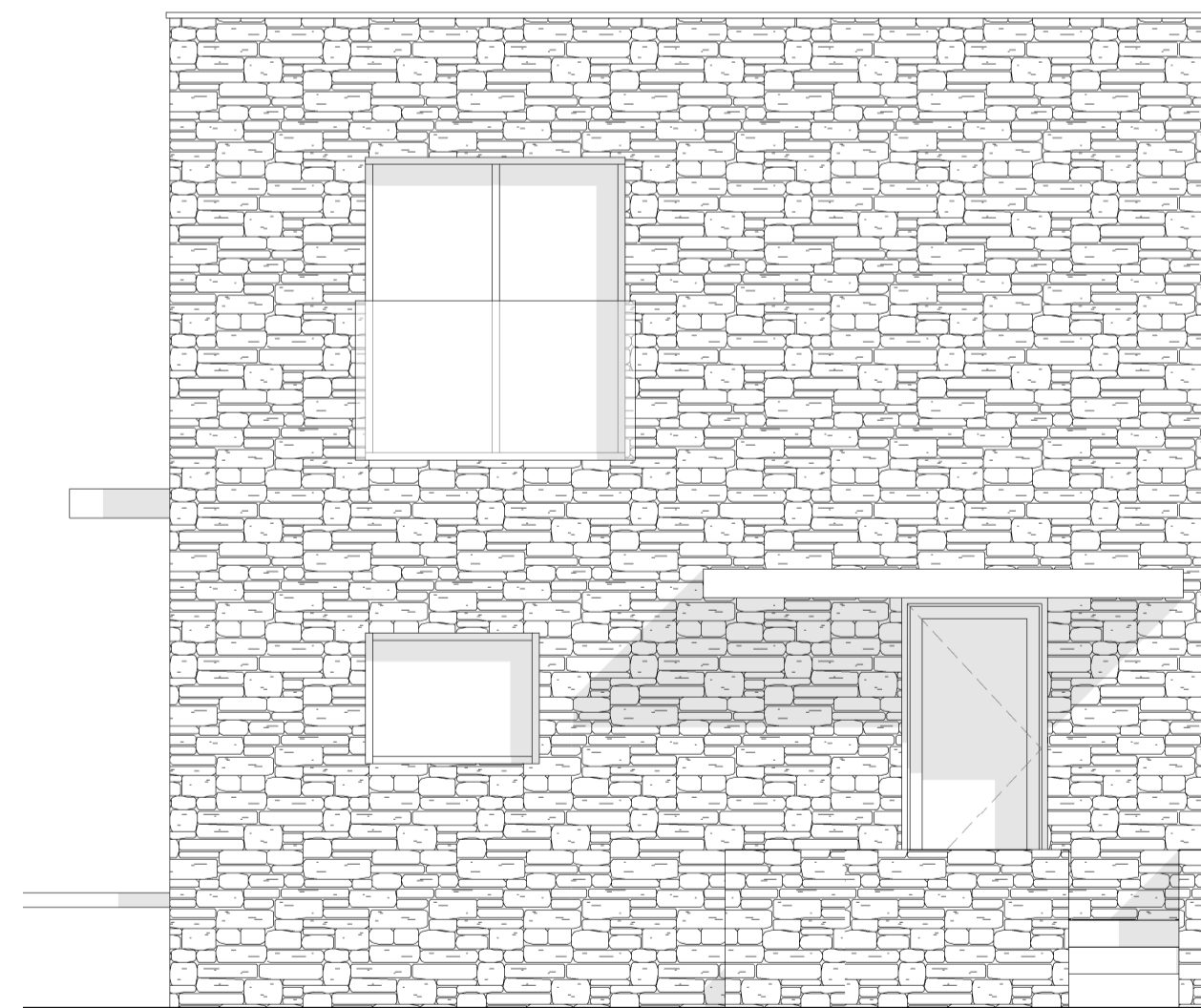
2 Right Elevation (inner)
1:50



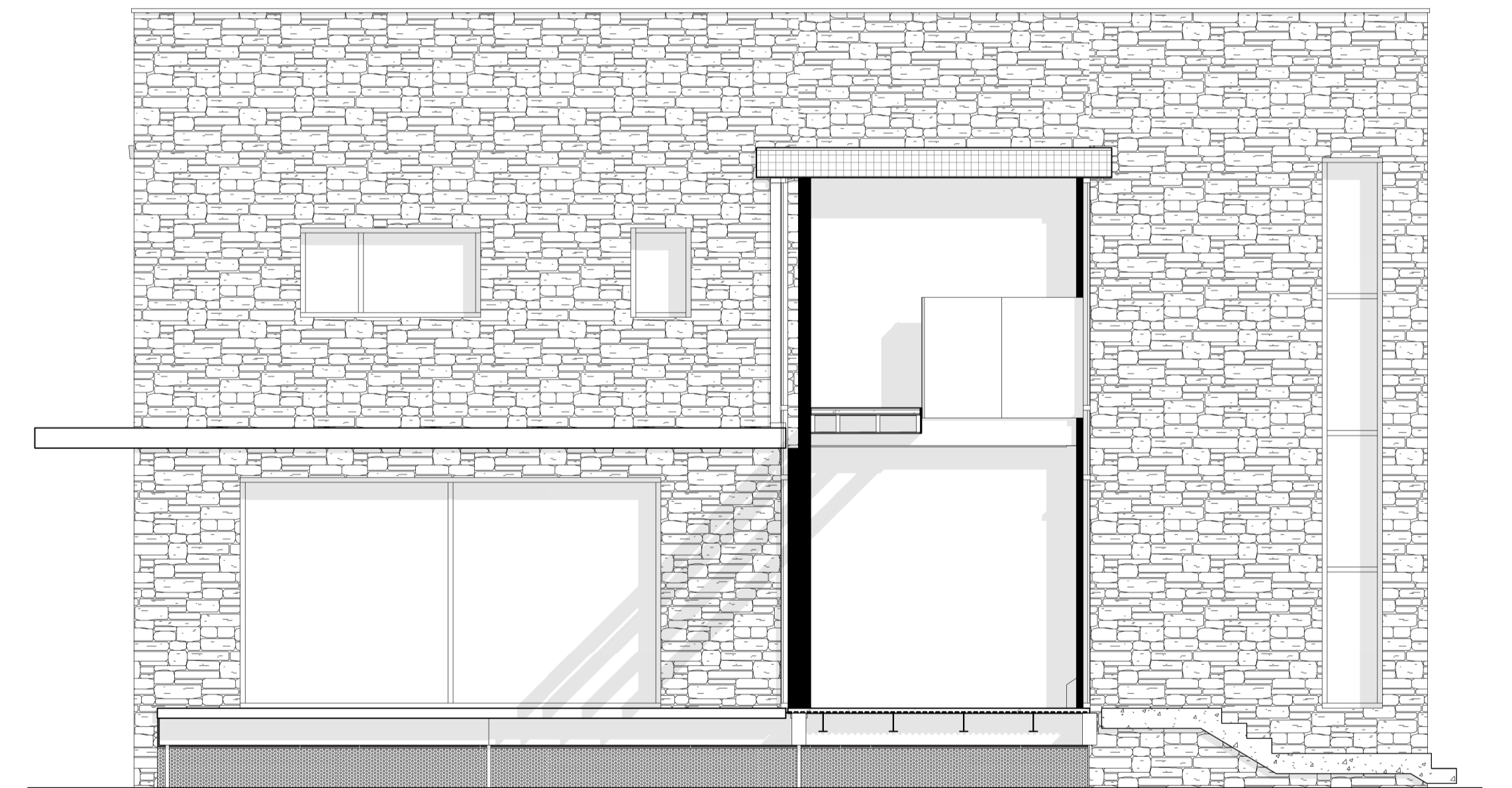
3 Right Elevation
1:50



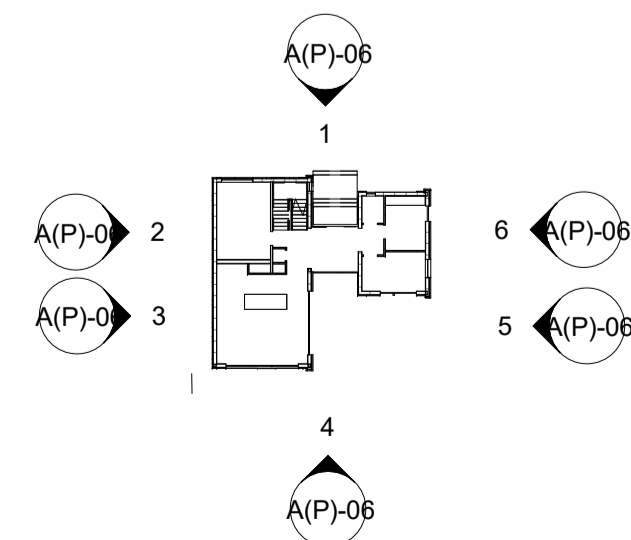
4 Rear Elevation
1:50



5 Left Elevation
1:50



6 Left Elevation (Inner)
1:50



7 Elevation Key
1:500

Materials
 Stone: Real Stone Cladding - Rustic Gneiss
 Cladding: Equitone Tectiva Mineral Black
 Windows: Composite ali-clad, RAL 7016
 Canopies: PPC Aluminium, RAL 7016

rev	description	by	date
1	first issue	RB	19/08/16

DOWNNS HERRIFIELD ARCHITECTS

project
2 Westville Walk

client
Mr & Mrs Boltman

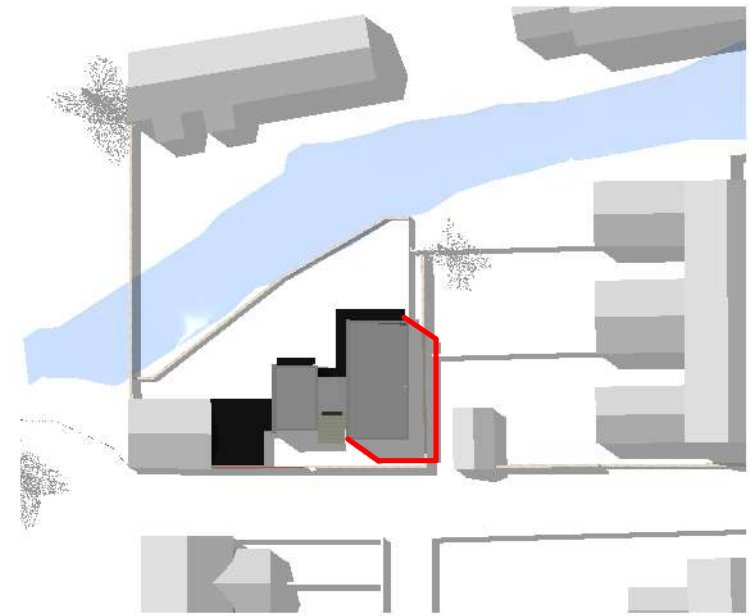
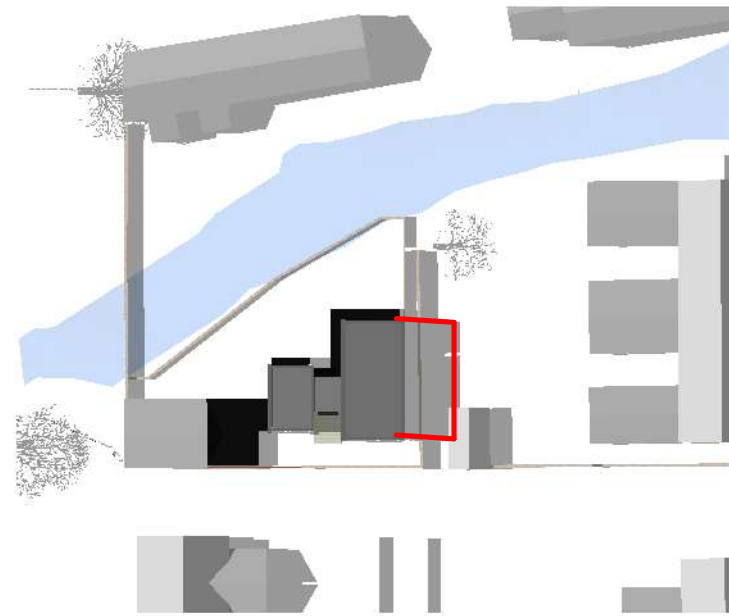
title
Proposed Elevations

status
Planning

job number	drawing number	rev
119	A(P)-06	

scale @ A1
As indicated

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2 21st Mar / Oct @ 1000

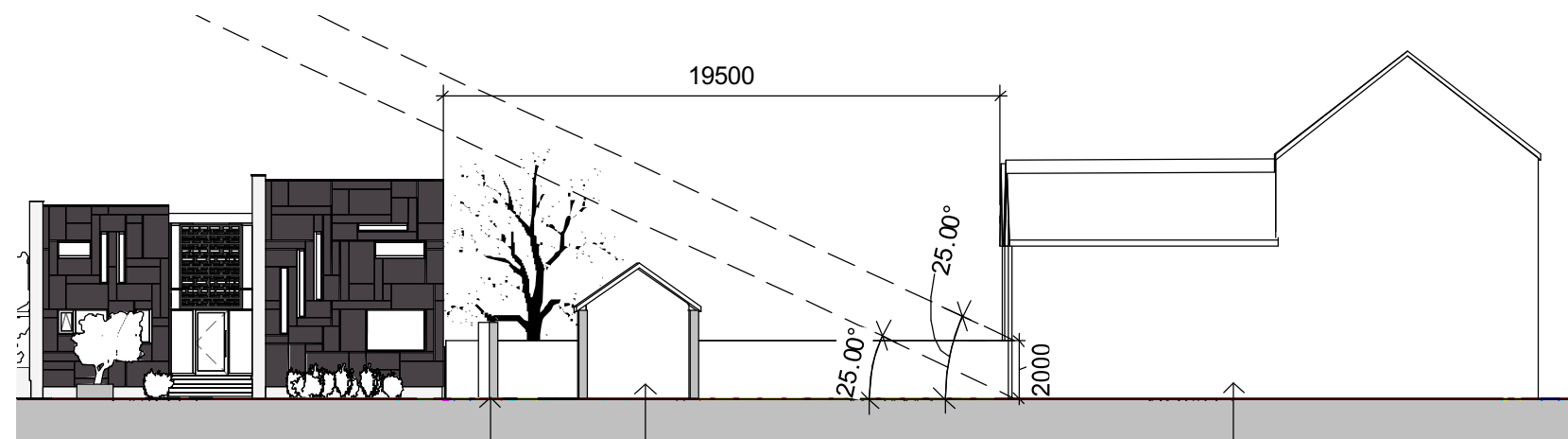
3 21st Mar / Oct @ 1300

4 21st June @ 1000

5 21st June @ 1130

The studies above show the extent of shadowing of the gardens of Pen-Y-Lan Road. They demonstrate that the shadow has left the gardens entirely by circa 1300 on the equinoxes, and circa 1130 on the summer solstice.

The analysis below shows the 25deg rule (Right to Light) as applied to the rear of the properties on Pen-Y-Lan Road.



1 Daylight Analysis
1 : 250

Existing stone wall

Existing coachhouse / garage

Properties facing Pen-y-Lan Road

rev	description	by	date
	first issue	RB	22/09/16

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project
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Mr & Mrs Boltman

title
Daylight - Shadow Study

status
Planning

scale @ A3
1 : 250

job number	drawing number	rev
119	A(P)-07	

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