

COMMITTEE DATE: 13/01/2016

APPLICATION No. **15/02641/MJR** APPLICATION DATE: 02/11/2015

ED: **SPLOTT**

APP: TYPE: Application for Demolition

APPLICANT: JR Smart Ltd

LOCATION: COLLEGE BUILDINGS, 1 COURTENAY ROAD,  
SPLOTT, CARDIFF, CF24 2JU

PROPOSAL: DEMOLITION OF COLLEGE BUILDINGS

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**RECOMMENDATION 1 :** That prior approval be **GRANTED** subject to the following condition:

1. The development permitted shall be carried out in accordance with the approved details before the expiration of five years from the date of this consent.  
Reason: In accordance with the provisions of Part 31 Class A of the Town & Country Planning (General Permitted Development) Order 1995.

**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:** That the developer be advised that where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats etc.) Regulations 1994 is present on the site in respect of which this prior approval is hereby granted, no demolition works shall take place in pursuance of this approval unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the local planning authority. In the event that demolition 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 the Council ecologist and NRW should be contacted immediately.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 An application seeking prior approval for the demolition of College Buildings, a 2, 3, and 4 storey brick and stone former University Settlement building and

Catholic boys grammar school (St. Illtyd school) built in the first half of the 20<sup>th</sup> century. After the school closed during the 1960s the building was used variously as a printing office, wholesalers, charity office and TV location but has been vacant now for a number of years.

- 1.2 The reason for demolition is redevelopment of the site for housing (36 dwellings). A planning application for demolition and redevelopment was registered in December 2014 and is likely to be determined by committee early in 2016.
- 1.3 The site is bounded to the north by the gable ends of terrace housing on University Place and Courtenay Road, to the east by Courtenay Road, to the south by the back gardens of terrace housing on Splott Road, and to the west by the back gardens of terrace housing on Habershon Street.
- 1.4 The former Cardiff University Settlement building dates from the beginning of the 20<sup>th</sup> century and was built as part of the wider university Settlement social reform movement to provide education to the population of Splott. It comprised a hall fronting Courtenay Road with an arts and crafts clubhouse to the rear, both designed by architect Robert Weir Schultz.
- 1.5 In the 1920s the buildings were taken over by St. Illtyd School and the main hall was demolished and rebuilt to designs by William Ellis in 1936. This is the 3 storey building that fronts Courtenay Road. The central part of the building was bomb-damaged during the Second World War and was eventually rebuilt in the 1950s. The buildings cover the front two thirds of the site.
- 1.6 The site is not in a conservation area. The building is not listed or locally listed
- 1.7 On completion of the demolition works the site will be left cleared of all material including the removal of the tarmac hard standing areas and will be left with crushed material rolled level.
- 1.8 The northern, western and southern boundaries are either walled or fenced and will be left intact and made good where necessary after demolition. The eastern boundary to Courtenay Road will have palisade fencing erected where necessary to secure the site pending redevelopment.
- 1.9 A copy of the public notice has been displayed on site by the applicant.
- 1.10 By way of background a letter was received from CADW dated 3.6.15 stating that the building was considered worthy of listing, and seeking the Council's comments. The Council responded on 2.7.15.
- 1.11 After considering the representations, the written and visual evidence, the specialist advice of CADW, and a peer review by Historic Scotland, the Deputy Minister wrote on 23.10.15 stating that the Old College Building, Splott did not meet the listing criteria. The reasons are listed in his response and can be viewed on the Council website.

- 1.12 After receiving the Deputy Minister's decision, and notwithstanding the fact that there is a live application for demolition and redevelopment, the applicant has applied for prior approval to demolish the building at the earliest opportunity.

## 2. **SITE HISTORY**

- 2.1 14/2886/MJR: Demolition of former College Buildings and construction of 36no 1 and 2 bedroom dwellings in 2, 3, and 4 storey detached blocks with associated car parking and amenity space. The application is under consideration.

## 3. **POLICY FRAMEWORK**

### National Policy

- Town & Country Planning (General Permitted Development) Order: Schedule 2 Part 31 Demolition of Buildings
- Welsh Office Circular 31/95 Planning Controls over Demolition

## 4. **CONSULTATIONS / REPRESENTATIONS**

- 4.1 In accordance with part 31 of the T&CP General Permitted Development Order 1995 a site notice was posted by the applicant on 23.10.15 to advertise the application.
- 4.2 An electronic petition of objection from Cllr. Stubbs with 985 typed names and postcodes (the great majority from Cardiff), and 13 no. individual objections have been received, including an objection from the Victorian Society, and one challenging CADW's decision not to list the building . The objections relate primarily to the loss of a historic building of architectural merit, potential harm to bats, and public safety.
- 4.3 The Victorian Society has resubmitted their representation to the planning application, objecting specifically to the loss of the Robert Weir Schulz designed arts and crafts clubhouse.
- 4.4 The representation challenging the CADW decision is supported by information relating to the history of the building. This has been forwarded to CADW for comment, and their response will be reported to Committee as a late representation.
- 4.5 Building Control make no comment. The applicant has been issued with a formal demolition notice.
- 4.6 Ecology consultation response: The proposed annex to the demolition statement, which relates to measure to avoid potential harm to bats, is acceptable.
- 4.7 Transportation: No response has been received.

4.8 Glamorgan Gwent Archaeological Trust (GGAT): Express concern over the fact that the approval cannot be conditioned to require the carrying out of a detailed archaeological survey record, but acknowledge that the merits of demolition are not a consideration under the prior approval process, and therefore that such a record cannot be required.

## 5. **ANALYSIS**

5.1 The above application has been submitted under the provisions of Schedule 2, Part 31 of the Town and Country Planning General Development Order 1995, which gives the local planning authority the means of regulating the method of demolition and proposed restoration of the site through the prior approval process.

5.2 The proposed demolition of the building is permitted development under part 31 of the second schedule to the 1995 Order. That is planning permission has, in effect, already been granted for the demolition by national government.

5.3 The purpose of this control is to give the LPA the power to regulate the details of demolition only (method of demolition and proposed restoration of the site), in order to minimise the impact of that activity on local amenity. The merits of otherwise of demolition cannot be considered under this process.

5.4 The applicant was informed by letter dated 6.11.15 that prior approval is required for the proposed demolition works. Given the political sensitivity of the proposals it was decided to determine the application at committee, and the applicant has agreed to an extension of time beyond the statutory 8 weeks.

5.5 The demolition method statement and proposed restoration of the site is acceptable insofar as it affects local amenity.

5.6 In relation to the potential presence of bats the initial bat survey carried out on the building in Feb 2015 showed no evidence of bats, but recommended that an emergent survey be carried out in the summer months, since parts of the roof were inaccessible.

5.7 To address these concerns the applicant has agreed to a method of demolition that will minimise the risk of potential damage to bats, that an ecological consultant will be appointed to keep a watching brief during the removal of the roof, and that in the event that any bats be seen or disturbed during the demolition process all works shall stop and the council's ecologist and NRW notified immediately.

5.8 In relation to making a detailed archaeological record of the building prior to demolition, while acknowledging that it would be the preferred option, it cannot be made a condition of a prior approval because it does not fall under those matters which are in the Council's control, namely demolition method and restoration of the site.

- 5.9 Original plans of the building found in the building, and a copy of the structural survey carried out by the applicant, have been provided by the applicant and sent to GGAT for their records.
- 5.10 It is noted that the Building Act 1984 Section 81 notice has been served on the applicant. It is, in effect, an approval of the method of demolition submitted, subject to the demolition being undertaken in accordance with the imposed conditions, in the interest of public safety.
- 5.11 A significant number of representations have been received objecting to the demolition of the building on grounds of loss of a building of architectural and historic interest, damage to bats which may be roosting/ nesting in the building, and public safety arising from the demolition process. These have been addressed above. Comments have also been made on the proposed redevelopment of the site, these are not however material to the prior approval application under consideration.
- 5.12 It is recommended that prior approval be granted subject to the approved details and a statutory time limit condition, and construction noise and bats recommendations.





Scale 1:1250

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