

COMMITTEE DATE: 11/01/2017

APPLICATION No. **16/01818/MJR** APPLICATION DATE: 26/07/2016

ED: **RIVERSIDE**

APP: TYPE: Conservation Area Consent

APPLICANT: The Representative Body of the Church in Wales

LOCATION: 37-39A CATHEDRAL ROAD, RIVERSIDE, CARDIFF, CF11 9XF

PROPOSAL: PROPOSED DEMOLITION OF 39A CATHEDRAL ROAD (OLD VICARAGE) AND ANCILLARY DEMOLITIONS RELATING TO THE CONSTRUCTION OF A NEW BUILD OFFICE BUILDING, THE CONVERSION OF EXISTING OFFICES AT 37-39 CATHEDRAL ROAD TO RESIDENTIAL USE AND ASSOCIATED HIGHWAY AND ANCILLARY WORKS

RECOMMENDATION 1 : That Conservation Area Consent be **GRANTED** subject to the following conditions :

1. C05 Statutory Time Limit - Con Area Consent
2. No Demolition shall take place until such time as evidence is provided to the Local Planning authority that a Contract has been let for the redevelopment of the site in accordance with a valid planning permission.
Reason: Demolition in isolation would adversely affect the character and appearance of the Cathedral Road Conservation Area and may result in a gap site to the further detriment of that area.

RECOMMENDATION 2 : That the applicant be advised that:

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 DEVELOPMENT**

- 1.1 This proposal involves the demolition of 39A Cathedral Road (the old vicarage).
- 1.2 The application is considered alongside planning application 16/01818 for the redevelopment of the site for a new office building.

2. **DESCRIPTION OF THE SITE**

3.

2.1 The site is located on the corner of Cathedral Road and Talbot Street, which forms the north western boundary of the site.

4. **SITE HISTORY**

13/02351/DCI Replacement of full height boundary wall with half height wall and railings, and forming new vehicle access to existing car park. Granted Jan 2014

4. **POLICY FRAMEWORK**

Planning Policy Wales Edition 9, November 2016

Chapter 6 - Conserving the Historic Environment

Welsh Office Circular

1/98: Planning and the Historic Environment: Directions by the Secretary of State for Wales 02/02/98

61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas 05/12/96

Cardiff Local Development Plan 2006-2026 (Adopted January 2016)

KP17: Built Heritage

EN9: Conservation of The Historic Environment

Other Material Considerations

Cathedral Road Conservation Area Appraisal

5. **INTERNAL CONSULTEE RESPONSES**

None

6. **EXTERNAL CONSULTEE RESPONSES**

None

7. **REPRESENTATIONS**

Cardiff Civic Society

7.1 Cardiff Civic Society objects to the proposed demolition of the former vicarage on Cathedral Road, Cardiff applied for by the Representative Body of the Church in Wales.

- 7.2 Demolishing the current building will result in a dangerous precedent being set in a Conservation Area placing historic buildings in this, and other city conservation areas at risk.
- 7.3 The building, although not a Victorian villa, is still broadly in keeping with the historic buildings in the vicinity, and does not jar with the Conservation Area's style and character - as the unsympathetic modern office blocks that already exist do. Mistakes were made in allowing these to be built, which should not be repeated in a more enlightened age. Furthermore, the proposal is in breach of Cardiff Council's own commitment to protecting Cardiff's built heritage. Key Policy 17 says Cardiff's distinctive heritage assets will be protected, managed and enhanced, in particular the character and setting of its Scheduled Ancient Monuments, Listed Buildings, Registered Historic Landscapes, Parks, Gardens, Conservation Areas, Locally Listed Buildings and other features of local interest that positively contribute to the distinctiveness of the city.
- 7.4 Preserving the former vicarage will help maintain the character of the Cathedral Rd Conservation Area, as it is a distinctive building in its own right. A modern replacement will further detract from the integrity of the Conservation Area.

8. **ANALYSIS**

The Historic Environment

- 8.1 The building proposed for demolition is not a statutory listed building; nor does it appear on the Council's Local List of buildings of merit. The building is however located within the Cathedral Road Conservation Area where there is a general presumption to preserve the character and appearance of the area.
- 8.2 Justification has been put forward for the demolition of 39A Cathedral Road.
- 8.3 Circular 61:96 and Chapter 6 of Planning Policy Wales (recently updated) requires that where development involves the demolition of unlisted buildings which make a positive contribution to the character of a conservation area, that such proposals should be considered against the same criteria as proposals to demolish listed buildings.
- 8.4 As with Listed Buildings, there is a presumption in favour of retaining buildings which make a positive contribution to the character and appearance of an area, however unlike listed buildings, (where there is a statutory duty to attempt to preserve the building, i.e. the actual building fabric); in the case of unlisted buildings, the circular does allow for the possibility, that there may be circumstances where retention may not necessarily be a prerequisite of preserving the character or appearance of an area.
- 8.5 The circular provides the criteria which should be considered in respect of proposals for the demolition of Listed Buildings. Namely:
- (i) the condition of the building, and the cost of repairing and maintaining it in

relation to its importance and to the value to be derived from its continued use...

(ii) the adequacy of efforts made to retain the building in use. The Circular suggests that this should include the offer of the unrestricted freehold of the building on the open market at a price reflecting the building's condition ...; and

(iii) the merits of alternative proposals for the site; but caveats this by stating that whilst this is a material consideration, the Secretary of State takes the view that subjective claims for the architectural merits of proposed replacement buildings should not in themselves be held to justify the demolition of any listed building...

- 8.6 It is evident that the Circular advice presupposes that requests to demolish Listed Buildings are likely be based on some economic disadvantage, either as a result of their condition or cost of repair, or by undermining the potential development value of the site; which the planning officer suggests is not always the case, and even if a contributory factor, is often not the whole case.
- 8.7 In respect of the condition of this particular building, (The first criteria) the Planning Officer accepts that The building does suffer from damp issues, and that it is, by virtue of its construction, an inefficient building by modern standards in terms of thermal and acoustic insulation, and that it has suffered subsidence damage; which are all contributing arguments put forward for its replacement.
- 8.8 However the planning officer is also of a view that it is equally evident from the structural report which has been submitted with the application that the structural condition of the building is generally sound. i.e. that although it has notable failings, it could be repaired at a cost, and could, if necessary, be underpinned to stay any potential future movement, if considered to make a significant contribution to the character and appearance of the area.
- 8.9 The simple question then is whether it is justifiable to require the retention of the building based on the contribution it makes to the character of the area, or whether that contribution could be provided by an alternative new build structure which may better serve the needs of the Church, and the community benefit that body provides, as well as maintaining the character and appearance of the area.
- 8.10 The second criteria relating to efforts to keep the building in use are not really applicable in this situation as the building is in use and has formed part of the Church in Wales Headquarters in Cathedral Road for many years. Again, what is more relevant here is whether the building is of sufficient merit to consider that preserving it, potentially, as the Circular suggests, under new ownership, would better serve the character and appearance of the area than allowing a new building which might allow the Church in Wales to remain in the locality.
- 8.11 Given that it would appear that No 39A, is no longer adequate for the Church's

needs. There would certainly appear a vulnerability in a potential situation where the Church might relocate to purpose built offices elsewhere, and place the unrestricted freehold of the building on the open market at a price reflecting the condition of the buildings, as is the Circular advice. The impact of this would also be extended to the potential sale of properties at 37 and 39 Cathedral Road also owned by the Church.

- 8.12 The Circular does accept that development which would bring substantial benefit to the community might outweigh the physical loss resulting from demolition, and also confirms that the architectural merit of redevelopment proposals are a material consideration.
- 8.13 The planning officer disagrees with the view expressed in the design and access statement that the form and design of 39A does not positively contribute to the character of the conservation area. The building is of a different aesthetic to the Victorian and Edwardian buildings lining the road, but that is not considered to make it an 'anomalous' structure, rather more part of the diversity of styles that make up the area. It is accepted however that it would not be possible to alter / extend the building into a new development, as suggested in the Circular in respect of proposals relating to Listed Buildings. As it is agreed that the compartmental nature of the construction and historical nature and layout would preclude this.
- 8.14 The design of the proposed development, although a larger scale building than that which it would replace, is considered a respectful structure, taking key references of scale, mass and proportion from other buildings along Cathedral Road and nearby.
- 8.15 The new building is sympathetic to the adjacent buildings in terms of height of eaves and ridge, includes for a number of design features such as a bay and gable frontage, and makes efficient use of the site in respect of providing an appropriate rear projection set off the boundary, and still allows for a generous space between the building and the rear boundary of the site. Materials too are sympathetic, with brickwork detailed in a Flemish bond rather than modern stretcher work, and with window proportions of more domestic, than commercial scale.
- 8.16 Overall the proposed development is considered to represent an appropriately sympathetic insertion into the conservation area and not to look out of place in the given context. It makes good use of this existing site to the benefit of the wider community, is well designed, environmentally sound, and makes an appropriate contribution to the character of the area, equal to, if not more empathic with surrounding street scape than the former Vicarage .
- 8.17 The Vicarage provides a comforting, pretty, country garden form of architecture within the context of Victorian and Edwardian Villas, but although pleasant, is not exceptional, unique or essential to the character of the area.
- 8.18 On balance, the loss of the former Vicarage is accepted, and although the new building will result in a change to the existing area, its proposed replacement is

a thoughtfully designed building which is considered to maintain the character of the area.

9. **RECOMMENDATION**

That Conservation Area Consent be Granted subject to a condition to secure the redevelopment of the site before the existing building is demolished.