

COMMITTEE DATE: 20/03/2019

APPLICATION No. 18/01065/MJR

APPLICATION DATE: 13/06/2018

ED: **CANTON**

APP: TYPE: Conservation Area Consent

APPLICANT: Quin & Co Ltd

LOCATION: CANTON FAMILY CENTRE, SUFFOLK HOUSE, ROMILLY ROAD, CANTON

PROPOSAL: DEMOLITION OF MODERN EXTENSIONS TO SUFFOLK HOUSE AND PART DEMOLITION OF EXISTING WALL

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### **BACKGROUND INFORMATION**

This report is identical to the committee report of 13<sup>th</sup> February 2019 with the exception of the following paragraph, as explained below;

- i. Paragraphs 8.1 – 8.3 Provide officer guidance should application ref: 18/01064/MJR be refused planning permission.

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

1. C05 Statutory Time Limit – Conservation Area Consent (5 years)

Reason: To ensure the timely redevelopment of the site following demolition.

2. No development shall commence until such time as a contract for the carrying out of redevelopment of the site has been made and full planning permission has been granted for the re-development for which the contract provides.

Reason: In the interests of the visual amenity of the area in accordance with Section 17 (3) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and advice contained at para. 6.14 of TAN 24

3. The development shall be undertaken in full accordance with the mitigation measures identified in the submitted Building Inspection and Bat Activity Survey report prepared by Soltys Brewster Ecology, dated 12 December 2018, and the Proposed Site Plan prepared by Connections Design, dated 11.12.18, in accordance with Policy EN7 of the adopted Cardiff Local Development Plan (2006 - 2026).

Reason : To ensure protected species are not affected by this development in accordance with conservation of Habitats and Species

Regulations 2010 (as amended).

4. No site clearance/demolition of (*relevant features*) to take place between 1st March and 15th August unless otherwise approved in writing by the Local Planning Authority. This approval will be granted if a consultant ecologist can evidence that there are no birds nesting in these features immediately (48 hrs) before their removal.  
Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), in accordance with Policy EN7 of the adopted Cardiff Local Development Plan (2006 - 2026)

**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:** A *European protected species (EPS) Licence* is required for this development.

*This Conservation Area Consent does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/protected-species-licensing/european-protected-species-licensing/information-on-european-protected-species-licensing/?lang=en>.*

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorizing the specified activity/development to go ahead.

Please note, any changes to plans between planning consent and the licence application may affect the outcome of a licence application. We advise the Applicant timing constraints to the works are likely to be in place due to the potential of a maternity roost being present.

## 1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Conservation Area Consent is sought for the demolition of the existing annexe to

the side and extension to the rear of Suffolk House in order to facilitate the conversion and extension to the building and re-development of the site.

- 1.2 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.
- 1.3 The merits of the proposed replacement development are considered in full in a separate application for planning permission (Ref: 18/01064/MJR)

## **2. DESCRIPTION OF SITE**

- 2.1 The application site is located on the corner of Romilly Road and Llandaff Road, directly adjacent to the junction with these roads and Romilly Crescent.

The site contains the locally listed Victorian Villa known as Suffolk House. This villa is a 3 storey building with pitched roof and features including quoins, bay windows (on its prominent elevations) and decorative porch and window surround detailing. The villa has a render finished and slate roof. To the rear of the villa is a, non-original, 2 storey pitched roof extension with a render finish consistent with that of the original villa. Attached to the western elevation of the 2-storey extension to the villa is a single storey, flat roofed, link connecting it with a further two storey pitched extension. This extension is of brick construction and has a tiled roof. Given the alternative materials used in its construction and the presence of the single storey flat roofed link between it and the main villa, this extension appears largely independent from the original villa.

The application site is located within the Conway Road Conservation Area.

The majority of the site, including all of the existing buildings, falls outside of the adjacent C1 flood zone. The flood zone does however extend into the site in two small areas along the eastern, Llandaff Road, boundary. The application site does however sit on marginally higher ground level than that of Llandaff Road and Romilly Road with retaining wall present along each of these boundaries.

The application site is not located within an Air Quality Monitoring Area (AQMA).

The application site is broadly rectangular with the exception of a V shaped indent along its northern boundary and angled eastern boundary.

To the north of the site are two pairs of 2 storey, semi-detached, properties which front onto Greenfield Avenue. These properties, due to V shape of the rear of the application site, fall between approximately 13.8m and 2.3m from the site boundary.

To the east of the site are two rows of 2.5 storey terraced properties which front onto Llandaff Road.

To the west of the site is a detached, gable fronted, stone property followed by a 2 storey render finished cottage attached to a terrace containing 2 storey, double

bay fronted, red brick houses with front gable features. A substation is located just outside the southwest corner of the site, directly adjacent to the neighbouring detached stone dwelling.

To the south of the site is a mix of buildings including 3 storey brick building containing a children's nursery, two pairs of 3 storey, gable fronted, semi-detached buildings linked together to create a short terrace (used as a care home), a 2 storey detached dwelling of brick construction and a pair of 3 storey, stone built, residential properties. The scale of development along the southern side of Romily Road is largely of 3 storey, with gables forming a predominant feature on their frontages and of stone construction.

### **3. SITE HISTORY**

- 3.1 18/01064/MJR – Demolition of modern extensions to Suffolk House and part demolition of existing wall and felling of existing trees, residential redevelopment of Suffolk House to provide 10 no. apartments and construction of 7 no. townhouses, replacement wall, tree planting, amended access arrangements, parking provision and open space/landscaping – Recommended for approval subject to confirmation at planning committee.

### **4. POLICY FRAMEWORK**

#### 4.1 Legislation

- The Planning (Listed Buildings and Conservation Areas) Act 1990

#### 4.2 National Policy and Guidance

- Planning Policy Wales, Edition 10 (December 2018). Chapter 6: Distinctive and Natural Places
- TAN 24: Historic Environment
- TAN 12: Design

#### 4.3 Local Development Plan (2006 – 2026)

- Policy KP5 – Good Quality and Sustainable Design
- Policy KP17 – Built Heritage
- Policy EN7 – Priority Habitats and Species
- Policy EN8 – Trees, Woodlands and Hedgerows
- Policy EN9 – Conservation of the Historic Environment
- Policy EN13 – Air, Noise, Light Pollution, and Contaminated Land

#### 4.4 Relevant Supplementary Planning Guidance:

- Conway Road Conservation Area Appraisal (2007)

## **5. INTERNAL CONSULTEE RESPONSES**

- 5.1 The Operational Manager (Building Control) has no comments to make on the application.

## **6. CONSULTATIONS / REPRESENTATIONS**

- 6.1 The application was advertised on site and in the press. Neighbours and Local Members were also notified. Several letters of representation objecting to the proposal have been received, however these objections are not explicitly relevant to the demolition of the existing modern extension and are evaluated within the application for planning permission.
- 6.2 Details of these objections and how they have been addressed are to be found in the 18/01064/MJR report.

## **7. ANALYSIS**

- 7.1 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 the same broad criteria as proposals to demolish Listed Buildings.
- 7.2 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 buildings 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 the environment.
- 7.3 The submitted Heritage Statement (HS) has assessed the contribution, which those parts of the building proposed for removal make to the building and wider Conway Road Conservation Area. Within this document it is stated that;

*The removal of the existing extensions to the rear, together with the covered walkway and the adjacent twentieth century house, and the removal of the external fire escape will all improve both the physical appearance of the building together with its immediate setting. The proposed extension is of a high-quality design, reflecting the architecture of the main building. Furthermore, the repairs and renovation will all further enhance the appearance of the building both internally and externally. As a result, it is clear that the proposals will enhance the significance of this locally listed building.*

*Although Suffolk House is identified as forming a landmark building within the Conservation Area, it is currently only the original element of the building which makes any contribution to the significance of the Conway Road Conservation Area. With the proposals to remove the poor quality*

*extensions to the rear, and their replacement with a high-quality extension reflecting the architectural idiom of the original building, there will be an enhancement to this part of the Conservation Area.*

- 7.4 In line with the conclusions contained in the submitted HS, it is considered that the annexe to the side and extension to the rear of the original Suffolk House villa do not make a positive contribution towards the character or appearance of the Conway Road Conservation Area. Furthermore, It is acknowledged that Conservation Area Consent is only required due to the extent of demolition required and that the original villa would be retained as part of the scheme for the redevelopment of the site.
- 7.5 Details of the proposed redevelopment of the site have been provided under planning application ref: 18/01064/MJR. The full merits of the redevelopment proposed under 18/01064/MJR will be discussed in the relevant report to Planning Committee, however the scheme is considered to enhance the character of the conservation area and has been recommended for approval. However, a condition has been imposed to ensure that the buildings are not demolished until a planning permission and contracts are in place.
- 7.6 In situations where harm would be caused to the character or appearance of the Conservation Area, if the redevelopment did not occur, it is considered necessary to impose conditions restricting demolition, as detailed at para. 6.14 of TAN 24, 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.
- 7.7 The proposed removal of section of the wall along the Romilly Road frontage of the site has been considered under planning application ref: 18/01064/MJR.
- 7.8 Given the presence of protected species on the site, conditions have been included to ensure their protection.
- 7.9 Taking the above into consideration, the demolition of those element of the building proposed for removal would not have any detrimental impact upon the character or appearance of the Conway Road Conservation Area.
- 7.10 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. In respect of the former, given the scale of demolition relative to the scale of the site, it is considered that demolition could be adequately managed without stringent controls imposed by the Local Planning Authority. The provisions of the Control of Pollution Act 1990 are pertinent in controlling noise and nuisance from demolition activities in the interests of the amenity of neighbouring residents.
- 7.11 It is recommended that Conservation Area Consent be granted, subject to conditions, for the demolition of those parts of the building detailed.

## **8. ALTERNATIVE RECOMMENDATION**

- 8.1 Planning application [ref: 18/01064/MJR] was considered by Planning Committee at its meeting of 13<sup>th</sup> February 2019, where it was resolved to defer a decision in order for Officers to examine potential reasons for refusal, on the grounds that the proposed development would fail to preserve or enhance the character and appearance of the Conway Road Conservation Area.
- 8.2 Whilst those parts of the building proposed for demolition are not considered to contribute positively towards the character or appearance of the conservation area, advice contained in Planning Policy Wales (December 2018) and Technical Advice Note 24 (May 2017) states that Conservation Area Consent for demolition should not be given without acceptable and detailed plans for the reuse of the site unless redevelopment is itself undesirable. The local planning authority is entitled to consider the broad principles of a proposed development, such as its scale, size and massing, when determining whether consent should be given for the demolition of an unlisted building in a conservation area.
- 8.3 In this case, should the planning application submitted to the LPA for the redevelopment of the site [ref: 18/001064/MJR], not be considered to preserve or enhance the character or appearance of the conservation area, given the aforementioned advice, it is not considered acceptable to permit demolition works to take place until such time as an appropriate redevelopment scheme can be approved concurrently. On this basis, the officer recommendation would be to refuse conservation area consent for the reason outlined below:
  1. The granting of consent for the demolition works proposed would be premature and contrary to the provisions of paragraph 6.1.17 of Planning Policy Wales (Edition 10 - December 2018) and paragraph 6.13 of Planning Policy Wales Technical Advice Note 24 – The Historic Environment (May 2017) in that the detailed plans for the redevelopment of the site submitted as a planning application (reference 18/01064/MJR) are not considered acceptable.

