

COMMITTEE DATE: 21/06/2017

APPLICATION No. **16/03050/MNR** APPLICATION DATE: 19/01/2017

ED: **PENYLAN**

APP: TYPE: Conservation Area Consent

APPLICANT: Mr & Mrs Ciocca

LOCATION: 40 LADY MARY ROAD, PENYLAN, CARDIFF, CF23 5NT

PROPOSAL: PROPOSED DEMOLITION OF EXISTING DWELLING

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

1. C05 Statutory Time Limit – Conservation Area Consent (5 years)
2. No demolition shall commence until such time as a contract for the carrying out of the works 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. 34 of Welsh Office Circular 61/96.

RECOMMENDATION 2: 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 known to be roosting, Natural Resources Wales (NRW) must be contacted for advice. If bats are found after work has commenced, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately. Where there is a likelihood that bats are present, or where bats are found to be present, a suitably qualified and experienced ecological consultant should be contracted to provide an assessment of the impact of the proposed works, and undertake bat surveys if necessary. Where bats or their roosts are present, no works of site clearance, demolition or construction should take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation.

NRW can be contacted at:

Natural Resources Wales, Tŷ Cambria, 29 Newport Road, Cardiff CF24 0TP, 0300 065 3000

Bat Conservation Trust can be contacted at:

5th Floor, Quadrant House, 250 Kennington Lane, London, SE11 5DR, 0845 1300228

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 existing property comprises a 1960's detached two-storey dwelling with single-storey extensions and a landscaped rear garden with retaining walls to the north boundary where a watercourse runs towards the nearby lake.
- 1.2 The rear garden is approximately 2.8m above the rear gardens of 1 and 2 Scott Court, which adjoin the site to the north. A lime tree of significant height is located adjacent to the north site boundary.
- 1.3 The site is located within the Roath Park Lake and Gardens Conservation Area. The southeast boundary of the site forms the boundary of this part of the conservation area.
- 1.4 The plots either side of the application site accommodate three-storey apartment buildings.
- 1.5 Lady Mary Road ascends sharply to the south and descends to the west towards the lake. The southeast boundary of the site adjoins the entrance to allotments.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 Conservation Area Consent is sought for the demolition of the existing dwelling in order to facilitate a new 4 storey residential development.
- 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 development are considered in full in a separate application for planning permission (ref: 16/03049/MNR).

3. PLANNING HISTORY

- 3.1 06/02261/E - Conservation Area Consent granted, in April 2007, for demolition of existing dwelling and attached garage.
- 3.2 06/02181/E - Permission granted by the Planning Inspectorate, in September 2007, for the demolition of existing 4 bed house and garage and the construction of 3 no. 3 bed apartments over 3 garages, having originally been refused permission by the local planning authority in April 2007

- 3.3 06/01151/E - Permission sought, in May 2006, for demolition of detached dwelling and the construction of three 2/3 bedroom apartments. Withdrawn prior to determination.
- 3.4 11/00616/DCO - Permission granted, in August 2011, for the demolition of existing dwelling and alterations, extension and construction of 3 storey residential development comprising 4 apartments with on-site car parking, cycle storage, refuse storage and amenity space.
- 3.5 11/00620/DCO – Conservation Area Consent granted, in August 2011, for part demolition of existing dwelling.

4. LEGISLATION & POLICY FRAMEWORK

4.1 Legislation

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

4.2 National Planning Policy & Guidance

- Planning Policy Wales (9th Ed, 2016)
- Welsh Office Circular 61/96 & 1/98 Planning and the Historic Environment
- Technical Advice Note 12: Design (2016)

4.3 Cardiff Local Development Plan 2006-2026 (2016)

- Policy KP5 (Good Quality & 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 Supplementary Planning Guidance

- Roath Park Lakes & Gardens Conservation Area Appraisal (2008)

5. INTERNAL CONSULTEE RESPONSES

- 5.1 The Operational Manager (Building Control) has no comments to make on the application.
- 5.2 The Operational Manager (Shared Regulatory Services) has been consulted no objection is raised to the application, however, it is requested that an advisory note is included drawing attention to the provisions of Section 60 of the Control of Pollution Act 1974 regarding the control of noise from demolition and construction activities.
- 5.3 The Councils Ecologist has been consulted and no objection has been raised to the proposal.
- 5.4 The Operational Manager (Traffic and Transportation) has been consulted and raises no objection to the proposal.

6. EXTERNAL CONSULTEE RESPONSES

6.1 None

7. REPRESENTATIONS

7.1 The owner/occupiers of neighbouring properties have been consulted and the application advertised by way of site and press notice. Several letters of representation objecting to the proposal have been received, however, these objections are not explicitly relevant to the demolition of the existing building and are evaluated within the application for planning permission.

8. ANALYSIS

8.1 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 against the same broad criteria as proposals to demolish Listed Buildings.

8.2 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 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.

8.3 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:

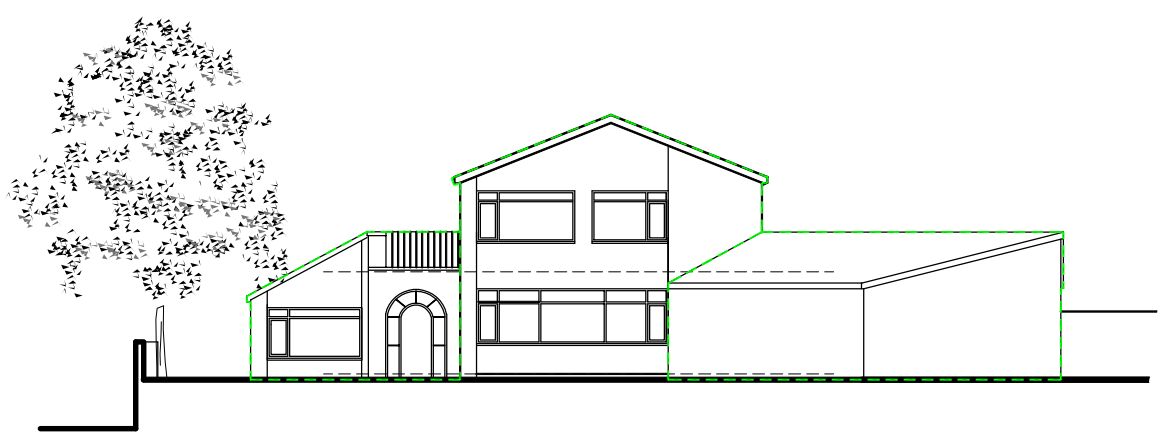
- (i) the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use;
- (ii) the adequacy of efforts made to retain the building in use. (Including the offer of the unrestricted freehold of the building on the open market at a price reflecting the building's condition;
- (iii) the merits of alternative proposals for the site.

8.4 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.

8.5 The principle of the demolition of the this building has previously been

established, through grants of Conservation Area Consent for Demolition in 2007 and 2011, as it does not make a positive contribution to the character or appearance of the Conservation Area. The demolition of the existing dwelling and its replacement with an appropriate replacement would be considered acceptable.

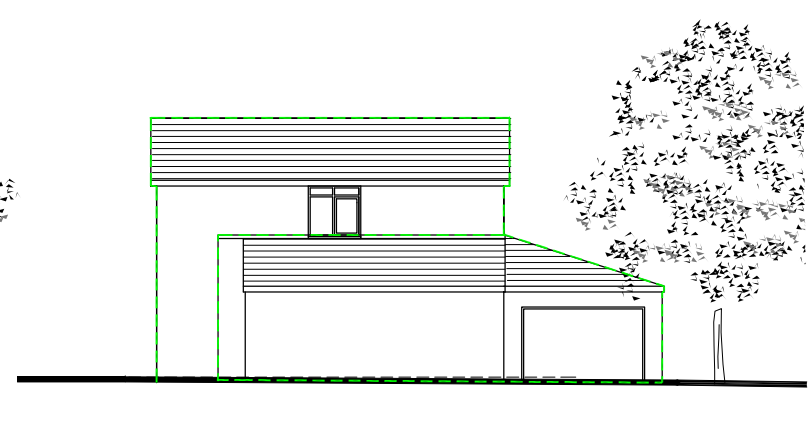
- 8.6 Full details of the replacement dwelling proposed have been provided. The replacement development, while being of a greater scale, represents good quality architecture.
- 8.7 On the basis that that the existing building provides no intrinsic contribution to the Conservation Area and given the good architectural quality of the proposed replacement building it is considered that the proposal would result in an enhancement to the Conservation Area.
- 8.8 In situations where harm would be caused to the character and appearance to the Conservation Area if site redevelopment did not occur it is considered necessary to impose conditions restricting demolition, as detailed at para. 34 of Welsh Office Circular 61/96, 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.
- 8.9 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 the 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 interest of the amenity of neighbouring residents.
- 8.10 It is recommended that Conservation Area Consent be granted for demolition of the building.



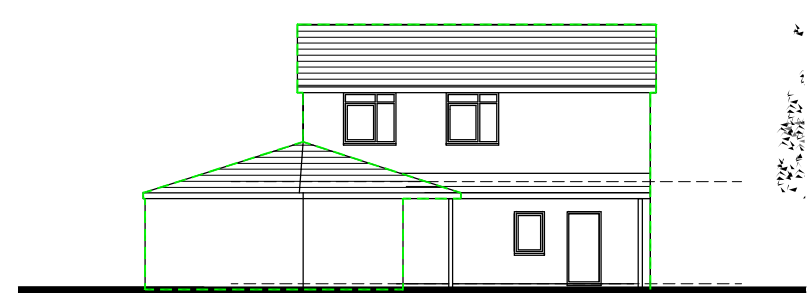
Front Elevation



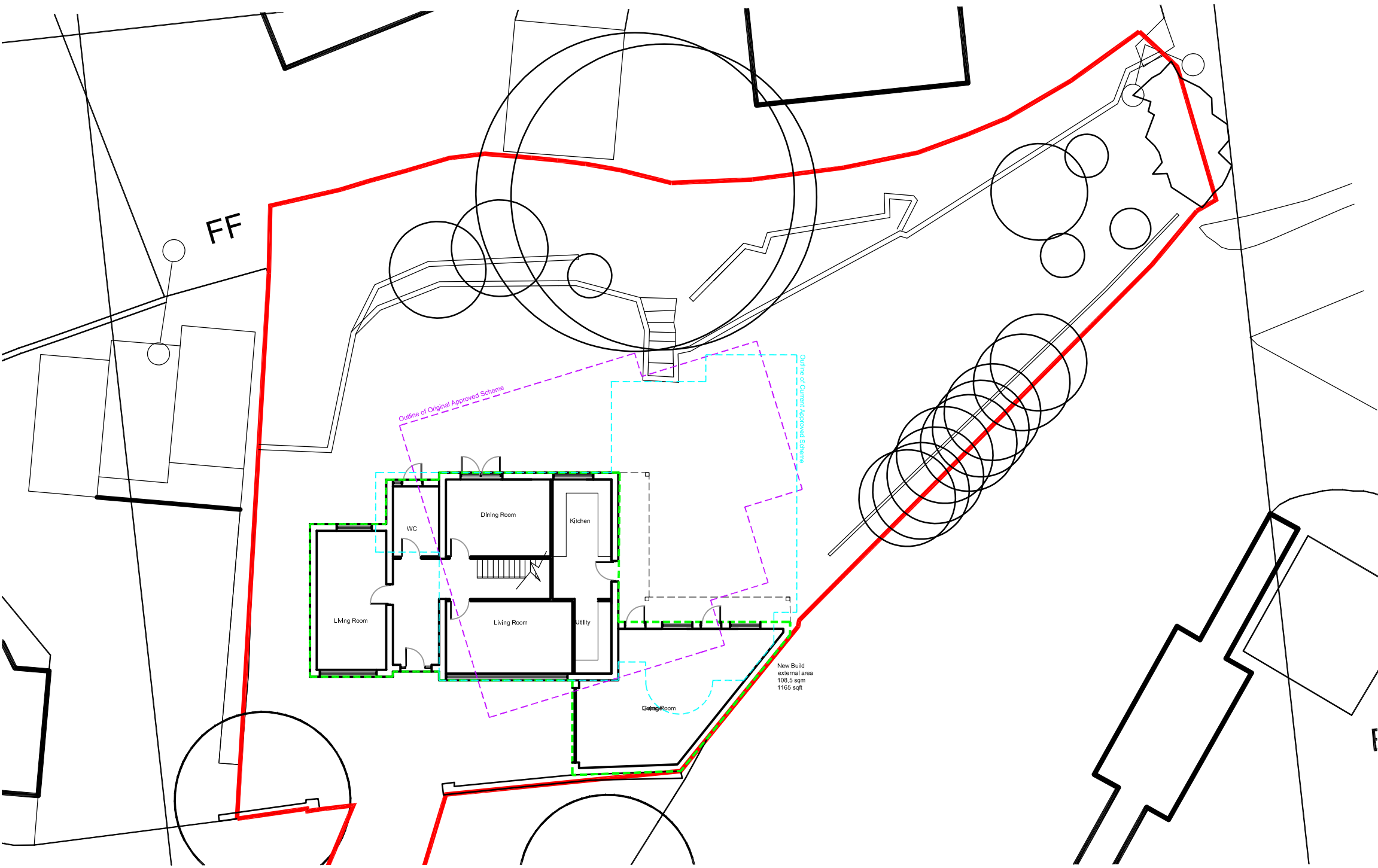
Rear Elevation



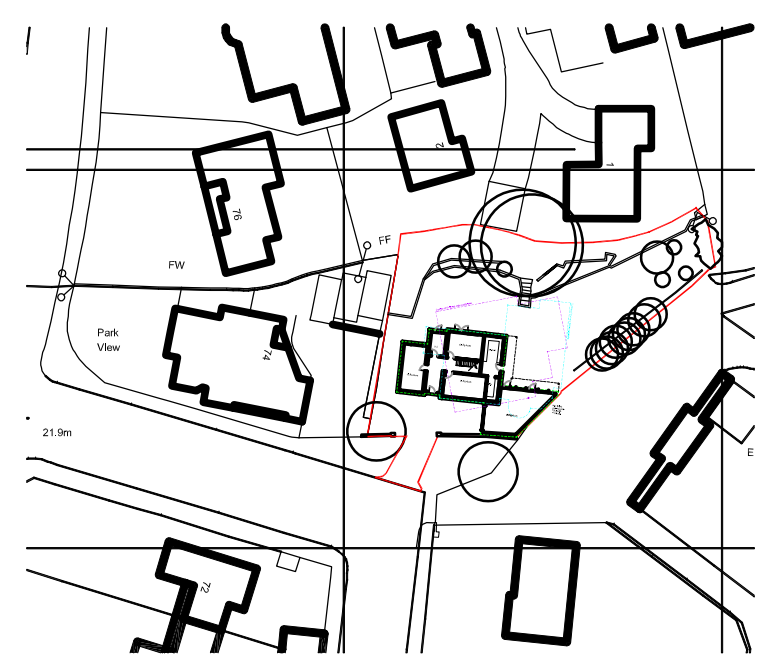
Side Elevation



Side Elevation



Ground Floor Plan



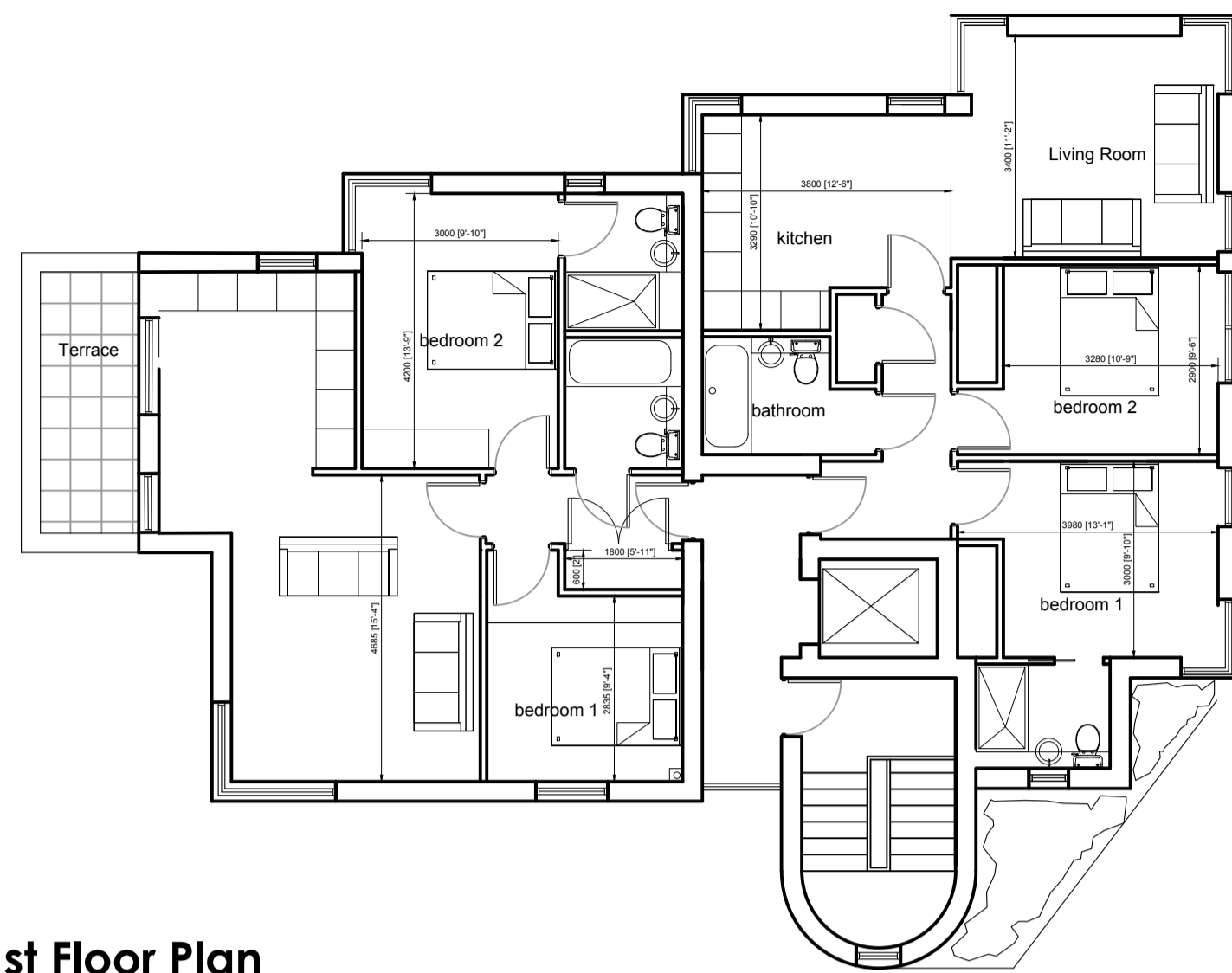
Site Plan

Area to be demolished

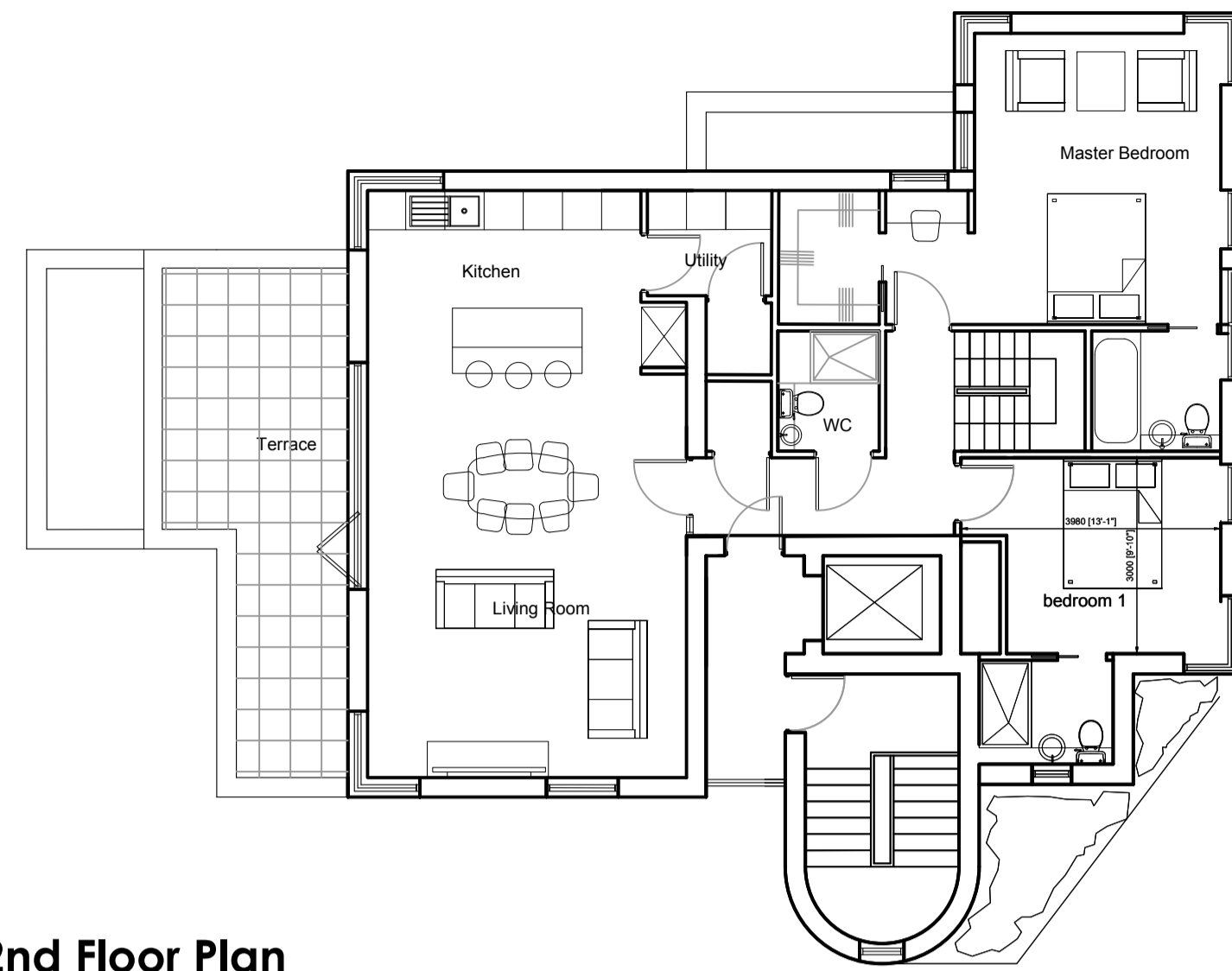
Proposed Residential Building		Job No. 10_66
40 Lady Mary Road, Lakeside		Draw No. Rev.
Mr & Mrs Ciocca		AL(00)01
Title		
Existing Plans & Elevations		
Date 15/11/16	Drawn MC	Scale 1:100/500 @ A1 - 1:200/1000 @ A3

Architects Town planners
Environmental & Urban design

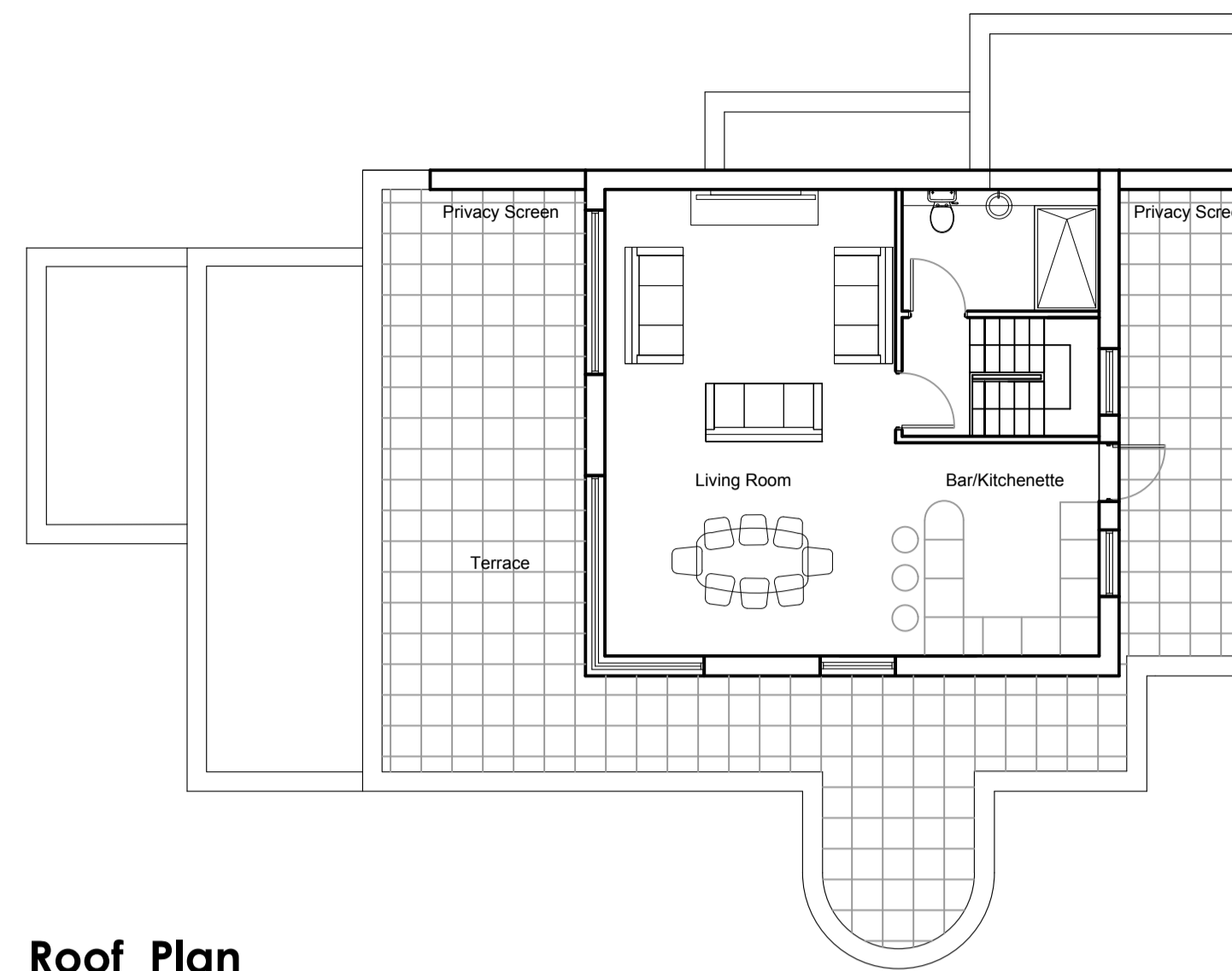
100 1A, Copse Business Park, 10000 Road, Co. Wick, C16 0JL www.ciaranmccluskey.co.uk tel: 01 9452100



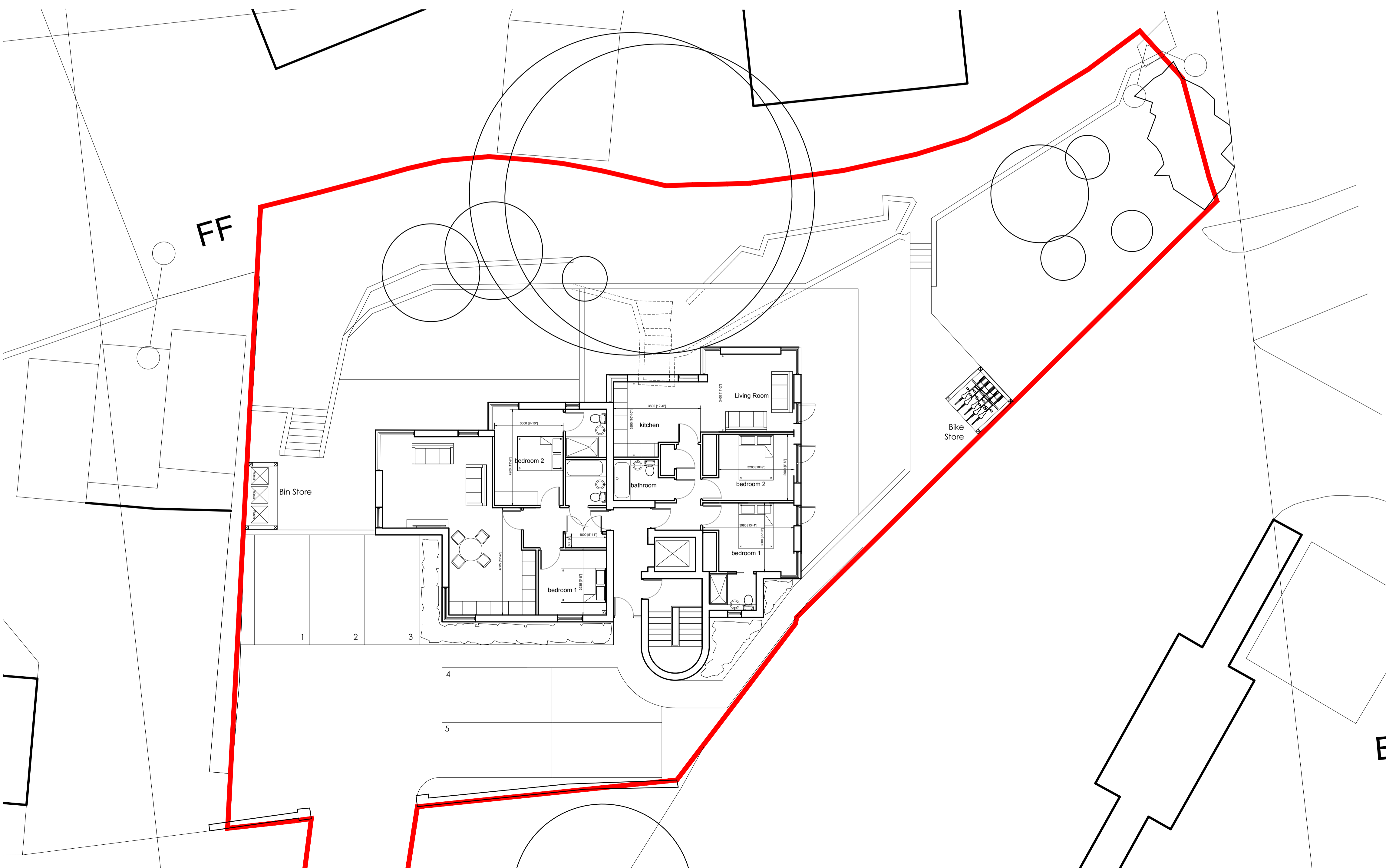
1st Floor Plan



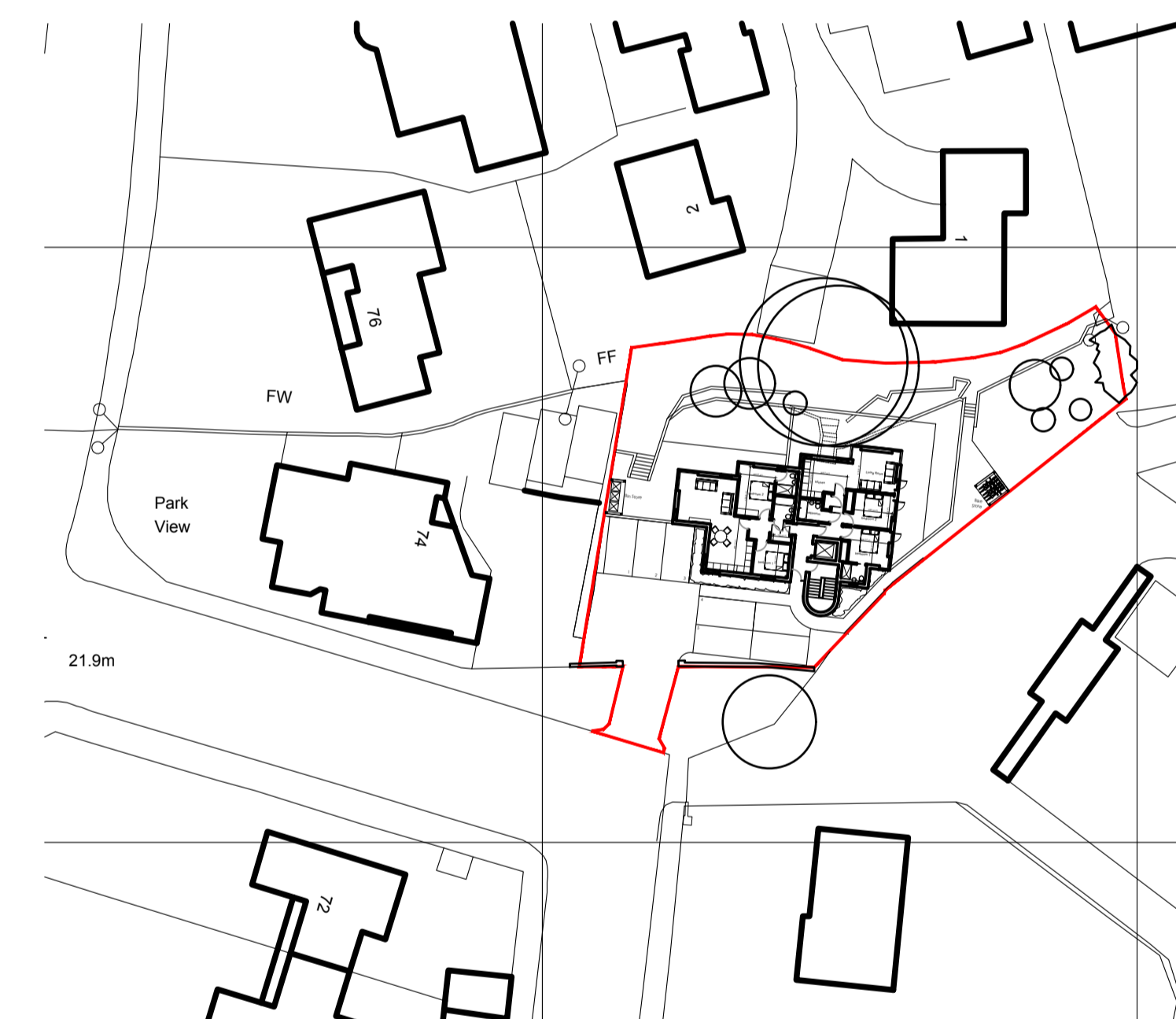
2nd Floor Plan



Roof Plan



Ground Floor Plan



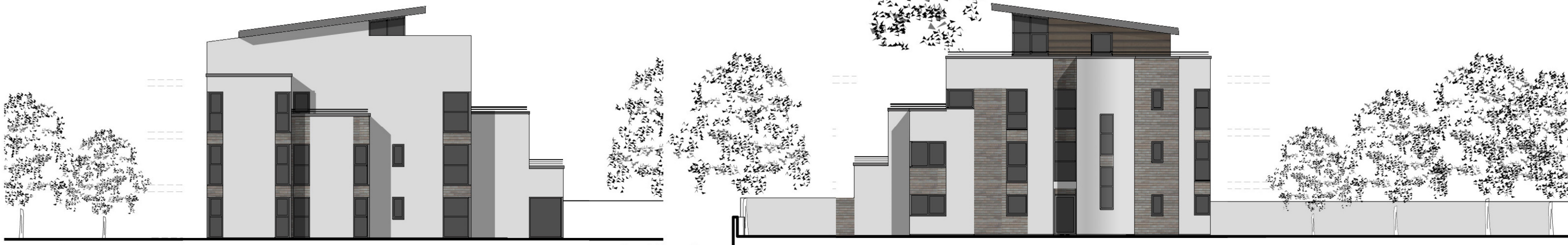
Site Plan

EI Sub S

Proposed Residential Building 40 Lady Mary Road, Lakeside Mr & Mrs Ciocca		Job No: 10_66	Rev: A
Proposed Plans		Dwg No: AL(01)01	
Date: 15/12/16	Drawn: MC	Scale: 1:100/500 @ A1 - 1:200/1000 @ A3	
<small>Unit 1A, Compass Business Park, Pacific Road, Geelong, VIC 3240, Australia www.c.jacobs.co.uk Tel: 037 3465210</small>			



Side Elevation



Rear Elevation

Front Elevation



Side Elevation

Proposed Residential Building	Job No.	10_66
40 Lady Mary Road, Lakeside	Drawn No.	AL(01)02
Mr & Mrs Ciocca	Rev.	
Title		
Proposed Elevations		
Date	Drawn	Scale
15/12/16	MC	1:100 @ A1 - 1:200 @ A3

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