

LLANDAFF CONSERVATION AREA REVIEW

STRATEGIC PLANNING & TRANSPORT (COUNCILLOR CARO WILD)

AGENDA ITEM: 13

Reason for this Report

1. To seek approval of an extension to the Llandaff Conservation Area boundary; adoption of an updated Conservation Area Appraisal (CAA); and authorisation to make an additional Article 4(2) Direction to cover the extended area.

Background

1. A Conservation Area is defined in the Planning (Listed Buildings and Conservation Areas) Act, 1990 as, 'an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'.
2. There are currently 27 Conservation Areas within Cardiff. These were designated at various points between 1968 and 2007.
3. Section 69 of the Act imposes a duty on Local Authorities to review their Conservation Areas 'from time to time' and to consider whether further designations are appropriate. Llandaff was the first area to be designated and was last reviewed in 2005. Members may recall that an additional Article 4 Direction relating to the partial demolition of boundary walls was served in 2018.
4. The Cardiff Local Development Plan (LDP) Policy EN9 confirms that the Council will continue to review its conservation area designations, boundaries and CAAs as required against recognised national criteria and those characteristics identified in the approved Cardiff Conservation Area Strategy.

Issues

5. The revised draft appraisal was prepared in consultation with the local Llandaff Conservation Advisory Group, which includes local member representation and members of the Llandaff Society.

6. The appraisal was the subject of public consultation over a period of 9 weeks between 11th November 2019 and 12th January 2020. This included writing to all owners within the extended area proposed for inclusion, information being placed on the Council's website and social media, along with a pop-up exhibition and public drop-in sessions held at Insole Court.

Consultation responses

7. Appendix 3 sets out a full response to the comments received. A number of respondents offered corrections and local information, ensuring that the CAA continues to provide an accurate description of local character. The comments received have shaped the final document. Other comments can be summarised as follows:

The boundary

- No objections were received to the proposal to extend the conservation area boundary to include the eastern end of Fairwater Road and The Avenue. All comments relating to this were positive.
- Rookwood Hospital, the rowing club and the river corridor leading towards Llandaff North were areas put forward for inclusion, however these areas are considered to be remote from the core of the conservation area. This part of the riverside landscape is not a core component of the built character of Llandaff, and it is protected by the LDP Policy EN4 for 'River Corridors'. Rookwood is a protected site under its Grade II listings, Registered Historic Park status and the Tree Preservation Orders in place.

Description of the area's character and appearance

- The document has been expanded to provide a more detailed description of the area's character, particularly the section relating to architectural detailing. This was welcomed by respondents.

Management and guidance

- The new *Management Plan* (Section 6) was welcomed, setting out overarching aims and objectives through which decision making should take place.
- It is recognised that many of the issues and opportunities identified within the appraisal need continued coordination with support from the local community and through corporate initiatives and asset management.
- A new *Guidance and Design Standards* chapter gives building owners more comprehensive advice on how the council will seek to manage change through the planning system. This was also welcomed by consultees.

Reason for Recommendations

8. The recommendations are based on the thorough analysis of the purposes

of protecting the special character or appearance of the area and consideration of consultation responses. It has been concluded that it is considered appropriate to designate the extended Llandaff Conservation Area along with approval of the supporting Conservation Area Appraisal.

9. In order to effectively manage change within the extended area, it is proposed that an Article 4 Direction be served to replicate the level of control over minor development which is currently in place within the rest of the conservation area; removing various householder permitted development rights for changes to windows, doors, hard surfaces, roofs and boundaries. This is subject to a statutory period during which residents can make representations. A decision to confirm the order must take account of responses received and be made within six months of the date of service.

Financial Implications

10. No direct financial implications are expected to arise from the designation of the Llandaff Conservation Area. The management of any resulting future applications will be met from within existing resources.

Legal Implications

11. Section 69 of the Planning [Listed Buildings and Conservation Areas] Act 1990 (“the Act”) states that: “(1) Every local planning authority (“LPA”) – (a) shall from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance; and (b) shall designate those areas as conservation areas”
12. An LPA has an additional duty under Section 69 (2) of the Act in that from time to time it must review the work done under s69 (1) (a) and (b) to determine whether any parts or any further parts of their area should be designated as conservation areas and if so to designate them accordingly.
13. Members should note that if an area is subsequently designated as a conservation area the protection afforded to buildings and trees contained within the area is enhanced; the LPA and Welsh Government (in an appeal) in carrying out its functions under the Planning Acts and in particular for determining applications for planning permission and listed building consent will be required under Section 72 of the Act to pay special attention to the “desirability of preserving or enhancing the character or appearance of that area”.
14. Designation notifications required in London Gazette and a local newspaper. It must be registered as a planning local land charge. The council must also notify the Welsh Ministers.
15. The decision on whether to approve the designation as a conservation area must be made in terms of the statutory purpose of protecting the special character or appearance of the area. Considerations which fall

outside the statutory definition of a conservation area should not be taken into account.

Article 4 Direction

16. In addition to designating an area as a Conservation Area under Section 69 of the Planning (Listed Building and Conservation Areas) Act 1990, the Council has the additional power to serve an Article 4(2) Direction under the Town and Country Planning (General Permitted Development) Order 1995 (“the Order”).
17. Welsh Government Circulars provides guidance on the use of Article 4(2) Directions and the procedure for making them.
18. A Direction under the Article 4(2) restricts the scope of the permitted development rights in relation to a Conservation Area. By withdrawing the deemed permission under the Order, its effect is that an application for express planning permission has to be made for those development proposals excluded under the Direction. If the permission is refused or granted subject to those other than in the Order, the landowner is entitled under the Order to claim compensation for abortive expenditure and any loss or damage caused by the loss of rights.
19. It should be further noted that the Council has six months from the date of service of the Direction to confirm it otherwise it expires. The Order confers no power upon the Council to confirm the Direction with variations. It must, therefore, be confirmed in the same terms on which it was initially drawn and consulted upon
20. The Council has to be mindful of the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards when making any policy decisions and consider the impact upon the Welsh language. The Council has to consider the Well-being of Future Generations (Wales) Act 2015 and how this strategy may improve the social, economic, environmental and cultural well-being of Wales.
21. The Well-Being of Future Generations (Wales) Act 2015 (‘the Act’) places a ‘well-being duty’ on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible.
22. In discharging its duties under the Act, the Council has set and published well-being objectives designed to maximise its contribution to achieving the national well-being goals. The well-being objectives are set out in Cardiff’s Corporate Plan 2019-22: <https://www.cardiff.gov.uk/ENG/Your-Council/Strategies-plans-and-policies/Corporate-Plan/Pages/Corporate-Plan.aspx>. When exercising its functions, the Council is required to take all reasonable steps to meet its well-being objectives. This means that the decision makers should consider how the proposed decision will contribute towards meeting the well-being objectives and must be satisfied that all reasonable steps have been taken to meet those objectives.

23. The well-being duty also requires the Council to act in accordance with a 'sustainable development principle'. This principle requires the Council to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, the Council must:
- Look to the long term
 - Focus on prevention by understanding the root causes of problems
 - Deliver an integrated approach to achieving the 7 national well-being goals
 - Work in collaboration with others to find shared sustainable solutions
 - Involve people from all sections of the community in the decisions which affect them
24. The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory Guidance issued by the Welsh Ministers, which is accessible using this link: <http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>
25. The Council has to satisfy its public sector duties under the Equalities Act 2010 (including specific Welsh public sector duties) – the Public Sector Equality Duties (PSED). These duties require the Council to have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of 'protected characteristics'. The 'Protected characteristics' are: • Age • Gender reassignment • Sex • Race – including ethnic or national origin, colour or nationality • Disability • Pregnancy and maternity • Marriage and civil partnership • Sexual orientation • Religion or belief – including lack of belief .

HR Implications

26. There are not HR implications arising from this report

Property Implications

27. There are no specific property implications to this report. Where Council properties lie within designated Conservation Areas, they should be managed in accordance with planning and Conservation Area regulations and any proposed alterations made in consultation with Strategic Estates and relevant service areas.

RECOMMENDATIONS

Cabinet is recommended to:

- (1) Designate the area shown on Appendix 1 as the Llandaff Conservation Area in accordance with Section 69 of the Planning [Listed Buildings and

Conservation Areas] Act 1990.

- (2) Adopt the Llandaff Conservation Area Appraisal shown in Appendix 2, in accordance with Section 71 of the Planning [Listed Buildings and Conservation Areas] Act 1990;
- (3) Authorise the making and service of an Article 4 Direction for the conservation area

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| SENIOR RESPONSIBLE OFFICER | ANDREW GREGORY Director Planning, Transport & Environment |
| | 11 December 2020 |

The following appendices are attached:

- Appendix 1 – Proposed revised Llandaff Conservation Area Boundary
- Appendix 2 – Llandaff Conservation Area Appraisal
- Appendix 3 – Consultation responses