

**Land at No.12
Park Road,
Penarth**

Heritage Statement

Prepared by:
**The Environmental
Dimension Partnership Ltd
(EDP)**

On behalf of:
**Stephen Jones &
Rebecca Evans**

April 2016
Report Reference:
EDP3389_01

2016/00176/FUL

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This report is intended for electronic viewing only

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| For EDP use | |
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Section 1 Introduction

- 1.1 This Statement has been prepared by Andrew Crutchley, Director at The Environmental Dimension Partnership Ltd (EDP) and Technical Lead for the Archaeology and Heritage Team, on behalf of Stephen Jones and Rebecca Evans.
- 1.2 It relates to the proposed development of land at No.12 Park Road, Penarth, in the Vale of Glamorgan [App Ref. 2016/00176/FUL].
- 1.3 The application site is within the Penarth Conservation Area, and so this Statement has been commissioned and prepared to address the requirements of national legislation and relevant planning policies for the conservation and management of heritage assets.
- 1.4 In particular, this Statement has been commissioned to respond to the comments of the Vale of Glamorgan Council's Conservation Officer (Peter Thomas), which were made in respect of the detailed planning application and transmitted by email on 13 April 2016. A copy of the officer's consultation response is included as **Appendix EDP 1**.
- 1.5 In stating an objection to the detailed planning application, the Council's Conservation Officer outlines their position:

"The current scheme whilst incorporating contemporary features and detailing has introduced pitched roofs in an attempt to create a more 'traditional' form of development. However, a significant characteristic of roofs within the conservation is steeply pitched roofs with gables also prominent. The proposal indicates shallow pitched, hipped roofs. The use of this form of roof is not considered to preserve or enhance the character or appearance of the conservation area.

There is, in my view, scope for a building in this style...however, this should reflect the wider characteristics of the conservation area – notably roof form should be reflected in the proposal if a pitched roof is preferred.

Notwithstanding this, I have some concerns relating to the mass of the proposed building. Whilst again I am mindful of the previously consented scheme, the 2013 proposal has a significant gap between the two buildings which break up the mass and the 2014/2015 applications are much lower (as a result of having a flat roof), albeit with some elements projecting above the flat roof. If the current arrangement was continued with a steeper pitched roof to reflect the wider conservation area the mass of the building would increase commensurately.

The proposal appears to show a significant amount of brick. Whilst brick is a characteristic material within this part of the conservation area this is, on the whole, as a material for detailing and not a primary construction material. I wonder if there is scope to break up the mass of the building with other materials which are reflective of the

character of the conservation area – notably Liassic limestone and ashlar; and potentially render. However, this is an area of detail...that can be overcome relatively easily”.

- 1.6 In setting out their objection, the Council’s conservation officer clearly identifies that the site has been previously subject to three successful planning applications; for two dwellings (14.01.14) and single dwellings (29.01.15 & 21.10.15).

Section 2 Relevant Legislation and Planning Policy

- 2.1 The Planning (Listed Buildings and Conservation Areas) Act of 1990 is the primary legislative instrument addressing the treatment of both listed buildings and conservation areas through the planning process.
- 2.2 Section 72 addresses conservation areas and states that “...with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.
- 2.3 In other words, the decision-maker’s statutory duty (under Section 72 of the 1990 Act) is to pay *special attention* to the *desirability* of preserving or enhancing the character or appearance of a conservation area. There is no statutory duty to preserve or enhance.
- 2.4 As far as Section 72 is concerned, it has previously been established by the Courts that development that does not detract from the character or appearance of a conservation area is deemed to be in accordance with the legislation. In other words, there is no statutory requirement to actively ‘enhance’.
- 2.5 Relevant planning guidance, concerning the historic environment in Wales, is set out in *Planning Policy Wales Eighth Edition*, which was published in January 2016 (PPW 2016). With specific regard to conservation areas, Paragraph 6.5.17 identifies that:
- “...should any proposed development conflict with the objective of preserving or enhancing the character or appearance of a conservation area, or its setting, there will be a strong presumption against the grant of planning permission. In exceptional cases the presumption may be overridden in favour of development deemed desirable on the grounds of some other public interest. The Courts have held that the objective of preservation can be achieved either by development which makes a positive contribution to an area’s character or appearance, or by development which leaves character and appearance unharmed”.*
- 2.6 Further guidance for conservation areas is set out in *Welsh Office Circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas*. This Circular includes sections on preserving the settings of listed buildings and procedural advice for development affecting conservation areas.
- 2.7 The Vale of Glamorgan *Adopted Unitary Development Plan 1996-2011* still remains the Development Plan for the district until the emerging Local Development Plan is finalised and adopted. This contains Policy ENV20: Development in Conservation Areas:

PROPOSALS FOR NEW DEVELOPMENT OR ALTERATIONS TO BUILDINGS OR FEATURES WITHIN CONSERVATION AREAS WILL BE PERMITTED WHERE THEY PRESERVE OR

ENHANCE THE CHARACTER OF THE CONSERVATION AREA. SUCH PROPOSALS WILL NEED TO REFLECT:

- (i) THE SCALE, DESIGN, LAYOUT, CHARACTER, MATERIALS AND SETTING OF THOSE BUILDINGS WHICH ESTABLISH THE CHARACTER OF THE AREA;*
- (ii) THE PATTERNS OF USE WHICH ESTABLISH THE CHARACTER OF THE AREA;*
- (iii) IMPORTANT OPEN SPACE WITHIN AND ADJOINING CONSERVATION AREAS;*
- (iv) IMPORTANT TREES AND HEDGEROWS; AND*
- (v) PONDS AND STREAMS.*

2.8 The legislative and planning policy framework, which is described above, has been taken into account in the preparation of this heritage statement.

Section 3

Methodology

- 3.1 This Statement draws on a review of the Design and Access Statement (DAS) submitted with the planning application, consideration of the *Penarth Conservation Area Appraisal and Management Plan* document (dated 2011) and the completion of two site visits in mid April 2016, in order to understand the local context.

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Section 4 Published Documents

- 4.1 With regard to the site and the proposed development, the *Penarth Conservation Area Appraisal and Management Plan* (published in 2011) includes the following, in terms of this designated heritage asset's 'special interest':

"Diverse range of Victorian housing exemplifying the social hierarchy of the Victorian town, including the detached/semi-detached villas and terraces"

"Consistency of architectural framework in the relationship and composition of buildings, with strong identity given by the use of local materials (stone and brick)"

- 4.2 With regard to the 'Esplanade and Gardens' Character Zone (where the site is located), the *Penarth Conservation Area Appraisal and Management Plan* provides the following information with particular respect to Marine Parade, Bridgeman Road and Park Road:

"Along these formal roads, lined with a variety of trees...are concentrated some of the most impressive large, semi-detached and detached Victorian villas. They are designed in Gothic and Tudor styles, built out of local limestone, with a few yellow brick examples, and are situated in large landscaped gardens"

"The townscape in this area has been greatly altered by modern development which fronts the eastern edge of Marine Parade, and between Park Road and Bridgeman Road. On the unaltered, lower density detached plots in the area, the relationship between each house and its surrounding garden is important to the remaining character"

- 4.3 So, in other words, this states a clear recognition that there is a pronounced difference in character and appearance between the east and west sides of Park Road, where the modern development of the former presents a pronounced contrast with the impressive large Victorian villas that collectively define the latter.

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Section 5 The Baseline Position

- 5.1 The site is located within the boundary of the Penarth Conservation Area, and therefore the Council has a statutory duty to afford '*special attention*' to the desirability of preserving or enhancing its character or appearance, with PPW (2016) further adding that there is a '*strong presumption*' against the grant of planning permission where the character or appearance of the Penarth Conservation Area would not be preserved.
- 5.2 The most recently consented residential scheme for the site [2015/01004/FUL] provided for the demolition of the standing building on the application site; visible on historic OS maps as being the second house developed on the eastern side of Park Road and built sometime between 1940 and 1954; as well as the subsequent construction of a single dwelling in a bold and unashamedly modern architectural form.
- 5.3 Details of the approved residential dwelling make it clear that its architectural form and appearance made no attempt to reflect either the character or the appearance of the substantial paired late Victorian villas which occupy the western frontage of Park Road and were doubtless constructed to take advantage of the open, falling ground to the east and the views across the Bristol Channel when they were built in the 1880s.
- 5.4 It is noteworthy, from the historic OS maps, that no Victorian villas were built on the east side of Park Road, and indeed the first dwelling shown on that side of the road was constructed between 1920 and 1940 (this is the building adjacent to the site's south). In that regard, it is quite apparent, both historically and in the present day, that there is no one single consistent 'character or appearance' for this section of the extensive Penarth Conservation Area; the two sides of the road comprise residential properties of different dates, forms and architectural aspiration.
- 5.5 As **Images EDP 1** and **EDP 2** clearly illustrate, even the paired Victorian villas defining the west side of Park Road do not reflect a single or consistent form of construction. At face value they are similar, but the roof forms and external details are different from one to another, so that the degree of commonality is primarily restricted to their substantial, two and a half storey construction, the predominant use of Lias limestone with ashlar dressings and the restricted use of brick for ornamental decoration at the arises etc. In all cases the roofs are finished with slate.
- 5.6 These substantial and imposing dwellings are set back well away from the western road frontage, behind strong walls defining the pavement edge, and with numerous mature trees offering screening from the public thoroughfare.
- 5.7 By way of comparison, the east side of the road is characterised by a motley collection of six detached residential dwellings separated from the pavement edge by a range of boundary treatments; including hedgerows, park railings and brick walls in particular. In

all cases there is a collection of mature trees providing a degree of screening and also breaking up the form of the residential dwellings (**Image EDP 3**).

- 5.8 Looking at the five surviving residential dwellings lining the east side of Park Road – one to the north and four to the south; the one consistent feature is the clear absence of consistent features. The buildings range in height from a bungalow in the north to the substantial two storey dwellings adjoining the site to the south and at 'Silverdale'. They are in a diverse range of architectural forms; none of which in any way reflect or respect the high Victorian villas positioned opposite (see **Images EDP 4 to EDP 6**).
- 5.9 In all cases, these mid 20th century residential dwellings are furnished with comparatively low pitched and tiled roofs, with the walls constructed from a range of materials such as red brick, reconstituted stone/brick and painted render.
- 5.10 It is also noteworthy that, even on the west side of the road, where the Victorian villas provide the architectural characteristics, there is no consistency in terms of the form of roof structure employed, with 'hips' being highly visible within the conservation area, in addition to a diverse arrangement of other different treatments (**Images EDP 7 and EDP 8**). Nonetheless, pitched (not flat) roofs clearly represent the standard approach.
- 5.11 In light of the above, it is apparent that Park Road does not have a clear and defined, consistent character or appearance, with the existing residential dwellings occupying the two sides of the cul-de-sac (i.e. east and west) being of:
1. Completely different periods; i.e. the buildings are high Victorian (1880s) to the west and of mid 20th century origin to the east.
 2. Predominantly different scale; i.e. the Victorian villas to the west are substantial and of two and a half storey construction, whereas those to the east vary but still include some substantial houses.
 3. Generally different architectural form; the rather formal 'high Victorian' architecture of the west is replaced by a looser and informal approach on the east side, with the use of contemporary aspects being characteristic.
 4. Completely different materials; i.e. the buildings to the west are broadly of the same palette of slate, lias limestone and brick, whereas those to the east vary from one to the other and include a broad range of building materials.
 5. Significantly different character because of their relationship to the streetscene; the paired villas to the west are set well back behind brick-built walls, whereas the much later dwellings on the east side are closer to the road frontage and separated from it by variety of less formal boundary treatments.
- 5.12 In view of this situation, where the application site comprises one of six plots on the east side of Park Road laid out and built out during the mid 20th century, it would evidently

be inappropriate for new development in this location to take the Victorian dwellings on the west side of the road as defining the *character and appearance of the conservation area which is desirable to preserve or enhance*.

- 5.13 Instead, the baseline character and appearance, which the development proposal should aim to preserve or enhance, should be taken from the mid 20th century dwellings on the east side of the road – not only in order to maintain a consistent pattern along this cul-de-sac but also to ensure that the design intentions of the builders of the Victorian villas, that occupy the rising ground opposite, are not compromised or in any way diminished; instead remaining clear and legible as a coherent and distinct group.

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Section 6 Assessment and Conclusions

- 6.1 First and foremost, it must be recognised that the 'principle' of the site's redevelopment has been established through the positive determination of no less than three different planning applications.
- 6.2 It must also be recognised that the most recent applications identified the principle that the replacement dwelling need neither address nor employ the form and architecture that was commonly adopted by the Victorian builders of Penarth, and which is stated in the Council's *Conservation Area Appraisal and Management Plan* as being the defining characteristic on the western side of Park Road in particular.
- 6.3 The approval of a highly contemporary form of architecture in this location can only be taken as confirmation that the more appropriate reference points; in terms of defining the *character and appearance of the conservation area which is desired to be preserved or enhanced*; are the five mid 20th century dwellings north and south and defining the eastern edge of Park Road, rather than the striking Victorian villas opposite.
- 6.4 In view of the '*strong presumption*' stated against the grant of planning permission for new development which does not preserve or enhance the character or appearance of a conservation area (identified in PPW 2016), a reasonable conclusion can only be that the unashamedly modern form of architecture (the most recent applications employed) was considered to preserve or enhance the character or appearance of the conservation area and was therefore acceptable here.
- 6.5 Therefore, in view of the fact that the most recent applications remain 'live' and could presumably be implemented at the site, the assessment of the current scheme must take account of the baseline position established by the scale, form and appearance of the very contemporary architecture deemed to be acceptable by the Council in this location. Whilst the proposed dwelling returns to a more traditional form of architecture than the preceding designs, it is no more appropriate for it to follow or employ the approach that is found commonly on the west side of Park Road and more typically throughout the Victorian aspects of the conservation area.
- 6.6 If the 'relevant' character and appearance is taken to be the adjacent dwellings on the eastern side of Park Road, the two elements of the proposal's form and appearance that the Council's Conservation Officer states an objection to, can both rapidly be found in the immediately surrounding area:
1. The use of shallow pitched, hipped roofs; and
 2. The use of a 'significant amount of brick'.

- 6.7 As the photographs included with this Statement clearly illustrate, the use of shallow pitched and hipped roofs can be identified on adjacent properties contained within the conservation area, whilst 'Silverdale' (further south along Park Road) not only employs a significant amount of red brick in the principal elevations, but also a significant number of contemporary design features.
- 6.8 Set within that context, it is concluded that the low-pitched hipped roof and use of brick would not be out of keeping with the character or appearance of the conservation area relevant to the proposed development.
- 6.9 In many respects, the use of a '*steeper pitched roof*' (Paragraph 1.5 above) would serve to confuse the strong contrast, in both form and appearance, between the buildings occupying the two opposing frontages to Park Road; where those to the west employ a common palette of architectural features and those to the east comprise a diversity of different design approaches that are specific to the individual buildings involved.
- 6.10 Furthermore, the Design and Access Statement for the proposed development illustrates that the footprint, mass and height of the dwelling are all comparable with the dwelling found to be acceptable here in the two preceding planning applications.
- 6.11 Once again, it can only reasonably be concluded that they were deemed to preserve or enhance the character or appearance of the conservation area, and so therefore a new proposal which is of similar proportions should equally be capable of achieving the same high threshold, despite being of differing architectural aspirations.
- 6.12 Based on the fact that the Conservation Officer's objection to the scheme stems from an assessment against a baseline position which is not directly of relevance to the site and its immediate surroundings (i.e. the east side of Park Road), and makes a judgement about the effect of the proposals; i.e. their perceived failure to '*preserve or enhance*' the character or appearance of the conservation area; which would equally apply to both of the recent development proposals for this same site that were approved by the Vale of Glamorgan Council, it can only reasonably be concluded that this planning application should be looked on favourably.
- 6.13 Taking the existing built form occupying the eastern side of Park Road as defining the character and appearance of the Penarth Conservation Area which is desirable for the Local Planning Authority to preserve or enhance, it is concluded that the current scheme would address the requirements of the 1990 Act set out in Section 72(1).

Images



Image EDP 1: View looking west across Park Road from inside the site and showing the scale and architectural details of the Victorian villas opposite.



Image EDP 2: View looking north west across Park Road and showing the scale and architectural details of the Victorian villas defining the west side of this cul-de-sac.



Image EDP 3: Representative view showing the form of enclosure and extent of private space associated with the Victorian villas defining the west side of Park Road.



Image EDP 4: Typical view of 'The Round House', looking north east from Park Road and illustrating the eye-catching contemporary form of architecture.



Image EDP 5: Typical view of 'Silverdale', looking north east from Park Road and illustrating the extensive use of red brick and the contemporary architectural features.



Image EDP 6: Typical view of the earliest dwelling on the east side of Park Road, which adjoins the site to the south and is the tallest building on this side of the cul-de-sac.



Image EDP 7: Typical view east from the site and illustrating the diversity of building and roof forms in the adjoining parts of the Penarth Conservation Area.



Image EDP 8: Typical view south from the site and illustrating the diversity of building and roof forms in the adjoining parts of the Penarth Conservation Area.

Appendix EDP1
Conservation Officer Objection [2016/00176/FUL]

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Subject:

Planning Application 2016/00176/FUL - Overway, 12, Park Road, Penarth

From: Prichard, Yvonne J <YJPrichard@valcofglamorgan.gov.uk>
Date: Wednesday, 13 April 2016
Subject: Planning Application 2016/00176/FUL - Overway, 12, Park Road, Penarth
To: carolyn merrifield <carolyn@dowismerrifield.com>

Dear Carolyn,

I have now received the comments of Peter Thomas, the Council's Conservation Officer, on the application. For your information these are as follows:-

OBJECTION

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

The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) sets out the principal statutory instruments which must be considered in the determination of any application affecting either listed buildings or conservation areas.

Section 69 enables Local Planning Authorities to designate conservation areas. Conservation areas are those areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance. Section 72 requires that in the exercise of planning duties special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Recent case law (see particularly *E Northants DC v Secretary of State for Communities and Local Government* [2014] EWCA Civ 137) makes it clear that the duty imposed in the Act means that in considering whether to grant permission for development that may cause harm (substantial or less than substantial) to a designated asset (listed building or conservation area) and its setting, the decision maker should give particular weight to the desirability of avoiding that harm. There is still a requirement for a planning balance, but it must be informed by the need to give weight to the desirability of preserving the asset and its setting.

The Penarth Conservation Area Appraisal and Management Plan identifies the qualities of the conservation area. Whilst the conservation area is an area of special architectural and/or historic interest, the character or appearance of which it is desirable to preserve or enhance, this does not mean that it is automatically of high sensitivity to all forms or scales of development or that parts of it are uniformly of the same value and sensitivity.

The CAAMP is not prescriptive about which areas may be suitable for development but is guidance on general principles. It provides more detail than the Unitary Development Plan and is the preferred guidance for assessing the impact of the proposed scheme.

I am mindful of the recent planning history of the site (in particular 2013/01099/FUL, 2014/01355/FUL and 2015/01004 – the latter was a revision of 2014/01355/FUL) and do not object to the principle of a new dwelling on the site. Notwithstanding this, I have some concerns about the proposed scheme detailed below.

It is considered regrettable that the demolition of the building has been completed with no development scheme on site. Notwithstanding this, the new proposal needs to be considered on its own merits.

The 2013 application proposed two dwellings of a relatively traditional form. Whilst it might be argued that they formed a pastiche style of development they generally respected the form of buildings in this part of the conservation area.

The 2014 proposal (and the 2015 amendment) proposed a single dwelling of an unashamedly contemporary nature utilising a 'box' form with flat roofs.

The current scheme whilst incorporating contemporary features and detailing has introduced pitched roofs in an attempt to create a more 'traditional' form of development. However, a significant characteristic of roofs within the conservation is steeply pitched roofs with gables also prominent. The proposal indicates shallow pitched, hipped roofs. The use of this form of roof is not consider to preserve or enhance the character or appearance of the conservation area.

There is, in my view, scope for a building in this style (traditional form with contemporary detailing), however, this should reflect the wider characteristics of the conservation area – notably roof form should be reflected in the proposal if a pitched roof is preferred.

Notwithstanding this, I have some concerns relating to the mass of the proposed building. Whilst again I am mindful of the previously consented scheme the 2013 proposal has a significant gap between the two buildings which break up the mass and the 2014/2015 applications are much lower (as a result of having a flat roof) albeit with some elements projecting above the flat roof. If the current arrangement was continued with a steeper pitched roof to reflect the wider conservation area the mass of the building would increase commensurately.

The proposal appears to show a significant amount of brick. Whilst brick is a characteristic material within this part of the conservation area this is, on the whole, as a material for detailing and not a primary construction material. I wonder if there is scope to break up the mass of the building with other materials which are reflective of the character of the conservation area – notably Liassic limestone and ashlar; and potentially render. However, this is an area of detailed design that can be overcome relatively easily.

For the reasons outlined above I do not offer my support to the application.

In view of the above, and the due date for the determination of the application next week, unfortunately, the current application is not supported.

Regards

Yvonne Prichard

Senior Planner

Regeneration and Planning

Vale of Glamorgan Council / Cyngor Bro Morgannwg

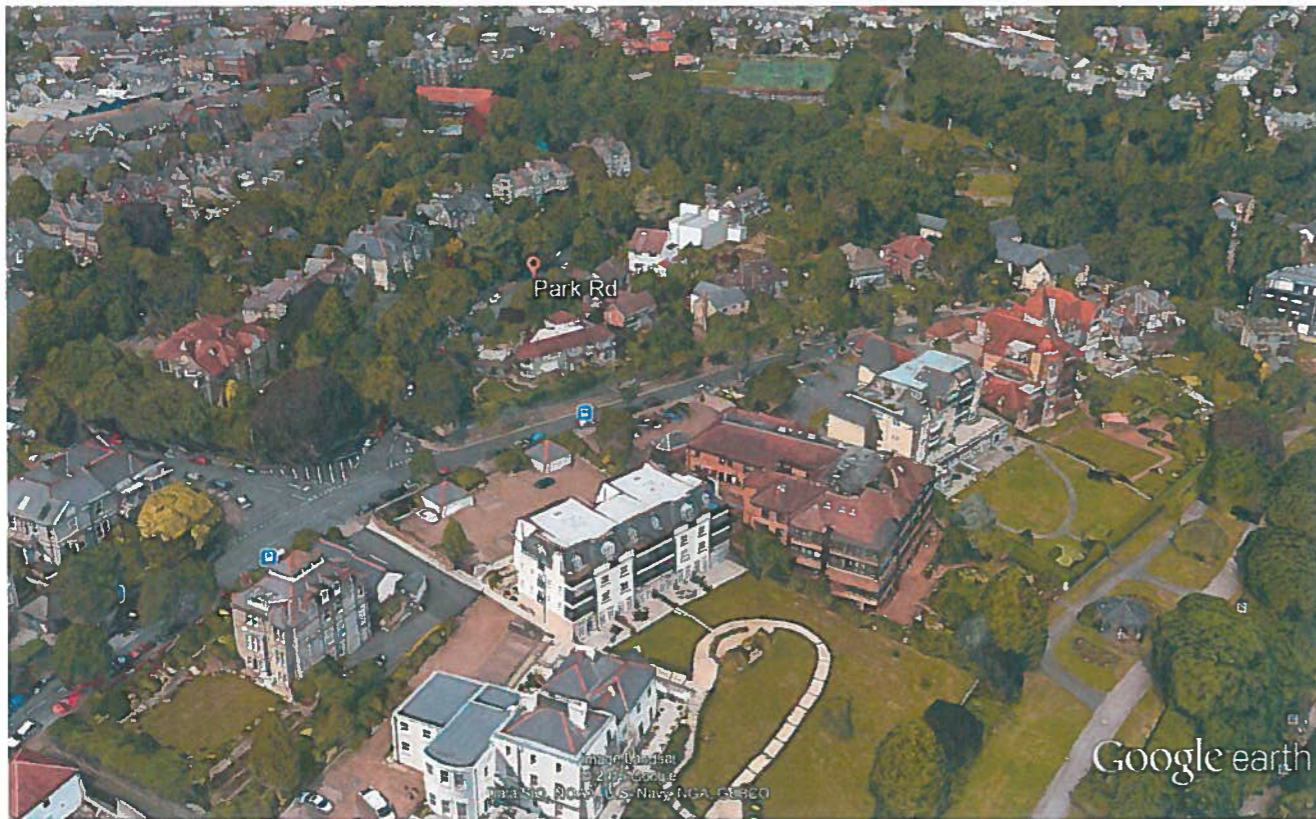
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Massing and Materials within
Conservation area around Site

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Google Aerial Views showing previous Planning Permission for contemporary scheme and the current scheme in the same context

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DOWNSMERRIFIELD architects



A

Single storey Dormer Bungalow in render with stone detailing, white windows bay features, grey concrete tiled roof (38 degree pitch), Timber picket Fence



B

Development Site

Originally 2 Storey brick and render house with gable dormers with rosemary tiled roof.(40' pitch), Boundary hedges – now demolished.



C

Large white rendered house – with bay window to front, gabled slate roof 30' pitch volume 1705m3 note this house is 2.4m higher than building B. Hedge boundary treatment



D

2 Storey House - cream/ grey brick with timber bay and pantile concrete gable roof- circa 35' pitch, dwarf wall to front boundary with hedge

Planning Application 1 – 2013/01100/CAC approved 14/03/14, for 2 no. detached 2 storey houses in traditional Victorian Pastiche with extra rooms in hipped roof (35' slate roof)- rendered walls windows with stone cills and heads -Volume approx. 1,500 m3

Planning application 2 – 2014/01355/FUL approved 29/01/2015 Flat roof contemporary design – white rendered walls with aluminium cladding, aluminium windows, roof terrace- Volume 2,835m3

Planning Application 3 – 2015/01004/FUL approved 21/10/15 similar to previous scheme – volume reduced to 1,950M3

Planning Application 4 – 2016/00176/FUL – still to be determined Buff Stone and brick with ashlar bands to match stone tones of Liassic limestone and ashlar on Park Road hipped slate roof 25' to keep within original planning and maintain views from opposite



E

Large 2 storey house with lower roof pitch to ground floor. green render and pantile concrete gable roof with brick chimney white 'punched hole windows – boundary treatment hedge Volume Circa 1800m3



Park Road East Context and Massing

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