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| MEMORANDUM / COFNODThe Vale of Glamorgan CouncilDevelopment ServicesDock Office, Barry Docks, Barry, CF63 4RT |  |

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| To / I: | Yvonne Prichard |  | From / Oddi Wrth: | Conservation and Design |
| Dept / Adran: | Development Management |  |  |  |
|  |  |  | My Ref / Fy Cyf: |  |
| Date / Dyddiad: | 22 March 2017 |  | Tel / Ffôn: | (01446) 704628 |
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Subject / Testyn: **Planning Application No. 2017/00112/FUL (YP)**

 **Location : 8, Cliff Parade, Penarth**

 **Proposal : Replacement dwelling and garage**

**NO OBJECTION**

**LEGISLATION AND POLICY**

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 66 of the Act states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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 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.

Historic Environment (Wales) Act 2016

The Historic Environment (Wales) Act 2016 received Royal Assent on 21 March 2016. Whilst the Act introduced a number of provisions which took effect on 21 May 2016 none of these are directly relevant to the proposal being considered.

Planning Policy Wales

Paragraph 4.11.1 of Planning Policy Wales (PPW) defines design as:

“…the relationship between all elements of the natural and built environment. To create sustainable development, design must go beyond aesthetics and include the social, environmental and economic aspects of the development, including its construction, operation and management, and its relationship to its surroundings.”

Paragraph 4.11.9 of PPW further notes:

“The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.”

Chapter 6 of Planning Policy Wales (PPW) sets out the Welsh Government’s planning guidance on the conservation and enhancement of the historic environment.

Para 6.5.11 states “There should be a general presumption in favour of the preservation of a listed building and its setting, which might extend beyond its curtilage. For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses. The aim should be to find the best way to protect and enhance the special qualities of listed buildings, retaining them in sustainable use. The continuation or reinstatement of the original use should generally be the first option, but not all original uses will now be viable or appropriate. The application of development and listed building controls should recognise the need for flexibility where new uses have to be considered in order to secure a building’s survival or provide it with a sound economic future.”.

Technical Advice Note 12: Design

Technical Advice Note 12: Design supplements the design advice given in PPW and gives further advice on how good design may be facilitated within the planning system.

DRAFT Technical Advice Note 24: The Historic Environment

In late 2016, the Welsh Government conducted a consultation exercise on a new Technical Advice Note 24: The Historic Environment. However, this has not yet led to the publication and adoption of a TAN.

**ASSESSMENT OF PROPOSAL**

Site Location

The site is located outside the Penarth Conservation Area but within the residential settlement boundary of Penarth. It occupies a relatively high profile site bounded to the east by Cliff Walk (and the adjacent cliffs); to the west by Cliff Parade and to the north by No. 6 Cliff Parade. The vertex of Cliff Walk and Cliff Parade meat to form the southern boundary.

The relatively narrow plot means careful consideration will need to be given to amenity space for the proposed dwelling. The proposal introduces an unashamedly contemporary building which will exploit the coastal setting and views over the Bristol Channel.

Concept

Reference is made in the Design and Access Statement (DAS) to Art Deco precedents in Penarth citing Sea Roads (opposite the site) and the former Post Office. Both of these buildings should be considered, in fact, as examples of the Art Moderne movement rather than Art Deco. Their strong horizontal emphasis and the curved ribbon windows of the Post Office are classic characteristics of this style. The proposal is, probably, more accurately described as Neo-modernist.

The Design Concept is well articulated on page 24 of the DAS and is not, therefore, repeated here.

Materials

A simple pallete of materials consisting of a through colour render with stained black timber and powder coated metal detailing is proposed. The use of a through colour render in an exposed location is of some concern as it can weather badly. This is, however, chiefly a procurement issue and provided it is applied appropriately should not be a significant issue.

Acceptability of the Proposal

The current dwelling on the site is of limited architectural merit. The principal of its demolition and replacement is considered to be acceptable. The proposal to introduce a Neo-modernist building in its place is also considered appropriate.

Whilst it is, perhaps, regrettable that there is limited articulation on the highway facing elevation I am mindful of the current situation where the boundary is formed by a tall fence. On this basis, I do not raise an objection to the proposal.

Impact on the Historic Environment

Mindful of the existing situation I am satisfied that the setting of the nearby listed building (Sea Roads) will be preserved.

**CONCLUSION**

For the reasons given above I do not object to the application.

Peter Thomas

Senior Planner (Conservation and Design)