



**Northcliffe Lodge,
Northcliffe Drive,
Penarth**

**Heritage Impact
Assessment**

Prepared by:
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Dimension
Partnership Ltd
(EDP)**

On behalf of:
**Celtic Developments
Penarth Ltd**

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Contents

Non-technical Summary

Section 1	Introduction	1
Section 2	The Site	5
Section 3	Methodology	7
Section 4	Legislative and Planning Policy Context.....	11
Section 5	Designated Heritage Assets	15
Section 6	The Proposed Development	31
Section 7	Impact Assessment.....	33
Section 8	Conclusions	37
Section 9	References.....	39

Images

Images EDP 1 - 24

Appendices

Appendix EDP 1	Vale of Glamorgan Planning Committee Report (5 January 2017)
Appendix EDP 2	Landscape Visual Impact Assessment
Appendix EDP 3	Listing Citation for St. Augustine’s Parish Church
Appendix EDP 4	Listing Citation for the Custom House
Appendix EDP 5	Listing Citation for Marine Buildings
Appendix EDP 6	Revised Development Proposals

Plan

Plan EDP 1	The Site and Relevant Heritage Asset (EDP3851/01 11 May 2017 JTF/AC)
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Non-technical Summary

- S1 This Heritage Impact Assessment has been prepared by The Environmental Dimension Partnership Ltd (EDP), for Celtic Developments Penarth Ltd (the applicant), to inform and support revised development proposals for Northcliffe Lodge, Northcliffe Drive in Penarth.
- S2 It has been prepared in response to the decision to prepare and submit revised proposals for the residential redevelopment of the site, in light of the Vale of Glamorgan Council's decision to refuse a previous planning application against the recommendation of officers, who identified/raised no technical reasons why it should not be positively determined. In light of that situation, this report was commissioned to provide an evidence base to inform the preparation of revised development proposals, as well as to support the submission of the revised planning application.
- S3 The report considers and assesses the potential nature and magnitude of any impacts from the revised development proposals on the four designated heritage assets deemed to be capable of being indirectly affected (in terms of changes to their setting) by the Council's specialist in-house conservation advisor for the previous application; namely:
- St. Augustine's Parish Church Grade I listed building;
 - The Custom House and Marine Buildings Grade II listed buildings; and
 - The Penarth Conservation Area.
- S4 The assessment has been prepared in line with current best practice professional guidance issued by English Heritage in 2011 and endorsed by Cadw; it concludes that none of the four assets identified and considered would be adversely affected by the completion of the proposed development scheme, either directly (in terms of their form or fabric) or indirectly in terms of their setting. This assessment accords with the previous advice provided by the Council's own conservation officer to the Planning Committee, in respect of the original planning application, and Cadw in providing a response to the Pre-Application Consultation exercise for the revised planning application.
- S5 In light of that common assessment, it is the clear conclusion of this report that there is no reason (on historic environment grounds) why the current proposals and revised planning application should not be positively determined.

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Section 1 Introduction

- 1.1 This Heritage Impact Assessment (HIA) has been prepared by The Environmental Dimension Partnership Ltd (EDP), for Celtic Developments Penarth Ltd (the applicant), to inform and support revised development proposals for Northcliffe Lodge, Northcliffe Drive in Penarth.
- 1.2 This document has been researched and prepared in response to the refusal of a previous full planning application (Ref. 2015/01449/FUL) by the planning committee of the Vale of Glamorgan Council (VoG) on 5 January 2017, where just a single Reason for Refusal is set out; this stating the following:

“The proposed development is considered to be contrary to the aims of Policies HOUS2 - Additional Residential development, HOUS8-Residential Development Criteria and ENV27-Design of New Developments, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the advice contained within Planning Policy Wales and Technical Advice Note 12 (Design) for the following reason: It is considered that the proposed buildings are of an excessive size, massing and form and fail to have regard to the context of the site, would appear as over scaled and incongruous within the streetscene and within its coastal headland context, and would fail to either preserve or enhance the character of the nearby Conservation Area or Listed Buildings. The development would therefore be contrary to the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990”.

- 1.3 It is noted that (on Page 30 of the Committee Report) the case officer recommended the approval of the previous planning application by the committee, subject to the satisfactory agreement of Section 106 contributions and the imposition of 18 conditions. A full copy of the 5 January 2017 committee report is included as **Appendix EDP 1**.
- 1.4 However, in light of the application’s refusal at the 5 January committee, the proposals for the site have been reviewed and reconsidered, in order to address the Reason for Refusal. This heritage assessment is intended to build on the commentary which the Council’s own conservation officer provided in respect of the previous planning application; outlined on Pages 15 & 16 of the committee report (**Appendix EDP 1**), and therefore inform and support the positive determination of this new submission.
- 1.5 Pages 15 and 16 of the committee report outline the comments of the Council’s in-house conservation officer, who was evidently the only technical heritage specialist consulted by the Local Planning Authority in determining this planning application:

“Marine Building (Grade II) and Custom House (Grade II)

The immediate setting of these...buildings is the former tidal estuary that led to the Penarth and Cardiff Docks. Since the construction of the Cardiff Bay Barrage this immediate setting has been altered drastically, however, the quintessential maritime character of the area remains. Behind the buildings the cliff face forms the back drop to the buildings with

development above. In longer range views across Cardiff Bay the scale of the cliffs is such that this aspect of the setting of the listed building is considered negligible.

Church of St. Augustine's (Grade I)

The immediate setting of the Church is considered to fall completely within the Penarth Conservation Area some distance from the application site. However, given the height of the tower and the prominent location at the top of the head the wider setting is considerable. In particular, views of the Church (usually in silhouette) from across Cardiff Bay form part of the setting of the listed building. The proposed development will lie below the existing built development in the area and there will be no impact on the silhouette of the Church from across the Bay. I am, therefore, of the opinion that the setting of the Church will not be affected.

Penarth Conservation Area

In terms of the setting, the issues...are similar to the Church above. Short range setting of the conservation area in this area is largely constrained by existing development that lies outside the conservation area boundary. Longer range views are of the skyline across Penarth Head include the significant tree coverage. I note there is a recent TPO on the site and note the development would entail the loss of a significant number of trees across the site. This is an aspect that could affect the setting of the conservation area to some extent. However, this is likely to be from long range views."

- 1.6 Page 15 of the committee report therefore notes that *"In assessing the impact on the identified heritage assets the Council's Conservation Officer has concluded that there will be no impact on the setting of the listed buildings or conservation area arising from the proposed development"*.
- 1.7 As no other heritage assets are mentioned by the council's own conservation specialist as being capable of being affected by proposed development here, and the committee report does not identify any other heritage assets in connection with the development proposals; this assessment concentrates solely on the following heritage assets:
 - a. St. Augustine's parish church Grade I listed building [ID 13347]
 - b. Custom House & Marine Buildings Grade II listed buildings [IDs 13350 & 13351]
 - c. The Penarth Conservation Area
- 1.8 None of these heritage assets would be directly affected by the proposed development of the site, but (even so) appropriate consideration must be afforded to the potential indirect effect of the proposed development upon them, through change within their setting, in order to address the requirements of current legislation and planning policy.
- 1.9 To aid this Heritage Impact Assessment (HIA), a qualified Landscape Architect of EDP has carried out a visual impact assessment of the site and the revised proposals, with

appropriate consideration afforded to the viewpoints and montages provided in the Buzzbox 'Impact Assessment' which is dated 18 May 2017 (and provided alongside this submission) to inform and support the resubmitted development proposals. The findings of this visual assessment, and the anticipated level of effect of the proposed scheme upon visual receptors within the surrounding context, can be found within **Appendix EDP 2**.

- 1.10 The objective of this report is to (first) define the identified assets' heritage significance; whether, how, in what way(s) and to what extent their setting contributes to that heritage significance, and the role the land within the site area plays in that respect; and (second) to assess the impact of the proposed development upon that significance and outline any measures which are needed to mitigate any adverse effects.

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Section 2 The Site

- 2.1 The following paragraphs identify the location of the proposed development site, as well as its topographic position, boundaries and land use.

Location

- 2.2 The site is situated at the north eastern tip of Penarth, which is a town located on the south side of Cardiff Bay (formerly an estuary at the confluence of the Rivers Ely and Taff), and on the north west side of the Bristol Channel.
- 2.3 The site is centred on National Grid Reference (NGR) ST 1895 7240 and located at the east end of Northcliffe Drive, a curving minor road which leads off the adjacent Paget Place, close to the northern tip of the town of Penarth.

Topography

- 2.4 Page 11 of the '*Penarth Conservation Area and Management Plan*' (VoG 2011) includes a map illustrating the topography within and adjoining the Penarth Conservation Area. This shows that the proposed development site occupies the north side of an east-west aligned promontory of elevated ground, where levels fall steeply away on the northern and southern sides, as well as down to the Bristol Channel in the east.
- 2.5 The Grade I listed St. Augustine's parish church [ID 13347] occupies the high point of this promontory, at a height of circa 75 metres Above Ordnance Datum (aOD), with the ground then falling steeply northwards to meet the edge of the former Penarth Docks (now marina) at approximately 5 metres aOD.
- 2.6 The proposed development site occupies the lower to middle reaches of that north-facing slope, spanning the range from circa 33 metres aOD in the north to 41 metres aOD in the south, based on information contained in the planning application.

Boundaries

- 2.7 The boundary of the site (shown on **Plan EDP 1**) is complex and irregular, but essentially covers the landholding associated with the residential dwelling known as Northcliffe Lodge; which stretches north from the north side of Paget Place to the rear of Custom House and Marine Buildings (both designated as Grade II listed buildings).
- 2.8 Existing residential developments, focused on Mariner's Heights to the west and Northcliffe to the east, define the western and eastern boundaries of the site area.

Current Land Use

- 2.9 The site currently comprises the trees and overgrown gardens associated with the existing residential dwelling called 'Northcliffe Lodge'; which is first labelled on the 1954 edition of the 25" Ordnance Survey map, but is first depicted on the preceding edition dated 1940. It is not illustrated at all on the 1920 edition Ordnance Survey map, when instead the site comprised an expanse of ornamental landscaping associated with the Victorian villa known as 'Northcliffe' (which no longer survives) further along to the east.
- 2.10 In addition to a small area in the centre around Northcliffe Lodge, the site contains an area of tarmac-covered hardstanding in the south east, which comprises a car park located off Northcliffe. This is accessed via the curving course of Paget Place further south east.

Section 3

Methodology

- 3.1 This heritage assessment report has been produced in accordance with the *Standard and Guidance for Historic Environment Desk-Based Assessment* issued by the Chartered Institute for Archaeologists (CIfA 2014).
- 3.2 The assessment process was also undertaken with reference to the guidance set out in English Heritage (2011) '*The Setting of Heritage Assets*', which is deemed by Cadw to still present a robust methodology for the assessment of wider setting issues, in the conservation and management of the historic environment, prior to its own guidance being issued and adopted in May 2017.
- 3.3 It should be noted that Cadw prepared and issued a draft version of its own guidance, on the identification and assessment of setting effects for historic assets, for public consultation in summer 2016. EDP has made Representations on that draft document, and continues to prefer English Heritage Guidance (EH) (2011) until such time as it has been revised, given the matters which were identified in those Representations.
- 3.4 It identifies and considers potential effects on the significance of the designated heritage assets, identified above in Paragraph 1.7 of this heritage assessment, through changes within their setting.
- 3.5 This assessment involved (1) a review of the background legislative, planning context and Local Development Plan framework; (2) analysis of citation documents for the three listed buildings and the appraisal and management plan for the Penarth Conservation Area, and (3) the completion of numerous visits to the development site and surroundings.
- 3.6 These were visits were undertaken in February, April and May 2017, and concentrated on three principal aspects:
- Identifying those heritage assets that could potentially be affected by the proposed development and the manner in which they might be affected;
 - Defining their 'significance' (see Cadw, 2011) and the contribution that is made in that respect by their wider setting; and
 - Assessing the likely impact upon their 'significance' as a consequence of the form of development proposed being implemented.
- 3.7 With regard to potential effects on designated heritage assets through changes within their setting, the assessment process employed in English Heritage guidance (2011) provides a framework for the identification and assessment of potential setting effects in an historic environment context.

- 3.8 This English Heritage guidance is clear in stating that change within an asset's setting need not automatically be harmful; the implementation of development proposals located within a heritage asset's setting can be positive, can be negative, or may indeed be neutral.
- 3.9 English Heritage guidance (2011) sets out an approach to setting and development management based on a five-step procedure:
1. Identify which heritage assets are capable of being affected;
 2. Assess whether, how and to what degree setting makes a contribution to the significance of the heritage asset(s);
 3. Assess the effects of the proposed development, whether beneficial or harmful, on that significance;
 4. Explore ways of maximising enhancement and avoiding or minimising harm; and
 5. Make and document the decision and monitor outcomes.
- 3.10 As far as the application of Step 1 of English Heritage guidance (2011) is concerned, the confirmation of "*heritage assets capable of being affected*" was undertaken using a combination of map based analysis and a site visit to check the contents of the committee report outlining the refusal of the previous planning application.
- 3.11 Appeal decisions (i.e. Javelin Park, Gloucestershire [Ref 12/0008/STMAJW]) have clarified the interpretation of the English Heritage guidance and established that the ability to see a proposed development, either from the heritage asset itself or from within its setting, should not be equated with harm to the significance of the asset.
- 3.12 Further confirmation that the ability to see an asset from a site (or vice versa) should not be equated with there being harm caused to that heritage asset, is to be found in the Secretary of State's recent endorsement of the Planning Inspector's conclusions regarding heritage matters in the appeal for 100 Avenue Road, London. In that instance the principal issue related to outward views from a number of conservation areas in the surrounding environs [APP/X5210/W/14/3001616].
- 3.13 Therefore, the key issue to be determined is whether, and to what extent, the proposed development would affect the contribution that setting makes to the heritage significance of the asset under consideration, as per Step 2 of the guidance.
- 3.14 Step 2 of EH (2011) was covered off through the completion of the background research and the site walkovers in February, April and May 2017.
- 3.15 This latter exercise focused on assessing the relevant heritage assets to determine (1) their significance, (2) whether, how, to what extent and in what way(s) their setting makes a contribution to that significance, and finally (3) whether there is any inter-relationship with the land at the site which makes a contribution in that regard.

3.16 As far as Step 2 is concerned, the guidance makes the following observations:

“The second stage of any analysis is to assess whether the setting of a heritage asset makes a contribution to its significance and the extent and/or nature of that contribution...this assessment should first address the key attributes of the heritage asset itself and then consider:

- *The physical surroundings of the asset, including its relationship with other heritage assets;*
- *The way the asset is appreciated; and*
- *The asset’s associations and patterns of use.”*

3.17 The assessment of ‘significance’ (in respect of the four assets identified in Paragraph 1.7) has been undertaken with reference to the four ‘heritage values’ which are recognised in Cadw (2011) ‘*Conservation Principles for the Sustainable Management of the Historic Environment in Wales*’. In summary, these comprise:

- **Evidential value:** defined as those elements of the historic asset that can provide evidence about past human activity, including its physical remains or historic fabric;
- **Historical value:** defined as those elements of an asset which might illustrate a particular aspect of past life, or might be associated with a notable family, person, event or movement;
- **Aesthetic value:** defined as deriving from the way in which people draw sensory and intellectual stimulation from the historic asset; and
- **Communal value:** defined as deriving from the meaning that an historic asset has for the people who relate to it, or for whom it figures in their collective experience or memory.

3.18 In each case, the values contributing to an asset’s significance have been determined through recourse to the six-step criteria (exceptional to intrusive) employed by the Drury McPherson Partnership in ‘*Bolsover Castle, Derbyshire: A Conservation Plan for English Heritage*’ (2012) in the absence of any specific national guidance from Cadw.

3.19 Thereafter, the guidance notes that “...*this assessment of the contribution to significance made by setting will provide the baseline for establishing the effects of a proposed development on significance, as set out in ‘Step 3’ below*”.

3.20 Having established the baseline, the following guidance is provided in respect of an assessment of the effect upon ‘setting’:

“In general...the assessment should address the key attributes of the proposed development in terms of its:

- *Location and siting;*
- *Form and appearance;*
- *Additional effects; and*
- *Permanence”.*

3.21 The assessment of potential impacts (Step 3), and the exploration of ways to maximize enhancement and otherwise avoid or minimize harm (Step 4), are summarized later in this report in **Sections 6** and **7**.

3.22 In light of the above, this heritage assessment has been prepared in a robust manner, employing current best practice professional guidance.

Section 4 Legislative and Planning Policy Context

- 4.1 This section sets out existing legislation and planning policy, governing the conservation and management of the historic environment, of relevance to this application.

Current Legislation

- 4.2 The ‘*Planning (Listed Buildings and Conservation Areas) Act*’ of 1990 is the primary legislative instrument addressing the treatment of listed buildings and conservation areas through the planning process.

- 4.3 Section 66(1) of the 1990 Act concerns listed buildings and 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.”

- 4.4 The ‘special regard’ duty of the 1990 Act has been tested in the Court of Appeal and confirmed to require that “*considerable importance and weight*” should be afforded by the decision maker to the desirability of preserving a listed building along with its setting. The relevant judgement is referenced as ‘*Barnwell Manor Wind Energy Ltd v East Northants DC, English Heritage and National Trust*’ (2014) EWCA Civ 137.

- 4.5 However, it must be recognised that s66(1) of the 1990 Act does not identify that the local authority or the Secretary of State must preserve a listed building or its setting; and neither does it indicate that a development that does not preserve them is unacceptable and should therefore be refused.

- 4.6 This point is made very clearly in Paragraph 54 of the judgement regarding ‘*Forest of Dean DC v Secretary of State for Communities and Local Government*’ (2013), which identifies that “*...Section 66 (1) did not oblige the inspector to reject the proposal because he found it would cause some harm to the setting of the listed buildings. The duty is directed to ‘the desirability of preserving’ the setting of listed buildings. One sees there the basic purpose of the ‘special regard’ duty. It does not rule out acceptable change. It gives the decision-maker an extra task to perform, which is to judge whether the change proposed is acceptable. But it does not prescribe the outcome. It does not dictate the refusal of planning permission if the proposed development is found likely to alter or even to harm the setting of a listed building*”.

- 4.7 In other words, it is up to the decision maker (such as a local authority) to assess whether the proposal which is before them would result in ‘acceptable change’.

National Planning Policy

- 4.8 National planning guidance, concerning all forms of historic assets in Wales, is set out in Chapter 6 of *'Planning Policy Wales Edition Nine'* (November 2016). For listed buildings Planning Policy Wales (PPW) states (at Paragraph 6.5.11) that:

"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...to secure a building's survival or provide it with a sound economic future."

- 4.9 With regard to conservation areas, Paragraph 6.5.20 states that *"there should be a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting"*.
- 4.10 In addition, Paragraph 6.5.21 adds that *"there will be a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on the grounds of some other public interest"*.
- 4.11 Further guidance for listed buildings is set out in *'Welsh Office Circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas'*. This Circular includes detailed sections on preserving the settings of listed buildings and procedural advice for development affecting conservation areas.
- 4.12 A consultation draft of *'Technical Advice Note (TAN) 24: The Historic Environment'* was published by the Welsh Government in summer of 2016, and the comments received are apparently in the process of being reviewed prior to it coming into force in May 2017. Upon adoption, *'Welsh Office Circular 61/96'* will be cancelled and its provisions superseded by those presented in *'TAN 24'*. Paragraph 1.4 of TAN 24 states that:

"The purpose of this TAN is to provide guidance on how the planning system considers the historic environment during development plan preparation and decision making on planning applications. This TAN provides specific guidance on how the following aspects of the historic environment should be considered:

- *World Heritage Sites;*
- *Archaeological remains;*

- *Listed buildings;*
- *Conservation areas; and*
- *Historic parks, gardens and landscapes”.*

4.13 In the meantime, the ‘*Welsh Office Circular 61/96*’ continues to set out relevant guidance on listed buildings and conservation areas until TAN24 is adopted.

Local Planning Policy

4.14 The ‘*Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011*’ continues to constitute the development plan for the authority. In that regard, Policy ENV 17 of Vale of Glamorgan (VOG) 2006 provides the following regarding the built and historic environment:

“The environmental qualities of the built and historic environment will be protected. Development which has a detrimental effect on the special character and appearance or setting of:

- A building or group of buildings, structure or site of architectural or historic interest, including listed buildings and conservation areas;*
- Scheduled ancient monuments and sites of archaeological and/or historic interest; and*
- Designed landscapes, parks or gardens of historic, cultural or aesthetic importance*

Will not be permitted”.

4.15 Furthermore, Policy MD9 of the ‘*Vale of Glamorgan Local Development Plan 2011-2016 Written Statement*’ (November 2013), which now represents the ‘emerging’ planning policy position for the Council, sets out the following:

“Development proposals must protect the qualities of the built and historic environment of the Vale of Glamorgan, specifically:

- 1. Within conservation areas, development proposals must preserve or enhance the character or appearance of the area;*
- 2. For listed and locally listed buildings, development proposals must preserve or enhance the building, its setting and any features of significance it possesses; and*
- 3. Within designed landscapes, historic parks and gardens, and battlefields, development proposals must respect the special historic character and quality of these areas, their setting or historic views or vistas”.*

- 4.16 The current legislation (and Case Law) and relevant planning policy described above has been taken into account in the preparation of this heritage assessment.

Section 5 Designated Heritage Assets

- 5.1 This section addresses Step 2 of the five-step approach to setting assessment described in English Heritage guidance(2011).

St. Augustine's Parish Church Grade I Listed Building [ID 13347]

- 5.2 This Grade I listed building is situated circa 250 metres south of the southern boundary of the site, and approximately 20 metres vertically higher up the slope.
- 5.3 The listing citation states that it is located “*in walled churchyard on highest part of Penarth Head; entrance close to junction with St Augustine's Place*”, and adds that the reason for its designation is as follows:

“Graded I as this important architect's [William Butterfield] most ambitious building in Wales, an unspoilt textbook example of high Victorian church architecture.”

- 5.4 It is stated that the church was built in 1865-66 for Baroness Windsor, and it replaced the medieval church that had been outgrown by Penarth's rapidly growing population. The new Victorian church's builders were Webb and Co of Birmingham.
- 5.5 A full copy of the listing citation is included at **Appendix EDP 3**, but it provides the following descriptive summary of the church's exterior:

“Victorian Gothic church in spare Early English style with distinctive saddleback tower. Chancel with S transept organ chamber and N vestry over boiler room; aisled nave with SW saddleback tower and NW porch. Leckwith limestone facings, bathstone dressings and bands, red Staffordshire tiles, some Radyr stone shafts. Parapet gables with carved crucifix finials and moulded kneelers. Stepped sill band with quatrefoil panels under three-light Geometric East window. Low set back buttresses with steep set-offs. Grouped lancets with small oculus to organ chamber. Paired lancets (single towards W) in shallow clerestorey panels with banding as E wall; grouped aisle lights divided by buttresses with sill band as before. Weathercock finial to W gable of four-storey tower with corbelled saddle, twin re-used lancets to bell openings, triple arcades to lower storey, corner buttresses. Simple pointed archway of two orders (chamfered and cavetto) with hoodmould and impost stringcourse; double boarded doors with fine foliage hinges and fretted ironwork band incorporating door handle. Four-light plate tracery W window with twin panels below sill band. Remarkable quatrefoil to N aisle end overlapped by cross gable NW porch with shafted outer archway reached up steps. Tall NE vestry with fine twin round stacks, 'ragged' gable crucifix over unusual three-light plate tracery window and offset doorways...under catslide roof. Typical shouldered lights in E wall.”

- 5.6 The significance (i.e. 'special interest') of this highly graded listed building will be assessed below, along with due and appropriate consideration of the contribution made by its setting within the wider landscape.

Assessment of Significance

- 5.7 The building's significance is deemed to derive from its 'exceptional' *evidential, aesthetic, historical and communal* values.
- 5.8 Collectively, these heritage values can be understood and appreciated through the external elevations and tower of the building, which not only represents a key resource and for the community of people in Penarth who continue to worship there, but also for the community at large, who partake in a range of artistic and educational events throughout the year. Moreover, the building remains a prominent landmark within Penarth, and is recognised more widely; standing as a centrepiece of the community.

Contribution made by the Building's Setting

- 5.9 Analysis of the first edition 25" Ordnance Survey map (1879) shows that, when the church was built during the mid 1860s, it stood within a sparsely occupied townscape characterised by dispersed and somewhat disparate groups and short terraces of residential dwellings.
- 5.10 Despite being ringed and enclosed by a network of apparently residential streets, the map illustrates the church and its associated sub-rectangular churchyard set well away from the areas of dense residential settlement which now characterise Penarth Headland. Indeed, Belle Vue Park and the associated residential street to the north are not shown on the map and instead the triangular space is occupied by a substantial quarry.
- 5.11 Of particular note is the apparent openness of the steep downwards slope to the north, with the buildings arranged along John Street and Maughan Terrace being the only sign of the dense packed and tightly arranged residential thoroughfares which have come to dominate this section of the headland since the latter part of the 19th century.
- 5.12 In terms of its 'present' setting (i.e. within the contemporary landscape), this listed building is 'experienced' from a broad area of the townscape within Penarth and further to the west, north and east. This is largely because of (a) the position of the building on the highest point in the town and (b) its scale and prominence.
- 5.13 However, the close grained nature of the Victorian and later street pattern, combined with the nature of the topography, means that the building becomes less visible and far less of a landmark from the centre of Penarth to the south. Thus, the experience of St. Augustine's Parish Church is concentrated close-up from among the surrounding streets and spaces on the headland, and from further afield around the margins of Cardiff Bay, which collectively make up the former estuary of the rivers Taff and Ely.
- 5.14 In large part because of the screening effect of the steep natural topography and the form of the terraced housing stepping upwards to the south; in combination with the trees and

vegetation around the existing residential property of Northcliffe Lodge; there are not ready views of the listed church from within the majority of the site. Insofar as there is an evident interrelationship between the site and the church, it is from the southern edge along Paget Place and consists of intermittent glimpses of the upper portion of the tower between and over the rooftops of houses on the intervening slopes. In a comparable vein, views of the site from the church are restricted to the upper elements of the tallest trees occupying the gardens around Northcliffe Lodge. There is no appreciation/experience of Northcliffe Lodge.

- 5.15 In many respects, the 'historical' interest of the building is best appreciated and understood internally, where there is a preserved section from a medieval stone cross. This represents the only surviving element of the medieval monastic foundation which graced the headland prior to its demolition and clearance in the mid-19th century. It is designated as a scheduled monument and bears testimony to the longstanding occupation of this prominent piece of high ground overlooking the Bristol Channel, representing one a number of such headlands; where there is evidence for medieval and earlier settlement (e.g. Llandough).
- 5.16 By comparison, the aesthetic and communal values of this listed building are appreciated and understood best from within the enclosed spaces of its churchyard (see **Image EDP 1**) and the surrounding streets and spaces, such as Belle Vue Park in particular. From here, the scale and architectural sophistication of the building makes a strong impression within the contemporary streetscape, providing a clear and consistent landmark from throughout the tightly defined network of late Victorian streets (i.e. **Images EDP 2 & 3**).
- 5.17 However, the building's aesthetic and evidential values can be understood and appreciated from across a wide arc of the contemporary landscape, from around Penarth Docks in the west, to the Taff Bridge (A4055) and Penarth Moors in the north west, to the edges of Cardiff Bay stretching from Butetown round to the Pierhead and back south across the barrage. A map-based representation is included here as **Plan EDP 1**.
- 5.18 Whilst Cardiff Bay itself, and many of the areas that adjoin it, derive from the decision to impound the inter-tidal reaches of the rivers Taff and Ely to create a large freshwater lake in the latter years of the 20th century; driving a process of redevelopment which has brought a diverse mixture of residential and commercial interests to the surrounding landscape; the headland setting of St. Augustine's parish church continues to represent an aspect of the historic landscape characteristic of this area stretching back to the 19th century. Therefore, whilst the context of many of the viewpoints is now definably 'modern', the continued ability to appreciate the topographic position of the church, and its role in marking the position of the town of Penarth in the landscape, makes an important contribution to its significance.
- 5.19 In longer distance views, particularly from the fringes of Cardiff Bay to the north, the church stands out as a highly visible landmark (defining the location of Penarth) with both the nave and the tower rising prominently above the roofscape of predominantly Victorian terraced housing on the ridge and higher slopes running east-west along the headland. These views are clearly illustrated in **Images EDP 4 to 7**.

- 5.20 The aesthetic values enshrined in the church's form and fabric are difficult to discern from further away to the north and west (as shown by **Image EDP 6**), but its evidential value as a defining and characteristic feature of Penarth in the wider surrounding landscape can be experienced, understood and clearly appreciated. This largely derives from the topographic position and scale of the building, which serve to ensure that it is the pre-eminent feature of the skyline and stands proud of all existing standing buildings occupying the headland. By way of contrast, the proposed development site occupies a relatively low-lying position on the Head, and comprises a modestly proportioned domestic dwelling amongst a stand of mature vegetation and trees between areas of standing buildings (see **Image EDP 7**).
- 5.21 St. Augustine's Church remains a defining and very characteristic feature of the headland for much of the length of Cardiff Bay Barrage; where there are outwards views unobscured by buildings (such as the sailing club). It only ceases to be prominent close to the southern end of the barrage, such as around the mouth of the Bay and the breakwaters; principally because of the steep natural topography and the mature trees combining to screen out all but the uppermost elements of the tower (**Images EDP 8 & 9**).
- 5.22 It should also be highlighted that the elongated four-storey apartment blocks at Northcliffe increasingly come to define the crest of the headland from close-up, in the process serving to screen out views of the church (see **Image EDP 9**).
- 5.23 Indeed, it is quite evident that a significant proportion of the residential buildings around the headland are representative of mid and late 20th century development, with Northcliffe being one characteristic examples (see **Image EDP 10**), but there are a number of others, most notably including the three-storey, red brick properties at Mariner's Heights; as shown in **Image EDP 11**. The crest of the headland further east is also increasingly being defined and increasingly characterised by implementation of Crest's pre-eminent *Penarth Heights* development; illustrated clearly in **Images EDP 12** and **13**.
- 5.24 Given the church's commanding position on the high point of Penarth Head, it is in no way surprising that there are long range, panoramic views outwards over the rooftops across to both Cardiff and the hills rising up in the far distance. These are depicted in **Image EDP 14** and **Image EDP 15**, with the latter illustrating that the steepness of the slope north of the churchyard means these outwards views are unobstructed by the serried rows of terraced houses underneath. In particular, there is no clear view of the houses on Paget Place, either north or south, and most tellingly only the very uppermost portion of the substantial and imposing Headland School (originally built as a hotel) can be discerned amongst the mature trees. It is also noted that there are glimpses of the late 20th century buildings at Northcliffe, adjacent to the proposed development site, from along the north side of the church, but it is only the tallest, mature trees within and adjoining the gardens of Northcliffe Lodge which locate the site in outward views.
- 5.25 Therefore, in conclusion, the setting of St. Augustine's Parish Church positively contributes to the significance of the heritage asset in the way its heritage values can be experienced close up from within the walled enclosing churchyard and surrounding residential streets; more widely looking inwards from the fringes of Cardiff Bay, where the building's scale and height mean it stands above the adjacent built form and forms a highly recognisable feature

of the townscape; and also through the 'enjoyment' of outward views from the churchyard across the waters of Cardiff Bay towards the distant hills.

- 5.26 In view of the extent and nature of 'change' which has taken place in the surrounding area during the last two decades, it must be stressed that it is the *availability* of outward views which positively contributes to the significance of the Grade I listed church, rather than the precise *composition* of those views.
- 5.27 However, in common with the Victorian church at Llandough, St. Augustine's parish church continues to define the position of Penarth in the wider landscape around it, despite the profound modernisation and alteration which has taken place in the last few decades since Cardiff Bay was created and the docks at Cardiff and Penarth were redeveloped. Its position on the highest point of Penarth Head; commanding views outwards over the surrounding townscape, but also providing an important historic focalpoint for views in from the modern spaces around Cardiff Bay; is considered to make a positive contribution to its significance as a nationally important designated heritage asset.
- 5.28 Even so, the site itself makes a 'neutral' contribution in that respect; being a nondescript and incidental feature in backwards views from around the wider landscape of Cardiff Bay, and being largely screened from the church by intervening residential terraces rising up the steep slope and containing any views to the south to no more than intermittent glimpses of the uppermost elements of the church tower amongst the Victorian and later roofscape. At the same time, the site is identifiable only by the tallest and most mature trees; within and adjoining the gardens of Northcliffe Lodge; in outward views from the north-facing elevation of the church. The modern form of the apartments at Northcliffe are clearly identifiable in these outward views to the north, whereas Northcliffe Lodge is not discernible.

Custom House & Marine Buildings Grade II Listed Buildings [IDs 13350 & 13351]

- 5.29 The Custom House [ID 13350] is designated as a Grade II listed building, and it is located approximately 30 metres north of the site and situated further down the north-facing slope at a relative height of circa 8 metres aOD.
- 5.30 The building dates from 1865 and the listing citation states that it was 'probably' designed by Samuel Dobson, who also designed the first dock at Penarth. The exterior is described as follows in the listing citation (see **Appendix EDP 4**):

"Wrenaissance style. 2-storey plus attic 5-bay symmetrical front with central bell tower and advanced pedimented end bays. Yellow brick with bathstone dressings, rusticated ground floor and red brick left side elevation; formerly slate roofs (before fire); yellow brick chimney stacks. Plinth, sill band and overall plain entablature with heavily moulded eaves course. Swagged Ionic coupled pilasters to outer bays containing bracket pedimented windows; cantilevered iron balcony (modern addition) to right bay. Similar segmental pedimented central window and flanking by windows with shouldered architraves; bracket sill and lugged architraves to attic windows. Central Doric porch with modillion cornice and double 3-panel doors; cambered headed ground floor windows. Bell tower with octagonal, domed

roof, and weathervane on bracket cornice; clock faces, foliage panels over splayed stem with carved Royal Arms to front supported by volute brackets. 3-bay right side elevation with similar treatment, slightly advanced and pedimented broad central bay. Central Venetian window with broken bracketed pediment on plain pilasters. Advanced pedimented doorcase below with arched entrance; set back round headed doorway at rear. Side access at right through rusticated gate piers. Twin segmental arched store entrances attached to left of the front surmounted by segmental pediment over scrolled cartouche reading Erected AD 1865."

- 5.31 The listing citation states that the building is located "*above the foreshore at the entrance to the former Penarth Docks with high revetment wall to hillside at rear*", and adds that the reason for designation is its "*group value with Marine Buildings*".
- 5.32 Similarly, the listing citation for Marine Buildings [ID 13351]; which adjoins the east side of the Custom House and occupies the same level platform at the entrance to the former dock at Penarth as that (similarly) Grade II listed building, identifies that it is designated for its "*group value with the Customs House*" (as described in **Appendix EDP 4**).
- 5.33 The listing citation states that it was built "*circa 1865 (shown on 1880 1st edition OS map*"; and marked as the 'Marine Hotel' on the 2nd edition, which was revised in 1899. The listed building is designed in the '*French Renaissance style*' and may have been designed by the same Samuel Dobson who designed the adjacent Customs House. It is noted, however, that there are some similarities with the similarly listed Headlands School further up the slope at Penarth, on Paget Place. The building is described in the following manner:

"Three-storey and attic, wide symmetrical domestic block, yellow brick facings with bathstone dressings and red rusticated plinth. Slate roof (now partially removed), with French pavilion roofs to ends with ornamental railings, mid roof parapets with brick chimneys. 15-window front divided into 5 sections of 3-window, squat second floor pilasters support roll-moulded eaves cornice, raised segmental dormer-heads with twin lights to centres of bays, plain surrounds with keystones to other windows. Deep bracket cornice over first floor with enriched window architraves, bracket cornices with pediments to centre windows, panelled inlays to friezes. Dropped sills to cantilevered balconies with Taff Vale Railway monogram in ironwork to 5 centre bays which break band courses over ground floor. Grouped segmental and arched openings to ground floor, continuous rope-moulded hoods, through transoms, keystones under balconies to wide windows with centre colonettes and cast Romanesque capitals (boarded over at time of inspection); doorways up steps (paired to centre), 6-panel doors. Three-bay return elevation on right, detailing as on main front. Boarded up at time of inspection (February 1992)".

- 5.34 The very close spatial, chronological and architectural interrelationships between these two listed buildings are so well defined that they will be considered together in the paragraphs which follow; i.e. in terms of their heritage significance and their setting.

Assessment of Significance

- 5.35 The buildings' significance ('special interest') is considered to derive from the 'considerable' contribution made by their *evidential, historical and aesthetic* values, as well as their now diminished, but nevertheless still 'moderate' *communal* value.
- 5.36 Aside from their obvious aesthetic and historical values, which are recognised through their national designation as *Buildings of Special Architectural or Historic Interest*, it is assessed that these two structures possess evidential value because of their functional relationships with the development and subsequent operation of Penarth Docks during their heyday from the mid-19th century onwards.
- 5.37 Now in use as a restaurant, the Custom House was originally built as Her Majesty's Customs and Excise Office, from where port officials checked cargo and collected taxes on the way in and out of the docks complex adjacent. It is shown on the first edition (1879) 25" Ordnance Survey map as occupying a position fronting a wide quayside at the narrow entrance to the docks, situated at the end of a long railway line from the south west and served by a curving minor road dropping down the slope of the headland from the south.
- 5.38 Marine Buildings is 'believed' to have started life as a hotel, although it is not identified as such on the first edition Ordnance Survey map. Its use as the 'Marine Hotel' is first labelled on the 1900 revision of the map, but, whether or not it was originally intended as a hotel, it is quite clear that the building possesses and exhibits close historic functional and spatial inter-relationships with the mid Victorian dock complex that can provide important evidence about past human activity.
- 5.39 With respect to the buildings' communal value, it is clear that both structures; because of their strategic positions and readily apparent external aesthetic interest; have come to be valued by the community in and around Penarth, more specifically in the case of the Custom House because it is a well-known local restaurant and a contributor to the town's economy. In respect of Marine Buildings, it is apparent that, whilst it may be valued by the community of Penarth as a local landmark situated in close proximity to the route across Cardiff Bay, it is currently vacant, derelict and in a poor state of repair, having clearly been in deteriorating condition for some period of time since it was last used for apartments.

Contribution made by the Buildings' Setting

- 5.40 Analysis of the first edition 25" Ordnance Survey map (1879) shows that, when these two buildings were built, in the 1860s, the steep slopes of Penarth Headland rising above them were predominantly devoid of residential development, with only Dock House and Cliff Villa occupying the well vegetated gardens/grounds stretching between the triangle of roads at Paget Road/Terrace and Penarth Hotel marking the end of John Street.
- 5.41 The steep slopes to the north of St. Augustine's Parish Church are depicted as being only sparsely occupied with residential dwellings by the end of the 1870s, and indeed only the one pair of houses is identified on Paget Place. Hence, it is evident that Custom House and Marine Buildings would have been backed by a densely wooded hillslope when they were

built. It is also quite evident that the middle and upper reaches of that hillslope would have been characterised by nothing more than a dispersed and discontinuous arrangement of short terraces and rows of housing, interspersed with large areas of open and undeveloped ground. The framework of roads is evidence that this was expected to be short-lived.

- 5.42 The 1879 map also illustrates that Custom House and Marine Buildings occupied the far north eastern extent of Penarth. To the east were estuarine waters on the western edge of the Bristol Channel, to the west comprised Penarth Dock, the rectangular basin providing access to it, and the numerous railway lines which served the edges where numerous boats were loaded/unloaded at the quayside.
- 5.43 To the north, beyond the entrance to the rectangular basin; where sloping arrangements of huge stones currently characterise the foreshore; the setting of the listed buildings would have been composed of the waters and mud banks around the confluence of the rivers Taff and Ely. There was no solid ground between the entrance to Penarth Dock and the entrance to the more extensive docks complex at Cardiff.
- 5.44 With regard to their 'present' setting (i.e. within the contemporary landscape), these listed buildings are principally 'experienced' from the north and west, in particular from the fringes of Cardiff Bay and from around Penarth Marina.
- 5.45 Whilst the two buildings can be experienced from within the site, this experience is limited to the rear elevations of the two structures (which are set into the hillside) and the rooftops looking northwards (see **Image EDP 16**). Whilst these outward views afford some sense of the buildings' aesthetic interest, this is far from complete and informative; and in any event the views are only available to people who have access to the site and the building there. It is not an open or publicly accessible location. It is therefore considered that these restricted and uninformative views make a negligible contribution to the assets' significance.
- 5.46 This assessment is supported by the fact that the rear elevations of the two buildings are relatively plain and unprepossessing, with the primary architectural features and decorative treatments concentrated on the principal elevations facing on to the public spaces located to the north. It is therefore concluded that, insofar as there are views of the rear elevations of the two buildings from within the boundary of the proposed development site, they make little or no contribution to their heritage significance.
- 5.47 The site is located within the setting of the two Grade II listed buildings, but it is assessed that overall their setting makes no more than a 'moderate' contribution to their significance. This conclusion is reached on the basis that their current setting in large part derives from the development of Cardiff Bay in the latter years of the 20th century.
- 5.48 In short, it is in large part a modern 'construct', deriving from the impoundment of the tidal waters of the Taff/Ely Estuary (between 1994 and 1999) to create the existing lake through the construction of a barrage connecting the town of Penarth with the City of Cardiff.
- 5.49 This act has transformed the landscape around the buildings, not only because it enables close views of their principal elevations from the footpath and cycle path running across the

barrage (i.e. **Images EDP 17** and **18**), when previously this would primarily have required a boat; but also because it promoted the residential development of the spaces of the former docks complex to create Penarth Marina.

- 5.50 The buildings are best experienced from close-to, whether from amongst the apartment blocks occupying the formerly largely open spaces of the Penarth docks complex situated to the west (**Image EDP 19**) or from the southern end of the barrage (see **Image EDP 18**). In both situations, it is clear that the setting of the listed buildings has changed profoundly since they were constructed here during the middle of the 19th century.
- 5.51 In the case of the former, it is readily apparent that the ‘character’ of the docks is now one of modern residential apartment blocks distributed around the impounded waters forming Penarth Marina, with the Custom House and Marine Buildings situated on the opposite side of a roundabout defining the junction of Paget Road and Penarth Portway.
- 5.52 In the case of the latter, the two listed buildings are experienced within the context of the substantive paraphernalia associated with the construction and operation of Cardiff Bay, in particular the structures controlling the entrance to the Bay (see **Image EDP 8**), the Barrage Control building and the adjacent public car park. Collectively, this group of inter-related, substantial structures provides the Custom House and Marine Buildings with a very modern setting that is at-odds with the surroundings in which they were constructed.
- 5.53 However, whilst their nature has changed in the 18 years since Cardiff Bay was created by the construction of the barrage, it is clear that the inter-relationships between the two listed buildings and the Taff/Ely waterfront and Penarth Docks persist, despite the extent of the redevelopment which has been undertaken. The underlying historic functional relationships persist and positively contribute to the assets’ significance as heritage assets, even if those relationships are less clear and obvious than they were before.
- 5.54 Custom House and Marine Buildings are both *visible* features of the Penarth townscape in long distance views from around the margins of Cardiff Bay (see **Images EDP 4** to **7**), but they are certainly not prominent or dominant, and their architectural details are not readily appreciable, in large part because of their situation on low lying and level ground at the foot of the slope on the north side of the headland. The buildings also blend into the general background of residential development around the former docks complex (**Image EDP 20**) and do not stand out; particularly because of the pale palette of materials employed.
- 5.55 Whether from close-to or far away (see **Images EDP 12** and **20**), the two buildings are seen against a backcloth of rising ground prominently topped by St. Augustine’s Parish Church. Whilst the site comprises an area of mature trees surrounding a modestly proportioned two storey residential dwelling (see **Image EDP 18**), it is apparent that Penarth Head is clearly characterised by the serried rows of Victorian and more recent residential dwellings. This is particularly the situation regarding the substantial and elongated four-storey apartment blocks dominating the headland’s middle reaches comprising Northcliffe. Whilst the shape and appearance of Penarth Head are characteristic, the environment is dominated by development interspersed with mature trees.

- 5.56 The buildings' setting is assessed as making no more than a moderate contribution to their significance because it represents a principally modern construction, which is nevertheless experienced and enjoyed by many thousands of people using the spaces of Cardiff Bay each year. It has changed profoundly since the two buildings were constructed. Even if this modern setting is still considered to contribute to the significance of these two heritage assets; because it is so characteristic; the extent and nature of redevelopment in their immediate surroundings has served to diminish their wider historic relationships.
- 5.57 In the main, it is the buildings' historic inter-relationships with the waters and spaces of the nearby Penarth Docks (now redeveloped for Penarth Marina), which contribute most to their significance as designated heritage assets.
- 5.58 Where they are 'experienced' from that wider (modern) landscape, they are understood and appreciated in the context of a prominent headland rising above them and comprising the serried ranks of former dock workers' housing, as well as subsequent development dating to the later 20th century, interspersed with areas of open green space and stands of mature trees. Set within that particular context the site is considered to make a neutral contribution to the setting of the Custom House and Marine Buildings listed buildings.

The Penarth Conservation Area

- 5.59 The site is not located within the Penarth Conservation Area, but it is circa 20 metres to the north of its northern boundary.

Assessment of Significance

- 5.60 The 'special interest' (or 'significance') of the conservation area is set out in the '*Penarth Conservation Area Appraisal and Management Plan*' (CAAMP), which was formally adopted by the Vale of Glamorgan Council as Supplementary Planning Guidance (SPG) in July 2011, after a process of public consultation.
- 5.61 Page 8 of the Council's CAAMP (dated July 2011) summarises the Penarth Conservation Area's special interest on Page 8, as follows:
- *"Town which established rapidly following the opening of a tidal harbour on the River Ely in 1855, and a dock (completed in 1865) based upon the export of coal; this led to an initial development of a range of Victorian housing, and associated commercial development;*
 - *Latterly, growth of suburban housing and resort in response to the development of a rail link from Cardiff in 1887, and the establishment of public facilities;*
 - *Outstanding landscape setting overlooking the Bristol Channel, with prominent headland overlooking Cardiff Bay and the mouths of the Rivers Ely and Taff;*
 - *Seafront setting, with beach and esplanade backed by parks and gardens;*

- *The architectural and historic interest of the individual buildings in the town centre, several of which are listed;*
- *Formal, enclosed squares at All Saints and Belle Vue; long tree lined roads bordered by walls, piers and gates enclosing front gardens and forecourts, with associated housing behind;*
- *Diverse range of Victorian housing exemplifying the social hierarchy of the Victorian town, including fine 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);*
- *The predominance of St Augustine's Church and churchyard, set in spacious grounds in an eminent position above the town; and*
- *Prominent public buildings including church, chapels, library, pier and yacht club which testify to the attractiveness and success of the town, together with the ambitions of a single landowner/developer (the Windsor Estate)."*

5.62 Page 9 identifies that the "Penarth Conservation Area embraces Victorian and Edwardian architecture dating from the period of the town's dramatic growth between 1865 and 1910. A feature of the conservation area is its size, diversity in land use and layout, although domestic architecture predominates."

5.63 More detailed information is set out on Page 12, which states that "the early development of Penarth is related to its establishment as a small Norman settlement under the influence of the Augustinian monastic foundation and Church of Saint Augustine's.

The town's present day character is associated with the following key factors:

- *the extension of the railway and development of Penarth Dock in response to demand for the export of coal from the South Wales Coalfield. This led to associated housing development for workers on land overlooking the Docks. The dock opened in 1865;*
- *the wider residential expansion of the town in response to its attractive coastal setting, initial demand from sea captains, coal magnates and later suburban expansion; and*
- *the development of the town as a summer holiday resort and centre for excursions involving the development of the pier, esplanade, hotels, Alexandra Park and Windsor Gardens. The Esplanade was laid out in the 1880's.*

The influence and commitment of the Windsor family, who owned a majority of the land in the vicinity of the developing town, was instrumental in the success of the town in the period between 1860 and 1900. The conservation area is exclusively late-Victorian in character."

- 5.64 In terms of the town's more recent history, Page 12 adds that *"the continued prosperity of Penarth is now illustrated by the conversion of the Dock area into a prestigious marina with residential development, undertaken as part of the early regeneration of Cardiff Bay."*
- 5.65 Regarding 'spatial analysis', Page 15 of the adopted CAAMP (2011) notes that *"to the north, streets are more diverse and random in layout with a greater occurrence of smaller, terraced house types. The overall layout is influenced by the topography of the headland, and its earlier, more random development."*
- 5.66 The contribution of key buildings to the conservation area's special interest is highlighted on Page 16 of the CAAMP, when it states that:
- "the importance of buildings such as the listed St. Augustine's Church and All Saints Church is further emphasised by their juxtaposition with domestic architecture. Glimpses of churches and other more public buildings within the domestic architectural context adds to the special interest and character of the conservation area."*
- 5.67 The closest elements of the Penarth Conservation Area to the site are found to the south in the St. Augustine's Character Zone.
- 5.68 Page 29 of the CAAMP (July 2011) states that *"St. Augustine's Church, designed by Butterfield and completed in 1866, is the most important strategic landmark within the conservation area. At around 70 metres above sea level it occupies the highest ground in Penarth. When viewed from Cardiff Bay it provides a dramatic impression of the town's setting upon the headland. It is a Grade I listed building, built on the site of a smaller church building and ancient religious settlement. The 30 metre saddle-backed tower sits prominently on the skyline."*
- 5.69 As described previously, the same page adds that *"the church sits within its own informally landscaped graveyard area with a collection of mature trees and bounded by a stone retaining wall. Impressive panoramic views of Cardiff Bay can be experienced northwards over the rooftops of the two storey terraced houses that step down the headland."*
- 5.70 With regard to the closest built elements of the conservation area to the site, the CAAMP states that *"Paget Road and Paget Terrace command spectacular views of Cardiff Bay. They are characterised by three storey, bay fronted terraced houses, raised above the pavement. The majority of the frontages have been greatly altered, and the roofscape is extensively damaged by out of scale dormer windows"; whilst 'Paget Place is a made up of two storey semi-detached Victorian houses. They are constructed of red brick, yellow brick or local limestone and set in gardens fronting a tree lined street. Situated nearby is the important local landmark of Headlands School, a grade II listed building. The four storey school, built of local limestone and Radyr Stone, with red and blue brick detailing, was originally completed as the Penarth Hotel in 1868 by the Taff Vale Railway Company."*
- 5.71 Therefore, in summary, the heritage significance ('special interest') of the conservation area is deemed to derive from the totality of its evidential, historical, aesthetic and communal values; insofar as the buildings, streets and open spaces are collectively able to illustrate

and elucidate the origins and development of the existing town; from an insignificant village prior to the Windsor family's development of the docks complex in the mid-1860s, to the extensive and diverse community it has become; respecting and embracing its topographic position looking east to the Bristol Channel and northwards towards Cardiff; and illustrating its functional and historic interrelationships with the seafront to the east and the docklands of the Taff/Ely Estuary to the north.

Contribution made by the Conservation Area's Setting

5.72 As set out above (see Paragraph 5.61), the CAAMP (July 2011) identifies the contribution made by the asset's setting to its special interest on Page 8 when it highlights the following:

- *"The Outstanding landscape setting overlooking the Bristol Channel, with prominent headland overlooking Cardiff Bay and the mouths of the Rivers Ely and Taff; and*
- *Seafront setting, with beach and esplanade backed by parks and gardens."*

5.73 However, Pages 9 and 10 of the CAAMP (2011) provide more detailed information, with the latter stating that:

"In the north eastern corner of the Square, Saint Augustine's Church is sited on the highest point of Penarth Head. The east-west axis of the headland forms an important transition in the character of the conservation area and its setting, as to the north development is sited on steep slopes which overlook Cardiff Bay."

5.74 The same page also identifies that *"the character of the historic town is strongly influenced by its landscape setting and topography. The following are key elements:*

- *the lake formed by the Cardiff Bay barrage;*
- *Penarth Headland and the North Cliff;*
- *the Bristol Channel and beach;*
- *the cliff edge which lies above the Esplanade;*
- *to the west of the cliff, a relatively flat plateau; and*
- *further ascending levels at the southern end of the Esplanade on Cliff Hill.*

Penarth Headland is the dominant topographical feature and forms the highest point above Cardiff Bay. On the eastern side of the headland, steep cliffs fall dramatically toward the sea shore. To the north of the headland, the land falls steeply toward Penarth Haven; on the southern and western slopes, levels fall more evenly."

5.75 Notwithstanding the above, the comment on Page 9 of the CAAMP that *"the town of Penarth has expanded rapidly beyond the Victorian town upon which the Conservation Area is*

focused and modern housing lies beyond it on the southern and western boundaries of the conservation area” is clearly of interest; and it will be important to consider and document the extent to which the same comments are similarly applicable to the northern edge of the conservation area, where the proposed development would be located.

- 5.76 With regard to the Penarth Conservation Area’s current setting, and the contribution which it makes to the asset’s significance (or ‘special interest), the following paragraphs will solely focus on the St. Augustine’s Character Zone. This is justified on the basis that the proposal is comparatively small and localised, to the extent that it is considered highly unlikely that any other areas of the conservation area designation would be affected by its completion. Whilst it is recognised that any ‘harm’ would be to the conservation area treated as a whole, it would all but inevitably result from a change to the experience of just the one character zone which is situated adjacent to the proposed development site (**Plan EDP 1**).
- 5.77 In terms of its current setting, the St. Augustine’s Character Zone is ‘experienced’ primarily in the following ways:
1. From adjacent areas of the modern townscape of Penarth, particularly from the east and the south;
 2. Views in from the north, mainly from around the edges of Cardiff Bay south towards Penarth Moor and the barrage south to Penarth; and
 3. Views out from the edges and elevated aspects of the conservation area towards the wider surrounding landscape.
- 5.78 As far as (1) is concerned, it is quite apparent that the current conservation area boundary was defined to exclude areas of undistinguished modern housing to the east and areas of degraded Victorian terraced housing to the west.
- 5.79 Representative depictions are included here as **Images EDP 21** and **22**, with the dwellings on Uppercliff Drive and Uppercliff Close identified to the east of the conservation area and the terraces of Lord Street and Pembroke Terrace to the west.
- 5.80 Clearly, the setting of the conservation area to the east is curtailed by its close interaction with these modern residential dwellings of no architectural pretension or sophistication. At the same time they serve to restrict the character zone’s interaction with the Bristol Channel beyond (a key aspect of the conservation area’s setting). By way of contrast, the setting of the character zone is defined by residential terraces of mid-late Victorian date to the west, which were actually included within the designated area when it was first expanded back in the 1970s. Although it is recognised that the incidence of modernisation; principally in the form of loft conversions, external renderings and uPVC; is now so common on these close packed residential streets to render them not worthy of conservation area status, it is also appropriate to say that they nonetheless still provide a connection between the character zone and the dockland landscape below the headland.

- 5.81 Therefore, whilst the buildings themselves may no longer meet the necessary standard to warrant inclusion within the conservation area; the pattern of streets and spaces, as well as the general form and character of the terraced residential dwellings, is such that the setting of the character zone to the west is concluded to make a positive contribution to its significance/special interest (as illustrated by **Image EDP 23**) because it represents all but a continuation of the same mid-late Victorian dock workers' accommodation.
- 5.82 Turning to (2), inward views of this character zone area are generally from distance around the fringes of Cardiff Bay. In these views, it is difficult to separate the buildings and spaces of this designated heritage asset from the surrounding non-designated townscape; for the simple reason that there is little discernible difference between the Victorian terraces within the conservation area and those adjacent (see **Image EDP 12**).
- 5.83 To all intents and purposes, the 'older' Victorian core of Penarth (from distance) appears as a discontinuous, intermittent arrangement of residential terraces, or varying length, located on and beneath a prominent limestone ridge, which rises gently to the east and terminates abruptly in a steep cliff-face running down into the Bristol Channel (see **Image EDP 13**). It is quite evident that a significant proportion of the built environment along the headland is of modern (i.e. late 20th and early 21st century) construction; indeed the prominent form of the *Penarth Heights* development is very characteristic of the lower end of the headland.
- 5.84 Clearly, the position, form and scale of St. Augustine's Parish Church is the dominant and most immediately recognisable element of this character zone in views from the north. In most other respects it is the general disposition of terraced houses and the nature of the topography which underlines this character zone's setting. In that regard, it is clear that the most discernible features of the built environment around the site boundary are relatively recent additions, perhaps most characteristically the rather monolithic form of Northcliffe defining the toe-end of the gently rising headland.
- 5.85 Finally, with respect to (3), whilst the 'appraisal map' included within the CAAMP (2011) identifies 'significant views' looking north from within the churchyard at St. Augustine's and from Paget Place, it is apparent that, insofar as publicly accessible and enjoyable views are concerned, these are restricted to the open spaces of the churchyard and intermittent and occasional glimpses between and over buildings from amongst the adjacent streets. These foremost views are illustrated in **Images EDP 15 and 23**.
- 5.86 It is clear that the wide open spaces of the churchyard provide long distance and also wide ranging panoramic views outwards across Cardiff Bay, to the rising hills beyond Cardiff, up along the Gwent Levels towards the Second Severn Crossing and across the Bristol Channel to the seaside resorts of Somerset, despite the numerous mature trees. In the main, these views are available over the tops of the contemporary residential dwellings in the adjacent thoroughfares stepping down the slope to the north. It is noticeable that even a substantial building like the Grade II listed Headland School is only identifiable from its roof structure, and has little bearing on the availability and extent of the view (i.e. **Image EDP 24**).
- 5.87 By way of comparison, it is evident that, from the road and footpaths at least, there are no outward views to the north from Paget Place because of (1) the three storey town houses

at Mariner's Heights, (2) the dense and mature boundary vegetation fringing the road along the site's southern edge and the adjacent car park, and (3) the four storey apartment blocks of Northcliffe. Whilst there could potentially be some restricted northward views in between buildings from the street under wintertime conditions, or from the upper floors of residential dwellings south of the road; it cannot reasonably be maintained that these are 'significant', or make a contribution to the significance of this asset.

- 5.88 In summary, it is considered that the site makes only a neutral contribution to the setting of this designated heritage asset; i.e. there is nothing about the building or the surrounding grounds which adds positively to the special interest of the conservation area, and instead it reflects a generalised situation whereby the surrounding environment is characterised by residential development (of Victorian to modern date) which is interspersed with stands of mature trees and green space. Other than the landmark qualities of the parish church, it is the form and appearance of the headland more generally which stands out from distance and is instantly recognisable. By way of contrast, it is the steeply falling landform, enabling far reaching outward views to the north, which makes the most tangible contribution to the setting and significance of the character zone located closest to the site.

Section 6

The Proposed Development

- 6.1 Plans, sections and elevations of the proposed residential development, within the site, can be found at **Appendix EDP 6**. In addition, the following paragraphs summarise key points which are of relevance to the assessment set out in the subsequent section.
- 6.2 The proposals comprise the construction of 30 residential dwellings, contained within three blocks (A to C) stepping down the hill from south to north, and accessed along a sinuously curving road from Paget Place which enters the site area from a westerly direction.
- 6.3 Each of the three residential blocks would be of three-storey construction, with roof forms reflecting a clearly *moderne* design. Parking would be provided in an undercroft beneath Block A, at the rear of the proposed development, in the south, with the three storeys then rising above and enclosed by trees.
- 6.4 Indeed, a significant area of landscaping, and a significant number of mature trees, would be provided around the margins of the site in the west, south and north, in order to maintain a high quality environment for residents, to maintain the general character of the headland and to maintain an appropriate separation from existing residential properties.
- 6.5 Only a limited fringe of vegetation will be retained along the eastern boundary, in large part because of the dense nature of the woodland planting which exists in the north west corner of the grounds associated with the Northcliffe residential buildings.

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Section 7 Impact Assessment

- 7.1 This final section of the report identifies and then assesses any potential effects upon the following heritage assets:
1. St. Augustine's Parish Church Grade I Listed Building;
 2. Custom House and Marine Buildings Grade II Listed Buildings; and
 3. The Penarth Conservation Area.
- 7.2 However, first and foremost, it should be recognised that, whilst the proposed development would bring about **change** within the setting of the four designated heritage assets, that is not the same as causing harm to those assets.
- 7.3 Harm is caused when 'significance' is lost or damaged; so, in this situation, where there will be no direct changes to the various assets, any harm would derive from a reduction in the contribution made to their significance by their setting.
- 7.4 However, before considering the impact of the proposals on the identified heritage assets, it is worth recalling the comments of the Council's own conservation specialist, in providing advice to the Planning Committee regarding the determination of the previous development proposals for the site, as per Paragraph 1.5:

"Marine Building (Grade II) and Custom House (Grade II)

The immediate setting of these...buildings is the former tidal estuary that led to the Penarth and Cardiff Docks. Since the construction of the Cardiff Bay Barrage this immediate setting has been altered drastically, however, the quintessential maritime character of the area remains. Behind the buildings the cliff face forms the back drop to the buildings with development above. In longer range views across Cardiff Bay the scale of the cliffs is such that this aspect of the setting of the listed building is considered negligible.

Church of St. Augustine's (Grade I)

The immediate setting of the Church is considered to fall completely within the Penarth Conservation Area some distance from the application site. However, given the height of the tower and the prominent location at the top of the head the wider setting is considerable. In particular, views of the Church (usually in silhouette) from across Cardiff Bay form part of the setting of the listed building. The proposed development will lie below the existing built development in the area and there will be no impact on the silhouette of the Church from across the Bay. I am, therefore, of the opinion that the setting of the Church will not be affected.

Penarth Conservation Area

In terms of the setting, the issues...are similar to the Church above. Short range setting of the conservation area in this area is largely constrained by existing development that lies outside the conservation area boundary. Longer range views are of the skyline across Penarth Head include the significant tree coverage. I note there is a recent TPO on the site and note the development would entail the loss of a significant number of trees across the site. This is an aspect that could affect the setting of the conservation area to some extent. However, this is likely to be from long range views.

- 7.5 In other words (and to summarise), the only specialist conservation advice provided to the Council's planning committee concluded that there would be no adverse effects on any of the designated heritage assets identified for assessment. The members of the Planning Committee were very clearly advised that not one of the assets would lose significance as a consequence of the proposed development.
- 7.6 This assessment is reflected in the more recent advice of Cadw; in their letter regarding the current proposal for the site (dated 13 April 2017) submitted to the Vale of Glamorgan as part of the PAC process. This unequivocally ends with the following comment:
- "...no historic assets will be affected."*
- 7.7 Notwithstanding that conclusion, from the Welsh Government, the following paragraphs will assess the likely impact of the proposed development in terms of indirect effects on these four designated heritage assets.
- 7.8 Having reviewed the development proposals, especially the CGIs prepared by Buzzbox and issued on 18 May 2017, it is considered that both the Vale of Glamorgan's specialist conservation officer and Cadw are correct in assessing that there would be no effect on any of the four heritage assets under investigation, no loss of significance, and no harm.

St. Augustine's Parish Church Grade I Listed Building

- 7.9 The parish church's prominence as a widely experienced and appreciated landmark would not be challenged – either from within Penarth or from further afield. It would certainly not be either concealed or have its pre-eminence challenged, not least because the proposed development would be situated so much further down the north-facing slope than the listed church. This means that the church would continue to stand proud of the built-up headland, still surrounded by residential dwellings mixed with mature trees and green spaces.
- 7.10 Whilst there would of course be a change within the wider surroundings of the church, those aspects of its setting which contribute positively to its significance as a designated heritage asset would be preserved; notably the ability to experience and enjoy wide-ranging and far reaching panoramic views north across Cardiff and beyond, looking out over the rooftops of adjacent residential houses.

- 7.11 In short, there would be no impact on the significance/special interest of the Grade I listed St. Augustine's Parish Church through the proposed development. It would be preserved in line with the guidance set out in legislation.

Custom House and Marine Buildings Grade II Listed Buildings

- 7.12 The Custom House and Marine Buildings are assessed as occupying a setting which derives largely from the modern (late 20th century) redevelopment of the Victorian docks at Penarth and Cardiff to create a mixed residential and leisure complex spanning both sides of the administrative boundary; with the construction of the Cardiff Bay Barrage, transforming the formerly extensive tidal reaches of the rivers Taff and Ely to create a large permanent lake, being the most obvious product of that process.
- 7.13 Hence, whilst the backdrop to the two listed buildings would be 'different' if the proposed development is implemented; because the single residential dwelling positioned within an expanse of trees and mature vegetation forming its grounds would instead be replaced with three large residential structures stepping up the natural hillslope; this is not considered to contribute to their heritage values. Furthermore, it is clearly recognised that the setting of these two heritage assets has changed profoundly since the buildings were constructed on this quayside in the mid-1860s.
- 7.14 Whilst the proposed development would introduce a change into the immediate environs of the two Grade II listed buildings, it is assessed that this would not result in harm because (1) their principal relationships of importance are in connection with the former dockland complex (now known as Penarth Marina) to the west and the redeveloped spaces of the former quayside in front, and (2) Penarth Head behind is already dominated by residential development, the earliest elements of which are of Victorian date, but nonetheless include extensive late 20th century and later buildings.
- 7.15 The proposed development would fit within a surrounding context which is already largely characterised by the four-storey apartment blocks of Northcliffe and the three-storey red brick town houses arranged around Mariner's Heights.
- 7.16 There is no reason to believe or expect that these Victorian buildings would be of any less significance than they are now, as a result of the proposed development. Instead, the clear assessment is undoubtedly that the principal relationships that contribute positively to their heritage significance would be unaffected by its implementation.

The Penarth Conservation Area

- 7.17 With regard to the Penarth Conservation Area, the proposed development would neither eliminate nor diminish any views into, out of, or across the designated area, that contribute to its heritage significance. The proposed development would clearly introduce a change to the experience of the conservation area, principally in terms of views in from the north, but this would be limited and localised.

- 7.18 Moreover, it would be set within an existing context whereby Penarth Head is characterised by residential development – only a fraction of which, around the Grade I listed church, is actually contained within the Penarth Conservation Area. A significant proportion of that existing development is of late 20th and later date, most notably Penarth Heights, Mariner’s Heights and Northcliffe; the latter two adjoining the site and setting the context for three and four storey residential development on the north-facing slope of the outer headland.
- 7.19 In that regard, the proposed development would fit within an established pattern, and would not introduce a significant change to the general character of the built environment, or the setting of the conservation area more specifically.
- 7.20 There is no reason to believe or expect that the special interest of the conservation area would not remain clear and legible if the proposed development was implemented, with the most widely visible landmark – the Parish Church – standing out on the highest point of the headland. By virtue of its location (on the lower/middle reaches of the north-facing slope), and its scale, architectural form and retained landscaping, the proposals would blend into the background in inward views from the north.
- 7.21 Equally, the proposals would neither block nor restrict outward views from within the walled enclosure of the churchyard, or from the adjacent residential streets, because of the steep topography falling towards the sheltered waters of Cardiff Bay. Hence the proposals would preserve the contribution that the conservation area’s setting makes to its special interest as a designated heritage asset.

Section 8 Conclusions

- 8.1 This assessment has considered the potential nature and significance of any effects on the heritage assets (located in its immediate surroundings) resulting from revised development proposals at Northcliffe Lodge, Penarth.
- 8.2 In view of the site's location, and the nature of the proposed development envisaged, any such effects would be 'indirect' and derived from changes to the way in which nearby assets might be experienced.
- 8.3 The assessment concludes that none of the four assets, deemed to be capable of being affected by the proposed development through change to their wider setting, would actually experience any loss of significance to its implementation.
- 8.4 This is based on a thorough and detailed analysis of their significance, their setting and the contribution (if any) that is made by the latter to the former; in line with current best practice guidance endorsed by Cadw.
- 8.5 Given that assessment, which clearly accords with the documented advice of the Council's own conservation specialist in respect of a previous proposal for the site, and more recent advice from Cadw in respect of the current scheme, it is concluded that the proposals meet with the requirements of current legislation and both national and local planning policies governing the conservation and management of the historic environment.
- 8.6 It is therefore concluded that there is no reason (on historic environment grounds) why the current proposals and revised planning application should not be positively determined.

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Section 9 References

Chartered Institute for Archaeologists (CIfA) 2014 *Standard and Guidance for Historic Environment Desk Based Assessment* (Reading).

Department for the Environment (DoE) 1990 *Planning (Listed Buildings and Conservation Areas) Act* (London).

English Heritage (EH) 2011 *The Setting of Heritage Assets: English Heritage Guidance* (London).

Vale of Glamorgan Council (VoGC) 2006 *Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011* (Barry)

Vale of Glamorgan Council (VoGC) 2013 *Vale of Glamorgan Local Development Plan 2011-2016 Written Statement* (Barry)

Welsh Government (2016) *Planning Policy Wales Edition Nine* (Cardiff)

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Images



Image EDP 1: View of St. Augustine's Parish Church looking west from within the walled churchyard.



Image EDP 2: Typical view of the tower of St. Augustine's Parish Church, here looking south east up Lord Street and showing it rising above the roofs of adjacent Victorian terraced houses.



Image EDP 3: View of St. Augustine's Parish Church looking north west up Albert Crescent, here illustrating its landmark qualities from within the surrounding streetscape.



Image EDP 4: View of St. Augustine's Parish Church looking south east from Penarth Moor, which is now being redeveloped for the emerging Cardiff Pointe proposals. The roofs of the Custom House and Marine Buildings are just about visible towards the left-hand side of the photograph.



Image EDP 5: View across Cardiff Bay towards Penarth Head and St. Augustine's Parish Church standing prominently in the distance, taken from the Wetland Reserve.



Image EDP 6: View across Cardiff Bay towards Penarth Head and St. Augustine's Parish Church standing prominently in the distance, taken from the walkway at Mermaid Quay.



Image EDP 7: View across Cardiff Bay towards Penarth Head and St. Augustine's Parish Church standing prominently in the distance, taken from Cardiff Barrage adjacent to the sailing club.



Image EDP 8: View of St. Augustine's Parish Church from the cycleway at the southern end of Cardiff Bay Barrage, here showing the screening effect of the steeply rising natural topography and the four storey apartment blocks at Northcliffe.



Image EDP 9: View looking south west from the outer basin at the entrance to Cardiff Bay, here showing the screening effect of the natural topography concealing the tower of St. Augustine's Parish Church.



Image EDP 10: Representative view of Northcliffe, taken looking north from Paget Place; the rear of the site is visible on the left-hand side.



Image EDP 11: Representative view of the three-storey red brick town houses at Mariner's Heights, with the sheltered waters of Cardiff Bay in the background.



Image EDP 12: View of Penarth Head from the mid-point of Cardiff Bay Barrage (looking south west), here showing the prominence of Penarth Heights at the lower end of the sloping ridge.



Image EDP 13: View of Penarth Head from adjacent to St. David's Hotel on the north west side of Cardiff Bay, in this instance illustrating the prominence of Penarth Heights at the lower end of the sloping ridge (visible on the right-hand side).



Image EDP 14: View looking north from the east end of the churchyard enclosing St. Augustine's Parish Church, here illustrating the wide ranging views which are available from that enclosed space.



Image EDP 15: View looking north from the north side of St. Augustine's Parish Church, here showing the uninterrupted and wide-ranging views across Cardiff Bay which are available across the rooftops of the Victorian terraced housing stepping down the north-facing slope. It should be noted that the site area is identifiable as the stand of tall and mature trees fringing the edge of the Bay in the middle distance.



Image EDP 16: View showing the 'visibility' of the Custom House Grade II listed building from within the vegetated grounds of the site.



Image EDP 17: View of Marine Buildings (on the left) and the Custom House (on the right) from the entrance to Cardiff Bay, here illustrating the evidently modern nature of its setting.



Image EDP 18: Close-up of the Custom House and Marine Buildings from the southern end of the Barrage, showing the proposed development site behind.



Image EDP 19: View of the Custom House and the adjacent Marine Buildings (now derelict) from the east end of Penarth Marina, here highlighting the historical functional relationship between the two, which endures despite the redevelopment of the surrounding spaces in the late 20th century.



Image EDP 20: View across Cardiff Bay from the Pier Head (looking south) and illustrating the lack of prominence to the Custom House and Marine Buildings against the background of Penarth Head. Once again, the buildings' modern setting can be appreciated from here.



Image EDP 21: Representative view of the mid-late 20th century residential development east of the parish church and separating the conservation area from the Bristol Channel on this side.



Image EDP 22: Representative view of the built environment adjoining the west side of the Penarth Conservation Area; here looking north west down Lord Street from the corner of Albert Road.



Image EDP 23: View east along Paget Place, here showing the north end of the Penarth Conservation Area on the right-hand side and the screening effect of existing built development and intervening roadside trees on the left of the road (preventing 'significant' views of the Bay).



Image EDP 24: View looking north east from the churchyard of St. Augustine's Parish Church, here showing the roof of the Grade II listed Headland Hotel in the middle distance.

Appendix EDP 1
Vale of Glamorgan Planning Committee Report
(5 January 2017)

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Celtic Developments (Penarth) Ltd. 28, Sturmi Way, Village Farm Industrial Estate, Bridgend, CF33 6BZ
Mr. Sam Courtney LRM Planning Ltd. , 22, Cathedral Road, Cardiff, CF11 9LJ

Northcliffe Lodge, Northcliffe Drive, Penarth

Demolition of existing dwelling and outbuilding, erection of 30 apartments, new access and alterations to adjacent parking area, provision of a footpath link, replacement tree planting and landscaping and associated works

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because:

- the application is of a scale and/or nature that is not covered by the scheme of delegation.

At the Planning Committee Meeting held on 5 January, 2017 Committee resolved to REFUSE this application for the following reason:

- 1. The proposed development is considered to be contrary to the aims of Policies HOUS2 - Additional Residential development, HOUS8 – Residential Development Criteria and ENV27 - Design of New Developments, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the advice contained within Planning Policy Wales and Technical Advice Note 12 (Design) for the following reason: It is considered that the proposed buildings are of an excessive size, massing and form and fail to have regard to the context of the site, would appear as over scaled and incongruous within the streetscene and within its coastal headland context, and would fail to either preserve or enhance the character of the nearby Conservation Area or Listed Buildings. The development would therefore be contrary to the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.**

SITE AND CONTEXT

The application site extends to an area of approximately 0.91 ha, which includes an existing detached dwellinghouse, 'Northcliffe Lodge', and its associated outbuildings and garden curtilage, plus an area of land that includes car parking associated with the existing Northcliffe apartments to the east.



The site is situated at the top of the Penarth Escarpment with a considerable change in levels across the site. The existing residential curtilage extends across three main terraces, with the existing house situated within the middle terrace.

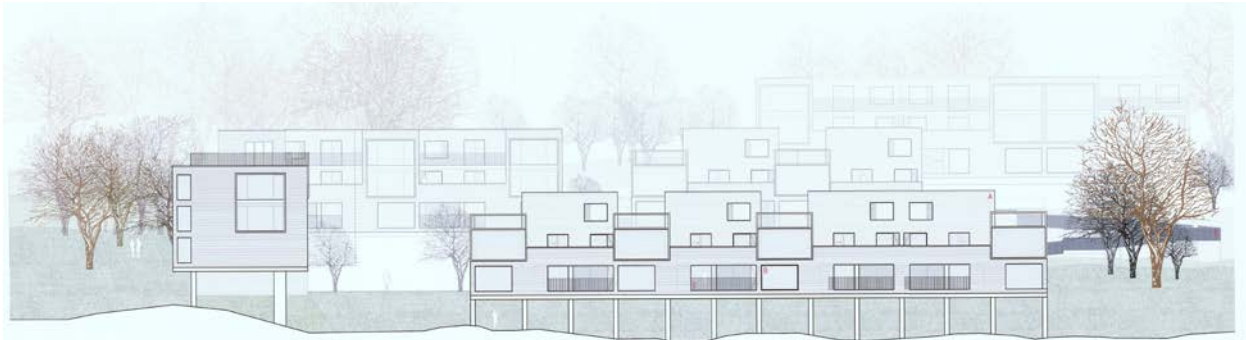
The existing vehicular and pedestrian access to the site is via Northcliffe Drive to the west of the property.

The site lies within the residential settlement boundary for Penarth as defined in the Unitary Development Plan. The Penarth Conservation Area lies to the south of the site on the opposite side of Paget Place. There are a number of listed buildings in the vicinity of the site, including the Grade I listed Church of St. Augustine's to the south, and the Grade II Custom House and Marine Building to the north. There is existing mature tree coverage over the site, with two Tree Preservation Orders, TPO (No. 24) 1970, a mix of species in the south eastern corner, and TPO (No. 11) 2015, including Sycamore, Oak, Holm Oak, Magnolia, Pine and Yew on the remainder of the site. In addition, part of the northern section of the site lies within a Flood Risk Zone as defined in the DAM flood risk maps under TAN15-Development and Flood Risk. A small part of the eastern side of the site also lies within the Developed East Vale Coast as defined under policy ENV6 of the Unitary Development Plan.

DESCRIPTION OF DEVELOPMENT

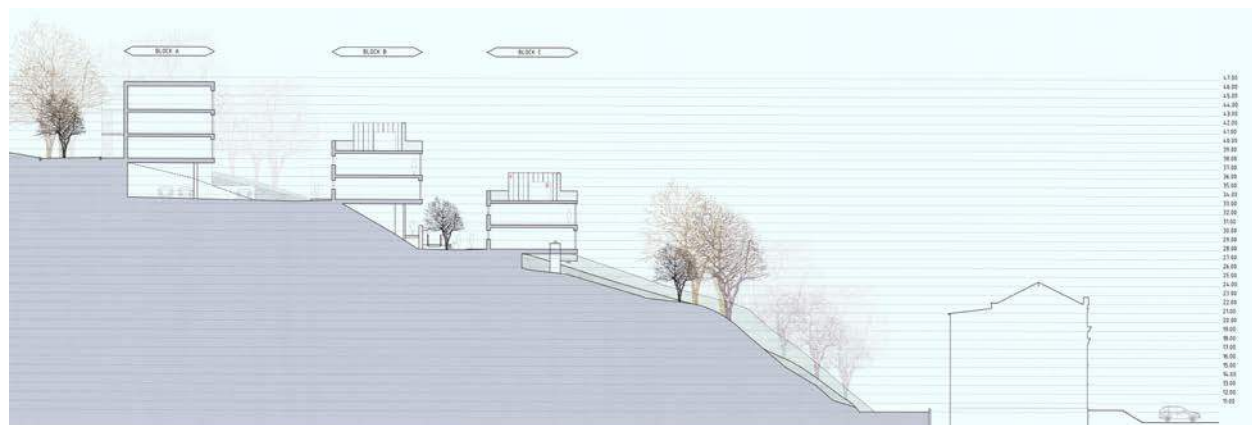
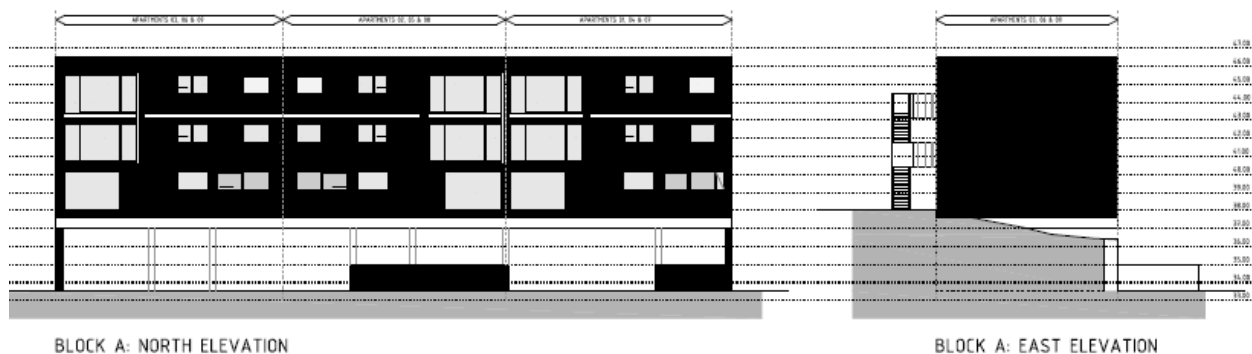
This is an application for full planning permission for the demolition of the existing house and outbuildings and the construction of 30 No. apartments within three principal apartment blocks (Block A-one building, Block B-two buildings, and Block C-one building). The apartments will comprise 23 No. two bedroom and 7 No. three bedroom duplex units.

The proposed apartment blocks will be set into the sloping landscape over three main plateaus with varying heights of between three and four storeys. Block A is located at the highest and most southerly position and comprises 9 No. units set over three main levels, with a lower ground/basement level providing access to the car parking and storage area. Block B is positioned centrally and is divided into two structures that are set in an 'L' formation, comprising 13 No. units. Block C is a linear block positioned to the north at the bottom of the slope and comprises 8 No. units.



Plan: North Elevation (Block C) including context

The design of the development is an overtly contemporary one, including flat roofs with parapet walling and rooftop pods creating duplex accommodation within lightweight material. The main elevations of the buildings will be constructed in white/pale facing brick, sedum grass to the roofs, and the duplex pods clad in zinc. Windows will be powder coated aluminium frames, whilst doors will be constructed from timber with a painted finish. The shared surface access drive and courtyard are to be block paved in permeable materials.



Plan: Section through site including Marine building to north

The proposal will provide for a new vehicular and pedestrian access to the site from Paget Place to the south, approximately 100m east of the junction with Northcliffe Drive and 20m west of the private access serving Northcliffe apartments. The internal driveway will wind through the site following the levels and will comprise a shared surface design. The new driveway will give access to level parking areas (part undercroft), plus secure communal storage area for cycles and refuse/recycling materials. This will be in addition to the individual stores provided for each unit. A communal parking area is situated between blocks A and B. A ramped access is also proposed to provide a compliant access down the levels linking blocks B and C.

A dedicated car parking space will be provided for each of the units with additional visitor parking located within the main parking area. The internal access road is proposed to be maintained in private ownership, whilst a private management company will also address the collection of waste and recycling materials. Notwithstanding this, the access road has been auto tracked to illustrate how a refuse vehicle would be able to manoeuvre within the site.

The proposed new access road also includes the rationalisation and re-plan of an existing car parking area for the adjacent apartments at Northcliffe.



The proposal entails the loss of several trees on the site protected by the two Tree Preservation Orders. Compensatory planting is proposed within a landscape scheme for the site. In addition, communal areas are proposed within the site to provide not only amenity space, but also to soften the development within the landscape.



The application is accompanied by a number of supporting documents, including, a Design and Access Statement (DAS) prepared by Loyn & Co Architects; Planning Statement prepared by LRM Planning Ltd; Transport Statement by WYG; Slope Stability Desk Study Report by Terrafirma plus additional survey work dated November 2016; Tree Survey and Arboricultural Impact Assessment by Treescene; and an Ecological Assessment, Bat and Reptile Survey, and Biodiversity Strategy by David Clements Ecology Ltd.

PLANNING HISTORY

None directly relating to the existing dwelling itself. However, there have been a number of applications relating to the wider site including:-

2007/00050/TPO - Northcliffe Apartments (part of current site) - Fell three mature Sycamore trees - Approved subject to conditions 1 March 2007.

2011/01177/FUL - Marine Buildings, Penarth Marina (to north of site) - Conversion and extension of existing derelict fire and water damaged building to create a hotel, with 55 bedrooms, a Cafeteria and Wine Bar. To include the retention of the building's northern and western facades, reconstruction of the roof and chimneys to the original design, construction of side and rear extensions and creation of car parking and landscaped external areas – Approved subject to conditions 26 April 2012.

2011/01178/LBC - Marine Buildings, Penarth Marina (to north of site) - Conversion and extension of existing derelict fire and water damaged building to create the boutique four star Marine Hotel, with 55 bedrooms, a Cafeteria and Wine Bar. To include the retention of the building's northern and western facades, reconstruction of the roof and chimneys to the original design, construction of side and rear extensions and creation of car parking and landscaped external areas - Approved subject to conditions 27 April 2012.

2014/01256/TPO : Northcliffe Apartments (part of current site) - Crown raise Beech and Lime, fell Holm Oak and Ash - Approved subject to conditions 17 December 2014.

CONSULTATIONS

Penarth Town Council – That the application should not be approved for the following reasons:-

1. Over dominant form of development that could threaten the future of the listed buildings, Custom House and Marine Building.
2. Overcrowded form of development.
3. Detrimental to this iconic headland known as the Bears Head believed to be where the name of Penarth is derived.
4. Request the Vale Council's own ecology officer carry out a comprehensive ecology survey as it is considered that the submitted survey is inadequate. Local Knowledge is aware of an extensive and active bat population.
5. The loss of so many mature trees is also of concern.

If the Vale Council is minded to approved the application the Town Council wishes to reserve the right to comment at a later date with regard to any S106 agreement and the community needs within the locality.

Natural Resources Wales – Initial comments - Having reviewed the submitted ecology reports they note that the buildings on site have a medium potential for bats and note recommendations for further bat surveys. They recommend that advise is sought from the in-house ecologist to determine if there is a reasonable likelihood of bats being present within the application site. If so a bat survey may be required.

Further comments – Note that the submitted bat report has identified that bats were not using the site, and therefore have no objection to the application as submitted.

Dwr Cymru/Welsh Water – Have requested that their standard conditions and advisory notes are attached to any consent, relating to foul, surface and land water drainage by sustainable means.

Crime Prevention Design Advisor – No objection and welcome the commitment in the DAS to the principles of Secured by Design, and recommend a number of conditions are considered relating to door and window standards; externally visible service metres; lighting; and secure cycle and bin storage.

Cardiff County Council – No adverse observations to make.

The Council's Housing Strategy team – Do not consider it acceptable that no affordable housing is included in the proposal. In accordance with the latest SPG the Council would expect a 40% affordable housing contribution. The Council's housing waiting list shows an overall figure of 500 households in need of accommodation in Penarth. There is a requirement for 12 of the units to be affordable, with a preference for 8 No. one bed and 4 No. two bed in exclusive blocks.

The Council's Ecology Officer – Initial comments – Holding objection due to insufficient information to allow the Local Planning Authority to make a fully informed decision with respect to the likely impact of the development on Protected Species. Recommend the submission of further bat and reptile surveys and a Biodiversity Strategy prior to determination.

Further comments – Withdraw the objection, subject to a condition requiring the implementation of the biodiversity protection, conservation and enhancement measures, as detailed in the submitted Biodiversity Strategy.

The Council's Regulatory Services - Environmental Health – Pollution Section – have requested the submission of a Construction Environmental Management Plan (CEMP) before the commencement of development to cover the provision for noise, dust and vibration, which should address both the demolition and construction phases, including all necessary engineering and ground works. Also request a restriction on hours of working on site to Monday-Friday 8:00 until 18:00, Saturday 8:00 until 13:00, with no work Sunday or Bank Holidays, and further restrictions relating to any piling or drilling. They note that they do not expect any contamination to be found on site. However, should any be found it must be reported immediately and a risk assessment undertaken. Further advise relating to the disposal of asbestos, demolition and other wastes.

The Council's Highway Development team – Initial comments – Requested amended plans in relation to dimensions of parking spaces; relocation of visitor parking spaces within the site; a plan showing the existing and proposed parking layout with the adjacent Northcliffe Apartments; and swept paths to show large refuse vehicle and car passing side by side.

Further comments – The proposed car parking dimensions and parking layout adjacent is acceptable, however the means of access to the adjacent car parking is required to be shown on plan. In addition the visitor parking relocation and swept path details are required. Furthermore, although not previously identified, the access to the site is required to be provided perpendicular to the adjacent carriageway along Paget Place and a pedestrian barrier is required to be provided adjacent to parking spaces 19 and 20 to prevent vehicle/pedestrian conflicts. Finally, it is noted that the relationship between the edge of the proposed development and the top of the adjacent cliff is unclear but is nevertheless considered close. Therefore, as there have been numerous failures of the cliff face, the developer should be advised to commission an assessment of the cliff area and adjacent land by a qualified engineering geologist, in order to confirm (or otherwise) the viability of the proposals.

Final comments – No objection, subject to a number of conditions being attached to any consent. These include, full details of the proposed on-site car parking provision to be agreed and laid out before beneficial occupation; proposed reconfiguration of the existing car park serving the adjacent property to be completed before commencement; details of cycle parking before commencement and implemented before beneficial occupation; full engineering details of all traffic arrangements (including carriageways, footways, kerb radii, means of surfacing etc.), associated with the means of access to the site before commencement and implemented before occupation; and submission and agreement of a Travel Plan before occupation.

The Council's Highways and Engineering – Drainage section – Note that a small portion of the site is located within Flood risk zone B indicating it is at risk of tidal or fluvial flooding. NRW maps show there is very low surface water flood risk. There are reports of localised landslips in the area and cliff falls on the adjacent coast. They note that the desktop slope stability assessment considers the site at high risk of subsidence related to landslides. These factors should be taken into consideration when designing the scheme and drainage design.

They note that due to the potential impacts on existing properties beneath the site, either through increased flows off the site or acceleration of potential ground instability, the drainage strategy must be integrated with a comprehensive geotechnical assessment, incorporating the recommendations of the Desktop Slope Stability Study submitted.

A number of conditions are recommended, including, no commencement on site until a comprehensive geotechnical assessment, incorporating a strategy for the disposal of surface water is agreed; no development until a detailed scheme for the surface water drainage of the site; a written declaration detailing responsibility for the adoption and maintenance of all elements of the drainage; and a Construction Environmental Management Plan, including a Construction Phase Programme. It is also advised that the applicant is made aware of the Severn Estuary Shoreline Management Plan and the strategy outlined for this section of the coast.

REPRESENTATIONS

The occupiers of neighbouring properties were initially notified on 29 December 2015 and 7 January 2016, and re-notified on 18 May 2016. In addition the application was advertised in the press and by site notice on 31 December 2015 and 12 January 2016 respectively.

Letters of objection have been received from approximately 22 local residents with a further 9 representations following the re-notification. These are all available of file for Committee Members inspection, however, the representation from the occupier of 7 Vista Court is reproduced at **Appendix A** as being generally indicative of the objections raised. In summary these include:-

- Increase in traffic with effect on highway safety.
- Exacerbation of car parking problems with lack of parking on-site.
- Design, unimaginative and too high, with Block B overbearing and intrusive.
- Loss of historical resource and impact on listed buildings.
- Stability of cliff and adverse impact on neighbours.
- Loss of TPO trees.
- Adverse impact on wildlife.
- Adverse impact on neighbouring privacy.
- Effect the quiet enjoyment of neighbours.
- Disruption during construction.
- Concerns over location of bin stores.
- Objection to 40% affordable housing requirement.

- S106 requirements should be enforced for all community benefit.
- Loss of view.
- Devaluation of property.

In addition a petition against the development with 55 No. signatories has been received.

Letters of representation have also been received from the adjoining landowner of Custom House noting the initial encroachment of the site area and confirming that no footpath link would be agreed over their land ownership. Further objections have been received highlighting a number of the concerns raised above, in particular the landscape impact and the effect on the listed Custom House and Marine Buildings, and ground stability issues.

The management company for the neighbouring Vista Court on Northcliffe Drive, Horace John, Forse and Co., have also submitted representations noting that the proposal to provide a new access is welcomed but that consideration should be given to the blocking up of the existing access. On this point the St Augustine's Plaid Cymru team have also submitted representations relating to the accessibility of the site. Both are available to view in full on file.

In addition, objections have been received from the Penarth Civic Society and Friends of the Earth. These are reproduced at **Appendix B**, and again raise similar concerns to the residents relating to the historical impact, ground stability, loss of tree coverage and impact on ecology.

A few representations, approximately 5 in total, have expressed general support for the proposal, including the occupier of 3 Harbour View Cottages who has removed earlier objections following amended plans, particularly relating to the impact on privacy.

Finally, the applicant's agent has submitted representations in support of the application, including a letter dated 8 September which is reproduced at **Appendix C**.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18 April 2005, and within which the following policies are of relevance:

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT.

POLICY 3 - HOUSING.

POLICY 8 - TRANSPORTATION.

Policy:

POLICY ENV6 - EAST VALE COAST.

POLICY ENV7 - WATER RESOURCES.

POLICY ENV11 - PROTECTION OF LANDSCAPE FEATURES.

POLICY ENV16 - PROTECTED SPECIES.

POLICY ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT.

POLICY ENV20 - DEVELOPMENT IN CONSERVATION AREAS.

POLICY ENV26 - CONTAMINATED LAND AND UNSTABLE LAND.

POLICY ENV27 - DESIGN OF NEW DEVELOPMENTS.

POLICY ENV28 - ACCESS FOR DISABLED PEOPLE.

POLICY ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY.

POLICY HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT.

POLICY HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS.

POLICY HOUS12 - AFFORDABLE HOUSING.

POLICY TRAN9 - CYCLING DEVELOPMENT.

POLICY TRAN10 - PARKING.

POLICY REC3 - PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENTS.

POLICY REC6 - CHILDREN'S PLAYING FACILITIES.

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, both Chapters 2 and 4 of Planning Policy Wales (Edition 9, 2016) (PPW) provide the following advice on the weight that should be given to policies contained with the adopted development plan:

'2.8.4 It is for the decision-maker, in the first instance, to determine through monitoring and review of the development plan whether policies in an adopted [Development Plan] are outdated for the purposes of determining a planning application. Where this is the case, local planning authorities should give the plan decreasing weight in favour of other material considerations such as national planning policy, including the presumption in favour of sustainable development (see section 4.2).'

'4.2.4 A plan-led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review (see Chapter 2). Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise (see 3.1.2). Where:

- *there is no adopted development plan or*
- *relevant development plan policies are considered outdated or superseded or*
- *where there are no relevant policies*

there is a presumption in favour of proposals in accordance with the key principles (see 4.3) and key policy objectives (see 4.4) of sustainable development in the planning system. In doing so, proposals should seek to maximise the contribution to meeting the local well-being objectives.'

With the above advice in mind, the policies relevant to the consideration of the application subject of this report are not considered to be outdated or superseded. The following policy, guidance and documentation support the relevant UDP policies.

Planning Policy Wales:

National planning guidance in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application, in particular, Chapter 4-Planning for Sustainability, including paragraphs 4.2, 4.3.1, 4.4.3, 4.11-Promoting sustainability through good design; Chapter 5-Conserving and Improving Natural Heritage and the Coast, including paragraphs 5.1.1, 5.2, 5.2.9, 5.5.1, 5.5.13 and 5.5.14-TPOs; Chapter 6-Conserving the Historic Environment, including paragraphs 6.1.1, 6.1.2, 6.5.9 and 6.5.17; and Chapter 9-Housing, including paragraphs 9.3.3 and 9.3.4.

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- TAN1 - Joint Housing Land Availability Study (2015).
- TAN2 - Planning and Affordable Housing (2006).
- TAN 5 - Nature Conservation and Planning (2009), including paragraphs 1.6.1 and 4.6.
- TAN10 - Tree Preservation Orders (1997), including paragraphs 18 and 19.
- TAN12 - Design (2016) including paragraph 2.6, and 5.11.3.
- TAN14 – Coastal Planning (1998).
- TAN15 – Development and Flood Risk (2004).
- TAN16 - Sport, Recreation and Open Space (2009).

Supplementary Planning Guidance:

In addition to the adopted Unitary Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Amenity Standards.
- Affordable Housing.
- Biodiversity and Development.
- Model Design Guide for Wales.
- Parking Standards.
- Penarth Conservation Area.
- Penarth Conservation Area Appraisal and Management Plan.
- Planning Obligations.
- Trees and Development.

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Examination Stage having submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public commenced in January 2016. Following the initial hearing sessions the Inspector gave the Council a number of Action Points to respond to. The Council has considered and responded to all Action Points and has produced a schedule of Matters Arising Changes, which are currently out to public consultation. Further hearing sessions are expected in January 2017.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.8.1 of Planning Policy Wales (Edition 9, 2016) (PPW) is noted. It states as follows:

*'2.8.1 The weight to be attached to an **emerging LDP** (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances.'*

In line with the guidance provided above, the background evidence to the Deposit Local Development Plan is relevant to the consideration of this application insofar as it provides factual analysis and information that is material to the issues addressed in this report in particular, the following background papers are relevant:

- Affordable Housing Viability Update Report (2014) (Also see LDP Hearing Session 6 Action Point 3 to 9 responses).
- Affordable Housing Delivery Update Paper (2016) (LDP Hearing Session 6 Action Point 2 response).
- Vale of Glamorgan Local Housing Market Assessment (LHMA) 2015.
- LDP Housing Land Supply Trajectory 2011-26 (September 2016).
- (LDP Hearing Session 2 and 3, Action Point 4, 6, 7, 9 and 10 response) Housing Provision Background Paper (2015) (Also see LDP Hearing Session 2 and 3 Action Point 3 and 5 response).
- Housing Supply Background Paper (2013) (Also see LDP Hearing Session 2 and 3 Action Point 5 response).
- Joint Housing Land Availability Study (2014).
- Vale of Glamorgan Housing Strategy - (2015-2020).
- Population and Housing Projections Background Paper (2013).
- Open Space Background Paper (2013).
- Community Facilities Assessment (2013).
- Education Facilities Assessment (2013).
- Sustainable Settlements Appraisal Review (2016).

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Office Circular 13/97 - Planning Obligations.
- Welsh Office Circular 61/96 - Planning and the Historic Environment: Historic Buildings and Conservation Areas (as amended).
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- WG Guidance - Delivering Affordable Housing Using Section 106 Agreements: A Guidance Update (2009)

Issues

In assessing the proposed development against the above policies and guidance it is considered that the principal issues include, the design and visual impact, bearing in mind the historic context of the site; the effect on neighbouring and residential amenity; highway safety; the ecology and biodiversity interest on the site; ground stability and drainage; and the S106 planning obligations.

Design and visual impact

In relation to the principle of development, it has already been noted that the site lies within the residential settlement boundary for Penarth as defined in the UDP. Policy HOUS2 of the UDP allows for new residential development within the settlement boundary but this is not without qualification and is subject to the residential development criteria of policy HOUS8. Criterion (i) of HOUS8 requires that the scale, form and character of the proposed development is sympathetic to the environs of the site. The Council's SPG on Amenity Standards also has policies relating to design and the impact on amenity, including policies 1 and 3, which highlight the need to respect existing character. This is in line with national guidance, with paragraph 9.3.4 of Planning Policy Wales (PPW) stating:

"In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas."

Several of the objections received relate to the impact of the development on the existing landscape and historical context of the site. It has already been recognised that the site lies close to Penarth Conservation Area and a number of listed buildings, including the Custom House and Marine Building. This is a concern expressed by the Penarth Town Council and supported by the Penarth Civic Society, with the Town Council emphasising the importance of this "iconic headland". Indeed, policy ENV6 of the UDP notes that in areas of existing development within the coastal zone, any new proposal should be designed with respect to its local context and sensitive to its coastal setting.

It is acknowledged that the likely impact of the development on the setting of the listed buildings and the nearby Conservation Area requires special consideration, and carries substantial weight in the determination of the application. Of particular relevance is the duty imposed on the Council under Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, with respect to any buildings or other land in a conservation area, where special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. This is reinforced by case law (see particularly *E Northants DC v Secretary of State for Communities and Local Government* [2014] EWCA Civ 137) which 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.

Relevant policies include ENV17 and ENV20 of the UDP which seek to protect the built and historic environment and ensure that development preserves or enhances the character of conservation areas. This is supported by national guidance including PPW, with the following of particular relevance:-

*“6.5.9 Where a development proposal affects 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, or its setting, or any features of special architectural or historic interest which it possesses.”*

“6.5.17 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.”

Both make clear that special regard be given to the impact of the proposals on the setting of listed buildings and the conservation area and in particular to the preservation of that setting.

The Council’s Conservation Officer has been consulted on the likely impact of the proposal. Although the application site lies outside of the Penarth Conservation Area, and there are no heritage assets within the site, it is recognised that there is the potential for the development to affect the setting of either listed buildings or the Conservation Area. The scheme has been assessed against the above policy and guidance, including the draft guidance relating to the setting of historic assets in Wales published by the Welsh Government. Whilst this is a draft document it can be considered best practice at this juncture. The guidance sets out a series of key principles for understanding setting – the surroundings in which an asset is experienced. Views of or from an asset play an important part in the ‘setting’ but the experience of setting extends beyond just visual considerations.

The guidance explains that the setting of historic assets will generally be more extensive than ‘curtilage’, and its perceived extent may change as surroundings evolve; and the setting of an asset can enhance its significance whether or not it was designed to do so. The contribution that setting makes does not depend on there being public rights of access, but nevertheless the evaluation of the effect of change within the setting of a heritage asset will usually consider the implications for public appreciation of its significance.

In assessing the impact on the identified heritage assets the Council’s Conservation Officer has concluded that there will be no impact on the setting of the listed buildings or conservation area arising from the proposed development. The following assessment has been made for each of the identified heritage assets:-

Marine Building (Grade II) and Custom House (Grade II)

The immediate setting of these listed buildings is the former tidal estuary that led to the Penarth and Cardiff Docks. Since the construction of the Cardiff Bay Barrage this immediate setting has been altered drastically, however, the quintessential maritime character of the area remains. Behind the buildings the cliff face forms the back drop to the buildings with development above. In longer range views across Cardiff Bay the scale of the cliffs is such that this aspect of the setting of the listed building is considered negligible.

Church of St. Augustine's (Grade I)

The immediate setting of the Church is considered to fall completely within the Penarth Conservation Area some distance from the application site. However, given the height of the tower and the prominent location at the top of the head the wider setting is considerable. In particular, views of the Church (usually in silhouette) from across Cardiff Bay form part of the setting of the listed building. The proposed development will lie below the existing built development in the area and there will be no impact on the silhouette of the Church from across the Bay. I am, therefore, of the opinion that the setting of the Church will not be affected.

Penarth Conservation Area

In terms of the setting, the issues relating to the conservation area are similar to the Church above. Short range setting of the conservation area in this area is largely constrained by existing development that lies outside the conservation area boundary. Longer range views are of the skyline across Penarth Head include the significant tree coverage. I note there is a recent TPO on the site and note the development would entail the loss of a significant number of trees across the site. This is an aspect that could affect the setting of the conservation area to some extent. However, this is likely to be from long range views.

As regards the site specific design of the proposed building, the supporting DAS explains the design concept of the scheme, noting how it works with the existing levels and seeks to maximise sea views. It is agreed that the apartment block form of development is appropriate to the context of the site, and that the scale and massing is in keeping. The contemporary design is also considered acceptable and in line with national guidance including paragraph 5.11.3 of TAN12, which states:-

“The design of housing layouts and built form should reflect local context, including topography and building fabric. Response to context should not be confined to architectural finishes. The important contribution that can be made to local character by contemporary design, appropriate to context, should be acknowledged. To help integrate old and new development and reinforce hierarchy between spaces consideration should be given to retaining existing landmarks, established routes, mature trees and hedgerows within housing areas as well as introducing new planting appropriate to the area.”

Loss of trees

Another issue of particular concern raised by the objectors is the loss of existing tree coverage across the site with existing TPOs currently providing statutory protection. Firstly, it should be recognised that the presence of a TPO on a site is not a blanket ban on any development. A TPO is made because of the amenity value of the tree, and it is the impact on this amenity value that must be

considered when assessing the loss of the trees that are proposed to be felled. Paragraph 18 of TAN10-Tree Preservation Orders states that the effect of planning proposals on protected trees is a material consideration, and recognises that it may be appropriate to require applicants to seek full planning permission and provide details of the trees on site and the location of those to be felled. In this respect it is noted that the application is accompanied by a Tree Survey and Arboricultural Impact Assessment prepared by Treescene Arboricultural Consultants. These surveys, and the accompanying landscape plans identify the removal of several mature trees across the site. Clearly this will cause some detriment to the current landscape character of the site. However, the conclusions of the survey note that the majority of the trees to be removed are of C and U category, and that the loss will be mitigated by new tree planting. Given the above, it is considered that there are no objections subject to conditions relating to a change in some species in the proposed landscaping scheme, and the employment of a qualified professional arboriculturist to undertake a watching brief (see Conditions 9 & 10).

Thus it is considered that the loss of the trees is acceptable in this instance, having regard to their quality / health and considering the development will provide housing to meet the Council's Housing Supply targets, and the proposed replacement planting. Furthermore, it is considered that the scheme as a whole is of a size, scale and design that generally reflects the established character and appearance of the wider area. As such it is considered that the proposal will not harm the character and appearance of the area and will serve to preserve the setting of the nearby listed buildings and the Penarth Conservation Area in accordance with local policy and national guidance, including ENV6, ENV17, ENV20, HOUS2 and HOUS8 of the UDP and PPW and TAN12.

Neighbouring and residential amenity

In terms of the residential amenity of the neighbouring occupiers, the replacement of a single dwelling with a number of apartment blocks, will have an impact. The main area of concern relates to the effect on existing levels of privacy, particularly in respect of the proposed balconies and the raised walkways. The position of the blocks and their distance from neighbours, and the use of the existing levels means that there would be no adverse impact of an overshadowing or overbearing nature.

The objectors concerns over the loss of a view and the devaluation of property are not valid planning grounds for a refusal, but, the likely impact on privacy is a relevant concern. Further clarification in respect of the roof balconies confirmed that the impacts would not be so severe as to justify a refusal. The most southerly block would be in excess of 30m from the Mariner's Heights apartments to the south and there would be over 25m between the north west block and the closest of Harbour View Cottages. There would be approximately 20m between the walkway to the south of Block B and the closest corner of Northcliffe apartments to the south, however, there is a splay between the respective elevations of the buildings and the bulk of the building would be more than 21m away. Therefore, and given that they are not directly opposing elevations, it is considered that the aims of the Council's Amenity Standards SPG would be adhered to, in terms of protecting privacy.

The applicants were requested to review the position in respect of the raised walkway close to the boundary with Harbour View Cottages and it is considered that the amended design has reduced the impact on neighbouring occupiers to an acceptable level.

As regards the concerns over the loss of quiet enjoyment, clearly the introduction of a new access road, and 30 No. residential units to replace a single dwelling, will result in an increase in general noise and disturbance over the current situation. However, this would still be a residential use and is not considered unreasonable in the urban setting of Penarth, given that a residential use is not, in principle, a fundamentally noisy use.

As for the level of private amenity space available to serve the new residential units, when assessing the scheme against the minimum standards indicated in the Council's SPG on Amenity Standards, it is noted that the proposal is to provide communal areas in line with the guidance for flatted development. However, there is some doubt as to how practical the use of the landscaped areas will be, but, it is recognised that the site is located close to the amenity of the coastline and associated recreational use. Therefore, the level of amenity space provided on site is considered to be acceptable.

Highways

A number of objections received refer to concerns over the new access, the increase in traffic, and lack of parking on site which would exacerbate existing problems.

The Council's Highway Development team have been in negotiations with the applicant over a number of issues relating to the parking and alignment of the junction and new access road. Following the receipt of amended details Highways have now confirmed that they have no objection, subject to a number of conditions being attached to any consent. These include, full details of the proposed on-site car parking provision to be agreed and laid out before beneficial occupation; proposed reconfiguration of the existing car park serving the adjacent property to be completed before commencement; details of cycle parking before commencement and implemented before beneficial occupation; full engineering details of all traffic arrangements (including carriageways, footways, kerb radii, means of surfacing etc.), associated with the means of access to the site before commencement and implemented before occupation; and submission and agreement of a Travel Plan before occupation (see Conditions 4, 5, 6, & 7).

As regards the concerns over the lack of on-site parking, again the level proposed for the site is considered acceptable for this urban location, and the controls over the management of these spaces, once provided in line with the Highway engineers requirements, is a matter for the future management company.

The Council's Parking Standards SPG require one space per bedroom, and this equates to two spaces for each of the 23 two bedroom flats and 3 spaces for the 7 larger units. Six spaces are required by the standards for visitor parking, based on a requirement of 1 space per 5 units. However, the SPG allows for a relaxation if the site is located sustainably, with good access to local services and other modes of transport. The site scores well on sustainability points due to its close proximity to bus stops, a public house, schools, a restaurant, public open space, community hall and a church. Consequently, the parking requirements are reduced in accordance with the SPG to 1 space for the 2 bedroom units and 2 spaces for the three bed units. The development makes provision for the necessary visitor parking and each of the 30 units would be served by a single parking space. This equates to a shortfall of 7, when compared against the Council's Parking Standards, however, these are maximum standards. The site is in a very sustainable location and there is a clear emphasis in local and national planning policy towards reducing reliance on the private car, and not promoting such high levels of parking as may have been the case in the past.

In addition to the parking within the site for residents of every unit and visitors, there is also parking provision on street, which could be used without impacting harmfully on the safety or free flow of traffic. Consequently, as noted above, there is no objection from the Highways Engineer in respect of parking provision.

As regards the wider accessibility of the site, it is recognised that the site is a sustainable one within a defined settlement boundary. Neighbours have raised concerns over the possible impact of the development on the local bus service. However, the increase in population in the area is more likely to serve to sustain such services into the future. Furthermore issues have been raised relating to the footways and pedestrian access, both internally and outside of the site. Whilst permeability of any development site is an objective of Council policy, this must be considered bearing in mind the deliverability of links, and the need to consider issues of Secure by Design as raised by the Police Crime Prevention officer.

In respect of the initially proposed footpath link to the north, this has been omitted following confirmation from the owner of Marine Buildings that such access would not be granted. As for the retention of the existing access to Northcliffe Drive for pedestrians, again the management company for the neighbouring Vista Court flats have requested that this be permanently closed. This is considered reasonable in planning terms, as the road is not adopted, nor does it provide a more direct access to Paget Place than the proposed new access road (see Condition 8).

Ecology and biodiversity

Another concern raised by a large number of local residents, the Penarth Town Council, and bodies such as Friends of the Earth, relates to the effect on wildlife in the area.

The Council's Ecologist initially submitted a holding objection to the application due to the lack of information in relation to the likely impact of the development on protected species. The applicants were requested to submit additional information including further bat and reptile surveys and a Biodiversity Strategy prior to determination. The bat and reptile survey (June 2016) concludes no evidence of the presence of bats within Northcliffe Lodge has been found, but the large retaining wall on site was assessed as having moderate to high potential for hibernating bats, although no evidence of such was found. Also no evidence of the presence of reptiles was found. The report advises mitigation measures must be implemented and concludes on current evidence the proposed development is not unacceptably constrained by biodiversity issues.

Following an assessment of the further information the Council's Ecologist has now confirmed that the earlier holding objection is withdrawn. However, a condition requiring the implementation of the biodiversity protection, conservation and enhancement measures, as detailed in the submitted Biodiversity Strategy, is requested (see Condition 13).

Specifically in respect of the wall, the applicant's consultant has confirmed the potential of the retaining wall to support hibernating bats, however, no hibernating bats were found during the surveys and the Council's ecologist has advised that a survey at the appropriate time of year is unlikely to reveal bats, even if they are present. As a result, a precautionary (but proportionate) approach should be adopted. Therefore, the Council's ecologist has therefore recommended the inclusion of an additional condition relating to the following:-

Any works to the retaining wall referenced at paragraphs 4.4 and 4.5 of the David Clements Ecology Bat and Reptile Surveys report June 2016 (including repointing, demolition, partial demolition etc) must be undertaken outside of the bats hibernation period and under the supervision of an appropriately licenced and qualified ecologist, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works to the wall. If any bats are found, all works must cease immediately and remain ceased pending consultation with Natural Resources Wales, and details of the bats shall be reported to the Local Planning Authority in writing. Prior to the subsequent re-commencement of any works to the wall, a European Protected Species licence, if required by Natural Resources Wales, shall be submitted to the Local Planning Authority (See Condition 13).

It is noted that Friends of the Earth suggest that the submitted information is incomplete and the assessments made in respect of wildlife and landscape impact by the Council's own ecologist and the consultants employed by the applicant are not in line with current guidance. This is not accepted. The Council's Ecologist has made an assessment of the likely impact of the development on protected species and habitats in full accordance with Council policy and national guidance. Furthermore, NRW have been consulted on the application and have also not raised an objection.

Ground stability and drainage

The ground stability of the site is another issue of concern raised in the objections submitted. Indeed, internal consultees, including the Council's Highways and Drainage Engineers, recognise that the area is subject to landslides.

The application is supported by a 'Slope Stability Desktop Study' prepared by Terrafirma, which concludes that the site is at high risk of subsidence related to landslides. The report recommends that further works are undertaken to determine the actual ground conditions before the commencement of any construction works. It is noted that Friends of the Earth suggest that no consent can be granted before such works are undertaken. This is considered unreasonable in planning terms, particularly bearing in mind that there is evidence of existing ground movement within the site, so that the safety of the site is questionable whether or not the current development proposal is approved and implemented, and the fact that the legal liabilities for any damage to neighbouring properties lie with the owners. As the applicant's agent points out, the intrusive nature of the further investigation work required, and the access constraints to the site, means that this must be done following the demolition of Northcliffe Lodge and the clearance of trees and shrubs.

Notwithstanding this the Council has sought further information from the applicants. Additional investigation work has been undertaken and a further report submitted (dated November 2016). The Council's engineers have been consulted on the additional report and it is agreed that the precise details of the required investigation works and the final technical design can be secured through an appropriate condition (see Condition 14).

Indeed on the issue of the final technical design, it is noted that the Council's Drainage engineers have advised that this should be considered in conjunction with the drainage of the site. Due to the potential impacts on existing properties beneath the site, either through increased flows off the site or acceleration of potential ground instability, the drainage strategy must be integrated with a comprehensive geotechnical assessment of the proposed development, incorporating the recommendations of the Slope Stability Study (see Conditions 14 & 15). They also recommend that a notice is issued to the applicant regarding their responsibilities and subsequent liability for safe development and secure occupancy of the site (see Informative 5).

Other issues

It has already been noted that part of the northern section of the site lies within Flood Risk Zone B as defined in the DAM flood risk maps under TAN15- Development and Flood Risk. However, no part of the residential buildings, parking or access fall within this zone and therefore it is not necessary to assess the application against the tests in TAN 15.

The Council's Drainage engineers have advised that NRW maps show there is a very low surface water flood risk to the site. Indeed NRW have been consulted and have not raised any concerns on this issue. However, the Drainage engineers do note that although erosion rates are considered low for this stretch of the coastline, they advise that the applicant is made aware of the Severn

Estuary Shoreline Management Plan and the strategy outlined for this section of the coast (see Informative 1).

The Council's Environmental Health section have also commented on the proposal and have not raised an objection. However, they have requested the submission of a Construction Environmental Management Plan (CEMP), and seek restricted hours of working on site. This is considered reasonable due to the scale of the development and the investigative work required in relation to ground stability, which will involve 'Rotary Core Drilling Techniques' (see Conditions 16 & 17).

S106 Planning obligations

The Council's approved Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. The SPGs sets thresholds for when obligations will be sought, and indicates how they may be calculated. However, each case must be considered on its own planning merits having regard to all relevant material circumstances. The updated Draft Planning Obligations SPG (approved by Cabinet on 14 December, 2015 and at the Council's Economy and Environment Scrutiny Committee on 5th January) is now used as a material consideration in the Development Management process. The Council has based the planning obligations for the development of this site on the previous Planning Obligations SPG, given that the application was received by the Council some time before the 5th January 2016. This is considered a fair and reasonable approach.

The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers). As of 6th April 2010, a planning obligation may only legally constitute a reason for granting planning permission if it is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In this case, the application seeks full planning permission or the development of 30 residential apartments on a brownfield site within the settlement of Penarth.

Officers have considered the need for planning obligations based on the type of development proposed, the local circumstances and needs arising from the development, and what it is reasonable to expect the developer to provide in light of the relevant national and local planning policies. The relevant planning obligation issues are outlined below followed by analysis of the development viability issues affecting the deliverability of such obligations.

Affordable Housing

TAN 2 defines 'Affordable Housing' as housing provided to those whose needs are not met by the open market. It should meet the needs of eligible households, including affordability with regard to local incomes, and include provision for the home to remain affordable for future eligible households, or where stair-casing to full ownership takes place, receipts are recycled to provide replacement affordable housing. This includes two sub-categories: social rented housing where rent levels have regard to benchmark rents; and, intermediate housing where prices or rents are above social rented housing but below market housing prices or rents.

UDP Policy HOUS12 requires a reasonable element of affordable housing provision in substantial development schemes. The supporting text to that policy also states:-

"The starting point for the provision of affordable housing will be an assessment of the level and geographical distribution of housing need in the Vale".

The Deposit Local Development Plan (October 2013) policy MG 4 required 35% affordable housing to be incorporated with any residential development of this site, based on an assessment of need and viability at the time. However, as part of the Local Development Plan process there has been an assessment of 'focused' and 'minor' changes to the draft Deposit Local Development Plan (DLDP). These changes are in response to subsequent consultations and the issues raised and are considered necessary to ensure that the LDP is sound. These focused changes include an amendment to the requirement for affordable housing as part of residential development.

In response to representations on affordable housing, the Council has commissioned a review of its viability evidence base to September 2014, taking account of matters raised by the Home Builders Federation (HBF) and the Welsh Government (WG). The latest viability evidence, contained within the Council's Affordable Housing Viability Update Report (2014), indicates a marked increase in viability within the Vale of Glamorgan, and recommends that the Council should increase the affordable housing targets set out in Policy MG 4 from 35% to 40% in the area of Penarth. The Council has produced further evidence to support this position following the recent examination in Public of the LDP which is contained in the Action Point Responses for Hearing Session 6.

The Vale of Glamorgan Local Housing Market Assessment (2015) provides the latest evidence on affordable housing need. The LHMA identifies a net annual need for 559 Affordable Housing Units. The greatest need is for one and two bedroom properties, across all areas of the Vale of Glamorgan, although in some areas the LHMA identifies a requirement for 3 and 4 bedroom properties. The area of 'Penarth and Llandough' was identified as the area with the highest need for affordable housing, equating to 152 units per annum (27% of the identified need).

In light of the evidence contained within the Council's Affordable Housing Viability Update Report (2014) and the focussed change to Policy MG 4, a Draft SPG for Affordable Housing was approved by Cabinet on 14th December 2015 (Cabinet Minute C3022) and at the Council's Economy and Environment Scrutiny Committee on 5th January 2016. The SPGs are now being used as a material consideration in the Development Management process.

On a 30 unit development, 40% affordable housing should be provided on site in line with the Supplementary Planning Guidance for Affordable Housing which equates to 12 dwellings. The Council require the affordable housing tenure to be provided at a ratio of 70% social rented, 30% low cost home ownership/intermediate rent consistent with the local housing needs identified in the Council's LHMA.

Education

All new residential developments which are likely to house school aged children create additional demand on places at existing schools. PPW (ed. 8, January 2016) Paragraph 4.4.3 emphasises that in order to achieve a 'More Equal Wales', development should promote access to services like education. PPW recognises that education is crucial for the economic, social and environmental sustainability for all parts of Wales. It makes it clear that development control decisions should take account of social considerations relevant to land use issues, of which education provision is one.

UDP Policy HOUS8 permits new residential development within settlements, provided that, amongst other things, adequate community and utility services exist, are reasonably accessible or can be readily and economically provided. Education facilities are clearly essential community facilities required to meet the needs of future occupiers, under the terms of this policy. Whilst the Council's Unitary Development Plan (1996-2011) is time-expired, this policy remains in line with national guidance contained within PPW.

The Council's formula for calculating pupil demand contained in the Planning Obligations SPG (including 18% fees) indicates that the development of 30 dwellings would generate the need for education facilities for 3 nursery school age children, 8 primary school age children, 6 secondary (aged 11-16) school age children and 1 secondary place for pupils post-16years.

Based upon the Council's formula and capacity at local schools, the Council would under normal circumstances seek to secure the following as a section 106 contribution for Education provision:

- Nursery school children – 3 children x £14,463.26 = £43,389.78
- Primary school children – 7 children x £14,463.26 = £101,242.82
- Secondary (aged 11-16) school children – 6 children (English Medium) x £21,793.42 = £130,760.52
- Secondary (aged post-16) school children – 1 children (English Medium) x £23,653.40 = £23,653.40

In total, the Council would require the developer to pay a contribution of £299,046.52 towards education facilities (based on the SPG requirement at the time the application was submitted).

Community Facilities

Community facilities are important for meeting a range of social needs and must be provided locally to serve the needs of the local community and reduce the need to travel. All new residential developments place pressure on existing facilities. Chapter 4 'Planning for Sustainability' of PPW (Ed. 8, January 2016), promotes the importance of equal and cohesive communities, and access to services such as community facilities. Paragraph 4.6.1 of PPW recognises that development can help to arrest the decline in community facilities.

UDP Policy HOUS8 permits new residential development where (inter alia) adequate community and utility services exist or can be readily provided. The SPG on Planning Obligations acknowledges that new residential developments place pressure on existing community facilities and creates need for new facilities. Therefore, it is reasonable to expect new residential developments of this scale to contribute towards the provision of new, or enhancement of existing, community facilities.

The LDP Community Facilities Background Paper (2013) advises that within the St Augustine's Ward the projected housing growth over the plan period would result in a deficit of provision by 2026. Therefore a contribution would be required for the enhancement of existing community facilities within the ward. It is understood that popular existing community facilities within this ward require significant enhancements, specifically Belle Vue Park Pavilion.

Therefore, given the scale and location of the development, it is considered appropriate to require an off-site contribution of £988.50 per dwelling (based on the SPG requirement at the time the application was submitted), equalling **£29,655** in total.

Public Open Space

Residential developments are expected to make provision for Public Open Space and/or recreational facilities to meet the needs of the future population they will bring to the area. Open space offers vital opportunities for sport and recreation, and also act as a visual amenity. UDP Policy REC3 requires new residential developments to make provision for public open space at a minimum standard of 2.43 hectares per 1000 population (0.6-0.8 hectares for children's playing space and 1.6-1.8 hectares for outdoor sport). This equates to 24.3m² per person or 55.4sqm per dwelling (based on the average household size in the Vale of Glamorgan being 2.28 persons per dwelling). The Council applies this policy to all residential developments of 5 or more dwellings, in addition to the basic amenity space requirements necessary to meet the immediate amenity needs of occupiers (e.g. private garden space) as outlined in the approved Amenity Standards SPG.

The development for 30 houses creates the need for 174sqm of children's play space, 417.60sqm of other children's play space and 1113.60sqm of outdoor space.

The LDP Public Open Space Background Paper (2013) identifies an existing under-provision of children's outdoor play space outdoor sport space in the St. Augustine's Ward (which the development falls within). Given the constraints of the site, the Council would usually expect an off-site contribution calculated upon the basis of £2,320 per household not catered for by the Public Open Space delivered on site, equalling £69,600 (based on the SPG requirement at the time the application was submitted).

Sustainable Transport

In terms of local policy, UDP Policy 2 favours proposals which are located to minimise the need to travel, especially by car and which help to reduce vehicle movements or which encourage cycling, walking and the use of public transport. UDP Policy ENV27 states that new development will be permitted where it provides a high level of accessibility, particularly for public transport, cyclists, pedestrians and people with impaired mobility. Whilst the Council's Unitary Development Plan (1996-2011) is time-expired, these policies are supported by the advice in PPW, TAN 18: Transport and Manual for Streets and therefore remain relevant.

The Council's Sustainable Transport Assessment LDP Background Paper (2013) identifies the sustainable transport measures required to ensure better conditions for pedestrians, cyclists and public transport users, and to encourage a change in travel choices away from the single occupancy car. This is a key aim embodied in national and local planning and transport policies, which the Council is keen to deliver.

In accordance with the adopted Planning Obligations SPG, based on the provision of 30 dwellings, the Council would usually require a financial contribution which equates to £60,000 to improve sustainable transport provision within the vicinity of the site.

Public Art

The Council introduced a 'percent for art' policy in July 2003, which is supported by the Council's adopted SPG on Public Art. It states that on major developments, developers should set aside a minimum of 1% of their project budget specifically for the commissioning of art and, as a rule, public art should be provided on site integral to the development proposal.

Planning obligations administration fee

In addition the above and separate to any obligation, the Council requires the developer to pay an administration fee to monitor and implement the terms of the Planning Obligations. This fee covers the Council's costs to negotiate, monitor and implement the terms of the necessary Section 106 Agreement. This cost is essential because the additional work involved in effectively implementing a Section 106 Agreement is not catered for within the standard planning application fee and the Section 106 Planning Obligations are deemed to be necessary to make the development acceptable. Therefore, the developer is reasonably expected to cover the Council's costs in this regard. In this case, that would equate to £6,000. The developer has agreed to this.

Development Viability

During negotiations on the planning application the applicant has argued that the Council's requirements for planning obligations are threatening the economic viability of the development.

Welsh Government advice contained in "Delivering Affordable Housing Using Section 106 Agreements: A Guidance Update" (2009) makes it clear that development viability is a material consideration in determining planning applications. The burden of proof in such cases falls with the developer to prove that viability is an issue for their development. Therefore, the developer has submitted a viability appraisal, which includes details such as development revenue, development costs, abnormal development costs, professional fees, finance costs and build contingency and land value. This is confidential and contains commercially sensitive information and consequently cannot be released to the public, but is available on file for Member's Inspection under member privilege.

The District Valuer was then appointed as an independent expert to scrutinise, analyse and review the submitted information and advise the Council on the development viability. The District Valuer's Report confirms that the abnormal development costs do in fact make the site unviable at full policy requirement (including 40% affordable housing). This is centred primarily on the abnormal foundation costs and retaining works that would be required for the development to be constructed and costs associated to the land required for the access.

On this basis, and in line with the guidance set out in the adopted SPG on Planning Obligations and at a national level by WG, a reduced section 106 package has been negotiated to allow the development to be viable. The developer has made an offer of £300,000 as an off-site contribution with no affordable housing on site. This has been verified as reasonable by the District Valuer, given the abnormal viability constraints at this site. The reduced planning obligations offer is only considered acceptable in view of the development viability issues balanced against the need for housing and the sustainable credentials of the site.

In accordance with national guidance, the Council's Affordable Housing SPG 2016 outlines in section 6.2 (Prioritising Planning Obligations) that where an applicant robustly demonstrates that planning obligations would adversely affect the viability of a development, the Council would negotiate obligations in the following order: -

1. Works required to secure a safe environment for the community and future occupiers of the proposed development or which are necessary to meet statutory obligations (e.g. satisfactory access arrangements, off-site highway improvements, natural or built environment and flood risk prevention).
2. In the case of residential development, the provision of affordable housing to meet the needs of the local community.
3. Measures required to meet the needs of the future occupants of the proposed development where the failure to provide the measure would impose unacceptable impacts on the local community (e.g. public open space provision and education).
4. Measures required to mitigate the impact of the proposed development on the local community or matters of acknowledged importance (e.g. community safety, public art, employment and training).

Having regard to the particular circumstances of this development in this location, officers consider that the contribution should mainly be prioritised towards the provision of off-site affordable housing plus a contribution the enhancement of community facilities within the locality of the site. This is considered to be appropriate in terms of prioritising contributions, and in line with the available evidence demonstrating need within this ward.

Therefore, officers recommend a reduced s106 package of planning obligations reflecting the viability constraints of the site as follows:

Affordable housing - the viability evidence shows that 40% affordable housing cannot be achieved due to the particular characteristics of the site, which do not allow for this level of on-site affordable housing. The Council's Housing Solutions and Supporting People Team Leader has advised that whilst there is a desperate need to deliver affordable housing in Penarth and an on-site provision is always favoured, in this instance it is considered more appropriate to secure an off-site contribution. This is due to the difficulties for social housing landlords to manage a small number of affordable housing units contained within a large block of market properties, and also the service charges associated with such developments, which over time can become expensive and make the units unaffordable.

The off-site contribution would total **£270,345**. Given the viability constraints of the site, which have been verified by the District Valuer, the Council considers this sum to be acceptable. This would be used to deliver additional affordable housing off-site in the area, which is considered to be an important priority based upon the high level of need for affordable housing in this area. Based on current Acceptable Cost Guidance (ACG) figures the sum would equate to the equivalent social housing grant to provide 3 no. 1 bed (2 person) flats and 1 no. 2 bed (3 person) flat (i.e. 4 units) or equivalent in the area. The developer has agreed to this obligation.

Community facilities – Officers consider that this would be an appropriate priority for section 106 amount available, given the projected deficit within the ward, and the need to enhance existing facilities within the ward. Furthermore, the Community Facilities contribution could also be used to enhance and improve the quality of the play and outdoor sport provision within the ward. Therefore, given the scale and location of the development, it is considered a contribution of **£29,655** is appropriate to provide / improve community facilities serving the development. The developer has agreed to this obligation.

REASON FOR RECOMMENDATION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV6-East Vale Coast, ENV7-Water Resources, ENV11-Protection of Landscape Features, ENV16-Protected Species, ENV17-Protection of Built and Historic Environment, ENV20-Development in Conservation Areas, ENV26-Development of Contaminated Land and Unstable Land, ENV27-Design of New Developments, ENV28-Access for Disabled People, ENV29-Protection of Environmental Quality, HOUS2-Additional Residential Development, HOUS8-Residential Development Criteria, HOUS12-Affordable Housing, TRAN9-Cycling Development, TRAN10-Parking, REC3-Provision of Open Space within Residential Development, REC6-Children's Playing Facilities, Strategic Policies 1 and 2-The Environment, 3-Housing and 8-Transportation of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance, including Amenity Standards, Trees and Development, Penarth Conservation Area, the Penarth Conservation Area Appraisal and Management Plan, Biodiversity and Development, Draft Affordable Housing, Draft Planning Obligations, Parking Standards and Model Design Guide for Wales; and national guidance contained in Planning Policy Wales, TAN1-Joint Housing Land Availability Study, TAN2-Planning for Affordable Housing, TAN5-Nature Conservation and Planning, TAN10-Tree Preservation Orders, TAN12-Design, TAN14-Coastal Planning, TAN15-Development and Flood Risk, TAN16-Sport, Recreation and Open Space and Welsh Office Circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas, it is considered that the proposal represents an acceptable form of residential redevelopment of the site that should not result in any significant harm to the visual amenity of the area and would preserve the setting of the nearby listed

buildings and the Penarth Conservation Area. The proposal should also not detract from the neighbouring and general residential amenities of the area or highway safety. In addition, subject to appropriate conditions, there should be no detriment to ecology interests on the site, and sufficient evidence has been submitted to show that the ground stability of the site should not preclude its development, and that provisions for the adequate drainage of the site can be made.

RECOMMENDATION

Subject to the interested person(s) first entering into a Section 106 Legal Agreement to include the following necessary planning obligations:

- Provide an off-site contribution of £270,345 towards affordable housing;
- Pay a contribution of £29,655 towards new or improved community facilities;
- Meet the planning obligations administrative fee of £6,000.

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:-
 - Location Plan, Dwg. No. 1321/L01A, amended plan received 5 May 2016;
 - Existing plans, Dwg. No.s 1321/E01-E03, received 10 December 2015;
 - Site Plan, Dwg. No. 1321/S101C, amended plan received 24 October 2016;
 - Proposed Ground Floor Plan Block A, Dwg. No. 1321/S203B, amended plan received 8 September 2016;
 - Proposed Ground Floor Plan Block B, Dwg. No. 1321/S204B, amended plan received 8 September 2016;
 - Proposed Ground Floor Plan Block C, Dwg. No. 1321/S205B, amended plan received 8 September 2016;
 - Parking Layout Northcliff Apart. Existing-Proposed, Dwg. No. 1321/S206D, amended plan received 12 October 2016;
 - Block A Floor Plans (1), Dwg. No. 1321/S210, received 10 December 2015;
 - Block A Floor Plans (2), Dwg. No. 1321/S211, received 10 December 2015;
 - Block B Floor Plan (1), Dwg. No. 1321/S220, received 10 December 2015;
 - Block B Floor Plan (2), Dwg. No. 1321/S221, received 10 December 2015;

- Block B Floor Plan (3), Dwg. No. 1321/S222, received 10 December 2015;
- Block B Floor Plan (4), Dwg. No. 1321/S223, received 10 December 2015;
- Block B Floor Plan (5), Dwg. No. 1321/S224, received 10 December 2015;
- Block C Floor Plan (1), Dwg. No. 1321/S230, received 10 December 2015;
- Block C Floor Plan (2), Dwg. No. 1321/P231, received 10 December 2015;
- Indicative Section AA, Dwg. No. 1321/S300, received 24 December 2015;
- Indicative Section BB, Dwg. No. 1321/S301, received 24 December 2015;
- Indicative Section CC, Dwg. No. 1321/S302A, amended plan received 8 September 2016;
- Blocks A B & C North Elevations (with context), Dwg. No.s 1321/S400-402, received 24 December 2015;
- Block A, B & C Elevations, Dwg. No.s 1321/S410-413, received 10 December 2015;
- Perspective Across Barragem Dwg. No. 1321/S500, received 10 December 2015;
- Proposed Topographical Survey, Dwg. No. 15025-100, received 10 December 2015;
- Proposed Levels, Dwg. No. 15025-101 Rev B, received 10 December 2015;
- Proposed Finishes Plan, Dwg. No. 15025-102 Rev A, received 10 December 2015;
- Proposed Drainage Layout, Dwg. No. 15025-103 Rev A, received 10 December 2015;
- Proposed Site Sections, Dwg. No. 15025-104 Rev A, received 10 December 2015;
- Proposed Vehicle Tracking, Dwg. No. 15025-SK102 Rev C, amended plan received 12 October 2016;
- Planting schedule and Landscape plans, Dwg. No.s 2015./100 Rev A, 101 Rev A and 102 Rev A, received 10 December 2015;
- Design and Access Statement (DAS) prepared by Loyn & Co Architects, received 24 December 2015;
- Planning Statement prepared by LRM Planning Ltd, received 24 December 2015;
- Transport Statement by WYG, received 24 December 2015;
- Slope Stability Desk Study Report by Terrafirma, received 24 December 2015;
- Preliminary Slope Stability Analysis dated November 2016;
- Tree Survey and Arboricultural Impact Assessment by Treescene received 10 December 2015; and
- Ecological Assessment (received 10 December 2015), Bat and Reptile Survey (received 23 June 2016), and Biodiversity Strategy (amended scheme received 20 July 2016) all by David Clements Ecology Ltd.

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

3. Prior to their use in the construction of the development hereby approved, a schedule of the proposed materials to be used, including samples, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of visual amenity and the wider character of the area, including the setting of the nearby listed buildings and the Penarth Conservation Area in accordance with Policies ENV6-East Vale Coast, ENV17-Protection of Built and Historic Environment, ENV27-Design of New Developments and HOUS8-Residential Development Criteria of the Unitary Development Plan.

4. Before commencement of any works for the new access, full engineering details of all traffic arrangements (including carriageways, footways, kerb radii, means of surfacing etc.), associated with the means of access to the site, which shall be in general accord with Dwg. No. 15025-SK102 Rev C, amended plan received 12 October 2016, shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented in full before the first beneficial occupation of any one of the residential units hereby permitted.

Reason:

In the interests of highway safety in accordance with .

5. No development shall take place until the reconfiguration of the existing car park serving the adjacent Northcliffe apartments is completed in accordance with the approved plans, Dwg. No. 1321/S206D, amended plan received 12 October 2016.

Reason:

To ensure adequate car parking provision for the use of the adjacent Northcliffe apartments in the interests of highway safety, and in accordance with Policy TRAN10-Parking of the Unitary Development Plan.

6. The proposed car parking spaces shown on Dwg. No. 15025-SK102 Rev C, amended plan received 12 October 2016, shall be provided to the minimum dimensions of 4.8m x 2.6m. Both the car parking spaces and bicycle storage shall be implemented before the first beneficial occupation of the development hereby permitted, and retained at all times within the site for the exclusive use of the development hereby permitted.

Reason:

To ensure adequate car and bicycle parking provision in the interests of highway safety in accordance with Policies TRAN9-Cycling Development, TRAN10-Parking and Supplementary Planning Guidance on Parking Standards of the Unitary Development Plan.

7. Prior to the first beneficial occupation of the development hereby approved, a Travel Plan shall be prepared to include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The Travel Plan shall thereafter be implemented in accordance with the approved details.

Reason:

To ensure the development accords with sustainability principles and that site is accessible by a range of modes of transport in accordance with UDP Policies 2, 8 and ENV 27 (Design of New Developments).

8. The development hereby permitted shall not rely on, or utilise the existing access onto Northcliffe Drive, but shall be served only via the proposed new access onto Paget Place. Full details of the means of stopping-up of this access, and the timing of this work, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

In the interests of neighbouring amenity, and community safety, in accordance with Policies ENV27-Design of New Developments and HOUS8-Residential Development Criteria of the Unitary Development Plan.

9. The development hereby permitted shall be implemented in accordance with the submitted Tree Survey and Arboricultural Impact Assessment, prepared by Treescene and received on 10 December 2015, along with the following additional requirements:-

- Two weeks before the commencement of any demolition works, or deposition of materials, equipment or machinery on site, the details of the name and address of a qualified arboriculturist shall be submitted to, and agreed in writing by the Local Planning Authority; and
- the agreed arboriculturist shall carry out a watching brief from the commencement of demolition through to excavations/piling processes (including those required for the investigation into site stability and service trenching), in order to supervise and monitor these works near trees on, and adjacent to the boundaries, of the site, and to advise on, or undertake root severance as may arise, and to ensure adequate measures are in place to protect root zones and soil levels around trees that are to be retained.

Reason:

To ensure those trees that are to be retained are safeguarded during investigation and construction works, in the interest of visual amenity and the wider character of the area, including the setting of the nearby listed buildings and the Penarth Conservation Area in accordance with Policies ENV6-East Vale Coast, ENV11-Protection of Landscape Features, ENV17-Protection of Built and Historic Environment, ENV27-Design of New Developments and HOUS8-Residential Development Criteria of the Unitary Development Plan.

10. Notwithstanding the submitted landscape scheme, the eight Norway Maple identified on plan shall be reduced to five with three *Acer griseum* as a replacement, plus the five *Sorbus aucuparia* reduced to three with two *Prunus padus* as a replacement, along with supplemental planting along the western boundary of the site with Harbour View Cottages. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

To ensure satisfactory maintenance of the replacement landscaping, and in the interests of neighbouring and visual amenity and the wider character of the area, including the setting of the nearby listed buildings and the Penarth Conservation Area in accordance with Policies ENV6-East Vale Coast, ENV11-Protection of Landscape Features, ENV17-Protection of Built and Historic Environment, ENV27-Design of New Developments and HOUS8-Residential Development Criteria of the Unitary Development Plan.

11. All means of enclosure associated with the development hereby approved, including any retaining walls, shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

Reason:

In the interest of visual amenity and the wider character of the area, including the setting of the nearby listed buildings and the Penarth Conservation Area in accordance with Policies ENV6-East Vale Coast, ENV11-Protection of Landscape Features, ENV17-Protection of Built and Historic Environment, ENV27-Design of New Developments and HOUS8-Residential Development Criteria of the Unitary Development Plan.

12. Before the implementation on site, further details of the bin store, including elevations, materials and means of securing, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented thereafter in accordance with the approved details.

Reason:

Full details have not been provided and in the interest of visual amenity and the wider character of the area, including the setting of the nearby listed buildings and the Penarth Conservation Area in accordance with Policies ENV6-East Vale Coast, ENV11-Protection of Landscape Features, ENV17-Protection of Built and Historic Environment, ENV27-Design of New Developments and HOUS8-Residential Development Criteria of the Unitary Development Plan.

13. The development hereby permitted shall be implemented in accordance with the biodiversity protection, conservation and enhancement measures detailed in the Biodiversity Strategy (June 2016 v2) prepared by David Clements Ecology Ltd., and received on 24 July 2016. Any works to the retaining wall referenced at paragraphs 4.4 and 4.5 of the David Clements Ecology Bat and Reptile Surveys report June 2016 (including repointing, demolition, partial demolition etc) must be undertaken outside of the bats hibernation period and under the supervision of an appropriately licenced and qualified ecologist, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works to the wall. If any bats are found, all works must cease immediately and remain ceased pending consultation with Natural Resources Wales, and details of the bats shall be reported to the Local Planning Authority in writing. Prior to the subsequent re-commencement of any works to the wall, a European Protected Species licence, if required by Natural Resources Wales, shall be submitted to the Local Planning Authority.

Reason:

In the interests of ecology and biodiversity enhancement in accordance with TAN5-Nature Conservation and Planning, and the Conservation of Habitats and Species Regulations 2010.

14. No development granted by this consent, other than demolition and tree removal, shall commence on site until a comprehensive geotechnical assessment, including results of monitoring, as recommended in the 'Slope Stability Desk Study Report' prepared by Terrafirma, received 24 December 2015, and the further report "Preliminary Slope Stability Analysis" (November 2016), and incorporating a strategy for the disposal of surface water, has been submitted to and agreed in writing by the Local Planning Authority.

Reason:

To manage the flood risk and ground stability issues in the interests of public health and safety in accordance with Policies ENV7-Water Resources, ENV26-Contaminated Land and Unstable Land, ENV27-Design of New Developments, and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

15. A scheme for the comprehensive and integrated drainage of the development site, including details of how foul water, surface water and land drainage will be dealt with shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. In particular further details of the surface water drainage strategy are required, showing how road and roof/yard water will be dealt with, and if infiltration techniques are used, then details of field percolation tests should be included, along with any calculation for on-site attenuation or discharge, plus a maintenance schedule for the surface water system. The approved scheme of drainage shall be implemented and completed in full accordance with the agreed details prior to the first beneficial occupation of any dwelling on the site.

Reason:

To ensure the effective drainage of the site and that no adverse impact occurs to the environment or the existing public sewerage system in accordance with Policies ENV27-Design of New Developments and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

16. No Development shall take place until there has been submitted to, approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated. The CEMP shall include a Construction Phase Programme, and shall demonstrate how the surface water scheme identified in Condition 15 will be implemented across the site, with indication of how the developer intends to control surface water run-off during construction works. The CEMP will utilise the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk). The CEMP will include a system for the management of complaints from local residents which will incorporate a reporting system. The construction of the Development shall be completed in accordance with the approved Plan unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment in accordance with Policies ENV27-Design of New Developments and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

17. No construction work associated with the development hereby approved shall take place on the site on any Sunday or Bank Holiday or on any other day except between the following hours:

Monday to Friday - 8:00 until 18:00

Saturday - 8:00 until 13:00

unless such work is:-

- a) associated with an emergency (relating to health and safety or environmental issues);
- (b) carried out with the prior written approval of the Local Planning Authority.

Reason:

To safeguard the residential amenities of neighbouring occupiers in accordance with Policies ENV27-Design of New Developments, ENV29-Protection of Environmental Quality and HOUS8-Residential Development Criteria of the Unitary Development Plan.

18. Any works to the retaining wall referenced at paragraphs 4.4 and 4.5 of the David Clements Ecology Bat and Reptile Surveys report June 2016 (including repointing, demolition, partial demolition etc) must be undertaken outside of the bats hibernation period and under the supervision of an appropriately licenced and qualified ecologist, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works to the wall. If any bats are found, all works must cease immediately and remain ceased pending consultation with Natural Resources Wales, and details of the bats shall be reported to the Local Planning Authority in writing. Prior to the subsequent re-commencement of any works to the wall, a European Protected Species licence, if required by Natural Resources Wales, shall be submitted to the Local Planning Authority.

Reason:

In the interests of ecology and to ensure compliance with Policy ENV 16 of the UDP.

PLANNING COMMITTEE DECISION

REFUSE (W.R.)

1. The proposed development is considered to be contrary to the aims of Policies HOUS2 - Additional Residential development, HOUS8 – Residential Development Criteria and ENV27 - Design of New Developments, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the advice contained within Planning Policy Wales and Technical Advice Note 12 (Design) for the following reason:

It is considered that the proposed buildings are of an excessive size, massing and form and fail to have regard to the context of the site, would appear as over scaled and incongruous within the streetscene and within its coastal headland context, and would fail to either preserve or enhance the character of the nearby Conservation Area or Listed Buildings. The development would therefore be contrary to the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

NOTE:

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

Appendix EDP 2 Visual Impact Assessment

Introduction

A2.1 This statement is prepared by The Environmental Dimension Partnership Ltd (EDP), on behalf of Celtic Developments Penarth Ltd (the applicant), to inform and support resubmitted development proposals at Northcliffe Lodge, Northcliffe Drive, Penarth, following the refusal of a previous full planning application (Ref. 2015/01449/FUL). The statement assesses the predicted visual impact arising from the completion of the proposed scheme upon the site identified in **Image EDP A2.1** below.

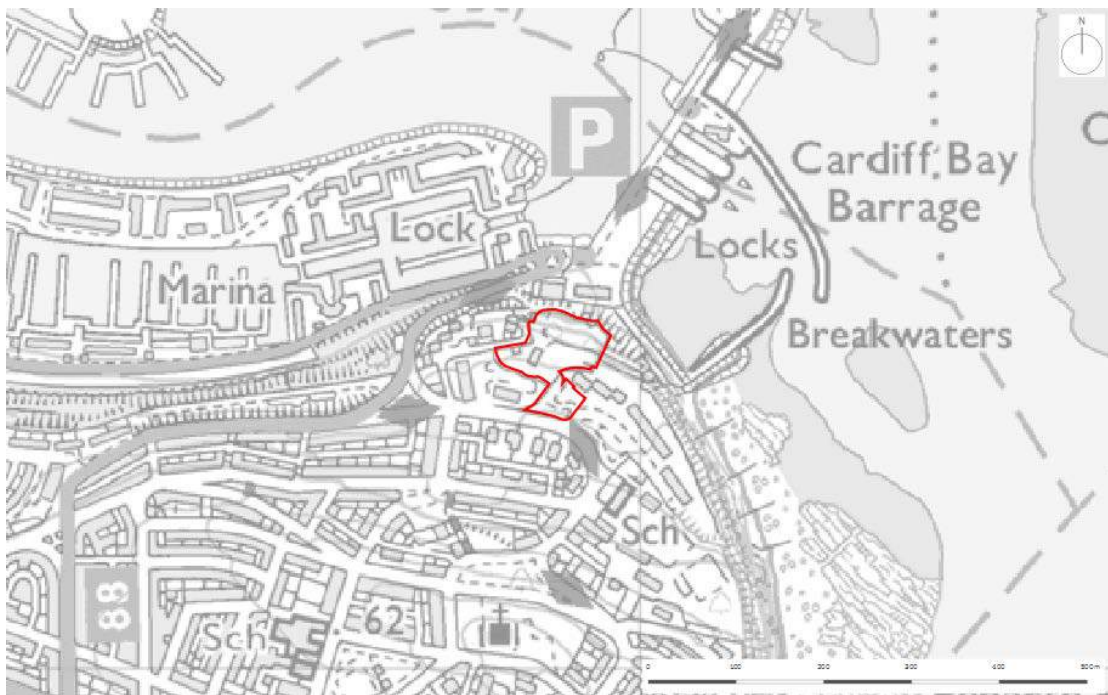


Image EDP A2.1: Site location and boundary.

A2.2 Contextually the site is situated on the north side of Penarth Head, within the residential settlement boundary for Penarth, with a considerable change in levels across the site as it slopes from south to north towards Cardiff Bay. Overall, the proposal comprises the demolition of the existing dwelling of Northcliffe Lodge and associated outbuilding upon the site, to be replaced by:

- The erection of 30 apartments within 3 apartment blocks of three storey construction of an overtly contemporary design, stepping down the hill from south to north over 3 main terraces. Roof forms reflect a clearly modern design;
- New access to the site from Paget Place via a sinuously curving road, and alterations to adjacent parking area; and
- Provision of significant areas of landscaping, and a significant number of mature

trees around the margins of the site in the west, south and north, in order to maintain a high quality environment for residents, maintain the general character of the headland and maintain an appropriate separation from existing residential properties.

- A2.3 A Design and Access Statement, accompanies this application and provides a detailed description of the site and building design, with key proposal elements outlined within Section 6 of the Heritage Assessment.

Methodology

- A2.4 This visual assessment has been carried out by a qualified Landscape Architect with experience of writing full Landscape and Visual Impact Assessments (LVIA) guided by the '*Guidelines for Landscape and Visual Impact Assessment*', Third Edition (GLVIA3). In this instance the assessment does not conform to the typical format of an LVIA, but for brevity is contained within a brief statement focusing predominantly on the visual effects of the scheme, in order to underpin and identify the assessment of the proposal's impact on heritage assets.

Assessment Criteria

- A2.5 The tables below set out the criteria for consideration of the sensitivity of, and the magnitude of change to, the visual receptor. These criteria are reproduced in **Tables EDP A2.1** to **A2.2** below.

Table EDP A2.1: Consideration of the Overall Sensitivity of Visual Baseline.

Visual Baseline – Overall Sensitivity	
Very High	Value/Susceptibility: view is designed/has intentional association with surroundings; is recorded in published material; from a publicly accessible heritage asset/designated/promoted viewpoint; national/internationally designated right of way; protected/recognised in planning policy designation.
	Examples: may include views from residential properties, National Trails; promoted holiday road routes; designated countryside/landscape features with public access; visitors to heritage assets of national importance; Open Access Land.
High	Value/Susceptibility: view of clear value but may not be formally recognised e.g. framed view of scenic value or destination/summit views; inferred that it may have value for local residents; locally promoted route or Public Right of Way (PROW).
	Examples: may include from recreational locations where there is some appreciation of the visual context/landscape e.g. golf, fishing; themed rights of way with a local association; National Trust land; panoramic viewpoints marked on OS maps; road routes promoted in tourist guides and/or for their scenic value.
Medium	Value/Susceptibility: view is not widely promoted or recorded in published sources; may be typical of those experienced by an identified receptor; minor road routes through rural/scenic areas.
	Examples: may include people engaged in outdoor sport not especially influenced by an appreciation of the wider landscape e.g. pitch sports; views from minor road routes passing through rural or scenic areas.
Low	Value/Susceptibility: view of clearly lesser value than similar views from nearby visual receptors that may be more accessible.
	Examples: may include major road routes; rail routes; receptor is at a place of work but visual surroundings have limited relevance.
Very Low	Value/Susceptibility: View may be affected by many landscape detractors and unlikely to be valued.
	Examples: may include people at their place of work, indoor recreational or leisure facilities or other locations where views of the wider landscape have little of no importance.

Table EDP A2.2: Consideration of the Magnitude of Change.

Magnitude of Change – Visual	
(Considers Scale of Proposal/Geographical Extent/Duration and Reversibility/Proportion)	
Very High	Substantial change to the baseline, forming a new, defining focus and having a defining influence on the view.
High	Additions are clearly noticeable and part of the view would be fundamentally altered.
Medium	The proposed development will form a new and recognisable element within the view which is likely to be recognised by the receptor.
Low	Proposed development will form a minor constituent of the view being partially visible or at sufficient distance to be a small component.
Very Low	Proposed development will form a barely noticeable component of the view, and the view whilst slightly altered would be similar to the baseline.
Imperceptible	In some circumstances, changes at representative viewpoints or receptors will be lower than 'Very Low' and changes will be described as 'Imperceptible'. This will lead to negligible effects.

Effects Matrix

A2.6 Based on the judgements above, and consideration of proposed mitigation, the level of effect is assessed in the first year after completion of the development, to provide a 'worst case' scenario. Effects of moderate or higher may be a material consideration. The table below sets out the matrix for defining effects.

Table EDP A2.3: Level of Effects.

Overall Sensitivity	Overall Magnitude of Change				
	Very High	High	Medium	Low	Very Low
Very High	Substantial	Major	Major/- Moderate	Moderate	Moderate/ Minor
High	Major	Major/ Moderate	Moderate	Moderate/ Minor	Minor
Medium	Major/ Moderate	Moderate	Moderate/- Minor	Minor	Minor/ Negligible
Low	Moderate	Moderate/ Minor	Minor	Minor/ Negligible	Negligible
Very Low	Moderate/ Minor	Minor	Minor/- Negligible	Negligible	Negligible/ None

Findings of Visual Impact Assessment

A2.7 The visual impact of this proposed scheme upon its surrounding context has been determined through comparison of five baseline viewpoints and computer generated montages, provided by Buzzbox (18 May 2017), by a suitably qualified Landscape Architect. The digital imagery was also 'ground truthed' in the field during a site visit.

A2.8 Initially, within the Buzzbox 'Impact Assessment' 13 possible locations for impact assessment images were identified around the Cardiff Bay area. Within the assessment five of these were then chosen by the architect and developer, considered to provide a 'good mix' of viewpoints to represent views from the surrounding context. However, a site visit has been carried out by EDP as part of this visual assessment to confirm that these 5 viewpoints provide an accurate representation of views towards the site, and as such EDP is in agreement that these five viewpoint locations provide a suitable overarching consideration of visual amenity towards the site from the surrounding, publicly accessible context. A consideration of the impacts upon each of these five viewpoints is provided below, with the viewpoint reference numbers matching those used within the Buzzbox 'Impact Assessment' for clarity.

Viewpoint (Camera) 01

A2.9 Taken from the major, dual-carriageway, road route of the A4232 as it crosses the mouth of the River Taff, this viewpoint location allows for wide views across the water body of Cardiff Bay towards the northern edge of Penarth, 1.57km to the south-south-east. The steep landform of the Penarth headland is clearly visible within this view, as it connects to the Cardiff Bay Barrage and Embankment, traversed by existing development of hillside

and waterfront settlement. The foreground of the view is characterised by marina use associated with Cardiff Yacht Club and the apartment buildings of Ferry Court.

- A2.10 Receptors using this route are identified to be vehicular users, travelling at increased speeds with purposes other than appreciation of the surrounding landscape, and pedestrians travelling by bike or foot alongside this major road route. Overall the sensitivity of these receptors is anticipated to be no more than low.
- A2.11 Given the distance from the site, the addition of the proposed scheme into the landscape (as seen within Camera 01 Montage; Buzzbox Impact Assessment) would constitute only a small extent of the overall view, nestled amongst existing hillside development of Penarth. Addition of the proposed scheme is not anticipated to break the existing skyline of the Penarth headland but, due to its form being tiered upon the hillside and the resulting minimal vegetation cover, clear views will be available of the upper storeys of development above the waterside buildings of Custom House, Marine Buildings and Plas Taliesin.
- A2.12 As such, the proposal is deemed to be only a minor constituent of the view, given its distance, presented within a view already characterised by development of a similar character (such as the existing private estate of Northcliffe located upon the cliff top adjacent to the east of the site, which presents a similarly contemporary character), resulting in a level of change anticipated to be no more than low. Alongside the low sensitivity of receptors identified above, the addition of the proposal is assessed to result in no more than a **minor/negligible** level of effect upon receptors and views near to this location.

Viewpoint (Camera) 03

- A2.13 Viewpoint 03 demonstrates the view available from the main commercial area of Cardiff Bay, upon the pedestrianised paving adjacent to the Pierhead Building and Roald Dahl Plass, 2.1km to the north of the site. Views from this area of the Bay are characterised by their waterside location and views across the water towards the barrage and Penarth. The St. David's Hotel forms a notable mid-distance feature within the view, with the distinct landform of the Penarth headland and Bay Barrage and Embankment being clearly visible beyond.
- A2.14 Receptors using this northern end of the Bay are predominantly considered to be on foot or travelling by boat, using the area for appreciation of the surrounding landscape, as well as other purposes such as shopping or commuting to work. The area and view is already influenced by the presence of built form and as such receptors upon the waterfront at the northern end of Cardiff Bay are considered to be of medium sensitivity.
- A2.15 The addition of the proposed scheme (seen within Camera 03 Montage; Buzzbox Impact Assessment) is visible upon the hillside to the south, between the building of Custom House on the waterside and Saint Augustine's Church upon the hilltop. As identified within Viewpoint 01, the addition of the proposal does not interrupt the existing skyline of Penarth, but instead nestles amongst existing vegetation and development mid-hillside.

- A2.16 As a whole, this visible northern aspect of the Penarth hillside is seen to already be developed for residential use, to the point that it is considered the addition of the proposed scheme would not be out of character and would not form an obviously recognisable new feature within views, considering the intervening distance and the use of colour and material to reflect that currently present.
- A2.17 As such, the proposal is again deemed to be only a minor constituent of the overall view, presented within a view already characterised by development, resulting in a magnitude of change anticipated to be no more than low. Alongside the medium sensitivity of receptors identified at the northern end of Cardiff Bay, the addition of the proposal is assessed to result in no more than a **minor** level of effect upon receptors and views near to this location.

Viewpoint (Camera) 08

- A2.18 Viewpoint 08 demonstrates views from the northern end of the Cardiff Bay Barrage Embankment, adjacent to Locks Road and the Cardiff Bay Barrage Children's Playground, 1.06km to the north-east of the site. Views from along the Barrage are characterised on both sides by the presence of water, Cardiff Bay to the west and the Bristol Channel to the east, with landmark features, such as the Sails, and footpaths along its route emphasising the recreational nature of the area. Views towards Penarth are clearly visible upon and along the hillsides, forming a prominent landform profile with Saint Augustine's Church perched atop.
- A2.19 Receptors with visual connectivity with the site, upon this northern half of the Cardiff Bay Barrage Embankment, are likely to be moving by vehicle or bike (The Bay Trail 10km Sustrans Route for cyclists and walkers) along the minor road route of Locks Road or by foot along the Barrage Embankment's western side. Those travelling by vehicle are likely to be using the route for purposes other than appreciation of the landscape, such as commuting to home/work, but do pass along a reasonably scenic route which is considered to increase perceived value by users, resulting in an overall medium sensitivity for these minor road route receptors. Pedestrian receptors are deemed likely to be slow moving and making use of the space and route for the appreciation of the surrounding waterside landscape, resulting in a high sensitivity.
- A2.20 From this northern end of the Barrage Embankment, the scheme is seen to form only a minor constituent of overall available views (as seen within Camera 08 Montage; Buzzbox Impact Assessment). The clifftop and hillside of Penarth are already heavily developed for residential use which presently characterises these mid-distance views towards the site. The addition of the proposed scheme would be clearly visible within the view above Custom House and Marine Buildings, as a result of its tiered nature, and would appear larger than the Northcliffe Lodge property currently visible. However, the materials and design proposed for the scheme are considered to be in keeping with residential development already present within the surrounding context, particularly the existing contemporary character of the private estate of Northcliffe upon the cliff top. With all of this in mind, and the distance from the proposed scheme, the addition of the new development is anticipated to cause no more than a low magnitude of change.

A2.21 This low magnitude of change, considered alongside the medium/high sensitivity identified for receptors earlier, results in the overall level of effect of the proposed scheme on the baseline visual condition to be no more than **moderate/minor**.

Viewpoint (Camera) 12

A2.22 At the southern end of the Cardiff Bay Barrage Embankment lies the Cardiff Bay Barrage itself, comprising a small harbour area with locks connecting the water body of Cardiff Bay to the Bristol Channel. Viewpoint 12 is located at the eastern-most point of the harbour walls, 270m to the east of the site, extending out into the waters of the Bristol Channel. Foreground views from this location are characterised by its engineered harbour location, beyond this the vegetated cliff-side of Penarth can be seen rising above Penarth Marina. The square appearance, contemporary buildings of the private estate of Northcliffe are clearly visible atop the cliff, creating an existing skyline of built form.

A2.23 Receptors at this location are likely to include people on foot walking along the harbour wall and people entering the harbour by boat to access the Bay/Bristol Channel via the barrage locks. In both cases pedestrians travelling by foot and boat travellers are likely to be slow moving, with those pedestrians using their access to the harbour wall for the appreciation of the surrounding landscape. Those travelling by boat are likely to be using the area more-so for the purpose of access to the Bay, rather than specifically for the surrounding scenery. In both cases it is considered that the most valued views from this location are most likely to be towards the Bristol Channel rather than the developed hillsides of Penarth. Considering the viewpoint's already developed view and location, it is assessed that receptors at this location and within the barrage harbour are of medium sensitivity to development.

A2.24 With the addition of the proposed scheme, the new buildings, particularly upper storeys, would be visible amongst existing and proposed vegetation upon the hillside behind Custom House and Marine Buildings. As a result of the shortened distance, these views are closer ranging than those considered previously, with the scheme forming a new element to the view which is likely to be recognised by receptors (as seen within Camera 12 Montage; Buzzbox Impact Assessment). In this instance the proposed properties will create a recognisable alteration to the skyline of the hillside, which within the site's visible extent is presently defined by vegetation cover. Despite being an evident change, the proposals are not considered to conflict with the existing characteristics of the view, presenting a similar contemporary hillside character to those of the Northcliffe development at the top of the cliffs. Through maturation of proposed vegetation to replace that lost through development, it is anticipated that visibility of these properties will be softened and further assimilated into the baseline condition. With all of this in mind the magnitude of change for receptors at this location of the Cardiff Bay Barrage to be no more than medium.

A2.25 Overall this medium sensitivity, combined with a predicted medium magnitude of change, is considered to identify a level of effect upon receptors at this location of no more than **moderate/minor**.

Viewpoint (Camera) 13

- A2.26 Viewpoint 13 is taken from the Penarth Marina Car Park, at the point where the Cardiff Bay Barrage connects with the north-eastern edge of Penarth, 165m to the north of the site. On near approach to Penarth from the Barrage, and within this identified view, foreground views are characterised by the presence of the listed Custom House and the listed Marine Buildings (the latter of which is not in use at present). The site is situated upon the hillside behind these foreground buildings, with the existing white building of Northcliffe Lodge currently visible amongst surrounding vegetation. To the east of the site lies the Northcliffe private estate and to the west lies the existing properties of Northcliffe Drive and Mariner's Heights, all of which are presently visible upon the elevated ground amongst existing vegetation.
- A2.27 Receptors within this marina area are likely to include people travelling by foot, bike and car. The majority of receptors at this location are likely to be using the area for purposes other than the appreciation of the surrounding landscape, for example commuting to work/home. Where appreciation of the landscape does occur this is likely to be focussed more upon the area's association with the water's edge of the marina and barrage, rather than the hillsides to the south with their already developed character. Considering this receptors at this location are deemed to present no more than a medium sensitivity.
- A2.28 The addition of the proposed scheme will form a clearly noticeable new element which covers a reasonable extent of the width of the identified view (as seen within Camera 13 Montage; Buzzbox Impact Assessment). The presence of the proposed scheme behind Marine Buildings will make the existing rooflines of these buildings less distinctive in comparison to their current backdrop of vegetation, however effects like this already occur with existing hillside development such as that behind Custom House. Proposals are seen to be of a similar colour palette to that already present within the view to allow for assimilation of the scheme into the existing character, emphasised by the visible presence of the contemporary style buildings of Northcliffe. As such the proposed scheme will be a noticeable new addition to the overall view, which over time is anticipated to be softened by proposed vegetation as it matures. With the above in mind the addition of the proposed scheme is anticipated to result in a medium magnitude of change.
- A2.29 This magnitude of change, alongside the medium sensitivity of receptors identified above, would result in the proposal causing no more than a **moderate/minor** level of effect upon receptors and views near to this location.

Summary of Visual Assessment

- A2.30 Though anticipated to be a recognisable new element within some views, particularly (as one might expect) close ranging views when approaching the site at the southern end of the Cardiff Bay Barrage, the proposed scheme is considered to have been designed in such a way that its addition into available views would not be perceived as out of character when compared to the baseline condition of the Penarth hillside. The presence of existing development of Northcliffe, Northcliffe Drive and Mariner's Heights give this hillside an

existing developed character of a predominantly contemporary, late 20th century nature, behind the renaissance character of Marine Buildings and Custom House at Penarth Marina. From further afield, for example from the northern end of the Barrage Embankment and the A4232, the site is found to only form a small constituent of available views and would likely be barely discernible amongst existing development.

- A2.31 Through consideration of the viewpoints and photomontages provided by Buzzbox, and experience of the site's context through a site visit, the addition of the proposed development for 30 apartments, in the form of 3 blocks upon sloping ground at Northcliffe Lodge, Northcliffe Drive, Penarth is not anticipated to create an overall fundamental level of effect upon the baseline visual condition. Overall the level of effect anticipated from viewpoints around Cardiff Bay vary between **minor/negligible** and **moderate/minor** dependent upon proximity of the receptor to the site. However when considered alongside the visual assessment methodology outlined previously these levels of impact are not considered to be unacceptable in terms of visual amenity and should not be deemed as a material consideration against the proposed scheme.

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Appendix EDP 3
Listing Citation for St. Augustine's Parish Church

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Full Report for Listed Buildings



Summary Description of a Listed Buildings

Reference Number	Building Number	Grade	Status	Date of Designation	Date of Amendment
13347		I	Designated	04/04/1989	21/01/1993

Name of Property	Address
St Augustine's Parish Church	

Location

Unitary Authority	Community	Town	Locality	Easting	Northing
Vale of Glamorgan	Penarth	Penarth		318840	172040

Street Side	Location
	In walled churchyard on highest part of Penarth Head; entrance close to junction with St Augustine's Place.

Description

Broad Class	Period
Religious, Ritual and Funerary	

History
1865-66. By William Butterfield, architect, of London. For Baroness Windsor replacing ancient church outgrown by population of town. Builders Webb and Co of Birmingham. Cost £10,000.

Exterior

Victorian Gothic church in spare Early English style with distinctive saddleback tower. Chancel with S transept organ chamber and N vestry over boiler room; aisled nave with SW saddleback tower and NW porch. Leckwith limestone facings, bathstone dressings and bands, red Staffordshire tiles, some Radyr stone shafts. Parapet gables with carved crucifix finials and moulded kneelers. Stepped sill band with quatrefoil panels under three-light Geometric East window. Low set back buttresses with steep set-offs. Grouped lancets with small oculus to organ chamber. Paired lancets (single towards W) in shallow clerestorey panels with banding as E wall; grouped aisle lights divided by buttresses with sill band as before. Weathercock finial to W gable of four-storey tower with corbelled saddle, twin re-used lancets to bell openings, triple arcades to lower storey, corner buttresses. Simple pointed archway of two orders (chamfered and cavetto) with hoodmould and impost stringcourse; double boarded doors with fine foliage hinges and fretted ironwork band incorporating door handle. Four-light plate tracery W window with twin panels below sill band. Remarkable quatrefoil to N aisle end overlapped by cross gable NW porch with shafted outer archway reached up steps. Tall NE vestry with fine twin round stacks, 'ragged' gable crucifix over unusual three-light plate tracery window and offset doorways (up and down steps) under catslide roof. Typical shouldered lights in E wall. Oval churchyard with good C19 monuments including that of Dr Joseph Parry, a pillar of white marble surmounted by lyre; roughly coursed rubble boundary wall with (inset at SW corner) scallop-shell cast iron drinking fountain.

Interior

Polychrome brick patterns and bathstone dressings on red brick facings. Stilted low-pitch chancel roof with stellar pattern ribs and crenellated wall plate; steeper nave roof similar with wall posts to main trusses. Low cusped and cavetto arched recesses of banded stone to sanctuary with spandrel quatrefoils below stringcourse stepping up to form hoodmoulds over banded arched openings to N and S. Gothic screen to N side and S organ (installed 1898) by William Hill. Decorative brass altar rails, chequered marble reredos, patterned tiled floor, Georgian tablets in rector's vestry with Gothic fireplace and piscina. Banded and chamfered chancel arch on semi-octagonal responds. Medieval carved stone churchyard cross (modern base) to SW side (brought from churchyard; Scheduled Ancient Monument; Cadw Ref Gm 227). Two-storey nave elevation with deeply splayed clerestorey lancets, marble shafts and trefoil roundels to spandrels of paired lights; stringcourse of saw-tooth brickwork steps down towards E end. Fully diapered arcades of chamfered arches supported by alternating octagonal and cylindrical piers. Foiled sunk roundels with lettered inscriptions to spandrels. West wall diapered on upper part as clerestorey; war memorial below window. Traceried octagonal timber pulpit; octagonal font with marble shafts; stained glass probably by E W Gibbs to Butterfield's bold designs.

Reason for designation

Graded I as this important architect's most ambitious building in Wales, an unspoilt textbook example of high Victorian church architecture.

Appendix EDP 4

Listing Citation for the Custom House

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Full Report for Listed Buildings



Summary Description of a Listed Buildings

Reference Number	Building Number	Grade	Status	Date of Designation	Date of Amendment
13350		II	Designated	20/06/1986	21/01/1993

Name of Property	Address
Customs House	

Location

Unitary Authority	Community	Town	Locality	Easting	Northing
Vale of Glamorgan	Penarth			318901	172430

Street Side	Location
	Above the foreshore at the entrance to the former Penarth Docks with high revetment wall to hillside at rear.

Description

Broad Class	Period
Civil	

History
Dated 1865; probably by Samuel Dobson who designed the first dock at Penarth.

Exterior

Wrenaissance style. 2-storey plus attic 5-bay symmetrical front with central bell tower and advanced pedimented end bays. Yellow brick with bathstone dressings, rusticated ground floor and red brick left side elevation; formerly slate roofs (before fire); yellow brick chimney stacks. Plinth, sill band and overall plain entablature with heavily moulded eaves course. Swagged Ionic coupled pilasters to outer bays containing bracket pedimented windows; cantilevered iron balcony (modern addition) to right bay. Similar segmental pedimented central window and flanking by windows with shouldered architraves; bracket sill and lugged architraves to attic windows. Central Doric porch with modillion cornice and double 3-panel doors; cambered headed ground floor windows. Bell tower with octagonal, domed roof, and weathervane on bracket cornice; clock faces, foliage panels over splayed stem with carved Royal Arms to front supported by volute brackets. 3-bay right side elevation with similar treatment, slightly advanced and pedimented broad central bay. Central Venetian window with broken bracketed pediment on plain pilasters. Advanced pedimented doorcase below with arched entrance; set back round headed doorway at rear. Side access at right through rusticated gate piers. Twin segmental arched store entrances attached to left of the front surmounted by segmental pediment over scrolled cartouche reading "Erected AD 1865". Boarded up, unoccupied at time of inspection (February 1992).

Interior**Reason for designation**

Group value with Marine Buildings.

Appendix EDP 5

Listing Citation for Marine Buildings

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Full Report for Listed Buildings



Summary Description of a Listed Buildings

Reference Number	Building Number	Grade	Status	Date of Designation	Date of Amendment
13351		II	Designated	20/06/1986	21/01/1993

Name of Property	Address
Marine Buildings	

Location

Unitary Authority	Community	Town	Locality	Easting	Northing
Vale of Glamorgan	Penarth			318942	172430

Street Side	Location
	Below hillside overlooking the entrance to the former Penarth Dock; adjoining the Customs House on E side.

Description

Broad Class	Period
Commercial	

History
Circa 1865 (shown on 1880 1st edition OS map); marked as 'Marine Hotel' on 2nd edition, revised 1899). French Renaissance style. Architect perhaps Samuel Dobson, but some similarities in style with Headlands School (Paget Place).

Exterior

Three-storey and attic, wide symmetrical domestic block, yellow brick facings with bathstone dressings and red rusticated plinth. Slate roof (now partially removed), with French pavilion roofs to ends with ornamental railings, mid roof parapets with brick chimneys. 15-window front divided into 5 sections of 3-window, squat second floor pilasters support roll-moulded eaves cornice, raised segmental dormer-heads with twin lights to centres of bays, plain surrounds with keystones to other windows. Deep bracket cornice over first floor with enriched window architraves, bracket cornices with pediments to centre windows, panelled inlays to friezes. Dropped sills to cantilevered balconies with Taff Vale Railway monogram in ironwork to 5 centre bays which break band courses over ground floor. Grouped segmental and arched openings to ground floor, continuous rope-moulded hoods, through transoms, keystones under balconies to wide windows with centre colonettes and cast Romanesque capitals (boarded over at time of inspection); doorways up steps (paired to centre), 6-panel doors. Three-bay return elevation on right, detailing as on main front. Boarded up at time of inspection (February 1992).

Interior**Reason for designation**

Group value with the Customs House.

Appendix EDP 6

Revised Development Proposals

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318800m

318900m

319000m

172500m

172400m

172300m



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NOTE: APPLICATION BOUNDARY SHOWN IN RED.
 AREAS FOR DEMOLITION SHOWN IN GREEN

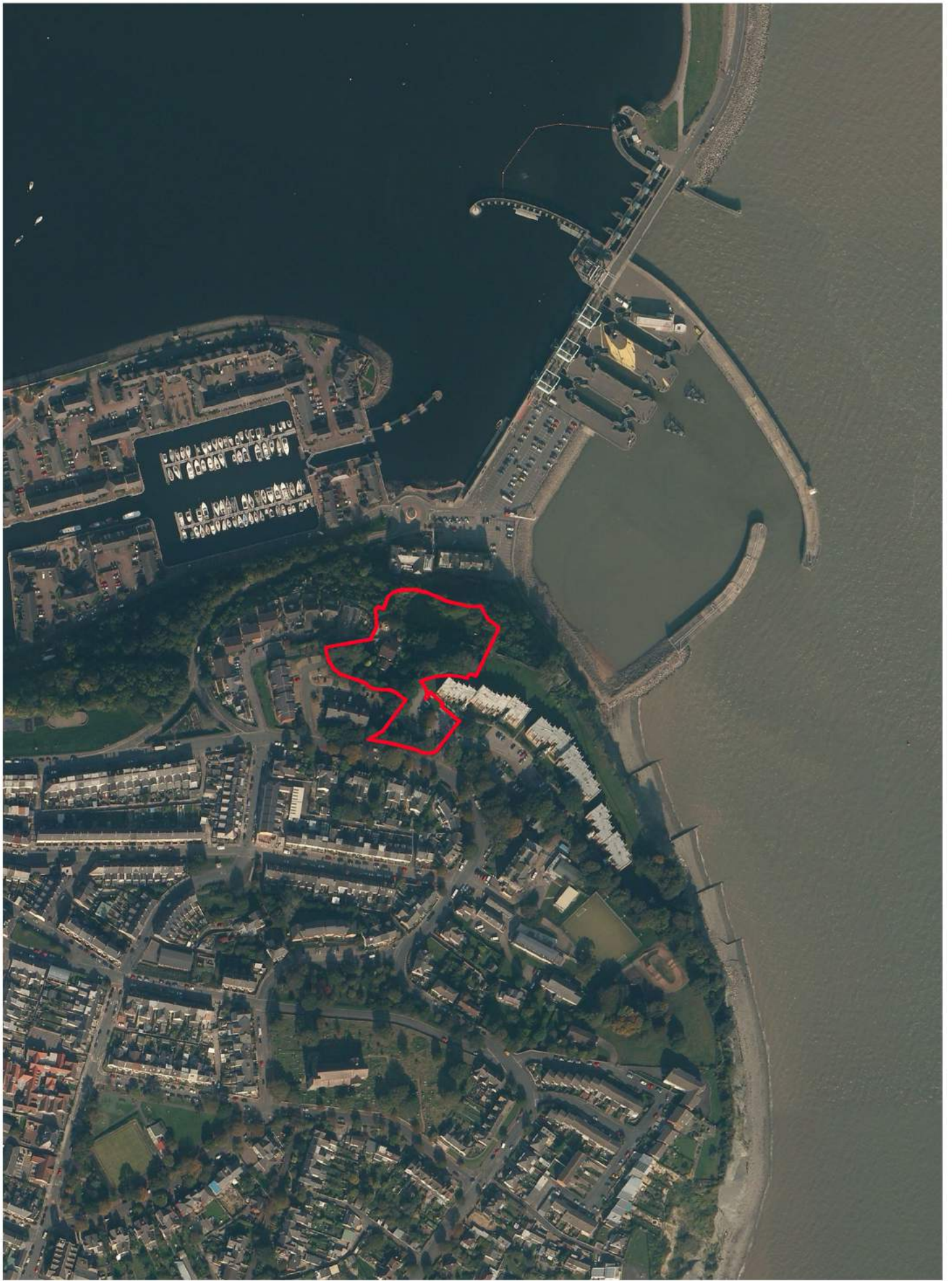
PROJECT
LAND AT NORTHCLIFF

DRAWING
LOCATION PLAN

STATUS: PRELIMINARY INFORMATION APPROVAL PLANNING
 TENDER B REGG CONTRACT CONSTRUCTION

SCALE: 1:1250 @ A4
 DATE: NOV 15
 DRAWN: VC
 DRAWING NO: 1321/L01C

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 F: +44 (0)129 2842784
 E: architecture@loyn.co.uk



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PROJECT
LAND AT NORTHCLIFF

DRAWING
AERIAL LOCATION PLAN 01
 STATUS: PRELIMINARY INFORMATION APPROVAL PLANNING
 TENDER BY PERMITS CONTRACT CONSTRUCTION

SCALE
 nts @ A4
 DATE
 MAY 17
 DRAWN
 RT
 DRAWING NO.
1321/L02C

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PROJECT
LAND AT NORTHCLIFF

DRAWING
AERIAL LOCATION PLAN 02

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			<input type="checkbox"/>	<input type="checkbox"/>

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DATE
MAY 17

DRAWN
RT

DRAWING NO.
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PROJECT
LAND AT NORTHCLIFF

DRAWING
PROPOSED SITE PLAN

SCALE
1:250 @ A1

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1321/S100C

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STATUS: PRELIMINARY INFORMATION APPROVAL PLANNING
TENDER B REQS CONTRACT CONSTRUCTION

DATE
FEB 17

DRAWN
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PROJECT
LAND AT NORTHCLIFF

DRAWING
BLOCK A: GROUND FLOOR PLAN

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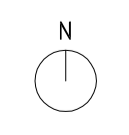
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PROJECT
LAND AT NORTHCLIFF

DRAWING
BLOCK B: GROUND FLOOR PLAN

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DATE
JAN 17

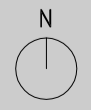
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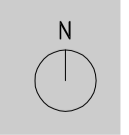
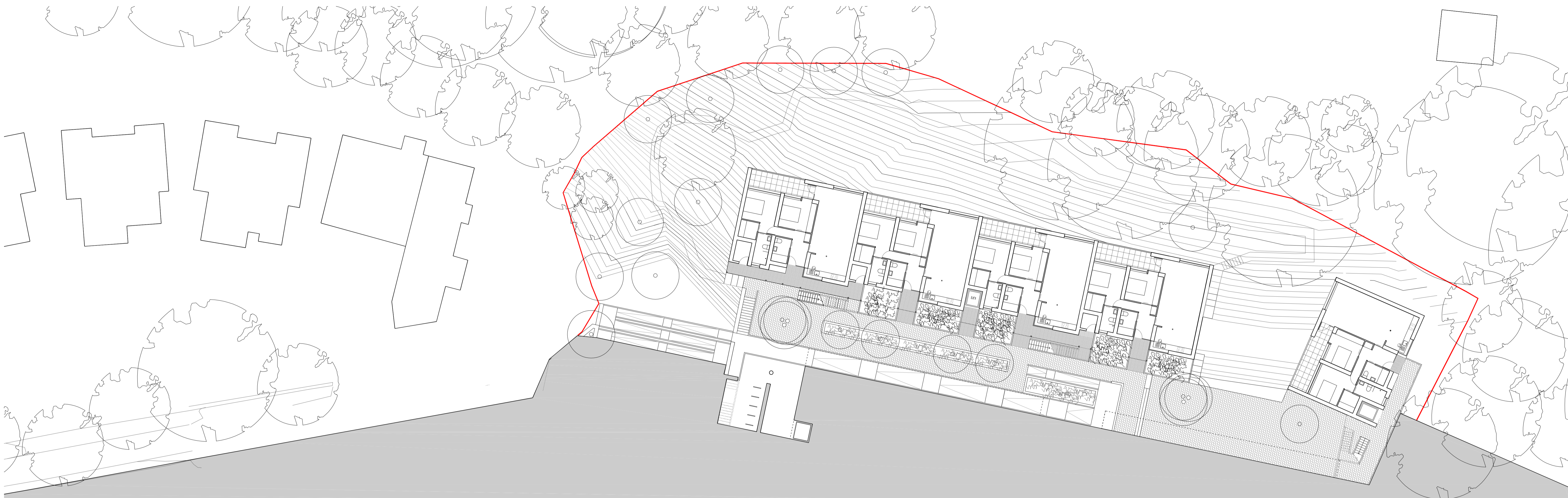
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PROJECT
LAND AT NORTHCLIFF

DRAWING
BLOCK C: GROUND FLOOR PLAN

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				CONSTRUCTION

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RT/vc

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LAND AT NORTHCLIFF

DRAWING
PROPOSED ROOF PLAN

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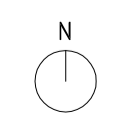
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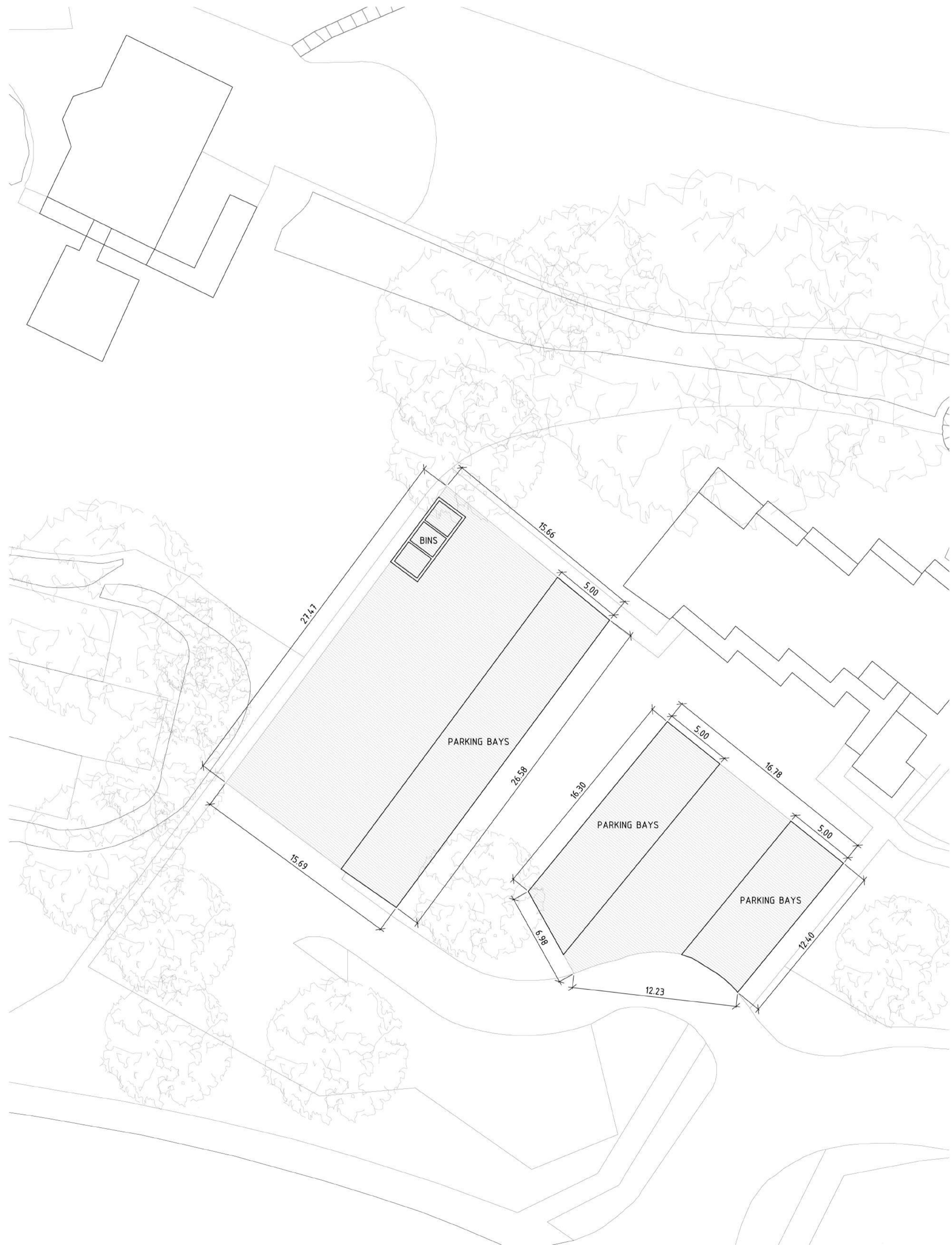
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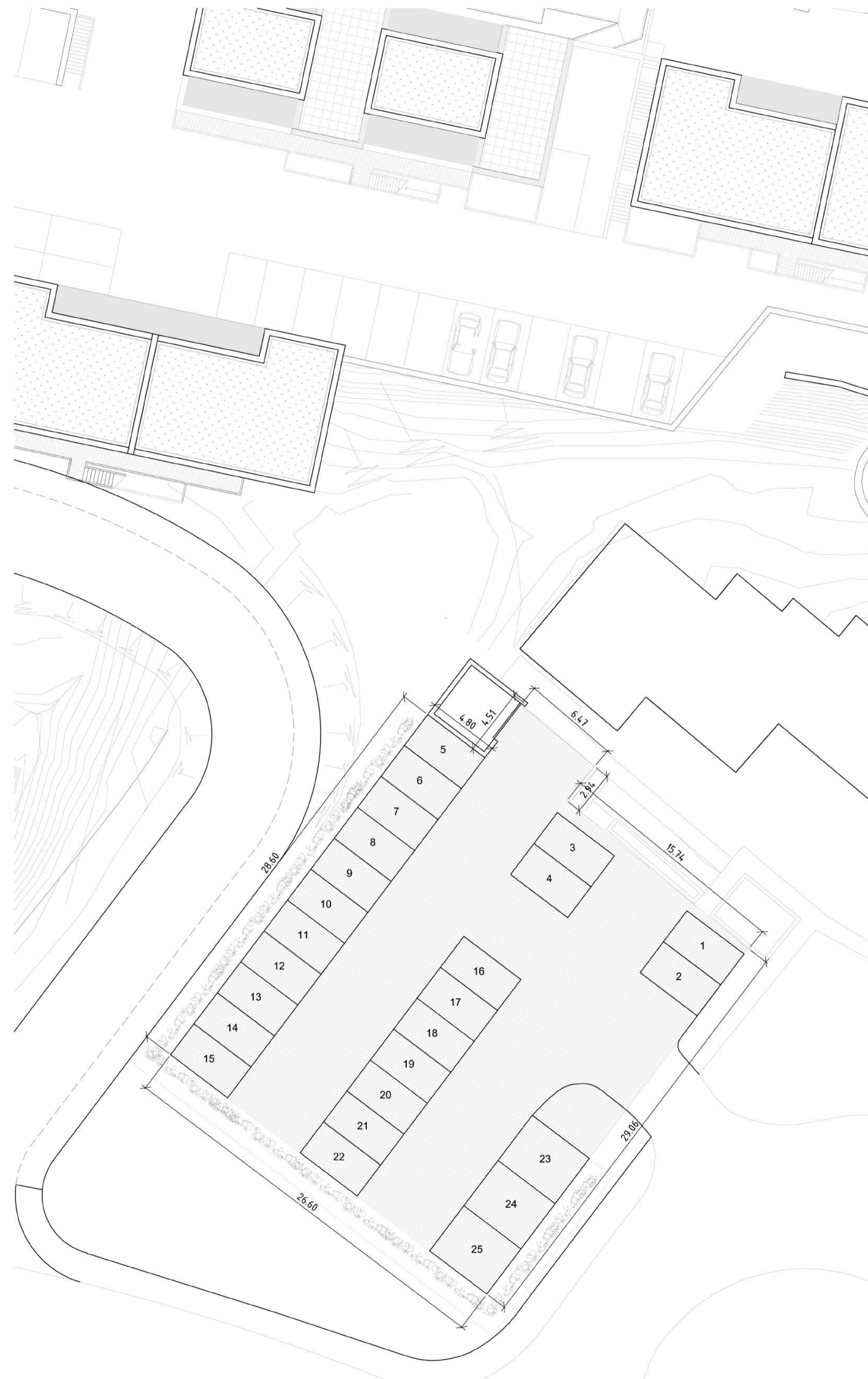
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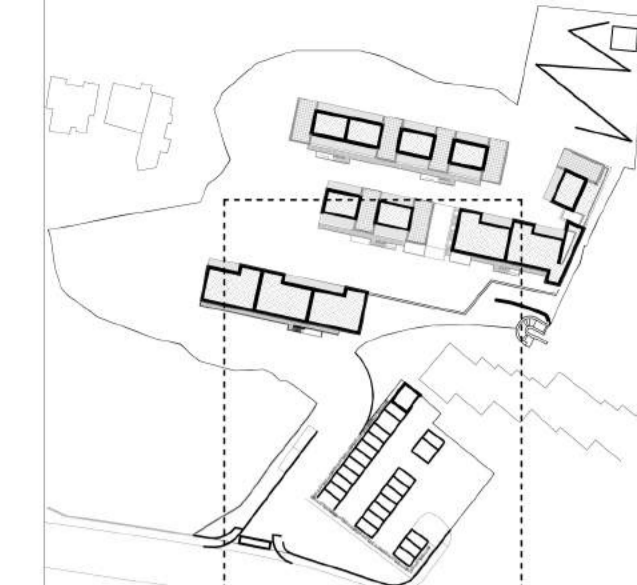




EXISTING PARKING LAYOUT NORTHCLIFF APARTMENTS



PROPOSED PARKING LAYOUT NORTHCLIFF APARTMENTS



NOTES:

1. PARKING AREAS:
 EXISTING PARKING AREA NORTHCLIFF APARTMENTS
 = 424.33 M2 + 257.05 M2 = 681.38 M2
 PROPOSED PARKING AREA NORTHCLIFF APARTMENTS
 = 798.79 M2
2. LAND BETWEEN EXISTING PARKING AREAS IS
 LANDSCAPED AS WITH THE LAND BETWEEN THESE
 AREAS AND PAGET TERRACE.
3. EXISTING BIN STORAGE IS LOCATED WITHIN THE
 MANOEUVRING AREA.



REVISIONS:

PARKING BAY DIMENSIONS MIN. 2.6 m X 4.8 m

PROJECT
 LAND AT NORTHCLIFF LODGE

DRAWING
 PARKING LAYOUT NORTHCLIFF APART.
 EXISTING - PROPOSED

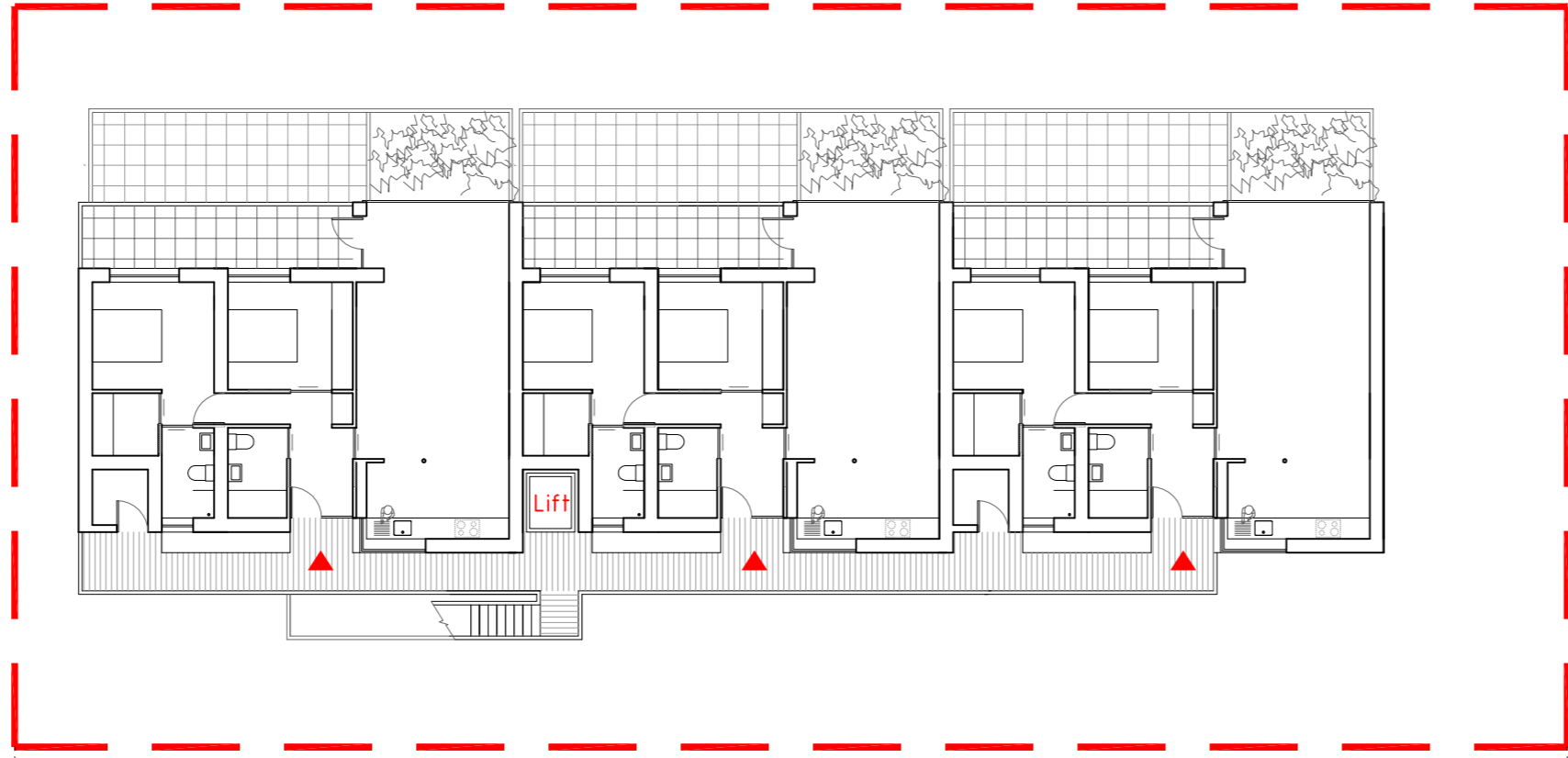
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 DATE
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DRAWN
 HHL

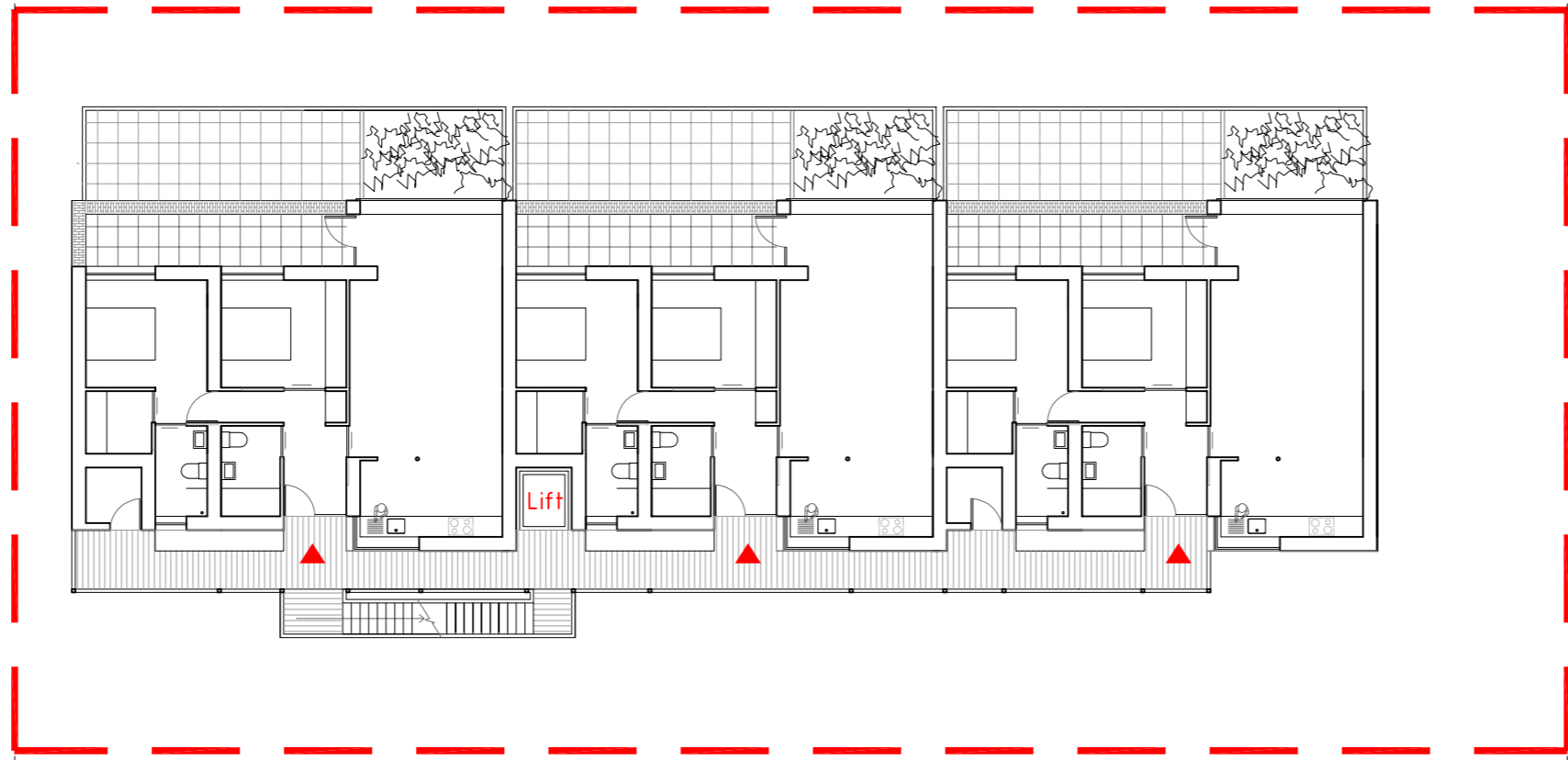
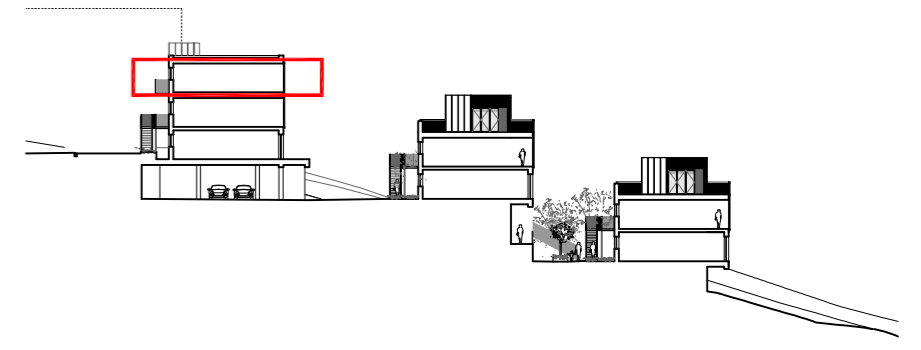
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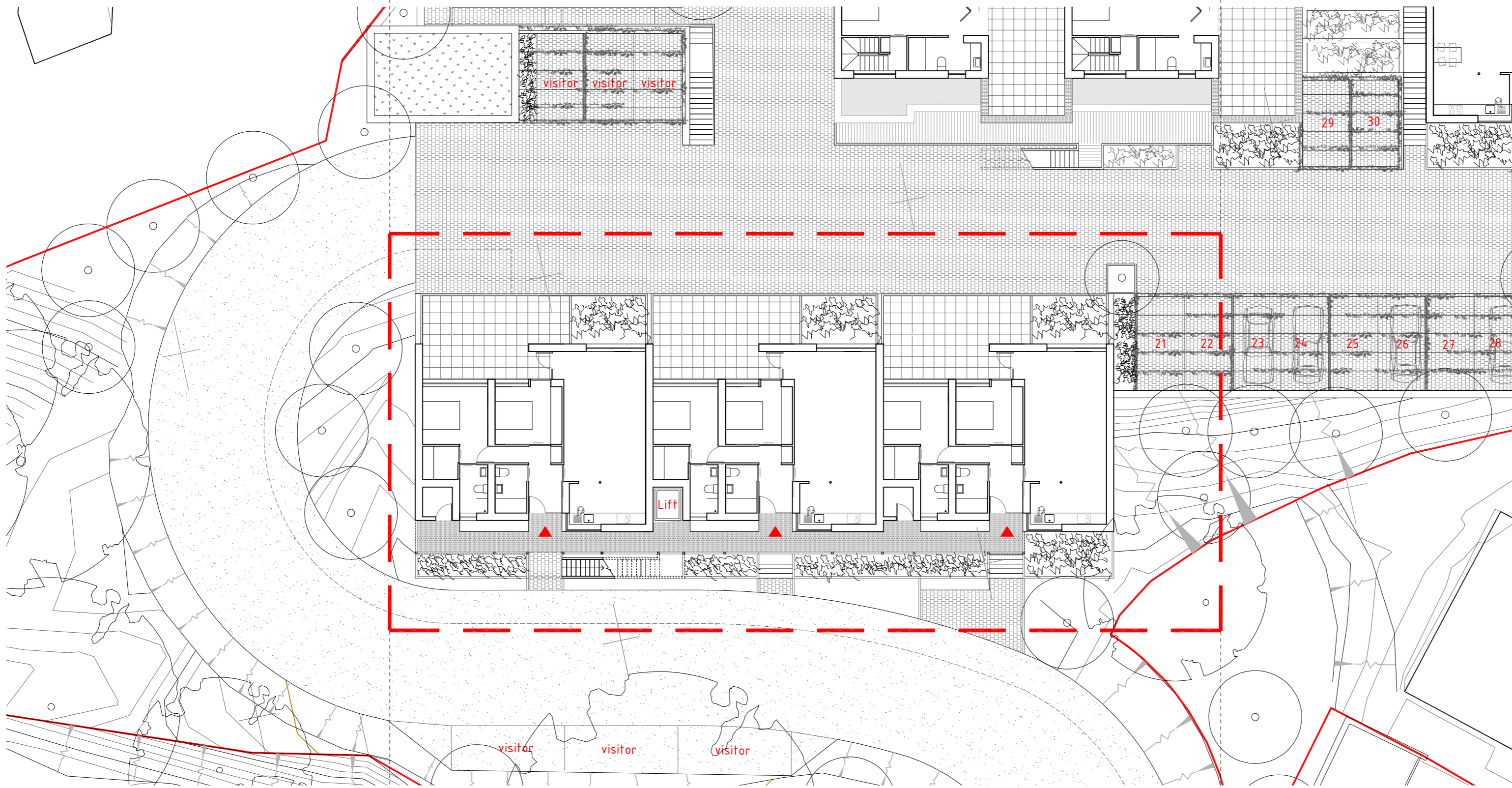
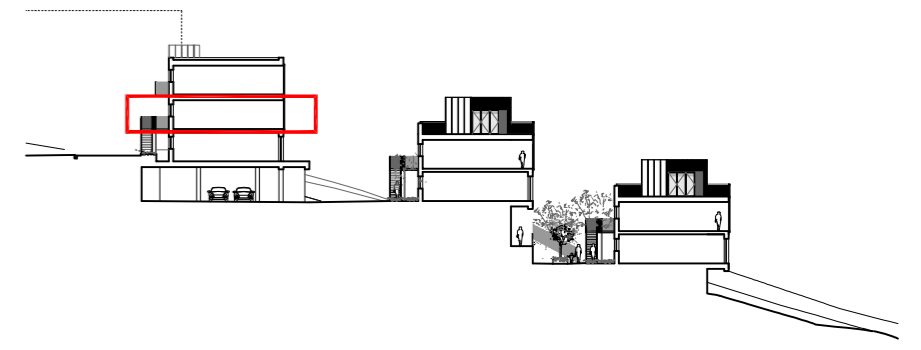
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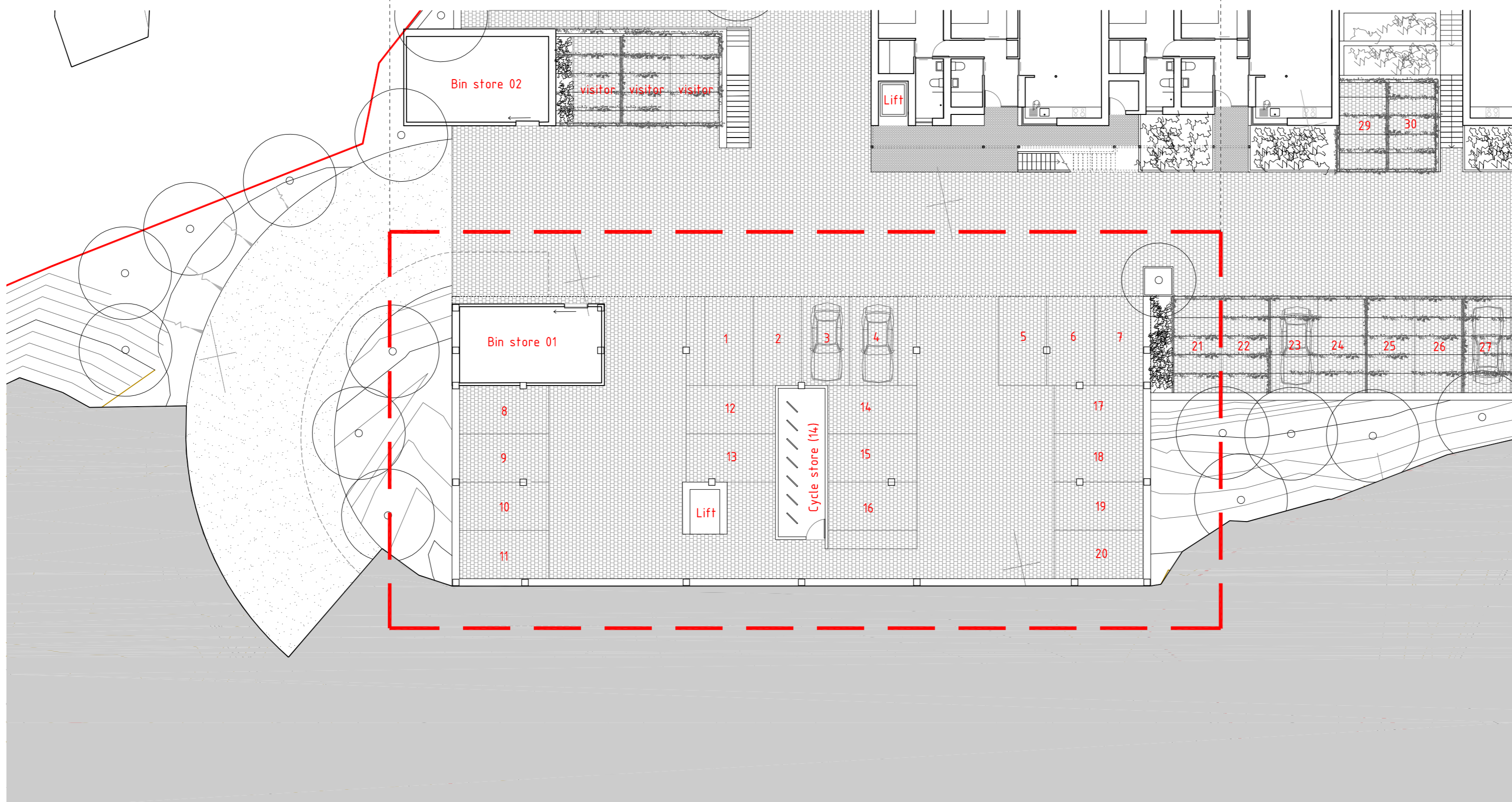
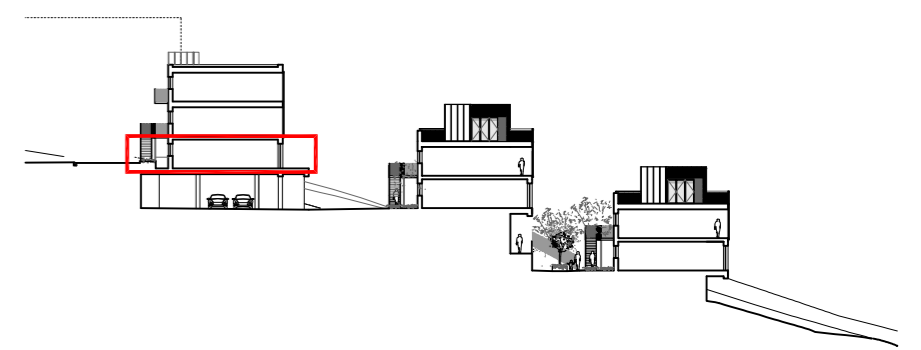
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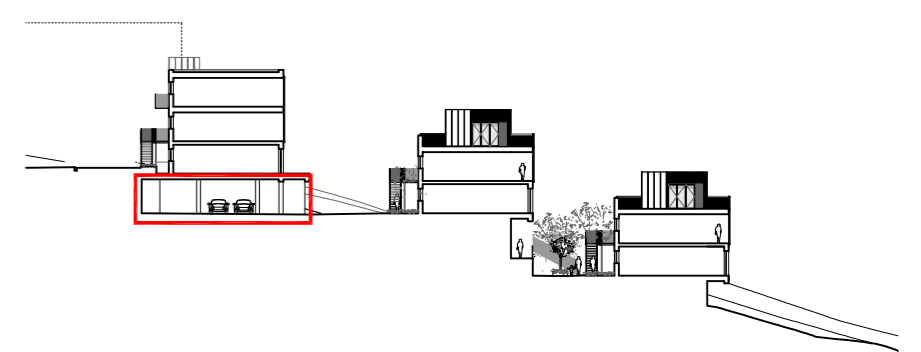
BLOCK A FIRST FLOOR PLAN



BLOCK A GROUND FLOOR PLAN



BLOCK A LOWER GROUND FLOOR PLAN (UNDERCROFT CAR PARKING)



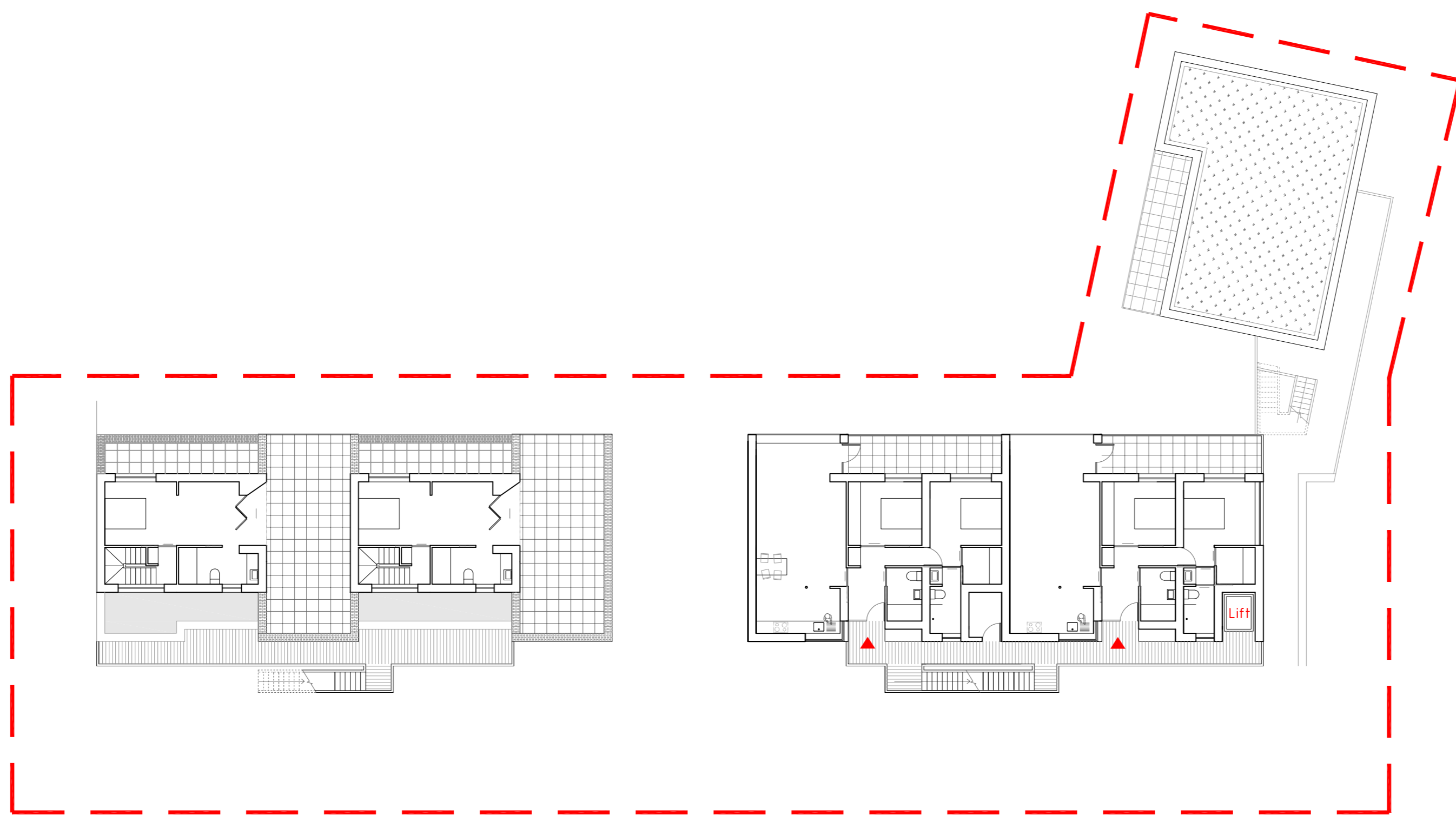
PROJECT
LAND AT NORTHCLIFF

DRAWING
BLOCK A APARTMENT PLANS

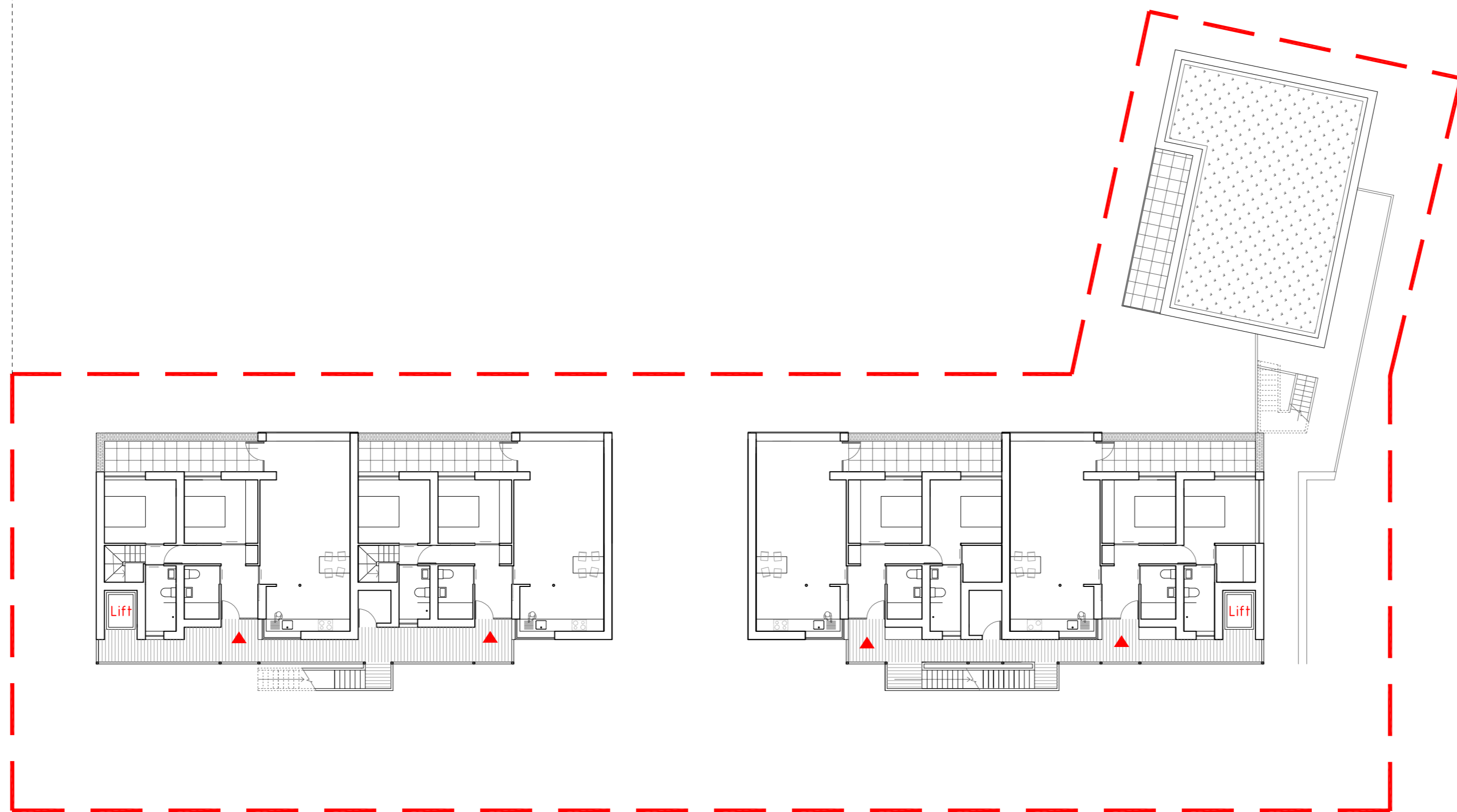
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MAY 17
DRAWN
RT
DRAWING NO.
1321/S115 C

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TENDER B REGS CONTRACT CONSTRUCTION

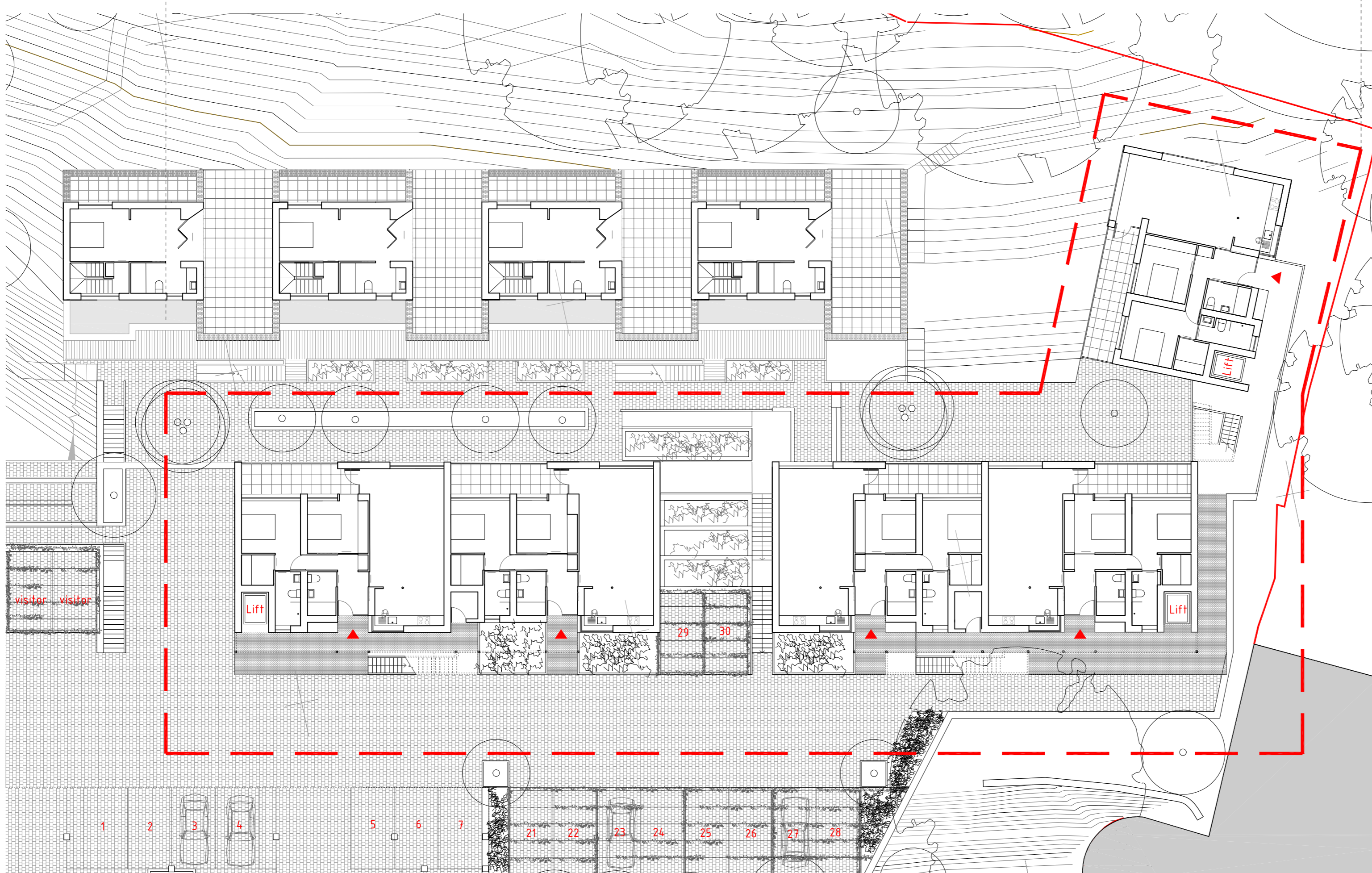
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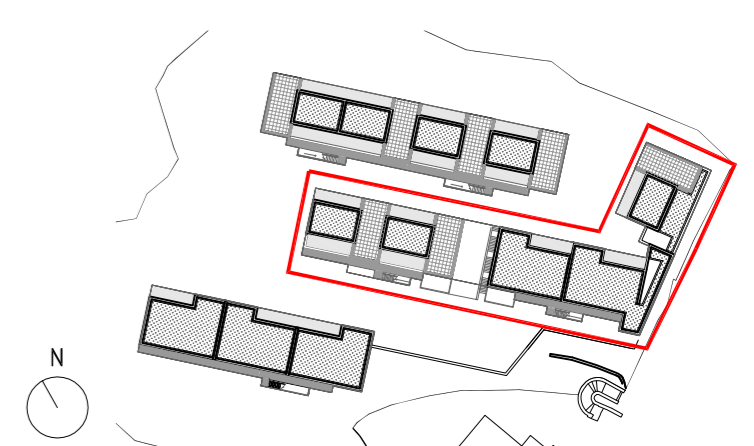
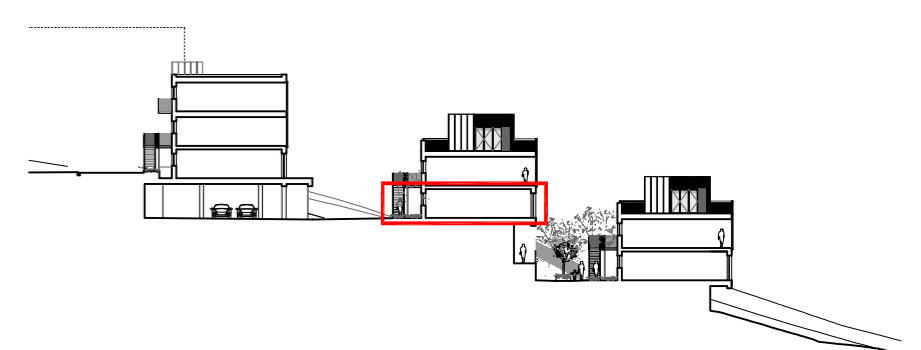
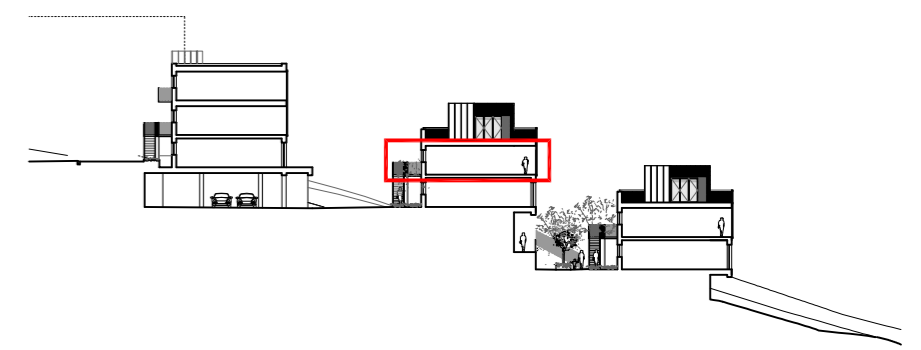
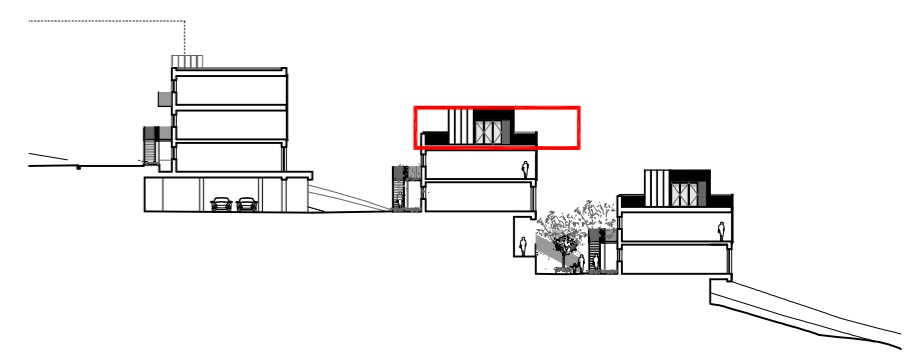
BLOCK B SECOND FLOOR PLAN



BLOCK B FIRST FLOOR PLAN



BLOCK B GROUND FLOOR PLAN



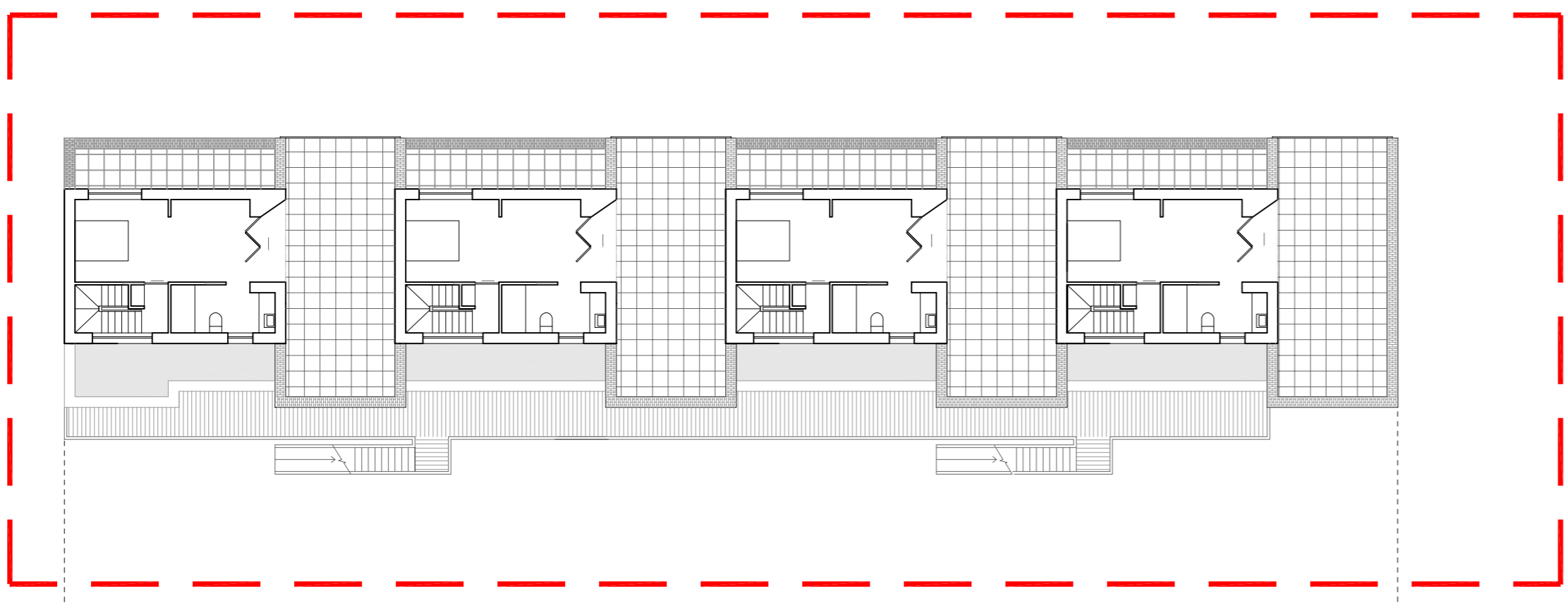
PROJECT
LAND AT NORTHCLIFF

DRAWING
BLOCK B APARTMENT PLANS SHEET 02

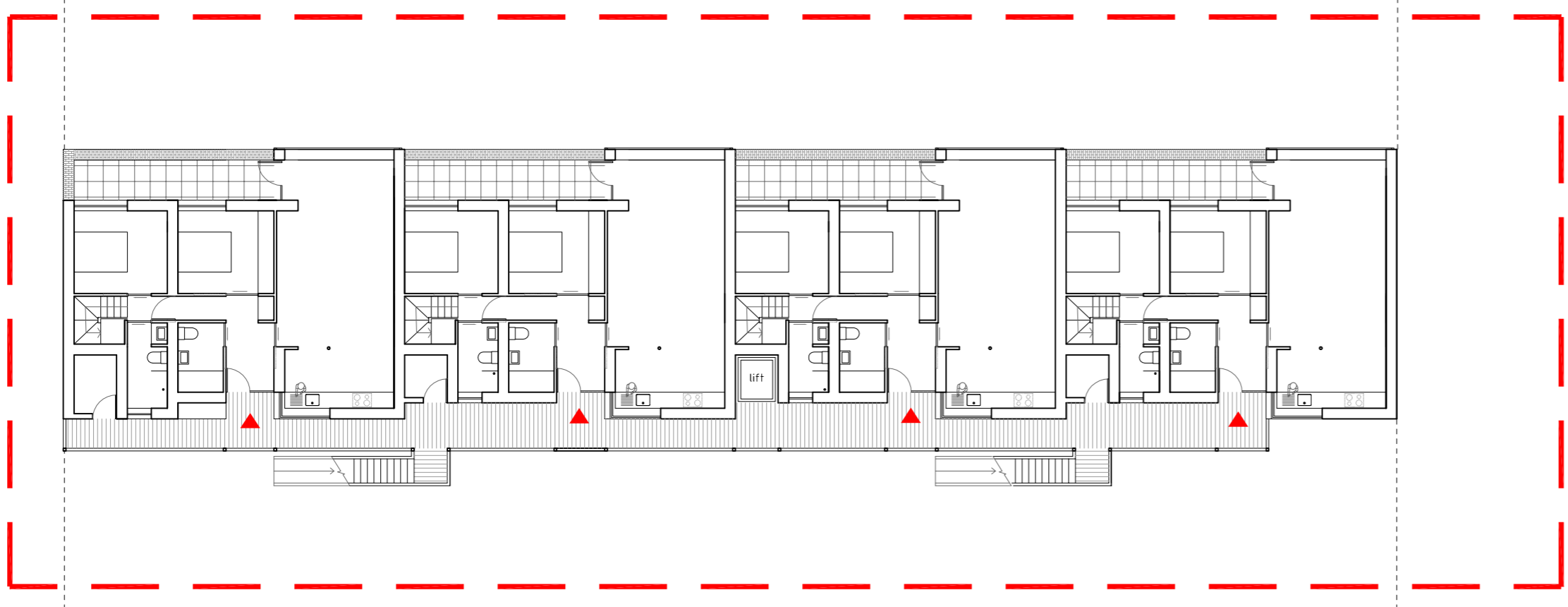
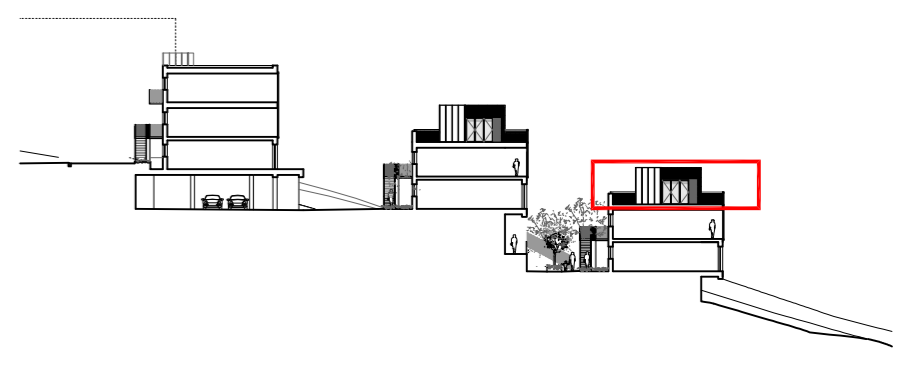
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DATE MAY 17 DRAWN RT

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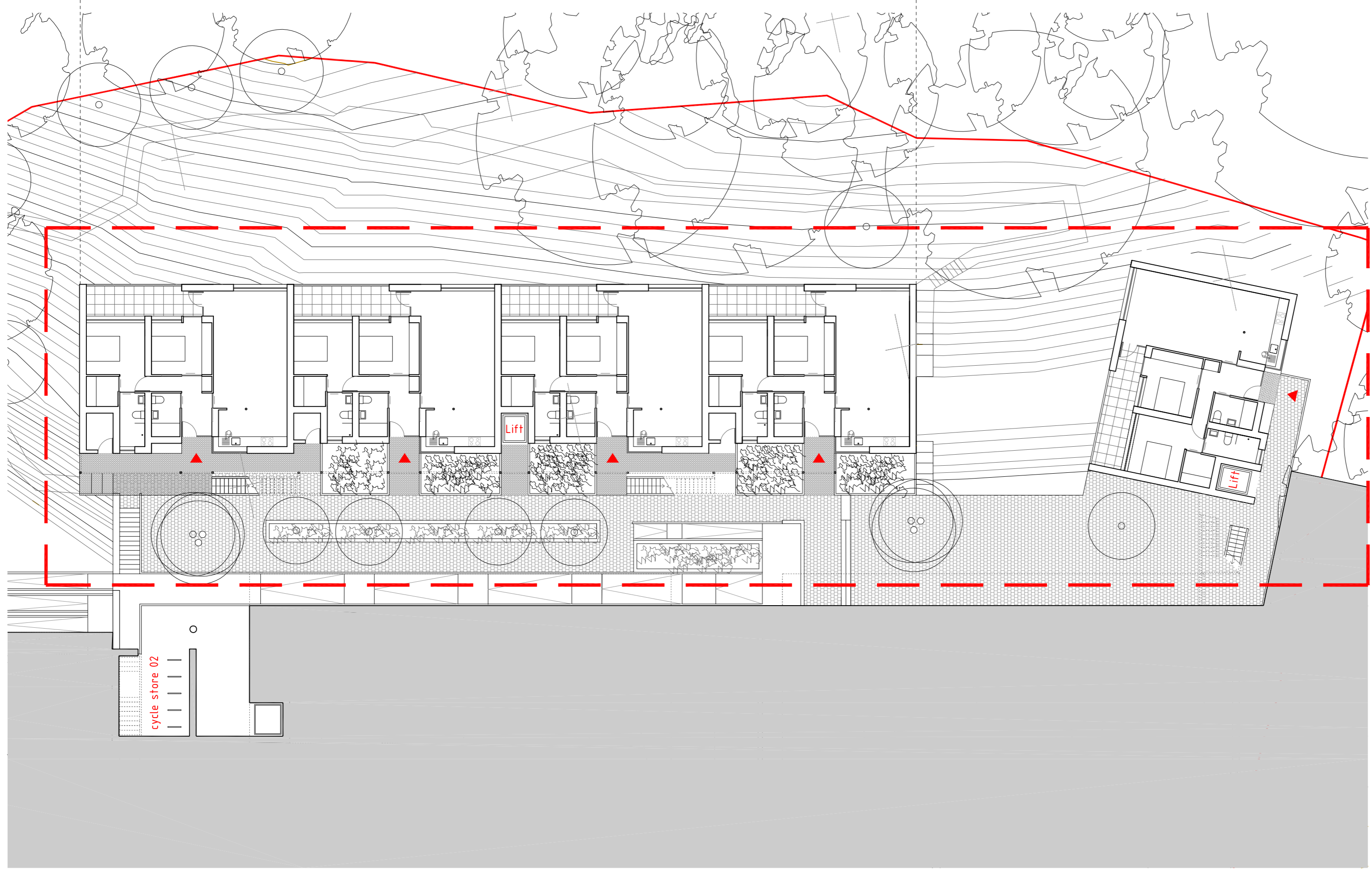
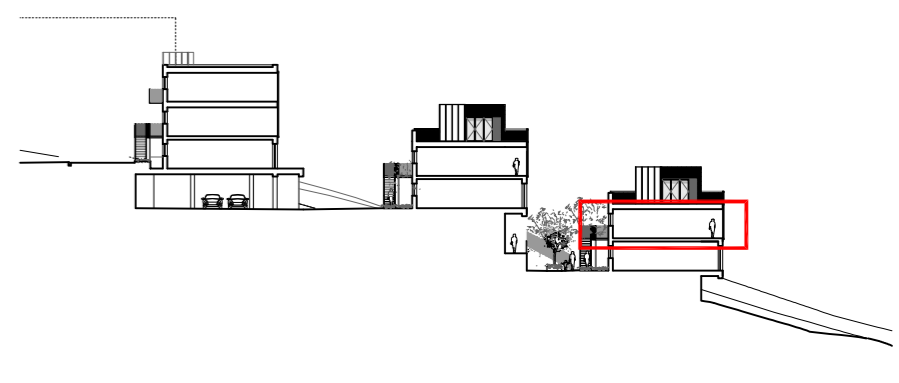
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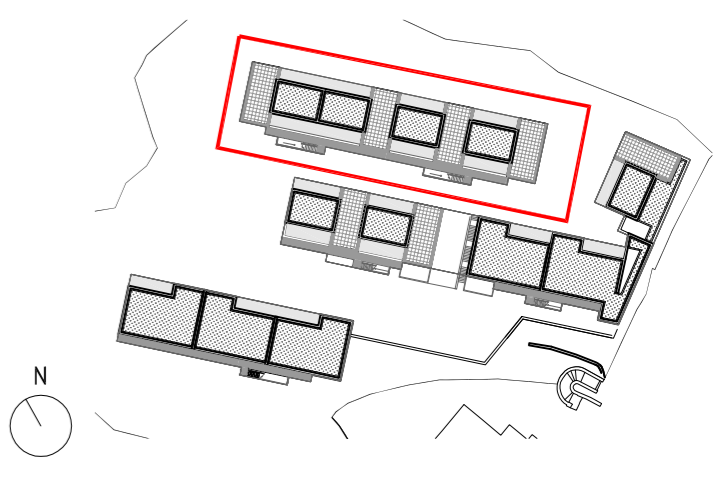
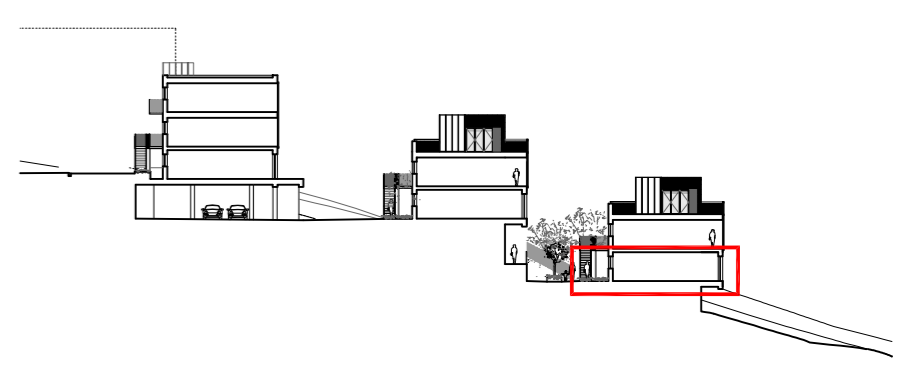
BLOCK C SECOND FLOOR PLAN



BLOCK C FIRST FLOOR PLAN



BLOCK C GROUND FLOOR PLAN



PROJECT
LAND AT NORTHCLIFF

DRAWING
BLOCK C APARTMENT PLANS
(INCL. LOWER GROUND FLOOR PORTION OF BLOCK B)

SCALE 1:200 @ A1 DRAWING NO. 1321/S117 C
DATE MAY 17 DRAWN RT

DRAWING STATUS
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APARTMENTS 03, 06 & 09 APARTMENTS 02, 05 & 08 APARTMENTS 01, 04 & 07

PROJECT
LAND AT NORTHCLIFF

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DRAWING
BLOCK A NORTH ELEVATION

STATUS: PRELIMINARY INFORMATION APPROVAL PLANNING
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SCALE
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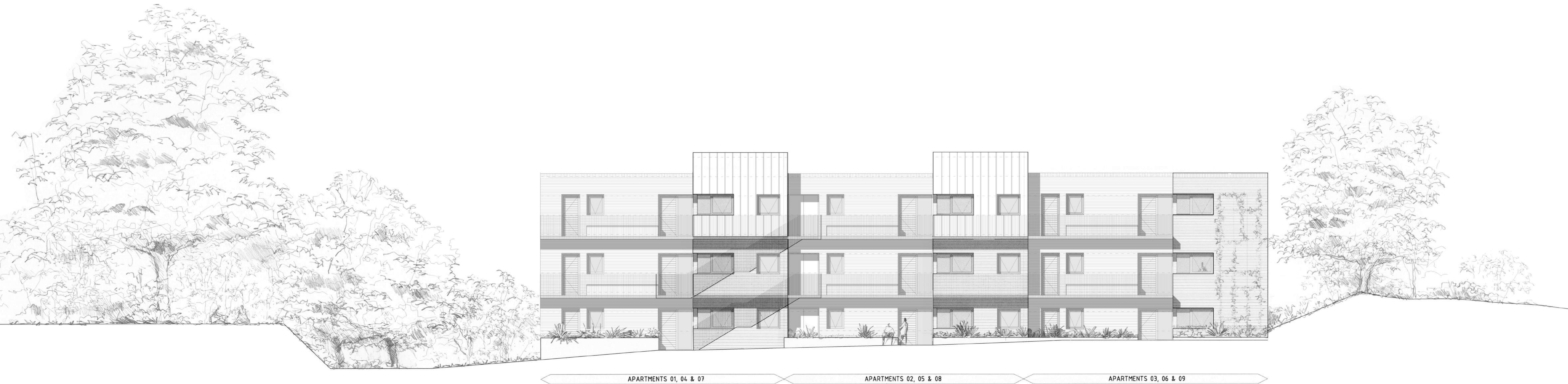
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APARTMENTS 01, 04 & 07

APARTMENTS 02, 05 & 08

APARTMENTS 03, 06 & 09

PROJECT
LAND AT NORTHCLIFF

DRAWING
BLOCK A: SOUTH ELEVATION

STATUS: PRELIMINARY INFORMATION APPROVAL PLANNING
 TENDER B REGS CONTRACT CONSTRUCTION

SCALE
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DATE
JAN 17

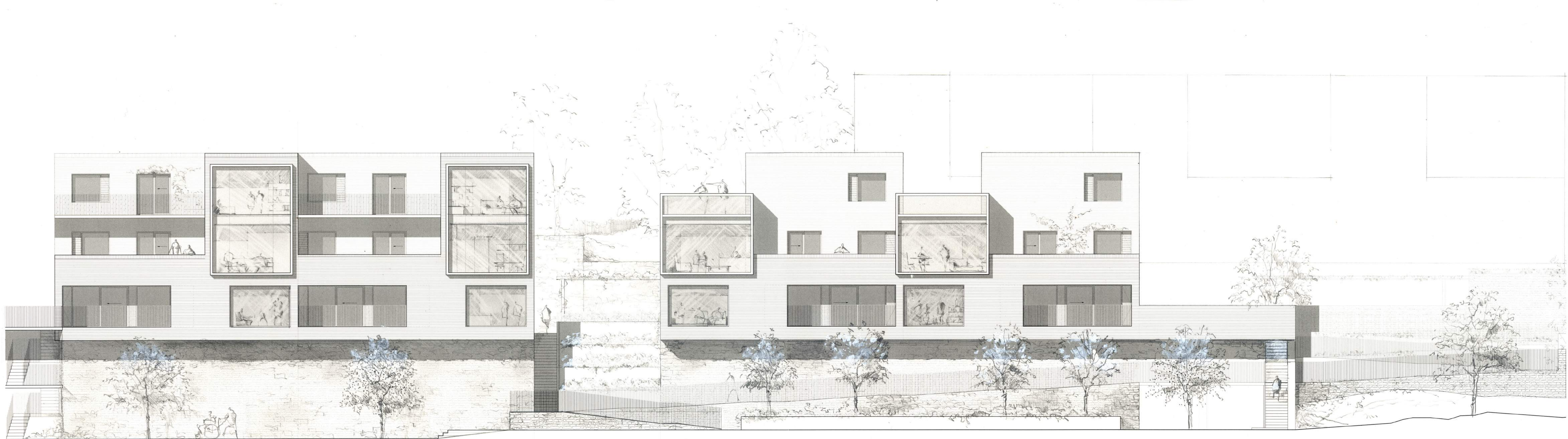
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APARTMENTS 13, 18 & 21

APARTMENTS 12, 17 & 20

APARTMENTS 11 & 16

APARTMENTS 10 & 15

PROJECT
LAND AT NORTHCLIFF

DRAWING
BLOCK B NORTH ELEVATION

SCALE
1:100 @ A1

DRAWING NO.

STATUS PRELIMINARY INFORMATION APPROVAL PLANNING
TENDER B REGS CONTRACT CONSTRUCTION

DATE
FEB 17

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RT/CL 1321/S205C

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PROJECT
LAND AT NORTHCLIFF

DRAWING
BLOCK B: SOUTH ELEVATION

STATUS: PRELIMINARY INFORMATION APPROVAL PLANNING
 TENDER B REGS CONTRACT CONSTRUCTION

SCALE
1:100 @ A1

DATE
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RT/CL

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EXISTING NORTHCLIFF FLATS

BLOCK A

BLOCK B

PROJECT
LAND AT NORTHCLIFF

DRAWING
BLOCK B: EAST ELEVATION

STATUS: PRELIMINARY INFORMATION APPROVAL PLANNING
 TENDER B REGS CONTRACT CONSTRUCTION

SCALE
1:100 @ A1

DATE
JAN 17

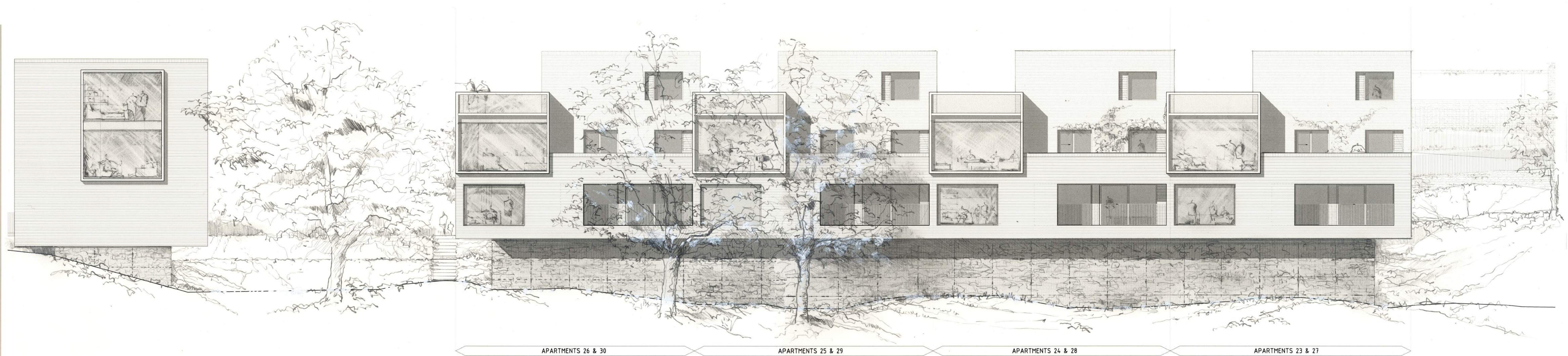
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APARTMENTS 26 & 30

APARTMENTS 25 & 29

APARTMENTS 24 & 28

APARTMENTS 23 & 27

PROJECT
NORTHCLIFF

DRAWING
BLOCK C NORTH ELEVATION

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DATE
FEB 17

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RT/CL

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1321/S210C

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APARTMENTS 23 & 27

APARTMENTS 24 & 28

APARTMENTS 25 & 29

APARTMENTS 26 & 30

PROJECT
LAND AT NORTHCLIFF

DRAWING
BLOCK C: SOUTH ELEVATION

STATUS: PRELIMINARY INFORMATION APPROVAL PLANNING
TENDER B REGS CONTRACT CONSTRUCTION

SCALE
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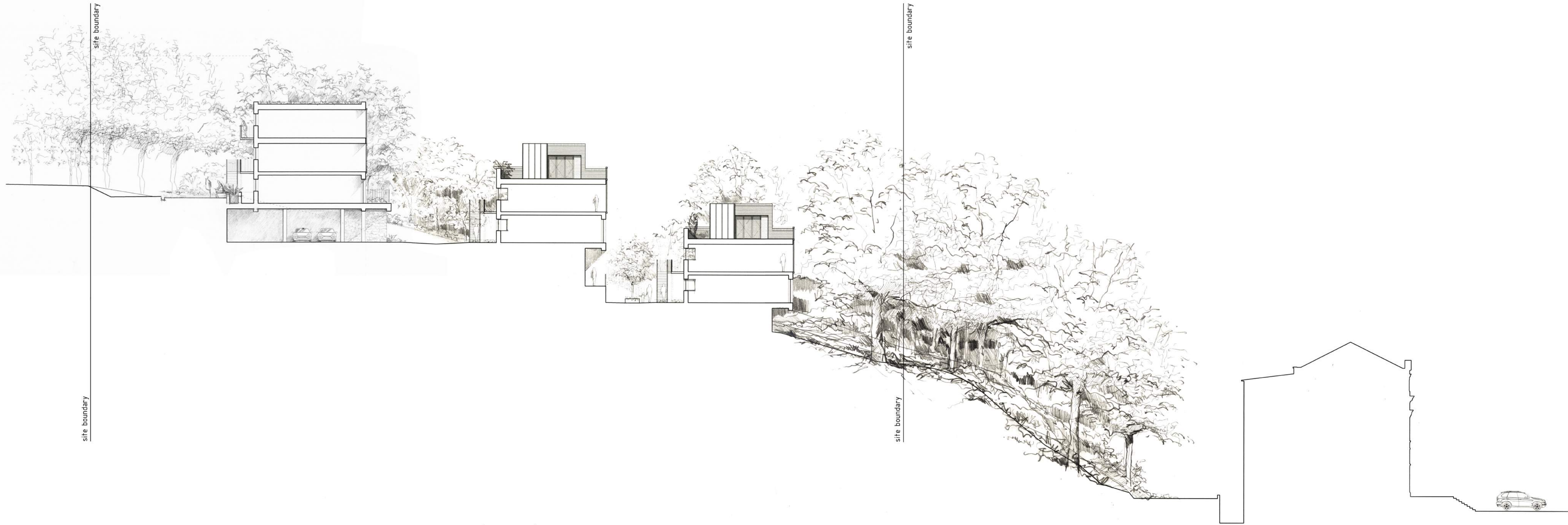
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BLOCK A

BLOCK B

BLOCK C

PROJECT
LAND AT NORTHCLIFF

DRAWING
SITE SECTION A-A

STATUS	PRELIMINARY <input type="checkbox"/>	INFORMATION <input type="checkbox"/>	APPROVAL <input type="checkbox"/>	PLANNING <input checked="" type="checkbox"/>
TENDER	B REGS <input type="checkbox"/>	CONTRACT <input type="checkbox"/>	CONSTRUCTION <input type="checkbox"/>	

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SCALE
1:200 @ A1

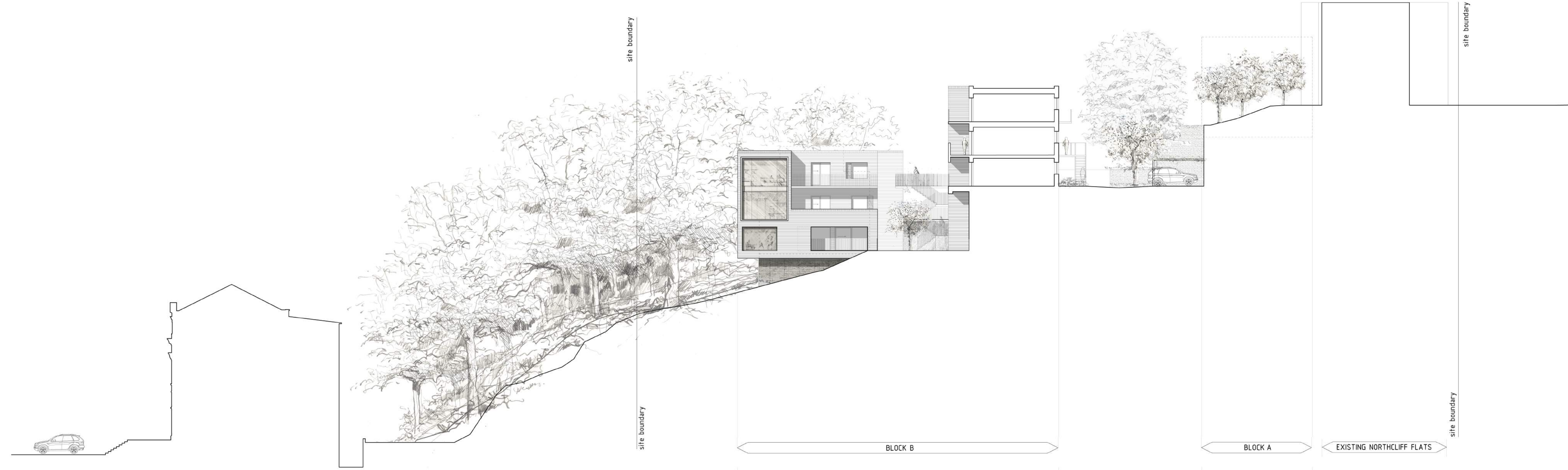
DATE
JAN 17

DRAWN
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PROJECT
LAND AT NORTHCLIFF

DRAWING
SITE SECTION B-B

STATUS: PRELIMINARY INFORMATION APPROVAL PLANNING
 TENDER B REGS CONTRACT CONSTRUCTION

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1:200 @ A1

DATE
MAY 17

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Plan

Plan EDP 1 The Site and Relevant Heritage Assets
(EDP3851/01 11 May 2017 JTF/AC)

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Site Boundary

Waterfront Route

Viewpoints

Listed Buildings

- Grade I
- Grade II
- Penarth Conservation Area

client
Celtic Developments Penarth Ltd

project title
Northcliffe Lodge, Northcliffe Drive, Penarth

drawing title
Plan EDP 1: The Site and Relevant Heritage Assets

date 11 MAY 2017 drawn by JTF
drawing number EDP3851/01 checked AC
scale 1:15,000 @ A3 QA LH



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