|  |  |
| --- | --- |
| MEMORANDUM / COFNOD  The Vale of Glamorgan Council  Development Services  Dock Office, Barry Docks, Barry, CF63 4RT |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| To / I: | Yvonne Prichard |  | From / Oddi Wrth: | Conservation and Design |
| Dept / Adran: | Development Management |  |  |  |
|  |  |  | My Ref / Fy Cyf: |  |
| Date / Dyddiad: | 17 August 2017 |  | Tel / Ffôn: | (01446) 704628 |
| Your Ref / Eich Cyf: | 2017/00541/FUL |  | Fax / Ffacs: | (01446) 421392 |

Subject / Testyn: **Planning Application No. 2017/00541/FUL**

**Location : Northcliffe Lodge, Northcliffe Drive, Penarth**

**Proposal : Demolition of existing dwelling and outbuilding, erection of 30 apartments, new access and alterations to adjacent parking area, replacement tree planting and landscaping and associated works (resubmission application)**

**NO OBJECTION**

**LEGISLATION AND POLICY**

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

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

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

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

The Courts have made it clear that the duty imposed in the Act means that in considering whether to grant permission for development that may cause harm to a designated asset (listed building or conservation area) and its setting, the decision maker should give particular weight to the desirability of avoiding that harm. There is still a requirement for a planning balance, but it must be informed by the need to give weight to the desirability of preserving the asset and its setting.

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

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

Planning Policy Wales

The relevant policies in Planning Policy Wales are repeated below for your benefit.

6.5.11 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.

6.5.20 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.

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 preserving that setting.

**ASSESSMENT OF THE PROPOSAL**

I am mindful of the planning history of the site and recall the conclusions I reached when the previous application was submitted. I note in the interim that the applicant has taken the [original] scheme to the Design Commission for Wales and I am also mindful of their observations. I further note the amendments that form the basis for this application.

The application site lies outside the designated conservation area and there are no heritage assets within the site. However, there is potential for the development to affect the setting of either listed buildings or the Penarth Conservation Area. I have previously assessed the site and, notwithstanding the ammendments to the scheme, I am satisfied that there are no substantial changes to the impact on the setting of the historic assets arising from the current submission. To summarise, in terms of impact on the historic assets, I make the following observations.

*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 adversely affected.

*Penarth Conservation Area*

In terms of 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. I am, therefore, of the opinion that the setting of the Penarth Conservation Area will not be adversely affected.

Conclusion

I am satisfied that there will be no adverse impact on the setting of the listed buildings or conservation area arising from the proposed development.

Peter Thomas

Senior Planner (Conservation and Design)