

MEMORANDUM / COFNOD

The Vale of Glamorgan Council
Development Services
Dock Office, Barry Docks, Barry, CF63 4RT



To / I:	Gwyn Humphreys
Dept / Adran:	Development Management
Date / Dyddiad:	24 February 2020

From / Oddi Wrth:	Conservation and Design
Tel / Ffôn:	(01446) 704628

Application: 2020/00064/FUL
Location: Pen Y Garth Mansion, 2, Stanwell Road, Penarth
Proposal: Erection of enclosure above existing car parking spaces

Recommendation

- | | |
|------------------------------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> No objection | <input type="checkbox"/> Notes for applicant |
| <input type="checkbox"/> Object (holding objection) | <input type="checkbox"/> Request for further information |
| <input checked="" type="checkbox"/> Object and recommend refusal | <input type="checkbox"/> Recommend planning conditions |

Main Issue

The issues considered by me are:

- ☒ Whether the proposed development preserves the listed building, its setting or any features of architectural or historic significance it possesses;
- ☒ Whether the proposed development preserves or enhances the character or appearance of the conservation area;
- ☐ Whether the proposed development respects the special character and qualities of the historic park and garden, their setting and historic views and vistas;
- ☐ Whether the proposed development preserves or enhances a locally listed 'County Treasure', its setting and any features of architectural or historic significance it possesses.

Please note the primary consideration for any development affecting a listed building or its setting or a conservation area are the statutory requirements to have special regard to the desirability of preserving the historic asset.

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 and/or 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.

Planning Policy Wales

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

Paragraph 6.1.6 sets out the Welsh Government's specific objectives for the historic environment. These seek to:

- protect the Outstanding Universal Value of the World Heritage Sites;
- conserve archaeological remains, both for their own sake and for their role in education, leisure and the economy;
- safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved;
- preserve or enhance the character or appearance of conservation areas, whilst the same time helping them remain vibrant and prosperous;
- preserve the special interest of sites on the register of historic parks and gardens; and
- protect areas on the register of historic landscapes in Wales.

Paragraph 6.1.9 makes clear:

“Any decisions made through the planning system must fully consider the impact on the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place.”

In relation to listed buildings Paragraph 6.1.10 states:

“There should be a general presumption in favour of the preservation or enhancement 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.”

In relation to conservation areas Paragraph 6.1.14 states:

“There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised.”

Paragraph 6.1.15 states:

“There is 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 public interest grounds.

Para 6.1.16 states:

“Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area’s character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area.

Technical Advice Note 12: Design

TAN 12 seeks to promote sustainability through good design. Paragraph 2.2 states:

“The Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development and social inclusion, at every scale throughout Wales – from householder extensions to new mixed use communities.”

Technical Advice Note 24: The Historic Environment

Local Development Plan

The Vale of Glamorgan LDP policies reflect the national policy for the strict control of development affecting conservation areas. Policy SP10 (Built and Natural

Environment) and Policy MD8 (Historic Environment) set out the preserve or enhance the character or appearance of the Vale of Glamorgan's Conservation Areas.

POLICY SP 10 - BUILT AND NATURAL ENVIRONMENT

DEVELOPMENT PROPOSALS MUST PRESERVE AND WHERE APPROPRIATE ENHANCE THE RICH AND DIVERSE BUILT AND NATURAL ENVIRONMENT AND HERITAGE OF THE VALE OF GLAMORGAN INCLUDING:

1. THE ARCHITECTURAL AND / OR HISTORIC QUALITIES OF INDIVIDUAL BUILDINGS OR CONSERVATION AREAS, INCLUDING LOCALLY LISTED BUILDINGS;
2. HISTORIC LANDSCAPES, PARKS AND GARDENS;
3. SPECIAL LANDSCAPE AREAS;
4. THE GLAMORGAN HERITAGE COAST;
5. SITES DESIGNATED FOR THEIR LOCAL, NATIONAL AND EUROPEAN NATURE CONSERVATION IMPORTANCE; AND
6. IMPORTANT ARCHAEOLOGICAL AND GEOLOGICAL FEATURES.

Policy MD8 (Historic Environment) deals specifically with the protection of the qualities of the built historic environment, and in particular the preservation and enhancement of conservation areas character or appearance:

POLICY MD 8 - HISTORIC ENVIRONMENT

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;
3. WITHIN DESIGNATED LANDSCAPES, HISTORIC PARKS AND GARDENS, AND BATTLEFIELDS, DEVELOPMENT PROPOSALS MUST RESPECT THE SPECIAL HISTORIC CHARACTER AND QUALITY OF THESE AREAS, THEIR SETTINGS OR HISTORIC VIEWS OR VISTAS;
4. FOR SITES OF ARCHAEOLOGICAL INTEREST, DEVELOPMENT PROPOSALS MUST PRESERVE OR ENHANCE ARCHAEOLOGICAL REMAINS AND WHERE APPROPRIATE THEIR SETTINGS.

Supplementary Planning Guidance

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

sensitivity to all forms or scales of development or that parts of it are uniformly of the same value and sensitivity.

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

Assessment of Proposal

The proposal seeks planning permission for the erection of an enclosure over the existing car parking spaces. The proposal has a utilitarian appearance constructed from a painted steel frame, powder coated glazing bars and a polycarbonate roof.

In support of the application, the Planning Statement says:

“As it stands the carparking on the western edge of the site is rendered unusable for much of the year due to the sap and leaves from the adjoining tree causing damage to cars that are parked here. In response to this occupiers of the development are being forced to take up on street parking within the immediate locality, thereby resulting in unintended parking stress to the detriment of other surrounding residential occupiers ability to park.”

The contribution of trees to the character and appearance of the Penarth Conservation Area is a significant characteristic that is identified in the CAAMP. Similarly, the front gardens and gaps between buildings make a significant contribution to the character and appearance of the conservation area.

It is my view the trees adjacent to the application site contribute significantly to the character appearance of the conservation area and have a stature and form which should be regarded as having a high amenity value.

The introduction of the structure proposed would, in my view, introduce an incongruous feature in an otherwise open part of the site which is particularly visible from Stanwell Road and, currently, makes a positive contribution to the character and appearance of the conservation area.

It is not accepted that owners are forced to use on-street parking. Alternative measures, for example car covers, could be utilised without the need for a permanent structure such as that proposed. An amount of inconvenience and maintenance is a normal consequence of living in close proximity to trees such as those found adjacent to the application site.

It is not clear what impact the proposed works will have on the trees root protection area. Confirmation in this regard should be sought.

Peter Thomas
Senior Planner (Conservation and Design)