

MEMORANDUM / COFNOD

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



To / I:	Stephen Butler
Dept / Adran:	Development Management
Date / Dyddiad:	28 May 2020

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

Application: 2020/00385/CAC
Location: Cowbridge Sheep Market, The Butts, Cowbridge
Proposal: Remediation and demolition of the site known as Cowbridge Sheep Market, The Butts, Cowbridge, including removal of asbestos materials demolition of former public conveniences, livestock sheds, auction pens, weighing and loading areas and market office building. To break up and crush existing concrete bases and hardstanding, grading areas. On completion leaving flat for public parking

Recommendation

- | | |
|---|--|
| <input checked="" type="checkbox"/> No objection | <input type="checkbox"/> Notes for applicant |
| <input type="checkbox"/> Object (holding objection) | <input type="checkbox"/> Request for further information |
| <input 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 16 of the Act states that in considering whether to grant listed building consent for any works the local planning authority 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 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.

Para 6.1.17 states:

“Conservation area designation introduces control over the total or substantial demolition of unlisted buildings within these areas, but partial demolition does not require conservation area consent. Procedures are essentially the same as for listed building consent. When considering an application for

conservation area consent, account should be taken of the wider effects of demolition on the building's surroundings and on the architectural, archaeological or historic interest of the conservation area as a whole

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

Paragraph 6.10 states:

“Conservation Area Consent is required for the demolition of an unlisted building in a conservation area, though there are some exceptions. In this context, the courts have ruled that demolition amounts to pulling down a building so that it is destroyed completely or at least to a very significant extent. Therefore the removal of an entire building except its facade could also count as demolition.”

Paragraph 6.13 states:

“There should be a general presumption in favour of retaining buildings, which make a positive contribution to the character or appearance of a conservation area. Proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings (see 5.15). In cases where it is considered a building makes little or no contribution, the local planning authority will normally need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given without acceptable and detailed plans for the reuse of the site unless redevelopment is itself undesirable. The local planning authority is entitled to consider the broad principles of a proposed development, such as its scale, size and massing, when determining whether consent should be given for the demolition of an unlisted building in a conservation area.”

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.

<p>POLICY SP 10 - BUILT AND NATURAL ENVIRONMENT DEVELOPMENT PROPOSALS MUST PRESERVE AND WHERE APPROPRIATE ENHANCE THE RICH AND DIVERSE BUILT AND NATURAL</p>

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 Cowbridge with Llanblethian 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 application site is identified within the Conservation Area Appraisal and Management Plan as being an 'opportunity site'. This is due to the poor condition of the buildings on the site which detracts from the significance of the Conservation Area along the Butts. It is acknowledged within the CAAMP that the Council will encourage the redevelopment of sites or buildings which make a negative contribution.

None of the buildings on the site are identified as making a positive contribution to the character or appearance of the conservation area.

As a result of the buildings on the site not being identified as 'positive' contributors to the character or appearance of the conservation their demolition is considered, in principle, acceptable subject to acceptable proposals for the reuse of the site.

The proposal for the site following demolition is for it be graded, and laid with crushed concrete and stone in order to provide an area for public parking. Whilst this is a 'temporary' surface, it is a finish which is considered acceptable in this location.

Peter Thomas
Senior Planner (Conservation and Design)