

APPLICANT: Vale of Glamorgan Council Civic Offices, Holton Road, Barry,
AGENT: Vale of Glamorgan Council Mr. Marcus Lyn Roberts, B Block, The Alps Depot, Quarry Road, Wenvoe, CF5 6AA,

Cowbridge Sheep Market, The Butts, Cowbridge

Remediation and demolition of the site known as Cowbridge Sheep Market, The Butts, Cowbridge, including removal of asbestos materials, demolition of livestock shed and sales pens, market office and former cafe, plus redundant public conveniences on The Butts.

SITE AND CONTEXT

The site relates the Cowbridge Livestock Market located on The Butts, off Westgate, within the Cowbridge Conservation Area with several listed buildings in the surrounding area as well as being archaeologically sensitive.

The Butts is an important vehicular approach in the town centre from the residential development to the south. The surrounding area is characterised by a variety of building types and land uses allied to its edge of town centre site.

The three buildings subject to the application are as follows:

1. The Livestock Sheds, Pens & Auction area comprises of 2 steel framed agricultural buildings.

First bay - the main auction area, is partly open with corrugated Asbestos Cement sheeted roof & timber clad sides, Concrete bay's laid to falls with run-off channels, steel fenced livestock pens.

Second bay - livestock shed, is steel frame in-filled with solid concrete block constructed walls with corrugated asbestos cement clad roof & concrete base.

1. The Market Office is a traditional build single storey office, store & café. The office remains in use whilst the market operates but the café is no longer functional.
2. The public conveniences situated on The Butts are of concrete block & brick construction with stone façade & mono pitched roof.

The Cowbridge livestock market has ceased to operate since 31st March 2020 and it is stated that the current operators, Glamorgan Marts, will not be extending the licence to operate nor renewing the lease of the site from The Vale of Glamorgan Council.

DESCRIPTION OF DEVELOPMENT

The application seeks Conservation Area Consent for the demolition of the following buildings:

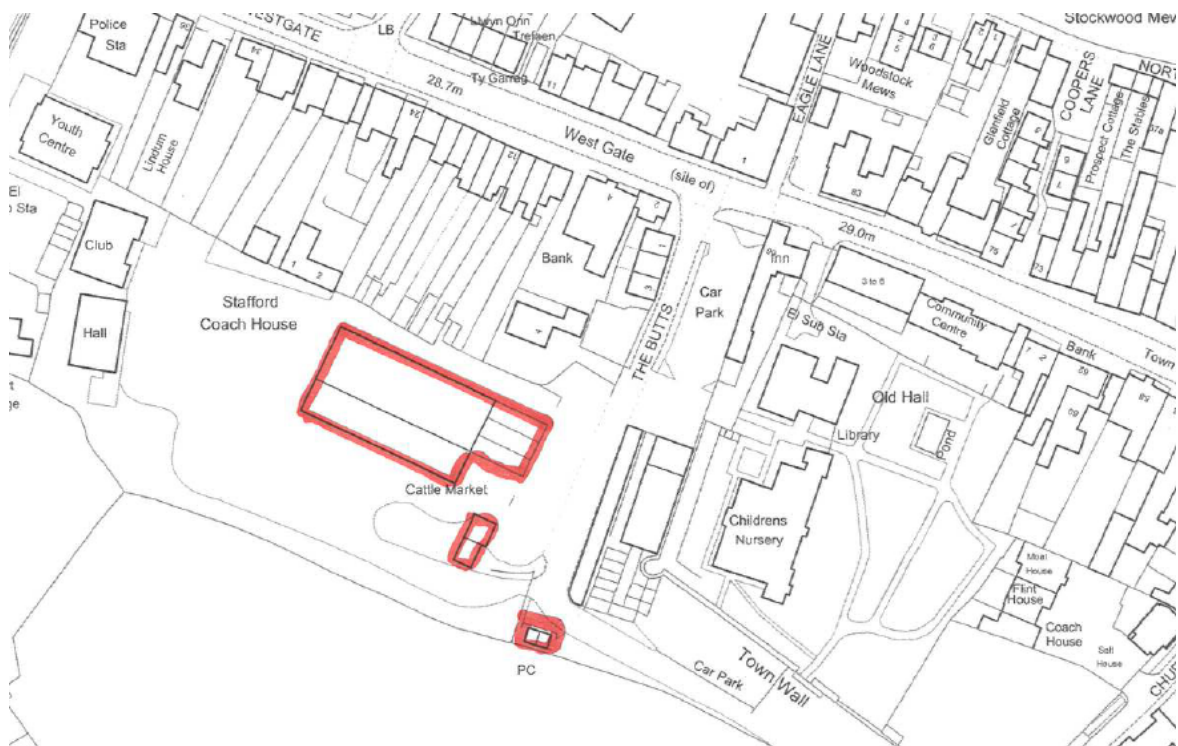
- Livestock Shed & sales pens
- the market office & former café
- public toilets on The Butts.

The Amended Heritage Impact Statement states that the cessation of market activities at the site renders all existing site buildings surplus to requirements and that all these buildings are in poor repair.

The objective of the change is to remove the asbestos materials safely, to demolish each of the buildings in an orderly fashion thereby removing the elements which could be considered dangerous to the public.

The concrete bases are to be left in situ and areas graded with clean stone to provide an area for public parking.

The market site would then be levelled to provide the Town with additional parking.



PLANNING HISTORY

1981/00012/FUL, Address: Cowbridge Cattle and Sheep Market, Cowbridge, Proposal: Conversion of existing office to form market canteen provision of new market office, Decision: Approved.

2002/00076/FUL, Address: Cowbridge Livestock Market, The Butts, Cowbridge, Proposal: Vehicle wash and associated works, Decision: Withdrawn.

2004/00266/FUL, Address: The Cattle Market, The Butts, Cowbridge, Proposal: Retention of means of enclosure for a temporary period of two years, Decision: Approved.

CONSULTATIONS

Cowbridge with Llanblethian Town Council were consulted and have raised no objection to the proposal, however they have raised the following comments:

“It is very sad that Cowbridge, an ancient market town, is no longer to have a livestock market. It is also very concerning that there is to be no local livestock market provision before the closure of the Cowbridge market.

However, the demolition of some ugly, derelict buildings, the grading of the site and the provision of additional parking will be very welcome.

There have been suggestions made that there should be provision on the site for an events space. I support this even if it is just an area of the car park which can be barriered off when required. This could be a good space, for example, for the Farmers’ Market currently held in the Arthur John car park.”

Cowbridge Ward Members were consulted and no comments have been received to date.

Glamorgan Gwent Archaeological Trust have commented on the application and in respect of their initial comments, recommend that a condition requiring the applicant to submit a written scheme of investigation for a programme of archaeological work, given the previous archaeological investigations have shown that medieval and Post-medieval finds were encountered which in conjunction with the known Roman and medieval activity within the immediate area, suggests that it is likely that any future groundworks may encounter archaeological remains.

Following re consultation GGAT note the application’s amended Heritage Impact Statement (Rev.2.7.20), in which the proposed works will not entail groundworks. As the proposed works are above ground, it is no longer considered that the development will have a detrimental impact upon the buried archaeological resource.

Consequently, given this new information GGAT would like to retract our previous recommendation for archaeological mitigation and have no objections to the positive determination of this application.

The Council’s Ecologist was consulted following the submission of a Bat Survey Report (Sept 2020). It is stated that the proposed works fall within the criteria of ‘Lower Risk Cases’ (Section 2.1). However NRW does ask that a method statement is prepared and conditioned if required.

The bones of the method statement are found in the assessment undertaken by Dave Clements, but it might be advisable to pull these out and make them more obvious. Buildings B1 and B2 could be demolished in the normal fashion whilst Buildings B3 and B4 would follow the method statement. The bat boxes need to be erected ahead of the demolition and should be attached to trees unlikely to be removed when further development takes place on this site. By erecting the boxes in advance this allows the transfer of any bats during the soft strip of building B4. "My preference would be for the licensed bat handler to be on site rather than on call – I should imagine it is less than half a day's work. Bats are sensitive to changes in temperature/humidity and therefore could suffer or die whilst waiting for the bat handler to get to site." It would also be more efficient to have them on hand as this would cause less disruption to the demolition process.

Following the submission of a method statement and on the basis that it is followed that emphasises the timeline of erecting the bat boxes ahead of demolition, of soft stripping building B4 and having a qualified and licensed bat handler to hand, the Council's Ecologist is of the view that works can proceed without an EPS licence as indicated by NRW documentation.

REPRESENTATIONS

Two site notices were displayed on site on 6 May 2020 and the application was also advertised in the press on 15 May 2020. To date five letters of representation have been received, which in the main object to the loss of the market as summarised below:

- The council should be supporting local businesses that are struggling
- The market is a business and community hub
- The market brings trade to Cowbridge and acts as a meeting place for otherwise very isolated farmers.
- Very sad that Cowbridge, an ancient market town, is no longer to have a livestock market.
- No local livestock market provision before the closure of the Cowbridge market.
- Demolition of some ugly, derelict buildings, the grading of the site and the provision of additional parking will be very welcome.
- There should be provision on the site for an events space.
- Cowbridge has always been regarded as a thriving market town and the livestock market remains at the very heart of the town.
- This will result in the loss of many small farms and change the pattern of the landscape in the Vale.
- This application should be for Committee to decide and NOT officer delegated as stated.

- A new market and site be finalized as PER Consultancy report Sept 2018 outlined clear need in The Vale plus Cowbridge Historic Charter documents for a livestock Market to remain in Cowbridge

REPORT

Planning Policies and Guidance

Local Development Plan:

The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG19 – Sites and Species of European Importance
POLICY MG20 – Nationally Protected Sites and Species

Managing Development Policies:

POLICY MD2 - Design of New Development
POLICY MD5 - Development within Settlement Boundaries
POLICY MD8 - Historic Environment
POLICY MD9 – Promoting Biodiversity

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 2 - People and Places: Achieving Well-being Through Placemaking,

- Maximising well-being and sustainable places through placemaking (key Planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking)

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)

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 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 Notes:

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

- Technical Advice Note 12 – Design (2016)

- Technical Advice Note 24 – The Historic Environment (2017)

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Conservation Areas in the Rural Vale
- Cowbridge with Llanblethian Conservation Area Appraisal and Management Plan
- Biodiversity and Development (2018)

Other relevant evidence or policy guidance:

- 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.*

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Issues

The main issue to be considered is whether the proposed demolition will preserve or enhance the character or appearance of the conservation area. In addition, consideration will also be given to impacts on ecology.

Impact on the Conservation Area

The statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is to have special regard to the desirability of preserving or enhancing the character and appearance of the conservation area.

Paragraph 6.1.3 of TAN 24 advises

“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.”

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.

It is the view of the Conservation Officer that as the buildings on the site are not being identified as ‘positive’ contributors to the character or appearance of the conservation area, 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 stone dust 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.

Ecology

The application has been supported by a Bat Survey and it is stated that the proposed works fall within the criteria of ‘Lower Risk Cases’ (Section 2.1). However, NRW does ask that a method statement is prepared and conditioned if required.

A method statement has been submitted in respect of erecting the bat boxes ahead of demolition, soft stripping building B4 and having a qualified and licensed bat handler to hand. The Councils Ecologist is of the view that works can proceed without an EPS licence as indicated by NRW documentation. However, it is considered necessary to condition any consent to ensure that it is in line with the agreed Method Statement.

Other Matters

A number of the representations received raise concerns in respect of the loss of the market from the site and associated impacts. However, this application only considers the demolition of the building as to whether the proposed demolition will preserve or enhance the character or appearance of the conservation area. Whilst the comments are noted they fall outside of the consideration of this application.

REASON FOR RECOMMENDATION

The decision to recommend approval has been taken in accordance with Planning Policy Wales and Technical Advice Note 24: The Historic Environment.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

The appropriate marine policy documents have been considered in the determination of this application in accordance with Section 59 of the Marine and Coastal Access Act 2009.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The works hereby permitted shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

Plan showing buildings earmarked for demolition outlined in red
Plan showing extent of site area to be graded
Amended Heritage Impact Statement Rev.5.8.20.
Method Statement for the demolition of buildings at the former Sheep Market, The Butts, Cowbridge

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. All pre-demolition, demolition and post demolition works of the buildings within the site shall be undertaken in full accordance with the approved "Method Statement for the demolition of buildings at the former Sheep Market, The Butts, Cowbridge."

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity), MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species) of the Local Development Plan.

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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.