

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:	7 February 2019	Tel / Ffôn:	(01446) 704628
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**Application:** 2018/01417/FUL  
**Location:** Former Cowbridge Comprehensive School, Aberthin Road, Cowbridge  
**Proposal:** Proposed demolition of existing school, development of 48 dwellings (43 flats and five houses) and associated works

**Recommendation**

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|--|--|
| <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 main issue considered by me is the impact of the proposed work on historic assets and their settings.

**Site and Context**

The site measures approximately 0.53 ha and is currently occupied by the former sixth form block of Cowbridge Comprehensive School, which is currently vacant. The site fronts onto the A4222 Aberthin Road and is close to the elevated section of the Cowbridge bypass. There is existing residential on the boundary to the south and west.

The site is located within the settlement boundary for Cowbridge as defined in the Local Development Plan (LDP).

## **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 3A of the Act allows the local planning authority to serve a notice on the owner and occupier of any building which is of special architectural or historic interest; and is in danger of demolition or of alteration in such a way as to affect its character as a building of such interest.

The effects of serving a building preservation notice “BPN” are that the provisions of the Act (other than sections 47 to 51 and 59) and the Planning (Listed Buildings and Conservation Areas) Act 1990 have effect in relation to the building as if it were a listed building.

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

Planning Policy Wales (PPW) sets out, *inter alia*, the Welsh Government’s planning guidance on the conservation and enhancement of the historic environment.

Para 6.1.9 makes clear that:

“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.”

Para 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.”

Para 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.”

Whilst Para 6.1.15 clarifies:

“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 6.1.29 confirms that ‘Historic assets of special local importance’ do not benefit from statutory protection, but can make an important contribution to local distinctiveness and have the potential to contribute to public knowledge.

#### 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

TAN 24 confirms that

“Historic assets that the local planning authority may consider to be of special local interest are not accompanied by any additional consent requirements over and above those required for planning permission. However, if such assets are to

contribute successfully to the conservation or enhancement of local character their status needs to be clear in the development management process. If a local planning authority chooses to identify historic assets of special local interest, it must include policies for their preservation and enhancement in the local development plan.”

### 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;

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| 4. FOR SITES OF ARCHAEOLOGICAL INTEREST, DEVELOPMENT PROPOSALS MUST PRESERVE OR ENHANCE ARCHAEOLOGICAL REMAINS AND WHERE APPROPRIATE THEIR SETTINGS. |
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### Supplementary Planning Guidance

#### *Conservation Area Appraisal and Management Plans*

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 Unitary Development Plan and is the preferred guidance for assessing the impact of the proposed scheme.

#### Other Guidance

*Conservation Principles (Cadw, 2011)*

*Assessing the Setting of Historic Assets in Wales (Cadw, 2017)*

## Identification of heritage assets affected and their settings

### Archaeology and Scheduled Monuments

The local planning authority must consult the Welsh Government's Historic Environment Service (Cadw) on all planning applications which in their opinion are within the setting of a scheduled monument and meet certain criteria. Applications will need to include sufficient information to assess the impact of the proposal on the historic asset and its setting, but this should be proportionate to the likely impact of the proposal.

The application site is approximately 0.51ha, therefore, Cadw will need to be consulted if the proposed development would be visible from any scheduled monuments within 2km of the site. I note there are 8 scheduled monuments within 2km, these are:

- St Quintin's Castle
- South Gate
- Llanquian Wood Camp
- Llanquian Castle
- Stalling Down Round Barrow
- Llandough Castle (Remains of Hall)
- Caer Dynnaf

There will be no direct impacts on any scheduled monuments. I note the Glamorgan-Gwent Archaeological Trust have made a representation on this application.



**Figure 1: Scheduled monuments within 2km of the application site.**

### Listed Buildings

The closest listed buildings are located approximately 200m to the south east of the application site. There are a substantial number of listed buildings in the Cowbridge Conservation Area with 17 of these located in the Eastgate area.

I understand a representation has been made to Cadw to have the building included in the statutory list. I further understand that a formal decision has been made to not include the building on the statutory list at this time. I see no reason to disagree and would not make a recommendation to serve a building preservation notice.

Therefore, there will be no direct impacts on any listed buildings resulting from the proposed development. Impacts on the setting of listed buildings are considered below.

### Conservation Areas

The application site is approximately 140m north of the Cowbridge Conservation Area and 850m south east of the Aberthin Conservation Area. There will be no direct impacts on any conservation area resulting from the proposed development. Impacts on the setting of conservation areas are considered below.

### Locally Listed County Treasures

The nearest locally listed County Treasure is 225m to the south east of the application site. There will be no direct impacts on any locally listed buildings resulting from the proposed development. Impacts on the setting of locally listed buildings are considered below.

Whilst it is noted that the building does not benefit from any statutory or local designation it clearly has some historic/architectural merit as identified in the LDP (MG2(19) p.197 refers).

This view is shared by the Archaeological and Heritage Assessment ("the AHA") submitted as part of the application and the Heritage Visual Impact Assessment ("the HVIA") submitted as a part of a representation objecting to the proposed development. Cadw, in their email to the applicant, have also confirmed that whilst falling short of national importance the building is locally significant.

Notwithstanding the request to include the building in the statutory list, it is appropriate to consider the building against the criteria for inclusion as a County Treasure contained in the County Treasures SPG.

The criteria for inclusion as a locally listed County Treasure can be found in the council's adopted Supplementary Planning Guidance. Whilst this document is scheduled for review, it is the current document that is adopted.

The criteria are repeated below for convenience.

1. Architectural interest – buildings which are of importance to the Vale of Glamorgan for the interest of their architectural design, decoration and craftsmanship; also important examples of particular building types and techniques;
2. Historic Interest – this includes buildings which illustrate important aspects of the Vale of Glamorgan's social, economic, cultural or military history;
3. Close Historical Association – with the Vale of Glamorgan's important people or events;
4. Group Value – especially where local buildings comprise an important architectural or historic unity;
5. Old or rare local buildings that have been altered too much to warrant being included on the national statutory list, but nonetheless retain character.

Whilst I am mindful of the AHA, the HVIA and Cadw's comments I have made my own assessment of the building and I am satisfied it meets criteria 1, 2, 3 & 5. My assessment is included at Appendix A to this memorandum.

Having identified the local significance of the building I shall make the recommendation that it is included on the County Treasures list. Should the building be included on the list then the provisions of Policies SP10 and MD8 should apply. These policies require the preservation or enhancement of locally listed buildings and their settings.

Regardless of whether the building is included in the local list it would be necessary to consider the development against Policy SP10 of the LDP

### **Assessment of significance and the contribution of settings**

I have relied on Cadw's guidance document 'Setting of Historic Assets in Wales' to undertake this assessment.

### Scheduled Monuments

As noted above, Cadw will need to be consulted if the proposed development would be visible from any scheduled monuments within 2km of the site.

### Listed Buildings, Conservation Areas and Locally Listed Buildings

As identified above there are a number of listed and locally listed buildings, and conservation areas located near the application site. Some of these historic assets have some degree of intervisibility with the existing building.

Notwithstanding this there has been a substantial amount of development between the historic buildings on Eastgate and the application site. This includes the loss of



the railway station and railway lines that ran through what is now Millfield Drive which was built in the latter half of the last century. Immediately adjacent to the application site is an elevated section of the Cowbridge bypass.

This modern development has effectively diluted the significance of the setting of the listed buildings, locally listed building and Cowbridge Conservation Area to such an extent that it should be considered negligible.

In relation to historic assets located within the Aberthin Conservation Area (including the conservation area) the combination of topography, distance and the modern school development mean the setting of these historic assets will not be harmed by the proposed development.

### **Impact assessment of proposed development**

The proposed development will result in the demolition of the existing building which has previously been identified as local significance and, more recently, as a potential 'County Treasure'.

I am satisfied that there will be no direct harm caused to any scheduled monument, listed building, conservation area or locally listed building.

I am satisfied that there will be no harm caused to the setting of any listed building, conservation area or locally listed building.

Given the building has been identified as having architectural or historic qualities, the development will need to be considered against Policy SP10. Should the building be included in the local list it would clearly result in the loss of a locally significant historic asset contrary to policy SP10 and MD8.

### **Conclusions**

- The building is considered to be of local significance warranting its inclusion in the County Treasures list; and
- The proposal would result in the loss of a locally significant historic asset.

### **Recommendations**

- The building be included in the County Treasures list; and
- The application be refused.

Notwithstanding my views above, if you are minded to approve the application I would recommend the inclusion of a condition requiring a level 3 building record to be created.

No development approved by this permission shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which shall first have been submitted to and approved in writing by the local planning authority. The final report on such recording shall be deposited with the Local Planning Authority prior to first beneficial use of the development
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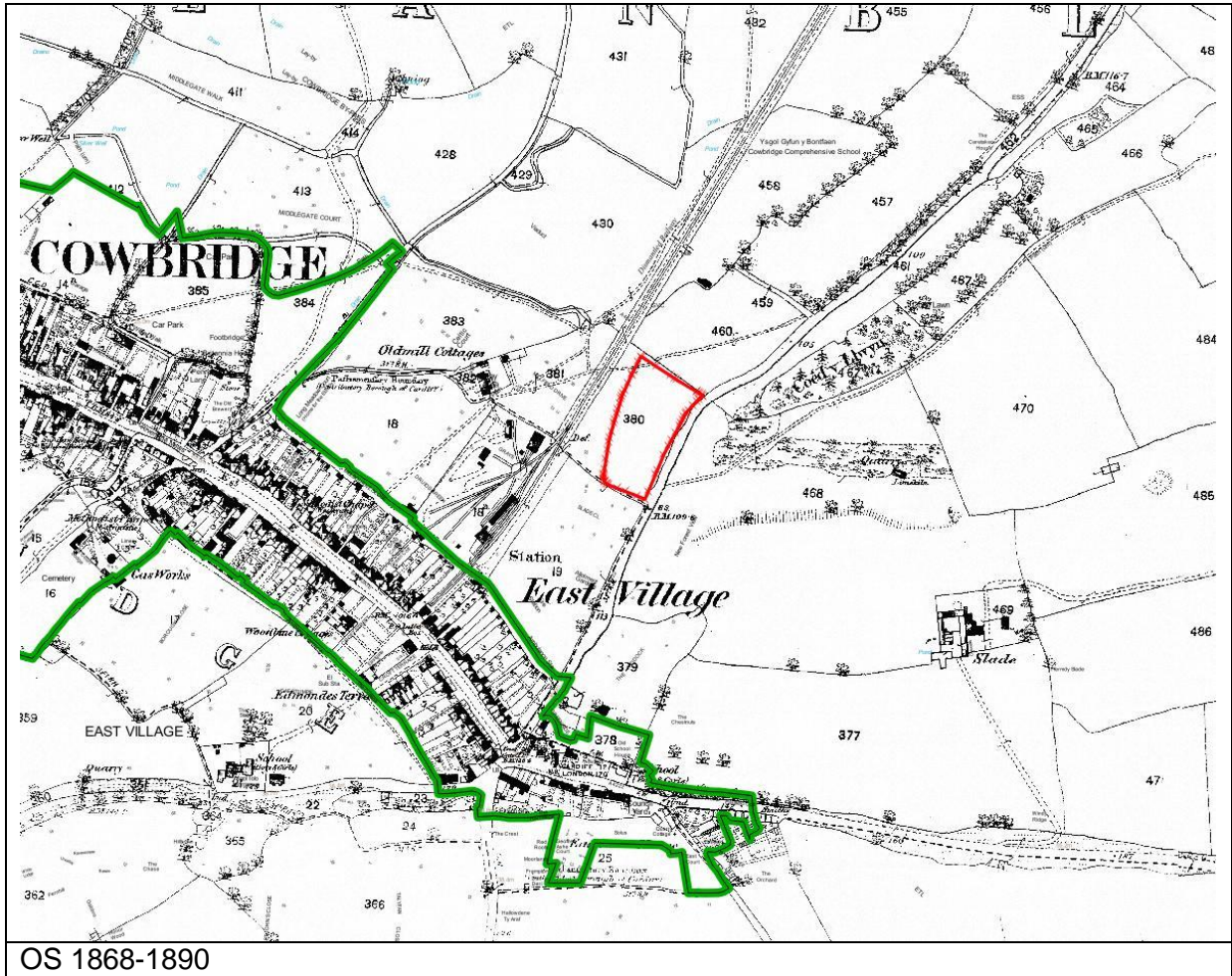
hereby approved, in order that it may be forwarded to the Historic Environment Record, operated by the Glamorgan Gwent Archaeological Trust (Heathfield House, Heathfield, Swansea SA1 6EL Tel: 01792 655208).

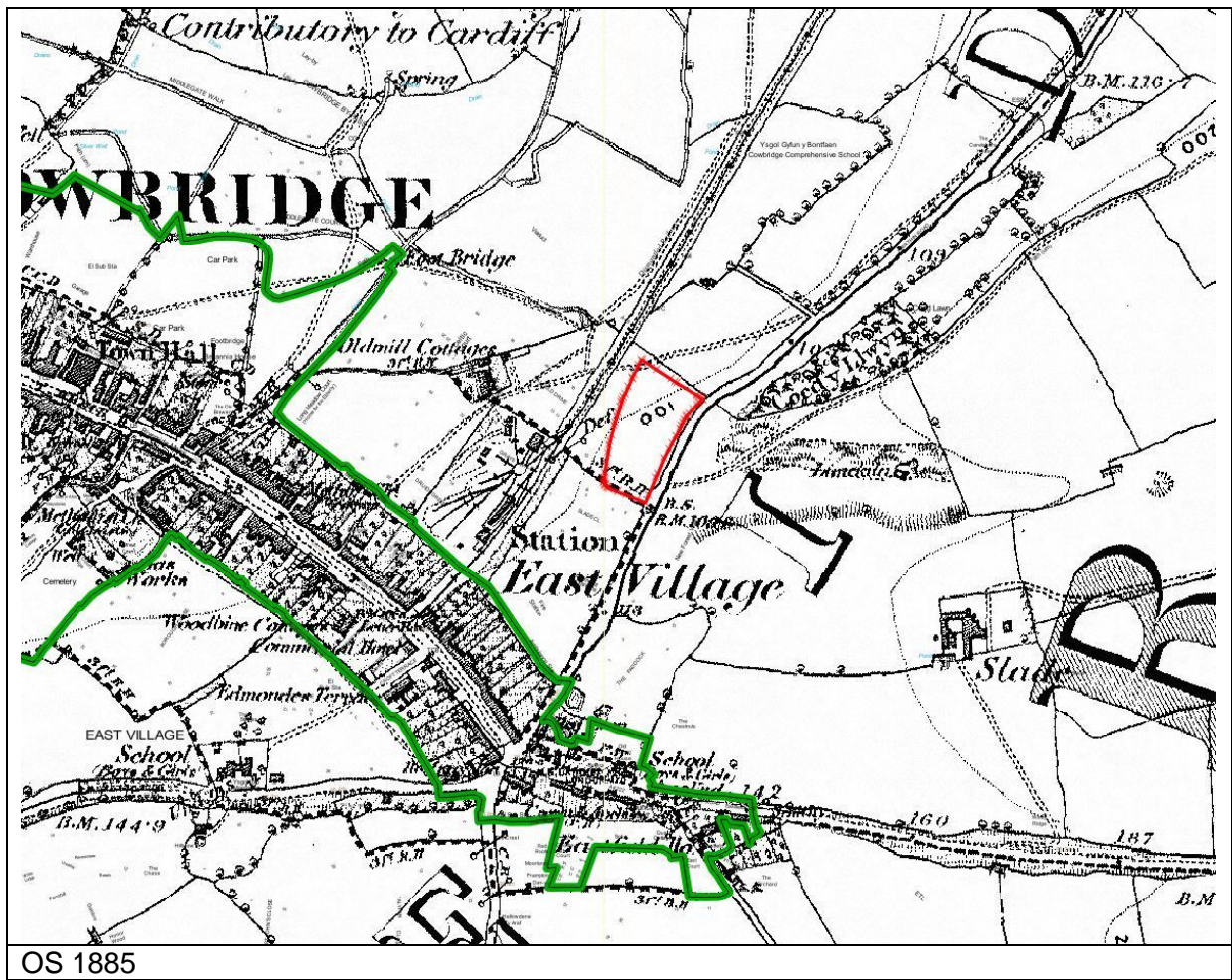
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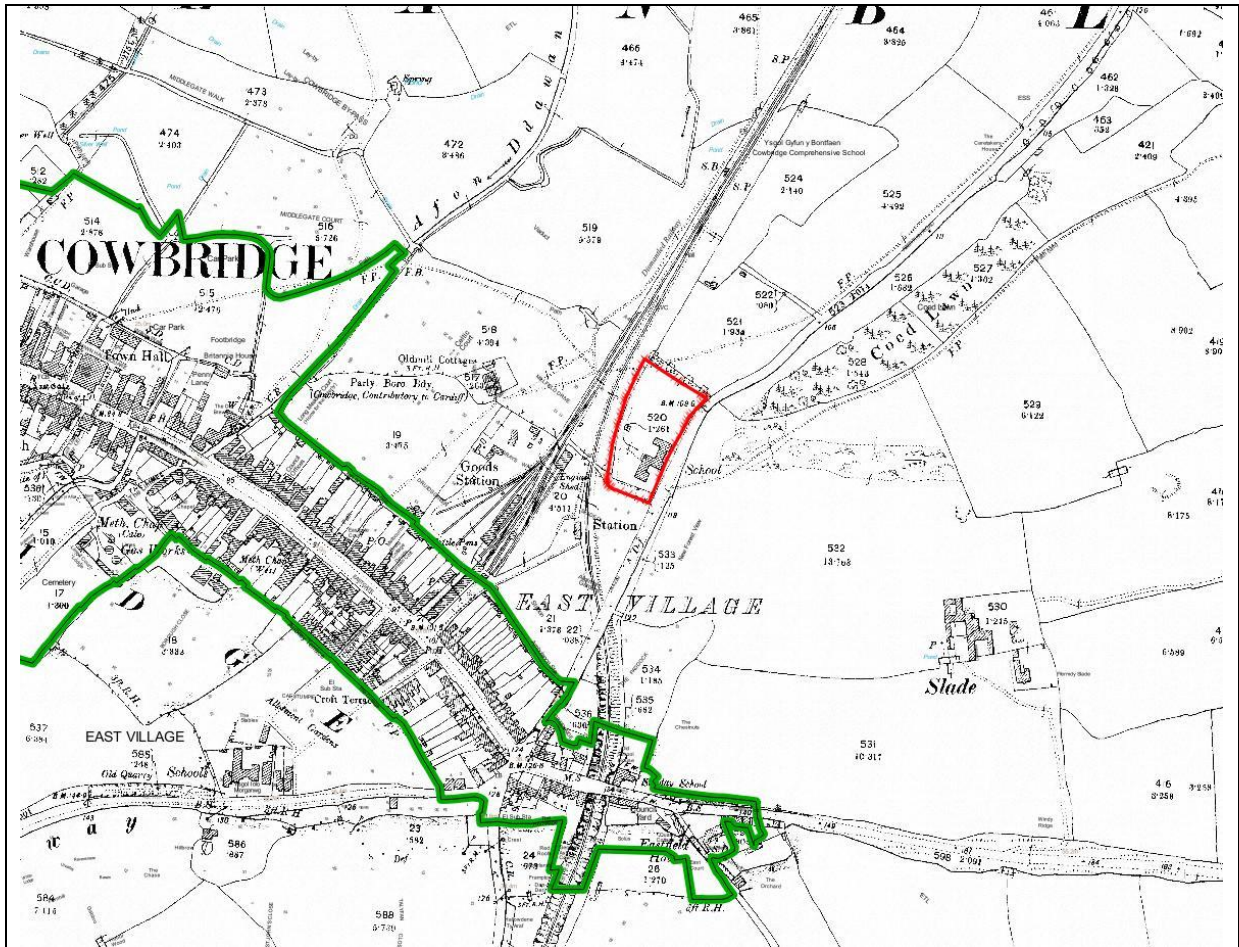
As the building is of significance the specified records are necessary in order that records are kept of any features of archaeological interest and to ensure compliance with Policy MD8 of the Local Development Plan.

Peter Thomas  
Senior Planner (Conservation and Design)

# Appendix A – Historic Mapping







OS 1897 - 1907

