

MEMORANDUM / COFNOD

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



<b>To / I:</b>	Emma Watkins
<b>Dept / Adran:</b>	Development Management
<b>Date / Dyddiad:</b>	16 September 2020

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

**Application:** 2020/00874/RG3 and 2020/00954/CAC  
**Location:** St. Nicholas Church In Wales Primary School, St. Nicholas  
**Proposal:** Proposed replacement primary school including additional nursery provision and associated works

**Recommendation**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> No objection      | <input checked="" 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 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.”

Paragraph 6.1.12 states:

“The demolition of any listed building should be considered as exceptional and require the strongest justification.”

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

In relation to Historic Parks and Gardens paragraph 6.1.18 states:

“Planning authorities should value, protect, conserve and enhance the special interest of parks and gardens and their settings included on the register of historic parks and gardens in Wales. The register should be taken into account in planning authority decision making.”

Paragraph 6.1.19 states:

“The effect of a proposed development on a registered park or garden, or its setting, is a material consideration in the determination of planning applications”

#### 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 St. Nicholas 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**

Demolition of the building

The proposal includes the demolition of the building which is located within the conservation area. The building is not identified in the CAAMP as making a positive contribution. It is understood the building dates from the late 1960s. I have assessed the building and can confirm that my view is that the building does not make a positive contribution to the character or appearance of the conservation area. As a result, there is no objection to the demolition of the building subject to an acceptable scheme being in place to replace it.

### The proposed building

The proposed building will be located outside, but immediately adjacent to, the conservation area.

Local policy relating to conservation areas is limited to development within conservation areas. National policy, contained within PPW, extends the strong presumption against the granting of planning permission which damage the character or appearance of conservation areas to an unacceptable level to their setting. This suggests that an acceptable level of harm exists.

PPW further states that the presumption may be overridden in favour of development considered desirable on public interest grounds.

The building is unimaginative in its design and choice of materials clearly favouring its function as an educational facility over its form. It relates poorly to the vernacular architecture with its shallow roof pitches predominant materials being brick and metal cladding in an area characterised by steeper roofs and, stone and render, under natural slate roofs.

There may be scope to replace the brick with more sensitive materials and this should be examined carefully.

Notwithstanding this, I am mindful that the impact on the significance of the conservation area must be assessed against the current position. I am satisfied that the building will cause no more harm to the setting of the conservation area than the current building.

### The setting of the building (within the Conservation Area)

To the front of the proposed building, and within the Conservation Area, a car park and drop off area is proposed. I couldn't identify the proposed material but assume this to be tarmac or similar.

I am not sure if the Landscape Architects have been involved in the scheme but I note that limited areas of planting are proposed, effectively in left over spaces. It is unclear what the 'rain garden' will comprise. The introduction of trees is to be welcomed.

Whilst an apron of tarmac with limited landscaping will not enhance the character or appearance of the conservation area I have assessed it against the current position and have concluded that there will be no harm caused.

Peter Thomas  
Senior Planner (Conservation and Design)