

01/2023/0715



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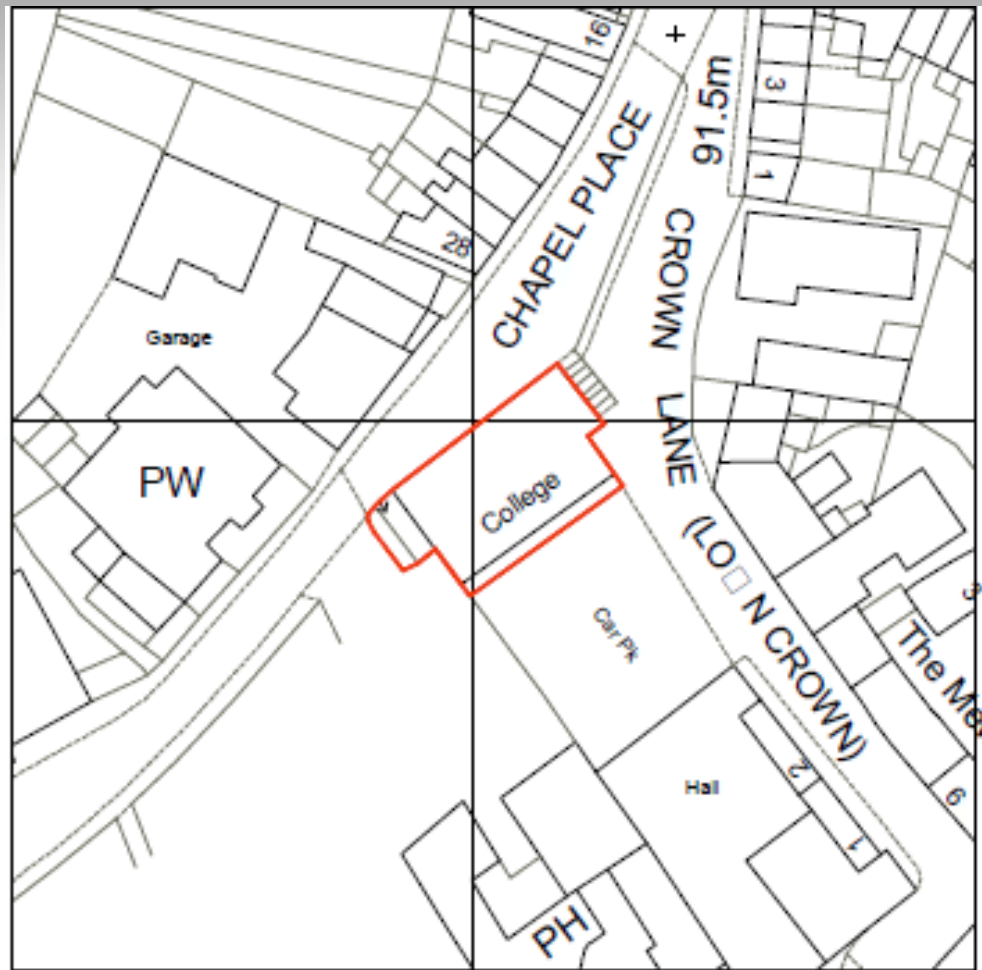
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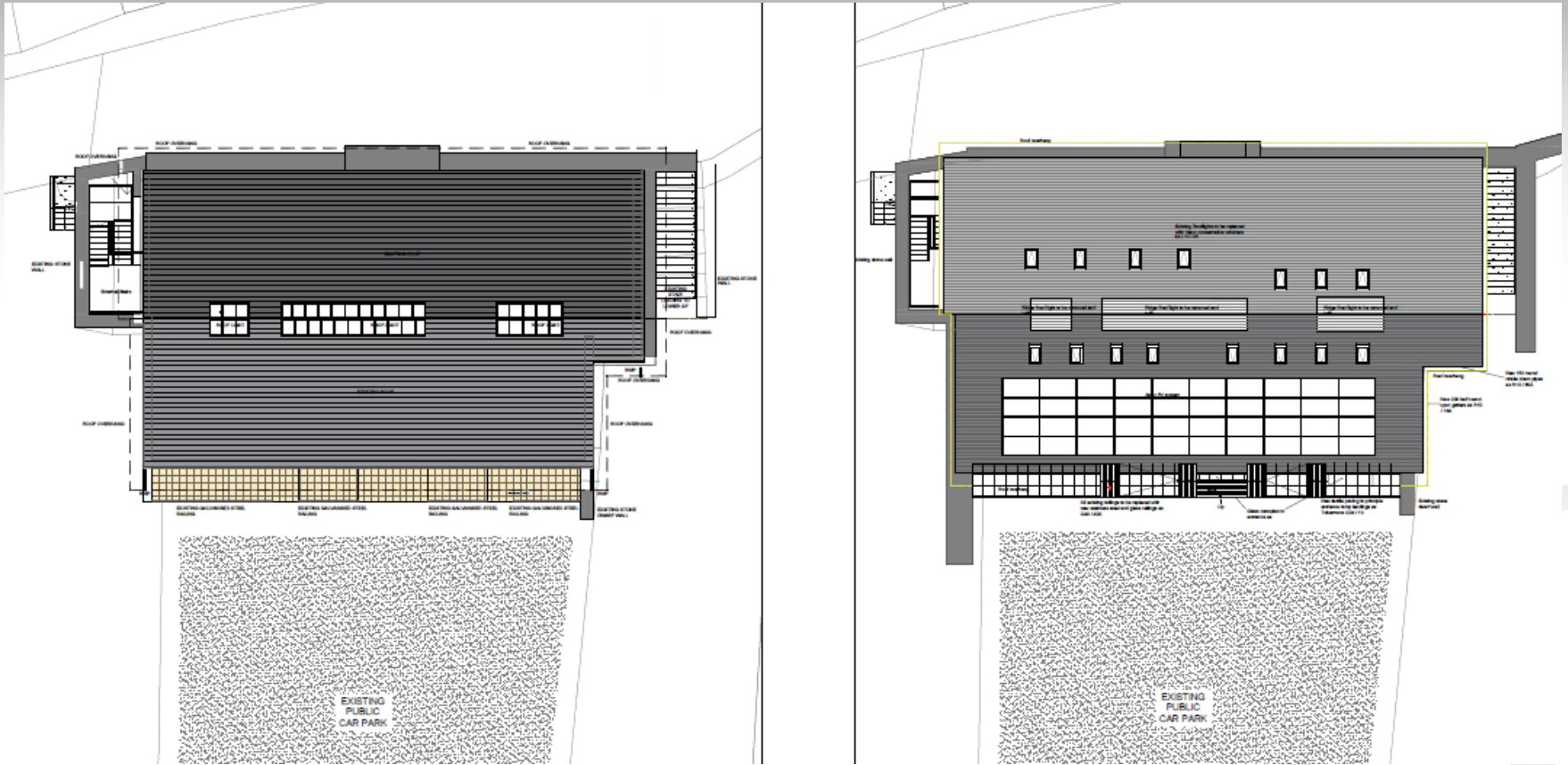
01/2023/0715/PF

**Crown Workshop (former Buttermarket)
Full Planning Application**

Alterations and reparations to roof, including the removal and making good of existing skylight, the insertion of rooflights, solar PV panels and associated works



Location plan



Existing and proposed site plan



③ Front
1:100



④ Side 1
1:100

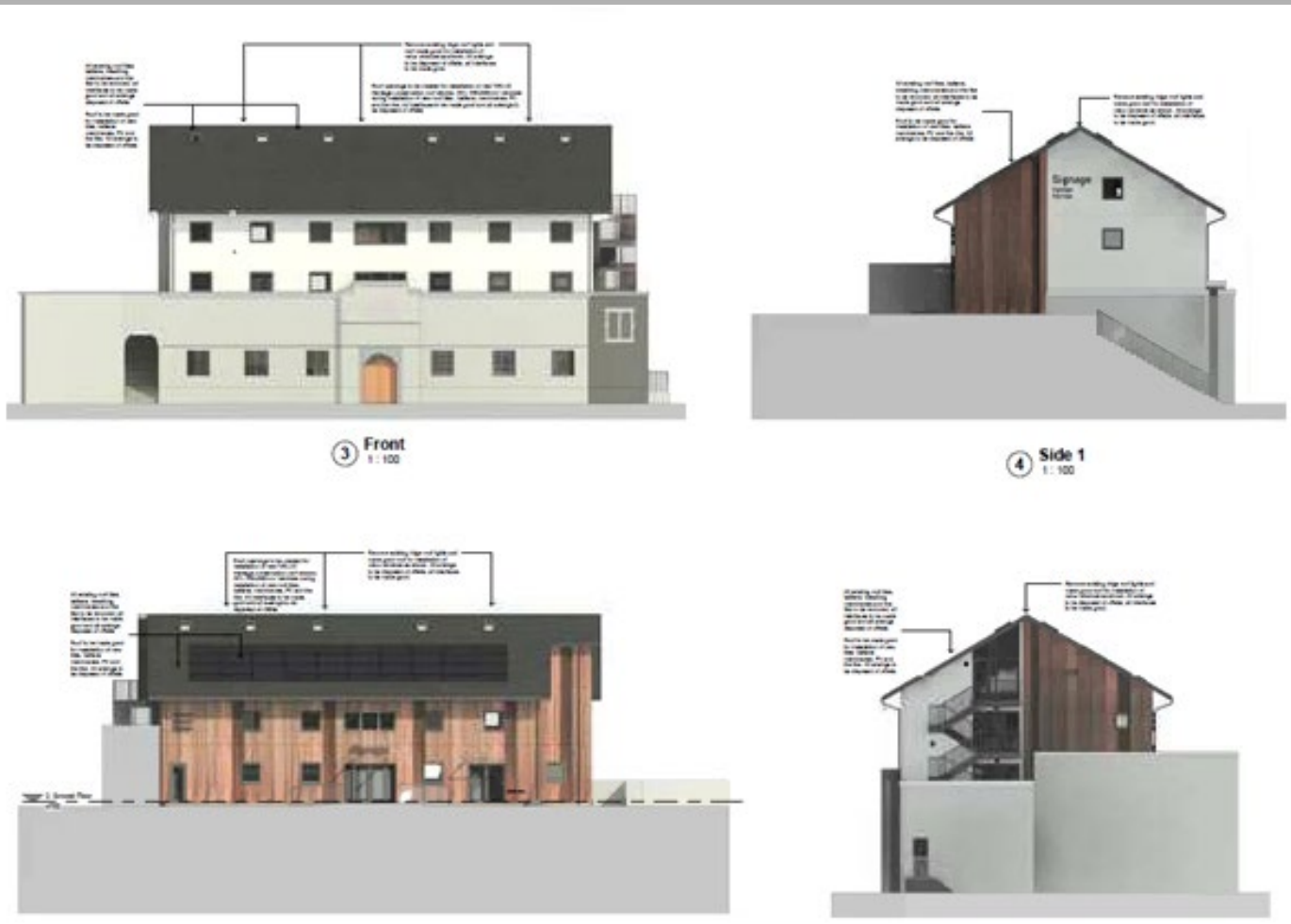


② Rear
1:100



① Side 2
1:100

Existing elevations



Proposed elevations



Front of building facing Chapel Place



View from rear car park behind Town Hall



View from corner of Town Hall down Crown Lane

WARD : Denbigh Caledfryn Henllan

WARD MEMBER(S): Councillor Pauline Edwards
Councillor Geraint Lloyd- Williams
Councillor Delyth Jones (c)

APPLICATION NO: 01/2023/0715/ PF

PROPOSAL: Alterations and reparations to roof, including the removal and making good of existing skylight, the insertion of rooflights, solar PV panels and associated works

LOCATION: Crown Workshop (Former Buttermarket), Crown Lane, Denbigh LL16 3SY

APPLICANT: Vale Of Clwyd Mind, Mr Paul Moore

CONSTRAINTS: Listed Building Conservation Area

PUBLICITY UNDERTAKEN: Site Notice - No
Press Notice - No
Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Member request for referral to Committee to consider the balance of weight to be afforded to heritage considerations and renewable energy considerations.

CONSULTATION RESPONSES:

DENBIGH TOWN COUNCIL:
No objections.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES
Conservation Officer:

'I object to this application as the installation of solar panels on the roof of this Grade II listed building lying within the designated Denbigh Conservation Area will be detrimental to the character of the building and the surroundings. Although the upper section of this building is a modern extension built on top of the listed building, the roof is large (as well as the proposed solar array) and highly prominent within the town centre and historical core of the Conservation Area.

I have no objection to the other proposals being the removal of the skylight and making good by roofing over, installation of Conservation Rooflights and re-roofing. Please note the drawing states the existing roofing material to be tiles and to be re-roofed in tiles. The existing roof material is slate and any new roofing material is to be natural Welsh Slate and clearly noted on the documents.

Please note the recent application that has been highlighted in the Planning Statement document with this application as an example of a nearby building that has received consent for solar panels on it's roof is a non-listed modern building and the roof elevation having panels fitted is tucked away behind other buildings where the proposed panels will be barely visible from the public highway which cannot be compared to this proposal.'

Ecology Officer:

The type and location of the swift boxes is fine. Please ensure they adhere to the guidelines for installation as shown below.

'Ideally, mount the in-built block on the north or east gable end, approximately three courses below the apex. This establishes the optimal elevation for the block in a region with minimal human interference. Maintain a clear flight trajectory for the nesting box by preventing trees or shrubs from sprouting directly in front of the wall. Given swifts' penchant for breeding in colonies, it's prudent to install multiple building blocks in proximity. Ensure a minimum gap of 40 centimetres between each block. There's no need to supply any nesting materials.'

Source: https://www.wildcare.co.uk/wildlife-nest-boxes/bird-boxes/swifts/woodstone-buildin-swift-box-visible-uk-brick-size.html?qclid=CjwKCAiA_aGuBhACEiwAly57MfqV1nsondzGJLclTsGKksiU4upspWePuuo3Tq7c9XEd8A1ZMxJRKxoCYV8QAvD_BwE

Corporate Property Officer:

No comments received.

RESPONSE TO PUBLICITY:

No representations received.

EXPIRY DATE OF APPLICATION: 16/01/2024

EXTENSION OF TIME AGREED: 22/03/2024

REASONS FOR DELAY IN DECISION (where applicable):

- Awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks full planning permission for the proposed alterations and reparations to roof, including the removal and making good of existing skylight, the insertion of rooflights, solar PV panels and associated works at Crown Workshop (Former Buttermarket), Crown Lane, Denbigh.
- 1.1.2 Solar panels are proposed to the south elevation of the roof to allow for the viability of the building and the refurbishment for the generation of electricity to keep energy prices down.
- 1.1.3 The installed capacity of the Solar PV system will be 12kWp comprising of 40no. panels each with a capacity of 300W.
- 1.1.4 The proposed Solar PV panels are Conservation designed inset panels. The panels will appear to be inset into the roof rather than the more traditional solar PV panel system which sit above the roof tile / roof covering.
- 1.1.5 The existing ridge roof lights are proposed to be removed and 6 conservation style rooflights are proposed in their place.
- 1.1.6 The rear elevation and part of the side elevations are proposed to be fitted with timber cladding which was previously approved under ref. 01/2021/0839.
- 1.1.7 An additional window is proposed to be installed to side 1 at second floor level.

1.1.8 6 swift nest boxes are proposed to be installed on the building as a biodiversity enhancement.

1.2 Other relevant information/supporting documents in the application

1.2.1 Bat and Bird Survey, Planning Statement, Green Infrastructure Statement.

1.3 Description of site and surroundings

1.3.1 The building is a standalone prominent building within the heart of Denbigh town. It contains a listed lower section with access to the lower ground floor level off Chapel Place and the principal entrance locate adjacent to the public car park off Crown Lane. There is a modern two storey block above the single storey building.

1.3.2 The building is listed for its special interest as a fragmentary survival of an important piece of early Victorian civic architecture.

1.3.3 The building has recently obtained planning permission and associated Listed Building Consent for the conversion to form a mixed-use community facility, museum, cafe and offices to provide a space for a number of occupants including Vale of Clwyd Mind, Denbigh Museum, Age Connects and Menter laith.

1.3.4 The proposed use of part of the lower ground floor and the ground floor of building will be operated by Denbigh Museum who will provide the town with a local hub and a facility. The lower ground floor will include a full refurbishment of the existing cafe, which will operate and serve the public. The first and second floors will be designed to incorporate new offices for organisations such as Menter Laith and Age Connects.

1.4 Relevant planning constraints/considerations

1.4.1 Within development boundary and within Denbigh Conservation Area as defined by the LDP.

1.4.2 Grade II Listed Building (Former Butter Market)

1.5 Relevant planning history

1.5.1 Converted to education facility in 2000. Permission approved in 2021 for the change of use of the building to form a mixed use community facility, museum, café and offices to provide space for multiple occupants.

1.6 Developments/changes since the original submission

1.6.1 Details of bird box locations shown on elevation plans.

1.7 Other relevant background information

1.7.1 None.

2. DETAILS OF PLANNING HISTORY:

2.1 01/2021/0839 Conversion and alterations of existing college building (Use Class D1) to form a mixed use community facility, museum, cafe and offices, alterations to elevations and associated works, GRANTED 8/11/2021

2.2 01/2021/0840 Internal and external alterations to listed building to form community facility, museum, café and offices, including external cladding, replacement rainwater goods, insertion of new doors and windows, formation of access ramp, amendment to room layout and associated works (listed building application) GRANTED 10/11/2021

2.3 01/2023/0716 Alterations and reparations to roof, including the removal and making good of existing skylight and the installation of rooflights and solar PV panels (Listed Building Application) PENDING

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy VOE1 - Key areas of importance

Policy VOE5 – Conservation of natural resources

Policy VOE10 - Renewable Energy Technologies

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Conservation Areas

Supplementary Planning Guidance Note: Listed Buildings

Supplementary Planning Guidance Note: Renewable Energy

Government Policy / Guidance

Planning Policy Wales (Edition 12) February 2024

Development Control Manual November 2016

Future Wales – The National Plan 2040

Technical Advice Notes:

TAN 5 Nature Conservation and Planning (2009)

TAN 8 Renewable Energy (2005)

TAN 12 Design (2016)

TAN 24 The Historic Environment (2017)

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned.

The DMM further states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 12 (February 2024) and other relevant legislation.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 12) and local policy (LDP

2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity including impact on Conservation Area including setting
- 4.1.3 Residential amenity
- 4.1.4 Ecology
- 4.1.5 Impact on Listed Building

4.2 In relation to the main planning considerations:

4.2.1 Principle

National policy

PPW 12 (2024) Chapter 5, paragraph 5.8, 'Reduce Energy Demand and Use of Energy Efficiency', at paragraph 5.8.1 states that:

"The Planning system should support new development that has very high energy performance, supports decarbonisation, tackles the causes of the climate emergency, and adapts to the current and future effects of climate change through the incorporation of effective mitigation and adaptation measures".

Local Policy

The principle of alterations to existing buildings within the development boundary is generally acceptable in terms of Policy RD1, subject to consideration of detailing and impacts including the acceptability of scale and form; design and materials; the impact upon character, appearance, and amenity standards of the immediate locality.

Policy VOE10- Renewable Energy Technologies states that, *development proposals which promote the provision of renewable energy technologies may be supported providing they are located so as to minimise visual, noise and amenity impacts and demonstrate no unacceptable impact upon the interests of nature conservation, wildlife, natural and cultural heritage, landscape, public health and residential amenity.*

In areas that are visually sensitive, including the AONB, Conservation Areas, World Heritage Site and Buffer Zone and in close proximity to historic buildings, visually intrusive technologies will not be permitted unless it can be demonstrated that there is no negative impact on the designation or there is an overriding public need for the development.

The application is for the installation of solar panels to the rear roof of a listed building located within the Denbigh Conservation Area. Other alterations include replacement skylight and the installation of conservation style rooflights.

A balance needs to be struck between the impacts to the cultural heritage of the listed building and Conservation Area and the provision of green energy technologies. Policy VOE10 states that any significant adverse effect of a proposal on the qualities for which a conservation area or listed building has been designated should be clearly outweighed by the environmental, social and economic benefits. There is no doubt that a large solar array of 40 panels would provide significant energy source to power the building. However, Officers consider it would have limited wider benefits other than reducing energy bills for the new tenants of the building. It is not considered there is an overriding need for the solar array, as it would only serve the building and would not provide significant benefits to the wider environment.

Policy VOE10 supports renewable energy technologies provided they minimise visual impacts and demonstrate there are no unacceptable impacts on cultural heritage. The Conservation Officer has raised an objection to the proposals in terms of the impacts to the listed building located within the Conservation Area and considers the proposals to be detrimental to the character of the building and historic setting. A more detailed assessment of the harm to the character of the listed building and Conservation Area will be discussed in the following sections of the report and also assessed in more detail within the accompanying Listed building Consent application (ref. 01/2023/0716).

To conclude on the principle of development, having regard to the concerns raised by the Conservation Officer, it is not considered the benefits of renewable energy generation to this single building would significantly outweigh the harm caused to the character of the listed building and Conservation Area and the proposal is therefore considered to be unacceptable in principle.

4.2.2 Visual amenity and impact on Conservation Area including setting

Criteria i) of Policy RD 1 requires that development respects the site and surroundings in terms of siting, layout, scale, form, character, design, materials, aspect, micro-climate and intensity of use of land/buildings and spaces around and between buildings.

Criteria vi) of Policy RD1 requires that development proposals do not affect the amenity of local residents and land users and provide satisfactory amenity standards itself.

Local Development Plan Policy VOE 1 seeks to protect sites of built heritage from development that would adversely affect them. Planning Policy Wales (Section 6), stresses the importance of protecting the historic environment, and in relation to Conservation Areas, to ensure they are protected or enhanced, while at the same time remaining alive and prosperous, avoiding unnecessarily detailed controls. The basic objective is therefore to preserve or enhance the character and appearance of a Conservation Area, or its setting.

Policy VOE10 states that in areas that are visually sensitive, including the AONB, Conservation Areas, World Heritage Site and Buffer Zone and in close proximity to historic buildings, visually intrusive technologies will not be permitted unless it can be demonstrated that there is no negative impact on the designation or there is an overriding public need for the development.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

Policy VOE10 states that *In areas that are visually sensitive, including Conservation Areas and in close proximity to historic buildings, visually intrusive technologies will not be permitted unless it can be demonstrated that there is no negative impact on the designation or there is an overriding public need for the development.*

The Conservation Officer has advised that the array of 40 solar panels would have a detrimental impact on the Conservation Area designation and the character of the listed building. Although the upper section of this building is a modern extension built on top of the listed building, the roof is large (as well as the proposed solar array) and highly prominent within the town centre and historical core of the Conservation Area and clearly visible from higher public vantage points, including Denbigh Castle.

Having regard to the advice received from the Conservation Officer, Officers conclude that there is no overriding need for the solar panels given their size and scale which would only serve the building itself. It is considered that the visual harm to the character of the listed building and Conservation Area caused by their installation would not preserve or enhance the character of the Conservation Area or its setting and would set a precedent for future development within the highly visually sensitive area.

4.2.3 Residential amenity

Criteria vi) of Policy RD 1 requires that proposals do not unacceptably affect the amenity of local residents and land users and provide satisfactory amenity standards itself.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration. The impact of the proposals on residential amenity is therefore a basic test in the policies of the development plan.

No representations have been received on residential amenity grounds.

The proposal is for the installation of a solar array to the rear of the building. The car park and town hall building are located directly to the rear and it is not considered that the solar array would result in a negative impact on the amenity of the occupiers of other neighbouring properties.

4.2.4 Ecology

Local Development Plan Policy RD 1 test (iii) requires development to protect and where possible to enhance the local natural and historic environment.

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests.

This reflects policy and guidance in Planning Policy Wales (PPW 12) which was updated in October 2023 by the publication of an amended Chapter 6 – Distinctive and Natural Places. Section 6.4 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

Planning Policy Wales (PPW 12) sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species (not including non native invasive species), locally or nationally and must work alongside nature and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems" (Section 6.4.5).

Planning Policy Wales (PPW 12) also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance

biodiversity in the exercise of their functions. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4).

The updated Chapter 6 of PPW 11 introduces policy changes relating to green infrastructure, net benefits for biodiversity and the Step-Wise Approach, protection for Sites of Special Scientific Interest (SSSI) and Trees and Woodlands.

- Green Infrastructure

A stronger emphasis on taking a proactive approach to green infrastructure covering cross boundary considerations, identifying key outputs of green infrastructure assessments and the submission of proportionate green infrastructure statements with planning applications.

- Net Benefit for Biodiversity and the Step-wise Approach

Further clarity is provided on securing net benefit for biodiversity through the application of the step-wise approach, including the acknowledgement of off-site compensation measures as a last resort, and, the need to consider enhancement and long-term management at each step. A number of factors will affect the implementation of the step-wise approach, pre-emptive site clearance works should not be undertaken however if this does occur its biodiversity value should be deemed to have been as it was before any site investigations or clearance took place and a net benefit for biodiversity must be achieved from that point.

- Protection for Sites of Special Scientific Interest (SSSI)

Protection is strengthened with increased clarity on the position for site management and exemptions for minor development necessary to maintain a 'living landscape.

- Trees and Woodlands

A closer alignment with the stepwise approach, along with promoting new planting as part of development based on securing the right trees in the right place.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The ecological impacts of development should therefore be regarded as a potential material consideration.

Future Wales – The National Plan 2040 (2021) Policy 9 advises that 'In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature based approaches to site planning and the design of the built environment'. It is therefore recommended that these are included and form part of any planning application.

The application is supported by a Preliminary Ecological Appraisal which concludes that the building has negligible opportunities for roosting bats. A Green Infrastructure Statement (GIS) has also been submitted with the application. Biodiversity enhancements including the installation of 6 swift nest boxes are recommended in the Preliminary Ecological Appraisal and GIS.

The Ecology Officer has advised that they raise no objection to the proposals and support the type and location of swift boxes as shown on the elevations.

Subject to the imposition of an appropriately worded condition, it is considered that the proposals are in line with the advice contained in PPW 12 and would provide enhancement measures to increase the biodiversity opportunities at the site and would provide a net benefit to biodiversity.

4.2.5 Impact on Listed Building

Local Development Plan Policy VOE1 seeks to protect sites of built heritage from development which would adversely affect them, and requires that development proposals should maintain and wherever possible enhance them for their characteristics, local distinctiveness and value to local communities.

Planning Policy Wales (PPW 12) Section 6 'Distinctive and Natural Places' refers specifically to the need to ensure the character of historic buildings is safeguarded from alterations, extensions, or demolition that would compromise their special architectural and historic interest.; and Section 6.1.10 indicates that where a development proposal affects 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 or its setting, and any features of special architectural or historic interest which it possesses.

The application proposes to install an array of 40 solar panels to the south roof plane of the Grade II listed building.

The Conservation Officer has raised an objection to the proposal due to the impact the array would have on the the character of the listed building and its historic setting. It is acknowledged that the upper section of the building is modern extension built on top of the listed building, however, the proposed array is considered to be large scale and would be highly prominent within the town centre and historical core of the Conservation area.

The works to replace the ridge sky light with conservation style rooflights is supported.

Having regard to the advice provided by the Conservation Officer, it is considered the installation of the array would have a detrimental impact on the character of the listed building and is not supported.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. A public authority must, in the exercise of its functions, have due regard to advancing equality.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and

- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

5. SUMMARY AND CONCLUSIONS:

- 5.1 Having regard to the above considerations, it is considered that the proposals would result in unacceptable harm to the character of the listed building and its significance within the Conservation Area setting. It is recommended the application be refused.

RECOMMENDATION: REFUSE- for the following reason:

The reason for refusal is:

1. It is the opinion of the Local Planning Authority that the benefits of renewable energy generation to this single building would not significantly outweigh the harm caused to the character of the listed building and Conservation Area. It is considered there is no overriding need for the solar array and their installation would not preserve or enhance the character of the Conservation Area or its setting. The proposal therefore does not accord with the adopted Local Development Plan Policy VOE1, VOE10 and advice contained in Technical Advice Note 24 'The Historic Environment' and paragraph 6.1.10 of Planning Policy Wales (Edition 12).