

**01/2023/0716**



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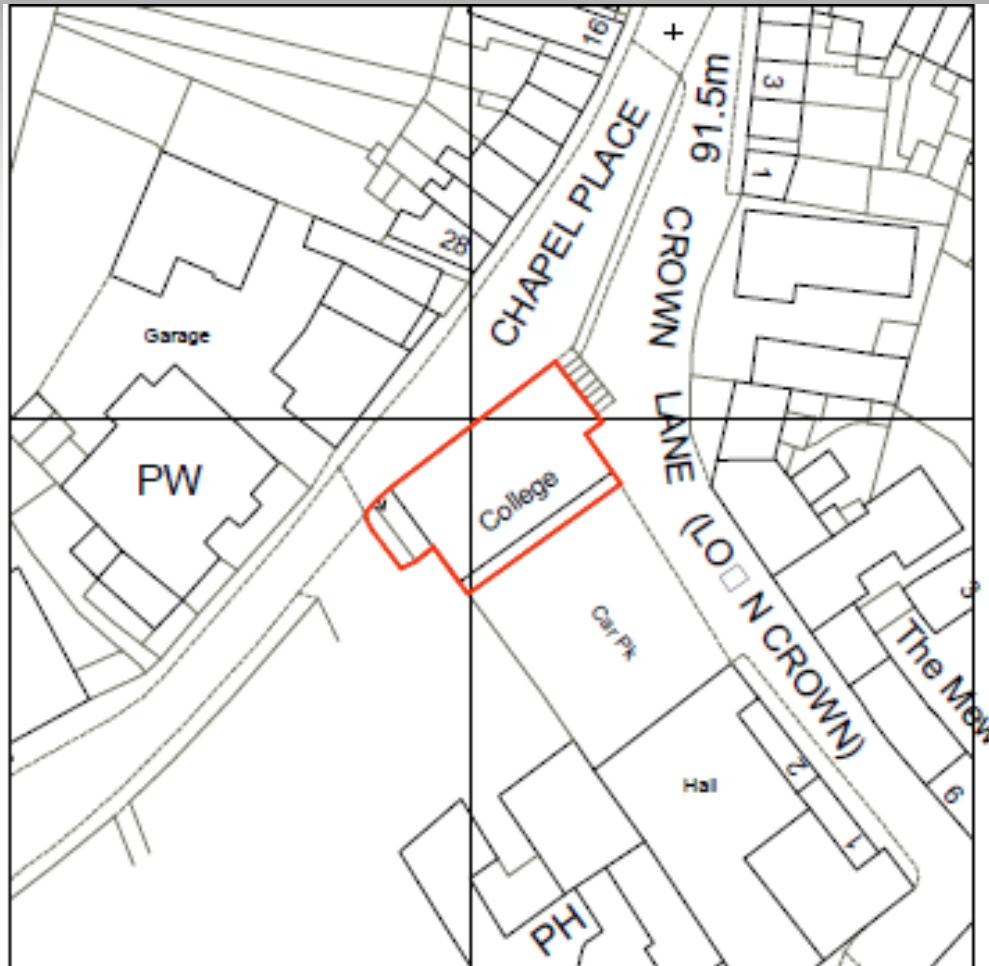


**01/2023/0716/LB**

**Crown Workshop (former Buttermarket)  
Listed building consent**

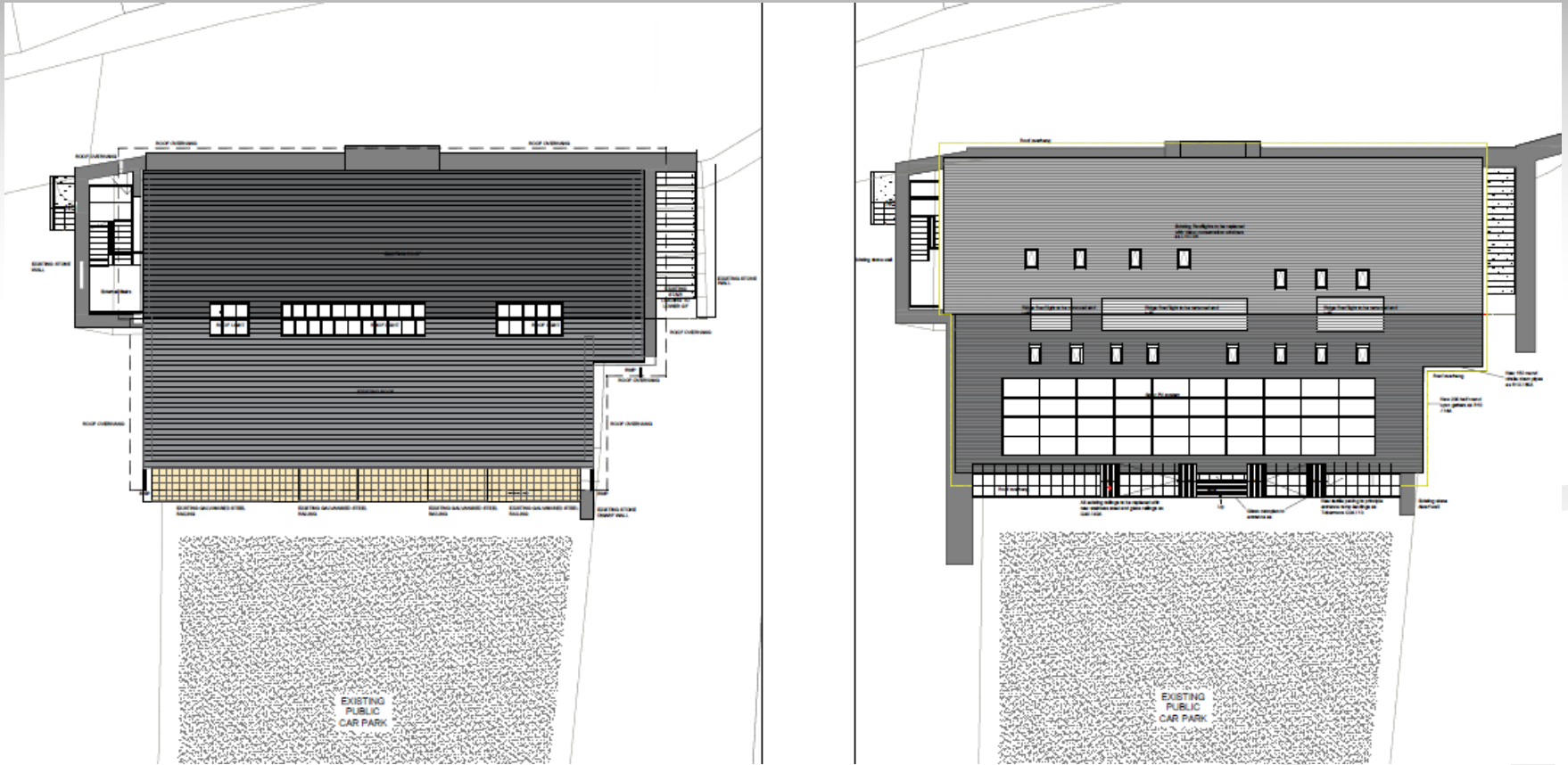
**Alterations and reparations to roof, including the removal  
and making good of existing skylight and the installation of  
rooflights and solar PV panels  
(Listed Building Consent)**





Location plan





Existing and proposed site plan







③ Front  
1:100



④ Side 1  
1:100



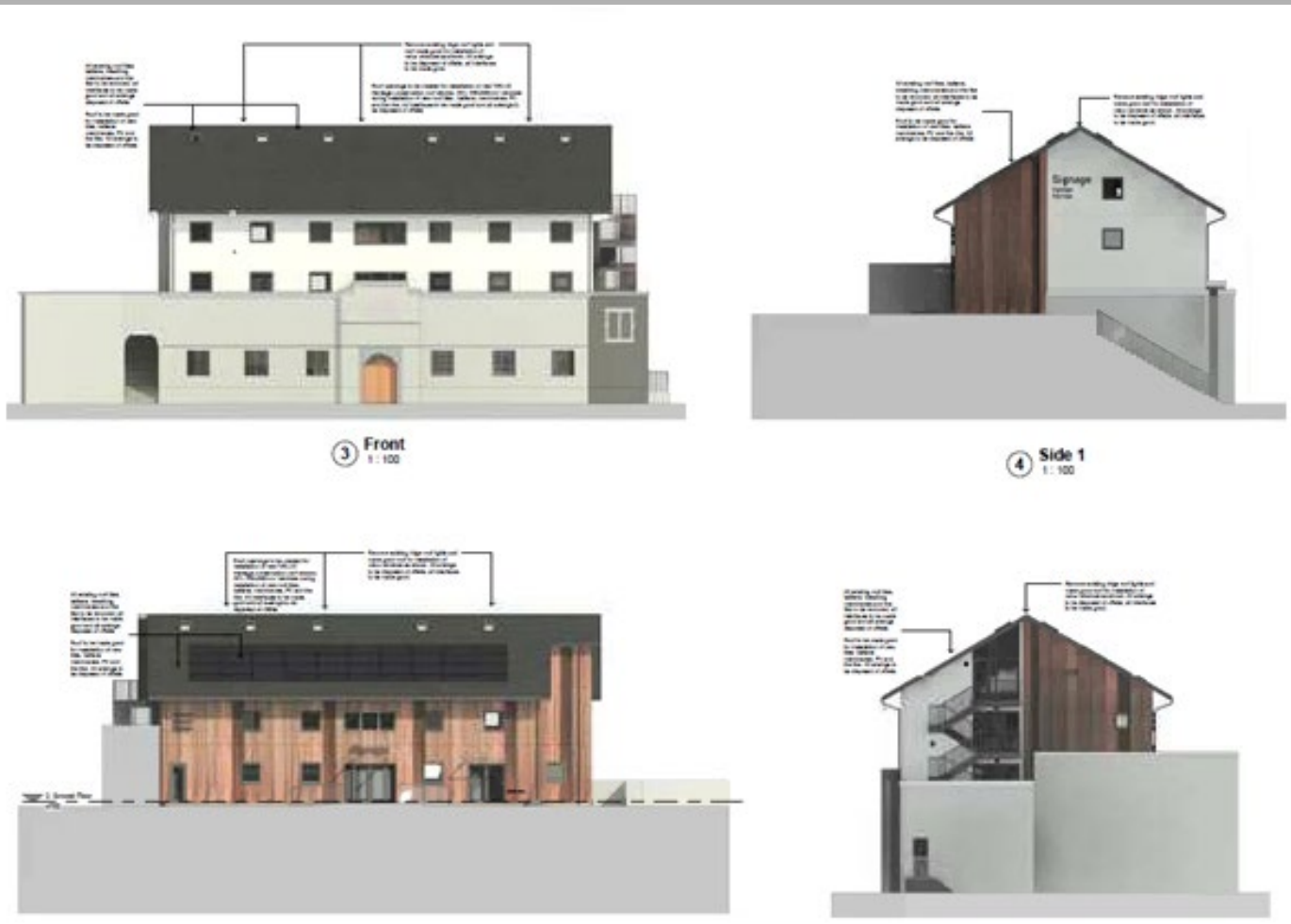
② Rear  
1:100



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:** 01/2023/0716/ LB

**PROPOSAL:** 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)

**LOCATION:** Crown Workshop (Former Buttermarket), Crown Lane, Denbigh

**APPLICANT:** Vale Of Clwyd Mind, Mr Paul Moore

**CONSTRAINTS:** Listed Building /Conservation Area

**PUBLICITY UNDERTAKEN:** Site Notice - Yes  
Press Notice - Yes  
Neighbour letters - Yes

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**

**Scheme of Delegation Part 2**

- Member request for referral to Committee to allow consideration of the balance of weight to be afforded to heritage assets and renewable energy proposals.

**CONSULTATION RESPONSES:**

DENBIGH TOWN COUNCIL  
'No objections'.

CADW (SAM and Registered Historic Parks):

No objection to the proposed development in regard to the scheduled monuments or registered historic parks and gardens including:

Scheduled Monuments:

DE002 Denbigh Town Walls

DE005 St Hilary's Chapel

DE028 Civil War Earthworks

DE044 Earl of Leicester's Church

DE156 Denbigh Castle

DE225 Denbigh Medieval Town (North - Eastern Corner)

The above scheduled monuments are located inside 500m of the proposed development, but intervening topography, buildings and vegetation block all views between them except for DE156 Denbigh Castle. Consequently, the proposed development will have no impact on the settings of these scheduled monuments other than DE156.

In views from the scheduled monument the proposed alterations will be seen in the context of the surrounding varied roofscape of Denbigh. The slight visual change will not have any effect on the way that the monument is experienced, understood, and appreciated. Consequently, the proposed development will have no impact on the setting of scheduled monument DE156.

## 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.'

### **RESPONSE TO PUBLICITY:**

No representations received.

**EXPIRY DATE OF APPLICATION: 17/03/2024**

**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 listed building consent for the alterations and reparations to roof, including the removal and making good of existing skylight and the installation of rooflights and solar PV panels 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 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.

## 1.2 Description of site and surroundings

- 1.2.1 The building is a standalone prominent building within the heart of Denbigh town. It contains a characterful lower section with access to the lower ground floor level off Chapel Place and the principal entrance located adjacent to the public car park off Crown Lane. There is a modern two storey block above the single storey building.
- 1.2.2 The building was listed for its special interest as a fragmentary survival of an important piece of early Victorian civic architecture. This listing includes the entire building.
- 1.2.3 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.
- 1.2.4 The proposed use of part of the lower ground floor and the ground floor of building will be operated by Denbigh Museum providing 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.

## 1.3 Relevant planning constraints/considerations

- 1.3.1 Within development boundary and within Denbigh Conservation Area as defined by the LDP.
- 1.3.2 Grade II Listed Building (Former Butter Market).

## 1.4 Relevant planning history

- 1.4.1 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 including external cladding details.

## 1.5 Developments/changes since the original submission

- 1.5.1 None.

## 1.6 Other relevant background information

- 1.6.1 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 01/2023/0715 Alterations and reparations to roof, including the removal and making good of existing skylight, the insertion of rooflights, solar PV panels and associated works PENDING

### 3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

#### **Local Policy/Guidance**

Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

**Policy RD1** – Sustainable development and good standard design

**Policy VOE1** - Key areas of importance

#### **Supplementary Planning Guidance:**

Listed Buildings SPG

Conservation Areas SPG

#### **Government Policy / Guidance**

Planning Policy Wales (Edition 12, 2024)

Future Wales – The National Plan 2040

Technical Advice Note (TAN) 24: The Historic Environment (2017)

#### **National legislation**

Planning (Listed Buildings and Conservation Areas) Act 1990

Historic Environment (Wales) Act 2016

Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012

Planning (Listed Buildings and Conservation Areas) (Wales) (Amendment) Regulations 2021

### MAIN PLANNING CONSIDERATIONS:

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

3.1.1 Principle

3.1.2 Impact on Listed Building

3.2 In relation to the main planning considerations:

3.2.1 Principle

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.

Policy VOE 1 reflects advice contained in Section 16(2) of the 1990 Act which states that “When considering any applications for listed building consent, the local planning authority or the Welsh Ministers must 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”.

Planning Policy Wales (Edition 12, 2024) Section 6 ‘Distinctive and Natural Places’ provides basic guidance on the considerations to be applied to listed buildings. It states:

“There should be a general presumption in favour of the preservation 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. The aim should be to find the best way to protect and enhance the special qualities of listed buildings, retaining them in sustainable use. The continuation or reinstatement of the original use should generally be the first option, but not all original uses will now be viable or appropriate. The application of development and listed building controls should recognise the need for flexibility where new uses have to be considered in order to secure a building’s survival or provide it with a sound economic future.”

In terms of general guidance on matters relevant to the consideration of a Listed Building Consent, Planning Policy Wales confirms that there is no statutory requirement to have regard to the Local Development Plan when considering applications for listed building consent.

TAN 24 sets out the considerations to be given by the local planning authority to the determination of a listed building consent application:

- The importance and grade of the building and its intrinsic architectural or historic interest.
- The physical features of the building which justify its listing and contribute to its significance, (for example its form and layout, materials, construction and detail) including any features of importance such as the interior, which may have come to light after the building's inclusion on the list.
- The contribution of curtilage and setting to the significance of the building, as well as its contribution to its local scene.
- The impact of the proposed works on the significance of the building.
- The extent to which the proposed works would bring substantial community benefits for example, by contributing to the area's economy or the enhancement of its local environment.

Policy VOE 1 and the guidance in Planning Policy Wales and TAN 24 establishes that the principle of alterations and extensions to listed buildings may be acceptable, but that most careful consideration is given to the case made for the works and the particular detailing in reaching a decision.

The following section of the report provides an assessment of the merits of the submission in the above context.

### 3.2.2 Impact on Listed Building

Section 4.2.2 provides comment on the detailed considerations outlined above which need to be applied to this listed building consent application.

Having regard to the TAN 24 checklist:

- *The importance and grade of the building and its intrinsic architectural or historic interest.*

The building is grade II listed building, being listed for its special interest as a fragmentary survival of an important piece of early Victorian civic architecture. It is acknowledged that the top section of the building and roof is modern in terms of design but as it is attached to an important historic listed building, the entire building is considered to be listed.

There is a presumption in favour of the conservation of listed buildings. Whilst the fabric of the existing roof would be retained beneath the solar panels, the addition of such extensive modern elements to a historic roof slope would not preserve its historic appearance and would impinge on the historic setting of the building within the Conservation Area.

It is considered that the proposed installation of the solar panels to the listed building would not complement the intrinsic architectural or historic interest of the building within the Conservation Area location. The site is a standalone, prominent building within the heart of the historic town and the installation of a large solar panel array would undermine the importance and grade of the building.

- *The physical features of the building which justify its listing and contribute to its significance, (for example its form and layout, materials, construction and*

*detail) including any features of importance such as the interior, which may have come to light after the building's inclusion on the list.*

The main features which contribute to the significance of the building are to the lower levels. The proposal is for the installation of solar panels and other alterations to the later, modern extension which would not involve any structural changes but would change the appearance of the southern roof slope. The Conservation Officer has raised an objection to the proposal on the grounds that the roof and solar array is large and would be highly prominent within the town centre, historical core of the Conservation Area and clearly visible from higher vantage points such as from Denbigh Castle.

It is Officer's opinion that the proposals would impact unacceptably on the important physical features and setting of the listed building which contribute to its significance.

- *The contribution of curtilage and setting to the significance of the building, as well as its contribution to its local scene.*

The proposed use of the curtilage will remain as existing. CADW have advised the proposals would not impact on important views from Denbigh Castle Scheduled Ancient Monument (SAM) and would not have any effect on the way the monument is experienced, understood and appreciated.

However, having regard to the local scene within the Denbigh Conservation Area and the advice provided by the Conservation Officer, Officers are of the opinion that the proposal would be detrimental to the character of the building and the surroundings due to the prominence of the building and roof within the town centre and the proposed size of the array and consider that the impacts would result in unacceptable harm to the local scene and could set a precedent for similar development within the Conservation Area, further eroding the significance of other listed buildings and character of the Conservation Area.

- *The impact of the proposed works on the significance of the building.*

The listing describes the building as being listed for its special interest as a fragmentary survival of an important piece of early Victorian civic architecture. The proposal is considered to undermine the significance of the building and would result in unacceptable harm to the character of the listed building in this location. The Conservation Officer has raised an objection to the proposal and despite the upper floors being modern in appearance, the fundamental issue is the fact that the building lies within the Conservation Area and the roof is highly prominent. The proposed array is considered to undermine the significance of the building.

- *The extent to which the proposed works would bring substantial community benefits for example, by contributing to the area's economy or the enhancement of its local environment.*

The proposal would have limited wider community benefits visually, however safeguarding its future would have a wider long term benefits.

The Conservation Officer has raised an objection to the proposal on the grounds of the impacts to the listed building and Conservation Area setting. The development, if allowed, is considered to set a precedent for solar panels installations on front elevations on other buildings within the Conservation Area which would further erode the character of the historic area and built heritage within it.

No objections have been raised to the proposed removal of the skylights and installation of conservation style rooflights. It is not considered these alterations would impact unacceptably on the significance of the listed building or its setting within the Conservation Area.

Having regard to the above considerations, it is considered that the proposals would result in an unacceptable degree of harm to the character of the listed building and its significance within the Conservation Area setting. The historic character of the listed building would be reduced and not preserved which would run contrary to the heritage objectives of Policy VOE1. It is therefore recommended that listed building consent be refused.

### 3.2.3 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.



#### **4. SUMMARY AND CONCLUSIONS:**

4.1 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 that listed building consent be refused.

#### **RECOMMENDATION:**

##### **REFUSE LISTED BUILDING CONSENT for the following reason:**

1. It is the opinion of the Local Planning Authority that the proposed solar array installation would not seek to preserve the historic character of the building and would result in unacceptable harm to the character of the listed building and its significance within the Conservation Area setting, and as such, the proposal would run contrary to the heritage objectives of Policy VOE1 of the adopted Local Development Plan, advice contained in paragraphs 6.1.10 and 6.1.11 of Planning Policy Wales (Edition 12) and guidance contained within paragraph 5.13 of Technical Advice Note 24, The Historic Environment (2017).