



PLANNING COMMITTEE - 11TH FEBRUARY 2015

SUBJECT: PROPOSED REVIEW, EXTENSION, AND RE-DESIGNATION OF BUTE TOWN CONSERVATION AREA AND ARTICLE 4 DIRECTION AREA

REPORT BY: INTERIM CHIEF EXECUTIVE

1. PURPOSE OF REPORT

1.1 The purpose of this report is:

- 1) To keep members informed of the public engagement being undertaken at Butetown as part of the development stage of the Heritage Lottery Fund Project work; and
- 2) To seek approval from the Planning Committee to implement both the extension and re-designation of Bute Town Conservation Area and the replacement and extension of the Article 4 Direction boundary.

2. SUMMARY

- 2.1 This Report follows on from the one that was presented to Planning Committee on 14th May 2014 when it was resolved that both the existing Bute Town Conservation Area and corresponding Article 4 Direction area be reviewed and be the subject of a public consultation exercise and exhibition with residents and the relevant landowners.
- 2.2 The Heritage Lottery Fund (HLF) awarded the Council a Round 1 pass in January 2014 to develop a 'Townscape Heritage' (TH) scheme for Bute Town. A development grant of up to £134,200 (95%) was offered from the HLF, which, together with a £7,100 (5%) contribution from the Council's own reserves provided a total of £141,300 to progress this project to a Round 2 HLF bid.
- 2.3 As part of this process, the first public consultation exercise and exhibition were undertaken at St. Aidan's Church, Bute Town over two days, on Friday, 8th and Saturday, 9th August 2014. The consultation exercise sought residents' views on the proposed extension of Bute Town Conservation Area boundary and also on the proposed review and extension of the existing Article 4 Direction boundary designated in the 1970's (Appendix 1: 'Location Plan, Bute Town, Rhymney – Re-uniting Bute Town with its Heritage').
- 2.4 A number of external consultants were appointed to work in collaboration with the Council's Project Team and community to prepare detailed plans, costs and project activities to 'develop' and 'deliver' the project towards the next stage, which is for the Council to submit a Round 2 bid to the HLF in March 2015. The Project Team includes Conservation Architects Alwyn Jones Architects who were appointed in August 2014 to deliver in particular, a Conservation Area Appraisal (CAA) and Conservation Area Management Plan (CAMP) for the area.

3. LINKS TO STRATEGY

- 3.1 The Caerphilly County Borough Council Local Development Plan up to 2021 (Adopted November 2010) is the statutory framework for the development and use of land in the county borough. It seeks to reconcile the development needs of the population with the wider environmental concerns for the conservation of the man made and natural environment. The Key Objectives of the LDP of relevance are to: -

22 Maintain the vitality, viability and character of the County Borough's town and village centres and re-establish them as a focus for economic activity and community pride.

23 Maintain, enhance and develop a hierarchy of town and village centres which are easily accessible, and which meet the needs of all sections of the population.

24 Protect and enhance the overall quality of the historic natural and built environment of the County Borough.

- 3.2 Bute Town is an important 'Gateway' to the county borough. The settlement has a high profile both in terms of its heritage importance and its strategic location, just south of the Heads of the Valleys road.

The Welsh Government has several objectives, which include: -

- Enhancing the historic environment,
- Safeguarding historic buildings, and
- Ensuring that conservation areas are protected and enhanced.

- 3.3 Chapter 6 'Conserving the Historic Environment,' of Planning Policy Wales (Edition 7) July 2014, states in paragraph 6.3.2 that 'Local planning authorities are required to formulate and publish proposals for the preservation or enhancement of conservation areas. The positive management of conservation areas is necessary if their character or appearance is to be protected and enhanced. Authorities should establish consistent criteria against which existing and/or new conservation areas and their boundaries should be reviewed.' In paragraph 6.3.3 it also states that 'The preparation of townscape audits and conservation area character appraisals can assist planning authorities in the exercise of their planning and development management functions

- 3.4 The local planning authority, under Section 69(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, has a duty to determine from time to time, which parts of their areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance, and to 'designate those areas as conservation areas.'

- 3.5 In addition, under Section 69(2) of the Act it is also the duty to review those parts that have been designated conservation areas under this section to establish whether the conservation area should be varied or cancelled as a result of such reviews.

- 3.6 Conservation Areas were first introduced by the Civic Amenities Act 1967. As a result, Bute Town was declared a Conservation Area under the terms of this Act on 20th October 1972. The existing Article 4 Direction for the area has been in place since 23rd April 1979 and was confirmed on 31st December 1979 by the Welsh Office. This Direction serves to remove some permitted development rights of householders that would normally allow works to be carried out without planning permission from the Council, although it has now become outdated.

- 3.7 A conservation area appraisal was produced by the Council for Bute Town and submitted at the Round 1 HLF bid stage. This was subsequently used by the Consultant Conservation Architects to form the basis of a more detailed Conservation Area Appraisal and new Conservation Area Management Plan (or CAA & CAMP) for the area (this Background Paper is available in the Members' Resource library).

4. THE REPORT

Background

- 4.1 In January 2014 the Heritage Lottery Fund (HLF) awarded the Council a Round 1 pass to develop a 'Townscape Heritage' (TH) scheme for Bute Town. A development grant of up to £134,200 (95%) was offered from the HLF, which, together with a £7,100 (5%) contribution from the Council's own reserves provided a total of £141,300 to progress this project to a Round 2 HLF bid.
- 4.2 A number of external consultants were appointed to work in collaboration with the Council's Project Team and with the community to prepare detailed plans, costs and project activities to 'develop' and 'deliver' the project towards the next stage, which is for the Council to submit a Round 2 bid to the HLF in March 2015. The Project Team includes Conservation Architects Alwyn Jones Architects who were appointed in August 2014 to deliver in particular, a Conservation Area Appraisal (CAA) and Conservation Area Management Plan (CAMP) for the area.
- 4.3 As part of the development stage for the HLF process, the Project Team has sought to engage constructively with Butetown residents and with stakeholders within the wider area. As part of this ongoing work, two formal public consultation events have taken place. The first in July 2013, where residents were given the opportunity to discuss the proposals for the area with Council Officers; and the second in August 2014 which sought residents views on the proposed extension to the Butetown Conservation Area and also views in respect of the proposed review of the Article 4 Direction. This was followed by a further consultation in December 2014 in respect of some further minor changes.

Report of second consultation event

- 4.4 The second formal public consultation exercise took place over 2 days, on Friday, 8th August from 12 – 7.00pm and Saturday 9th August 2014 from 10.00am – 1.00pm at St. Aidan's Church, Bute Town. Letters and flyer leaflets were distributed to households prior to the exhibition inviting residents and relevant landowners to the event.
- 4.5 The exhibition outlined the important historical and cultural significance of Bute Town and its uniqueness within the county borough. It also provided details of the key proposals that the Project Team are developing to help preserve and enhance the heritage and regeneration of Bute Town for the future. The key Project Activities are to: -
- Safeguard Bute Town's built heritage by means of roof replacement and associated works from chimney pots to eaves level to 44 listed properties;
 - Undertake sensitive public realm & physical landscape enhancements;
 - Enhance the setting of the former Union Ironworks Site (a scheduled monument);
 - Create community-led Artworks;
 - Develop & promote a heritage trail;
 - Promote the development of local conservation skills & training opportunities;
 - Re-designate the Conservation Area boundary; and
 - Replace the existing Article 4 Direction and boundary with one more relevant to the current proposals.
- 4.6 The exhibition acknowledged that fundamental to the project's overall success and longevity would be the willingness of the resident community to actively participate, contribute and support the project. The second part of the exhibition set out what had been achieved to date and the next steps.
- 4.7 An estimated 21 local people visited the exhibition, giving them the opportunity to see the exhibition, express their views, ask questions and make comments.

- 4.8 Four completed comment forms were received (Appendix 2: Bute Town Residents' Public Consultation and Exhibition Results). There was generally a very positive response from residents who attended throughout the manned exhibition days. The majority of residents were in support of the proposed Bute Town Conservation Area boundary extension. Those who supported the proposed extension understood that it was vitally important to include the former Union Ironworks, scheduled ancient monument, and the Old Furnace Farmhouse, and Rhymney House Hotel (the former Manager's House) (both grade II listed buildings) into the new conservation area boundary. These additional areas, buildings and walkway together with the 'potential heritage trail' linking both areas together, are key in 'telling the story of why Bute Town exists'. Moreover their inclusion enhances the heritage 'strands' of the project and contribute toward achieving a successful outcome in the Round 2 TH (HLF) bid in March 2015.
- 4.9 The main objection to the proposed boundary extension came from the owner of the Rhymney House Hotel. The objector felt that there would be a detrimental impact on the business, and that the sale of the hotel in future would be harmed by its inclusion in a conservation area, notwithstanding the fact that the property is already a listed building. In response to these issues it is important to note that:
- The property is already afforded protection by Cadw as a grade II listed building;
 - The inclusion of the property would be of benefit to the business as it would be promoted in future as part of a package of heritage assets to attract potential visitors to the area;
 - The building has important links with a string of Ironworks developments from Blaenavon to Merthyr Tydfil and its vitally important in terms of telling Butetown's story.
 - The proximity of the area to the Blaenavon's World Heritage Site also provides ample opportunity to further promote and market the Bute Town and Llechryd area as an important part of this industrial Welsh heritage and a potential tourist destination which could have a positive impact on the business in question.
- 4.10 As with the listing of buildings, there is no statutory right of appeal against a building being included in a conservation area. There is nothing to prevent an owner writing to the local authority and asking or challenging it to cancel a designation or any variation to it, but Case Law suggests there is a remote possibility of success.

Bute Town Conservation Area Boundary Review

- 4.11 The rural setting of Bute Town is predominantly formed by the surrounding rough pastureland. The village itself sits on the grassed south facing foothills of the Brecon Beacons. West of the site is the A469. East of the development is the footpath that leads down over the River Rhymney and then on to the B4257, and then across to the Old Furnace Farmhouse, Rhymney House Hotel (formerly the Manager's House of the Rhymney Iron Company), and the Union Ironworks site, also known as Upper Furnace, Llechryd, Rhymney, built in 1801 and now a scheduled monument. At present these areas are excluded from the Conservation Area Boundary. It is these additional areas of significance that need to be explored in more detail, to give a much wider understanding and relevance to the area and its development in the early 19th century. It is recommended that these additional areas should be included in an extended and re-designated conservation area.
- 4.12 As a consequence of work being undertaken at the development stage of the project, it became apparent that there was a need to consider further minor amendments to the Conservation Area Boundary to provide a more cohesive understanding of and context to the history of the area.
- 4.13 The core of the Bute Town Conservation Area is already well protected by the existing Conservation Area designation and the inclusion of all three terraced rows on Cadw's statutory list of Buildings of Special Architectural or Historic Interest (listed grade II).
- 4.14 The whole 'raison d'être' of Bute Town was to provide suitable accommodation for the workers in the Upper Rhymney Ironworks. There are significant views from the end of the

terraced rows across the open countryside to the Rhymney House Hotel (formerly the Manager's House) and what remains of the site of the Upper Furnace, Llechryd (a scheduled ancient monument). Reinforcing this association between Bute Town and its industrial heritage would serve to restore the fundamental link between the two areas and provide the Local Planning Authority with the necessary framework to control development between them. Several issues and opportunities for enhancement have been identified in the Draft Bute Town Conservation Area Appraisal and Conservation Area Management Plan 2015 that revolve around the current Conservation Area and Article 4 boundaries and make the case for extending the current boundaries to include additional areas adjacent to Bute Town.

- 4.15 It is proposed therefore, to extend the Conservation Area boundary to include the site of the scheduled ancient monument (SAM) along with the natural boundary surrounding the site that includes the former Manager's House and the adjacent Old Furnace Farmhouse. The boundary is also to be extended to the west of the SAM site to include land either side of the Rhymney River and the footpath linking between the two distinct areas in order to safeguard the historic connection between the two sites and to provide a circular walkway. It is further proposed to extend the Conservation Area in three small isolated areas so that it better follows the natural boundaries associated with the area.
- 4.16 The existing conservation area boundary does not include the old ironworks site or the footpath linking the two historically connected sites. Since both sites are irrevocably linked, the old ironworks site would benefit from similar levels of planning control to rationalise and reinforce the bond between the two sites.
- 4.17 Once an existing conservation area has been extended, a local planning authority must give notice of such a variation to the Welsh Ministers by placing a Notice in at least one local newspaper and in the London Gazette. This must contain sufficient details to enable the area to be identified and a note as to the effects of the designation. (see s.70(7) of the Planning (Listed Buildings & Conservation Areas) Act 1990). For information, a draft Notice is attached in Appendix 5 of this report.
- 4.18 In addition, the designation or any variation of a conservation area is registered as a local land charge.

Article 4 Direction Review

- 4.19 As part of this process, a review has been carried out of the existing Article 4 Direction that has been in place since 23rd April 1979. An article 4 direction removes some of the permitted development rights of householders that would normally allow works to be carried out without planning permission. Certain types of permitted development, particularly relating to dwellinghouses, if carried out in an insensitive manner, can have unfortunate effects upon the character and appearance of conservation areas. A simplified procedure is available to enable an article 4(2) direction to be made in such cases, without the need for approval by the Welsh Ministers. The effect of an article 4 direction being made on a property in respect of a particular category of permitted development is not that development within that category can never be carried out, but simply that it is no longer 'permitted', and must instead be the subject of a specific planning application. There is no fee payable for such an application. It does not necessarily mean that the planning authority will refuse permission, but it does enable it to retain some control over design and detailing, and to grant permission where acceptable, subject to appropriate conditions.
- 4.20 In order to ensure that future development in the area immediately adjacent to the terraced rows takes full account of its context, it is also proposed to extend the Article 4 boundary to include the residential bungalows to the north and east of the rows and to follow the line of the footpath across the river to include Old Furnace Farm. Whilst these bungalows are not of any historic value in themselves, they do form an integral part of the Bute Town collective and this extension is proposed in order to provide the local planning authority with control over what would likely be permitted developments (eg. photovoltaic installations on principal roofs) that would undoubtedly have a detrimental impact on the integrity and character of the

Conservation Area and its setting (see Appendix 3).

- 4.21 Once an Article 4(2) Direction has been declared or replaced, a local planning authority must give notice to the Welsh Ministers and place a Notice in at least one local newspaper and in the London Gazette. The proposed replacement Article 4(2) Direction is set out in Appendix 6.

Public consultation exercise in December 2014 - Revised Bute Town Conservation Area and Article 4 Direction boundaries

- 4.22 As a result of further consideration, some minor amendments to the Conservation Area were proposed and were the subject of a public consultation exercise in December 2014. These included the extension of the conservation area to the west of the scheduled monument to include land either side of the Rhymney River and the footpath linking these two distinct areas. Small amendments in three areas were also proposed that would follow the natural boundaries of the area. In order to ensure that any future development in the area immediately adjacent to the three terraced rows takes full account of their context, it is also proposed that the Article 4 Direction boundary includes the residential bungalows to the north of Collins Row.
- 4.23 Residents' and landowners were invited again to comment on the revised proposals by completing a Response Form and returning it to the Council in a pre-paid envelope. There was a total of 15 responses received. 12 respondents (80%) were in favour of the proposal to extend and re-designate the Bute Town Conservation Area in accord with the plan shown in Appendix 3, whilst 3 were against (20%). 10 respondents (66.7%) were in favour of the proposal to review and extend the existing Article 4 Direction boundary, whilst 5 were against (33.3%). Appendix 4 sets out the results of the public consultation and the comments made by the respondents. In conclusion, the majority of residents and landowners in the Bute Town area were in favour of both revisions being put forward.
- 4.24 The proposed Conservation Area Boundary changes together with the proposed replacement Article 4 Direction are therefore the subject of consideration at this Planning Committee.

5. FINANCIAL IMPLICATIONS

- 5.1 Some minor financial implications will relate to the extension of the Bute Town Conservation Area boundary and revised Article 4 Direction. These boundary changes will both form part of the proposed Heritage Lottery Fund's (HLF's) Townscape Heritage (TH) grants programme area. The costs that relate to the statutory duty of the LPA to publish 2 Notices in the press will not be borne entirely by the LPA. These Notices include one to advertise the variation and re-designation of the Conservation Area boundary and one to replace the existing Article 4 Direction in the London Gazette and in at least one local newspaper circulating in the area of the LPA. It has been confirmed that these advertising costs can be met from the development grant already allocated to the Council in January 2014 by the HLF, as outlined in paragraph 2.2 above.

6. PERSONNEL IMPLICATIONS

- 6.1 None

7. CONSULTATIONS

- 7.1 Comments received have been incorporated into the body of the Report.

8. RECOMMENDATION

- 8.1 It is recommended that the existing Bute Town Conservation Area boundary (black lined boundary) be extended and re-aligned (red lined boundary) and the existing Article 4 Direction boundary (shaded in blue) be extended with a new Article 4(2) Direction (shaded in pink) in accordance with the Revised Proposal: Bute Town 'Existing and Proposed Conservation Area and Article 4 boundaries' as set out in Appendix 3.

9. REASONS FOR THE RECOMMENDATION

- 9.1 To ensure the proper extension and re-alignment of both the Bute Town Conservation Area and Article 4 Direction boundaries in accordance with the findings of the detailed Bute Town Conservation Area Appraisal and Conservation Area Management Plan - December 2014.
- 9.2 For the proper and sustainable management of the historic environment within the extended and re-designated Bute Town Conservation Area.

10. STATUTORY POWERS

- 10.1 Planning (Listed Buildings and Conservation Areas) Act 1990, Welsh Office Circulars 61/96 & 1/98 and Planning Policy Wales, Edition 7, July 2014.

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Cllr. D.G. Carter - Chairman of Planning Committee
Cllr. W. David - Vice Chairman of Planning Committee
Cllr. Carl Cuss - Twyn Carno Ward Member
Cllr. Ken James – Cabinet Member for Regeneration, Planning & Sustainable Development

Appendices:

- Appendix 1 Original Proposal: 'Location Plan, Bute Town, Rhymney – Re-uniting Bute Town with its Heritage'
- Appendix 2 Bute Town Residents' Public Consultation and Exhibition Results on original proposal
- Appendix 3 Revised Proposal: Bute Town 'Existing and Proposed Conservation Area and Article 4 boundaries'
- Appendix 4 Bute Town Residents' Public Consultation Results on revised proposals
- Appendix 5 Notice of re-designation and enlargement of Bute Town Conservation Area.
- Appendix 6 Notice of Proposed Revised Article 4(2) Direction.

Background Papers:

Planning (Listed Buildings and Conservation Areas) Act 1990
Planning Policy Wales, Edition 7, July 2014 and
Welsh Office Circulars 61/96 & 1/98