

APPLICANT: Hafod Housing C/o Agent

AGENT: Mr Steffan Harries LRM Planning, 22, Cathedral Road, Cardiff, CF11 9LJ

Former Cowbridge Comprehensive School, Aberthin Road, Cowbridge

Proposed demolition of existing school, development of 34 dwellings (30 flats and four houses) and associated works including the construction of bespoke bat roost, access/parking and landscaping

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application is of a scale that is not covered by the scheme of delegation.

EXECUTIVE SUMMARY

The application site relates to land and buildings at the former Cowbridge Comprehensive Sixth Form and ancillary buildings which are currently vacant, on Aberthin Road. This is a full application by Hafod Housing Association, as amended, for the demolition of the existing former school building and ancillary structures, and their replacement with a development of 34 affordable homes, comprising 30 flats and four houses

The main issues involved in the assessment of the application, given that the site is allocated for housing within the Local development Plan, is the acceptability of the demolition of vacant Victorian School and the loss of that building balanced against the need to provide affordable housing. In addition, consideration is also given to the acceptability of the scale, massing and design of the flatted blocks and dwellings, density and its impacts on the character of the area. Other considerations include the impact on residential amenity and privacy, parking, highway safety, trees, noise and air quality, ecology, archaeology and drainage.

To date some 550 letters of representation have been submitted along with petitions which, whilst some support the principle of residential development of the site, generally object to the proposal submitted principally on the grounds of the demolition of the school. Objections are also raised relating to scale and the character of the area, traffic, and impact on amenity. In addition, strong objections have also been received from Cowbridge Town Council, interest groups and a number of MPs and Senedd Members.

The application is recommended for approval, subject to conditions and a S106 Legal Agreement securing financial contributions totalling £122,752.

SITE AND CONTEXT

The application site relates to land and buildings at the former Cowbridge Comprehensive Sixth Form and ancillary buildings which are currently vacant, in

Aberthin Road. The wider site area measures approximately 0.53 hectares in size and is broadly rectangular in shape, though slightly wider towards the north-eastern end of the site. In terms of topography, the site is generally flat, albeit it lies slightly set down below the road level.



The former school buildings are of late Victorian construction, opened in 1896 and comprise a substantial, partially single storey, but predominantly two-storey building. Steep pitched roofs, tall windows and dark stone construction give the former school a dominant presence on the street scene, highly visible on the approach from either a southerly or northerly direction. In addition to the school, there is also a more modern demountable single storey building to the rear of the site. The building is constructed in local, dressed, sandstone blocks arranged in random courses. The roof is finished in slate.

The eastern boundary of the site faces directly onto Aberthin Road (the A4222), on the opposite side of which are existing dwellings, elevated above the road, and an undeveloped heavily vegetated area. The short southern boundary and the majority of the longer western boundary are flanked by the rear of dwellings on Slade Close and Millfield Drive. Many of these properties are two-storey semi-detached or detached houses. The northern boundary meets the flyover of the Cowbridge bypass (A48), with Cowbridge Comprehensive School located on the other side of the flyover on Aberthin Road.

The local vernacular within the immediate context of the site is varied, including a mix of both detached dwellings on Aberthin Road, and smaller semi-detached dwellings of post war construction along Millfield Drive and Slade Close.

The site is located within the settlement boundary for Cowbridge as defined in the Local Development Plan (LDP). The site is also allocated for housing under Policy MG2 (18) of the LDP. The site does not lie within a Conservation Area, nor are there any listed buildings, scheduled ancient monuments or public rights of way within the site vicinity. There are four TPO trees within the site, comprising three Lime trees to the rear and a Yew tree to the front of the site.

DESCRIPTION OF DEVELOPMENT

This is a full application by Hafod Housing Association, as amended, for the demolition of the existing former school building and ancillary structures, and their replacement with a development of 34 affordable homes, comprising 30 flats and four houses. The accommodation would comprise of the following:

- 4no. 1 bed wheelchair accessible apartments
- 6no. 2 bed apartments
- 20no. 1 bed apartments
- 4no. houses (1 x 4 bed, 1 x 2 bed and 2 x 3 bed)

In addition to the new homes, various associated works are proposed including the forming of a new access, car parking provision, erection of a bat roost, cycle storage, planting, and other landscaping works including natural play space.

The proposed houses would vary in size and scale from the largest 4 bedroom property which has an eaves height of some 6.7m and ridge of 10m and the smaller dwellings which have circa 5.2m eaves and 8.5m ridge heights.

Flatted Block A measures a width of some 21.9m by a depth of 18m, with eaves heights of 8.7m and ridge height at 13.5 (when measured from the lower internal levels).

Flatted Block B measures a width of some 21.9m by a depth of 20m, with eaves heights of 6.2m and 8.1m and ridge heights at 10m and 12.6m (when measured from the lower internal levels).

The flatted blocks would be connected by a 3m wide flat roof section which would be used as a bin store.

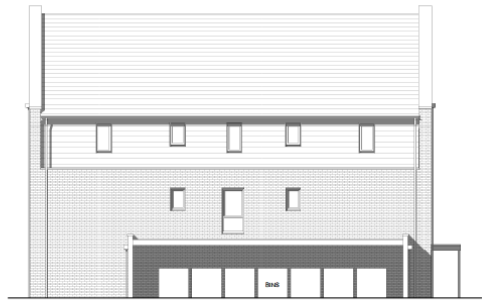
Materials and finishes on the flats and dwellings are stated as being a mix of grey and cream buff light textured facing brickwork with neutral mortar, stone or reconstituted facing stonework details and stone coping system to all parapet walls, double glazed PVCu and GRP grey doors and windows and fibre cement slate tiles. Block B would have fibre cement slate tile hanging on the upper parts of the side elevations.

The site would be accessed via a new crossover from the highway, leading to an internal access road, turning and parking area. The parking area for the flats would be located to the rear of the site and comprises 30 spaces. The parking area serving the dwellings would be to their fronts and would comprise two spaces per unit. The scheme includes communal cycle storage comprising 12 spaces with an enclosed cycle store located between the parking bays and six spaces internally, accessed from the ground floor corridors.





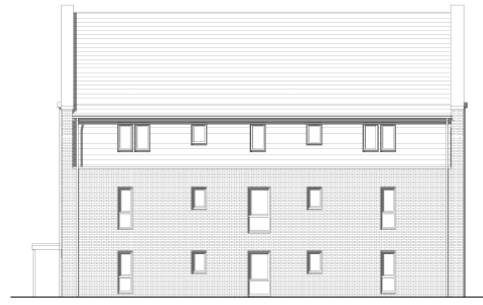
Front Elevation



Side Elevation - North



Rear Elevation

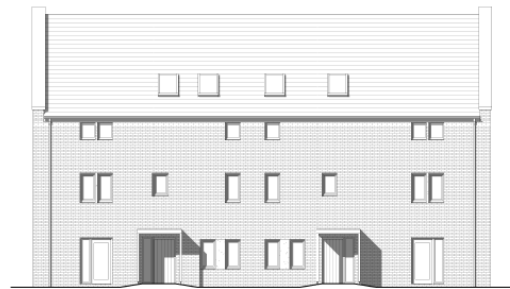


Side Elevation - South

Apartment Block A Elevations



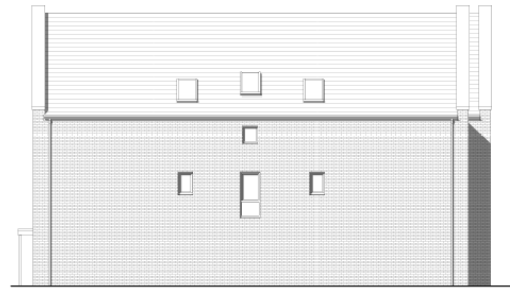
Front Elevation



Side Elevation - North



Rear Elevation



Side Elevation - South

Apartment Block B Elevations



Section from Aberthin Road from Ground Floor Level



View from Aberthin Road

2005/00687/REG3: Cowbridge Comprehensive School, Aberthin Road, Cowbridge, Proposal: Renewal of permission for one single storey double demountable classroom, Decision: Approved

CONSULTATIONS

Cowbridge with Llanblethian Town Council were initially consulted on the original scheme (for 43 flats and 5 houses) and objected. The Town council has concerns over the proposed access and egress onto a busy road and junction on a school pedestrian route. There is also inadequate parking provision and the development would result in the loss of a historic building and Yew tree on the site. The height of the proposed building is significantly greater than the surrounding built development and the use of brick finish is not in keeping. In addition, the Town Council have indicated that the noise survey has only been completed at ground level, which is inadequate given the proposed height of the development and there is a lack of green space proposed.

The Town Council have also indicated that they would support the listing of the Former Cowbridge Comprehensive School as a County Treasure and also the protection of the Yew Tree and other trees to the rear of the site under a Tree Protection Order (TPO).

The Town Council also responded following further consultations on amended plans, continuing to raise an objection. In respect of their most recent comments, they agreed to write an open letter to all of those involved in this matter to express the views of the Town Council. In summary they state that a campaign group has done a lot of work to research and highlight the historical and architectural importance of the building and have sought to have it listed. CADW rejected the listing application but the campaign group are appealing against that decision via the Petitions Committee of the Welsh Government and succeeded in securing a debate in the Senedd which took place on 16th February 2022. In that debate it was noted that planning application will be considered by the Vale of Glamorgan Council Planning Committee on 2nd March and those who wish to preserve the building were urged to write to the Vale of Glamorgan Council. The owner of the building is the Cowbridge Comprehensive School Trust, a registered charity and their position is that the Hafod proposal is the only viable option and that if it does not go ahead they will be left with a dangerous and decaying building. The campaign group, believe that they have developed a viable alternative scheme that will provide good quality social housing whilst retaining the existing building, however they say that the buyer's efforts to work with both Hafod and the Cowbridge Comprehensive School Trust have been rejected.

Cowbridge Ward Members were consulted and former **Councillors Geoff Cox and Hunter Jarvie** have responded objecting to the proposal as they consider the proposal as a massive overdevelopment of the site which is illustrated by the proposal to build more than double the number of homes allocated to the site in the Local Development Plan (LDP). In addition, it will have a severe adverse effect on the properties at New Forest View and Millfield Drive.

The Council's Highway Development Team initially requested that the proposal be amended to include vehicle tracking for refuse vehicles, 11 more spaces to comply with the Council's maximum parking standards, the need to create a combined pedestrian/cycle footway along the length of the development on Aberthin Road, the location of the tactile paving, stopping up of the existing accesses and surface water drainage details.

Following the submission of amended plans and in light of a reduction in the number of units to 34, and a number of design changes, all of the matters raised have been addressed / complied with, except for the request for a 2m footway to the rear of the turning head and the provision of street lighting, which is considered in detail in the report below.

The Council's Highways and Engineering Team were consulted and raised no objections subject to a drainage scheme being submitted to demonstrate how surface water drainage will be disposed from the site, along with details of the management and maintenance of the proposed drainage scheme.

Shared Regulatory Services were consulted and have made the following comments :

(Pollution) - Noise

Having considered the noise report, the EHO required precise dimensions of the proposal and precise distances for noise measurements. In addition, he would like noise calculations based on logarithmic averaging of noise readings rather than arithmetical averaging and also taking into account noise at height from the A48 on the uppermost floors of the apartment block.

The Councils SRS Team have reviewed the amended noise assessment and are satisfied with the noise mitigation for the development as detailed in the report, however a condition is recommended for the roof areas to ensure that that prior to occupation, a noise survey shall be undertaken to demonstrate that all habitable rooms in the attic space achieve an acceptable noise level.

(Pollution) - Air Quality Perspective

An Air Quality Assessment (AQA) was submitted and details the results of the air quality assessment and discusses the potential dust and fine particulate matter impacts associated with the construction phase, and a discussion of the potential air quality effects associated with vehicle emissions in the operational phase. There are no objections on the grounds of air quality subject to a condition.

(Contamination)

Have requested a condition in respect of unforeseen contamination, imported soil and aggregates, use of site won material and an informative note in respect of contamination and unstable land.

Dwr Cymru Welsh Water were consulted and raised no objection subject to no surface water and/or land drainage being allowed to connect directly or indirectly with the public sewerage network and have requested an advisory note for the applicant in respect of sewers running through the site and connections.

The Council's Ecology Officer was consulted and initially raised a holding objection stating that the applicant should liaise with NRW regarding further surveys required for bats and the provision of mitigation/compensation. It was advised that when NRW are satisfied with the proposals, and remove their significant concerns, the LPA ecologist will then be in a position to assess the application with respect to bats and other protected/priority species and habitats. In addition, given the importance of the site for numerous light-sensitive species of bats, there is a requirement that the applicant design the (external) lighting for the scheme prior to determination.

Natural Resources Wales- NRW initially raised significant concerns with the proposed development as submitted and further information was required to demonstrate the proposal will not be detrimental to the maintenance of the favourable conservation status of Bats, a European protected species.

Following the above numerous meetings took place between the applicant, local authority and ecologists, and following the submission of additional reports and plans NRW are now satisfied that their concerns can be overcome subject to the relevant documents being included in the approved plans and documents condition on the decision notice.

The Council's Waste Management Team were consulted and no comments have been received to date.

The Council's Affordable Housing Enabler was consulted and has stated that this is a 100% affordable housing scheme, which the housing services team supports along with the units size and mix proposed.

Police (Secured By Design) Officer was consulted, although no comments have been received to date.

Glamorgan Gwent Archaeological Trust (GGAT) were consulted and stated that the school buildings are of historic significance and consideration should be given to the preservation of the buildings. In any event, should the buildings be preserved or otherwise, GGAT recommend a record should be made of the buildings given their significance at predetermination stage. In addition, GGAT state that the Historic Environment Record suggests there remains the possibility that remains may be encountered during the course of any development and requested an archaeological evaluation prior to any determination of this application.

Following the submission of an evaluation conducted by Headland Archaeology, GGAT agree with the evaluation's conclusion that 'the likelihood of any potential buried archaeological features is highly unlikely'. They have also stated that the outstanding matter of building recording can be dealt with by way of condition.

REPRESENTATIONS

The neighbouring properties were consulted on 3 January 2019 and were reconsulted several times in light of the amended plans and additional information being submitted, where the last consultation undertaken was 9 February 2021. A site notice was also displayed on 4 January 2019 and the application was also advertised in the press on 7 January 2019.

To date some 550 letters of representation have been submitted. Whilst some support the principle of residential development, the representations generally object to the proposal on the following grounds, with the main points raised summarised below :

- The proposal will result in loss of a landmark historic building,
- The building has great historic, architectural and educational importance and should not be demolished, but should be converted into social housing.
- Greater emphasis on sustainability and increasing moves towards the conversion of historic school buildings for residential use
- CADWs decision not to list the building does not adequately consider the relevance of this building
- The density of the development is considerably higher than outlined in the LDP for 20 dwellings
- The scale and character of the proposal is not in keeping with the two storey houses immediately neighbouring the site or within the context of a rural town like Cowbridge.
- Loss of privacy and overlooking of neighbouring properties
- The amenity and outlook of the ground floor dwellings fronting Aberthin Road is severely compromised given that they are substantially lower (1.8m) below the pavement level.
- The proposed buildings in the application are too high
- The proposed development will be very overbearing to existing dwellings on Millfield Close.
- Insufficient parking provision and inadequate assessment of the impact of additional traffic on Aberthin Road.
- Existing services in Cowbridge are already at capacity
- Little public transport and employment in the immediate area

In addition to the above letters from the public, the letters received include those from, amongst others, Jane Hutt MS, Alun Cairns MP, Joel James MS, Cross Party letter from various Senedd Members, Cowbridge & Llanblethian Residents Group, Victorian Society, Cowbridge History Society and Cardiff Civic Society, all of which raise the same objections as summarised above.

In addition, Save Britain's Heritage have presented an alternative scheme, showing 23 apartments within the school as well as 12 new apartments and two new houses on the adjacent land.

A petition of 2,274 signatures has been submitted objecting to the development on the following summarised grounds:

- Density of development is higher than outlined in the LDP
- Size and scale of proposal are not in keeping with the two storey housing within the rural town of Cowbridge
- Failure to comply with the parking standards
- Loss of a historic building
- Loss of an established yew tree

A petition signed by 3,151 signatures, objecting (as summarised) on the grounds of:

- the loss of an important heritage asset
- density of development on the site exceed the LDP recommendation of 20 dwellings
- the size and scale of the proposal and its impact on amenity of adjoining properties or its immediate and wider surroundings
- on the grounds of 'Climate Emergency' stating that retrofitting the existing building stock is key to a low-emission building sector and that no evidence has been provided as to why the existing building cannot be retained and retrofitted.

REPORT

Planning Policies and Guidance

Local Development Plan:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Vale of Glamorgan Adopted Local Development Plan 2011-2026 forms the local authority level tier of the development plan framework. The LDP was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – Delivering the Strategy

POLICY SP2 – Strategic Sites

POLICY SP3 – Residential Requirement

POLICY SP4 – Affordable Housing Provision
POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan
POLICY MG2 – Housing Allocations
POLICY MG4 – Affordable Housing
POLICY MG6 – Provision of Educational Facilities
POLICY MG19 – Sites and Species of European Importance
POLICY MG20 – Nationally Protected Sites and Species
POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD3 - Provision for Open Space
POLICY MD4 - Community Infrastructure and Planning Obligations
POLICY MD5 - Development within Settlement Boundaries
POLICY MD6 - Housing Densities
POLICY MD7 - Environmental Protection
POLICY MD9 - Promoting Biodiversity

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

Future Wales: The National Plan 2040:

Future Wales – the National Plan 2040 is the national development plan and is of relevance to the determination of this planning application. Future Wales provides a strategic direction for all scales of planning and sets out policies and key issues to be considered in the planning decision making process. The following chapters and policies are of relevance in the assessment of this planning application:

Chapter 3: Setting and achieving our ambitions

- 11 Future Wales' outcomes are overarching ambitions based on the national planning principles and national sustainable placemaking outcomes set out in Planning Policy Wales.

Chapter 4: Strategic and Spatial Choices: Future Wales' Spatial Strategy

- Guiding framework for where large-scale change and nationally important developments will be focussed over the next 20 years.
- Strategy builds on existing strengths and advantages and encourages sustainable and efficient patterns of development.

Chapter 5 – The Regions

- The Vale of Glamorgan falls within the South East region.
- Regional policies provide a framework for national growth, for regional growth, for managing growth and supporting growth.

- In the absence of SDPs, development management process needs to demonstrate how Future Wales' regional policies have been taken into account.

Policy 1 – Where Wales will grow

- Supports sustainable growth in all parts of Wales.
- Development in towns and villages in rural areas should be of an appropriate scale and support local aspirations and need.

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

- Based on strategic placemaking principles.

Policy 3 – Supporting Urban Growth and Regeneration – Public Sector Leadership

- The public sector must show leadership and apply placemaking principles to support growth and regeneration for the benefit of communities across Wales.

Policy 4 – Supporting Rural Communities

- Supports sustainable and vibrant rural communities.

Policy 5 – Supporting the Rural Economy

- Supports sustainable, appropriate and proportionate economic growth in rural towns.
- Supports development of innovative and emerging technology businesses and sectors to help rural areas unlock their full potential, broadening the economic base and creating higher paid jobs.

Policy 6 – Town Centre First

- Sequential approach for new commercial, retail, education, health, leisure and public service facilities.

Policy 7 – Delivering Affordable Homes

- Focus on increasing the supply of affordable homes

Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

- National growth area is the focus for strategic economic and housing growth, essential services and facilities, advanced manufacturing, transport and digital infrastructure.
- Supports development in the wider region which addresses the opportunities and challenges arising from the region's geographic location and its functions as a Capital region.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales,

The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 2 - People and Places: Achieving Well-being Through Placemaking,

- Maximising well-being and sustainable places through placemaking (key Planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking)

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Placemaking in Rural Areas
- Accessibility
- Previously Developed Land
- Supporting Infrastructure

Chapter 4 - Active and Social Places

- Transport
- Living in a Place (housing, affordable housing and gypsies and travellers and rural enterprise dwellings)

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)
- Recognising the Environmental Qualities of Places (water and flood risk, air quality and soundscape, lighting, unlocking potential by taking a de-risking approach)

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 10 – Tree Preservation Orders (1997)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 24 – The Historic Environment (2017)

Welsh National Marine Plan:

National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this application. The primary objective of WNMP is to ensure that the planning system contributes towards the delivery of sustainable development and contributes to the Wales well-being goals within the Marine Plan Area for Wales.

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Affordable Housing (2018)
- Biodiversity and Development (2018)
- County Treasures
- Model Design Guide for Wales
- Parking Standards (Interactive Parking Standards Zones Map)
- Planning Obligations (2017)
- Public Art
- Residential and Householder Development (2018)
- Trees, Woodlands, hedgerows and Development (2018)

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the

Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Issues

The principle of the development

The site lies within the settlement boundary of Cowbridge, and it is located on the outskirts of the town within a largely residential context. Policy MG2 (18) of the Councils Adopted Local Development Plan 2011-2026 allocates the site for residential development. Consequently, it is considered that a residential use is compatible in principle with the nature of the surrounding area, with dwelling houses immediately to the rear and across the A4222. Given the proximity to the town centre, shops, services and bus links, it is considered that the proposed residential redevelopment of the site would be in a sustainable location, in line with its allocation.

The site measures approximately 0.53 ha in size 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.

Appendices in relation to Site Specific Allocations of the LDP state amongst other things that :

“The Victorian school building has some architectural merit and lends itself to conversion although the building is not currently listed. GGAT have advised that an archaeological evaluation will be required and that some parts of the site may need to be retained as open space in order to protect archaeological”

The development of the site would align with local and national planning policy principles of reusing previously developed land in a sustainable location. Further, the development aids in addressing Planning Policy Wales’ aim to tackle the shortage of homes, in line with LDP policies SP3, SP4, and MG1.

Based on the above, whilst residential redevelopment of the site is in line with the allocation, a detailed assessment has to be made in respect of the architectural / historic merits of the building and the contribution that this vacant building currently makes to the site and the wider area and whether its loss can be accepted as part of the proposals to redevelop the site.

Acceptability of the Demolition of the School

The Planning Statement states that the existing structures on site were initially considered in terms of their potential for retention and conversion for residential use. It adds that the main school building is formed of an irregular footprint, with varying floor to ceiling heights, and original construction and extensions from different periods. Accordingly, it is advised that though conversion may be possible in principle, it would result in the provision of very few dwellings and that fundamentally, the layout and circulation space would be problematic, and the

quality of accommodation that could potentially be provided would be negated by the size and positioning of existing fenestration.

In addition to the main school building, the site also contains a boundary wall and railings associated with the former school. The applicant notes that these are considered to represent an historic asset (stated as being of low significance) closely related to the school and that the proposed development will retain and repair this boundary feature, which will continue to represent a feature of the roadside.

The application has been supported by an Archaeological and Heritage (as amended) and a Assessment Heritage Summary Report.

The EDP report describes the history of the school with reference to historic maps and archival research at the Glamorgan Archives. The following key conclusions are drawn:

- The school was established in 1896 as the Cowbridge Intermediate School for Girls under the provisions of the Welsh Intermediate Education Act of 1889;
- Local philanthropist John Bevan acted as a benefactor, funding a hostel for 12 boarders at the school, as well as a library and scholarship fund;
- The school was extended in 1908 with a laboratory, gymnasium and classrooms added; and
- The school then became a Secondary or High school after 1912, retaining its boarders until 1939 and from the 1970s becoming an outlying facility for the large modern comprehensive school to the north.

The EDP report describes the building's exterior in some detail but not its interior, which was not accessed. Key architectural observations on the exterior are:

- That the older part of the building, dating from 1896 is of a very similar style and material palette to the later 1908 section;
- The building has a typical late-Victorian school style reminiscent of the Queen Anne Style that was popular in England and which blended Gothic with Italianate elements;
- The building is finished in local, dressed, sandstone blocks laid in random courses, a typical building material for the locality, with Bath Stone decorative features such as lintels, sill bands, coping, gable apex stones and kneelers, quoins and corncing;
- Features of architectural interest include its multiple gables on the south-east and north-east side which display stone copings and other decorative stonework, and its varied fenestration, comprising round, rectangular, slit and large arch headed windows; and

- The building is damaged in places with missing stonework and boarded windows as well as invasive vegetation.

The report then summarises the building's significance using the terminology derived from Cadw's Conservation Principles (2011), relating to Evidential, Historical, Aesthetic and Communal Value.

In summary, the Archaeological and Heritage report concludes that the school buildings are valued for their architectural interest or evidential value, which, due to their decorative architecture extends to encompass their aesthetic value. The report considers that this aspect is fairly typical to its era, with the school reflecting the typical, decorative style of school buildings in the late Victorian period. A degree of value is also reflected by the building's history including its communal value, which is of importance in Aberthin Road, Cowbridge. The assessment concludes that the 1896/1908 parts of the school building represent a historic asset comprising 'a local development, utilising an attractive, but commonly found architecture typical of the period, and thus should not be considered of equivalent significance to a listed building, being considered to represent a non-designated asset of low significance'.

The report adds that as of September 2019 the building is not included on the Vale of Glamorgan Council Local List (County Treasures) and thus represents a non-designated historic asset, but not one that is Locally Listed.

Glamorgan Gwent Archaeological Trust (GGAT) in their response referenced The Scourfield (2019) report which presents a detailed account of the girls schools history and highlights the cultural and architectural significance of the school buildings within Cowbridge and more widely in the context of the history of education in the UK. In light of the Scourfield Report, GGAT do not concur with the assessment made in the EDP report (October 2019) that the girls school buildings are a "low value historic asset". They consider that the school buildings are of historic significance and that it would be prudent to give due consideration to the preservation of the buildings. In any event, should the buildings be preserved or otherwise, GGAT Recommend a record should be made of the buildings given their significance and this work can be undertaken at predetermination stage alongside any evaluation work.

No formal comments have been received from Cadw, although the Council has been provided with a copy of an assessment by Cadw to a spot-listing request for the building. Cadw had been asked to reconsider their original recommendation (not to list the building), in the light of new information presented in a detailed assessment prepared for a local residents group by Robert Scourfield. In summary, Cadw state that they have considered the report carefully, but have concluded that the new information presented does not add up to a strong enough case to overturn their earlier position.

It is stated in the concluding part of the assessment that :

"..... I am satisfied that in terms of its architectural quality it falls short. On the principal point of historic interest – that it was the first intermediate school for girls in Wales – I do not find this a compelling argument in favour of listing, since the principle of education for girls was enshrined in the 1889 Act, and other listed

examples reflect the diversity of arrangements for providing education for both girls and boys according to the terms of the Act.

Although the building does not meet the criteria for listing, as our earlier assessment made clear, it is of obvious local importance and might warrant inclusion on the Vale of Glamorgan's County Treasures list"

The Petitions Committee of Welsh Government on 27 May 2020 wrote to the Deputy Minister for Culture, Sport and Tourism on the request for the listing decision on the former Girl's School, Cowbridge to be referred for an independent peer review by Historic England or Historic Environment Scotland. In his response to the Petitions Committee on 9 June 2020, the Minister stated that he is acutely aware of the strength of local feeling regarding Cowbridge School and has personally given careful consideration to all the requests for the building to be listed. In addition to the assessments carried out by highly experienced officials in Cadw, has obtained independent advice from Richard Hayman, a building historian and archaeologist with particular expertise in historic buildings in Wales and he supports the original decision not to list.

The Minister stated that he is satisfied that the assessments received are unbiased and have been carried out to a highly professional standard. He adds that, to be listed, buildings have to be of national importance on account of their special architectural or historic interest and does not consider that Cowbridge School has sufficient quality or character to be listed at the national level, nor is it one of the best examples of its type. Neither does he consider there to be a case for requesting further independent advice or peer review by organisations from England or Scotland.

A further debate took place at the Senedd on Wednesday 16th February. The Deputy Minister for Arts and Sport, Dawn Bowden explained why Cadw had declined to list the building and that a legally binding decision not to list has now been taken.

In light of the above, it is a matter of fact that the building is not listed, as it does not meet the criteria for national listing. However as supported by both the Conservation Officer and CADW, the building is of local interest.

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 local list is not static and it is recognised that the perception of locally important buildings and the contribution they make to the local historic environment may change in the future. To this end, the Council will monitor and review the 'County Treasures' list on a regular basis. The SPG states that "*It is also recognised that additions may need to be made as circumstances warrant in between periods of review. For example, as part of its ongoing review of Conservation Areas in the Vale of Glamorgan the Council is recognising new, locally important historic buildings as part of the appraisal process. This will bring forward new candidates for inclusion.*"

The Council's Conservation Officer, having identified the local significance of the building, has advised that he will 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.

Policy SP10 states that development proposal must preserve and where appropriate enhance the rich and diverse built and natural environment and heritage of the Vale of Glamorgan including, amongst other things:

“the architectural and / or historic qualities of buildings or conservation area, including local listed buildings”

On the basis that the existing building has been identified as being of historic significance and the proposal seeks demolition of this building, the proposal would fail to comply with the terms of Policy SP10.

However, Section 38 of The Planning and Compulsory Purchase Act 2004, requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. As such consideration must be given to all the policies within the LDP and whether the proposal as a whole would be considered in accordance with that plan and the weight of “material considerations” which could outweigh the proposal being contrary to one policy within the Development Plan. Moreover, the determination must also be made in accordance with Future Wales - The National Plan 2040, in particular Policy 7 – Delivering Affordable Homes.

Affordable Housing

The delivery of affordable housing is a key objective of the LDP Strategy, with the relative strength of the Vale of Glamorgan’s housing market over the last 10 years having resulted in many local people experiencing difficulties purchasing suitable housing on the open market.

There is a target for 3,252 affordable residential units to be provided over the plan period as identified by policy SP4 of the Local Development Plan. As part of the LDP Annual Monitoring Framework, there was a target for the provision of 1,646 additional affordable homes by 2021, to be delivered through anticipated affordable housing contributions from Policy MG2 housing allocations, secured through policy MD4, alongside windfall housing developments. Between 2011 and 2021 an additional 1,622 affordable dwellings have been delivered. This is a shortfall against the target, although it is within the 10% flexibility allowance.

The proposal is for 100% affordable housing (social rented) on an allocated residential site, and therefore the proposed use of the allocated site for affordable housing is acceptable in principle.

The latest Local Housing Market Assessment (LHMA) 2021 was approved by Cabinet on 14th February 2022. The results show a net need for an additional 1205 units of affordable housing per annum for the next five year period 2021-2026 (4450 over the full period), comprising 917 units for social rent, 79 for low-cost home ownership and 211 units of intermediate rented accommodation. This is an increase in the need for social rented units of 116 units needed per year from the LHMA

2019. The changes are due to a number of factors, not least the increase in the number of applicants on the Homes4U register, from 5986 in 2019 to 6940 in 2021 which gives rise to an increase in the backlog of need for social rented properties from 1197 to 1388 per annum over the five year period.

Neighbouring residents have questioned the need for affordable housing in Cowbridge, in light of recent developments in Darren Farm. Whilst new housing has been approved in Cowbridge in recent years, which has secured affordable housing, such as the land to the north-west of Cowbridge for 475 dwellings (planning reference 2014/01505/OUT, 2017/00841/RES, 2018/00240/RES) whereby 190 affordable houses have been secured (133 social rented, and 57 Intermediate), the supply of these units has already been into account in the calculations for the LHMA.

There is however still a significant affordable housing need that must be met in Cowbridge for social rented units as evidenced by the following figures from the Council's Homes4U waiting list in the Ward of Cowbridge:

Cowbridge	
1 Bed	206
2 Bed	109
3 Bed	49
4 Bed	9
5+ Bed	2
Total	375

It is, therefore, considered that despite the loss of the existing school building, a proposed re-development of the site for affordable housing is acceptable in principle. Moreover, the provision of 34 affordable homes on this site, is considered a significant material consideration in the determination of this application.

Scale, Design and Visual Impact

The existing school building is a two/two and half storey building situated at a level below the pavement and adjoining highway. The existing building is relatively wide across the frontage of the site, but its height is modest from street level and the width is broken up with a series of recesses and gable fronted projections.

The wider context includes the post war residential developments of two-storey detached and semi dwellings to the rear and south on Millfield Drive and Slade Close, while opposite and further along the A4222 there are larger detached two storey dwellings on a slightly higher level than the road. To the north of the site there is a notable gap in development along a semi-rural road before the new modern school buildings can be seen. The flyover does provide a physical and boundary of the edge of the settlement of Cowbridge before the more rural context of Aberthin.

The original scheme submitted in December 2018 was for 48 dwellings comprising of 43 flats and five houses in two distinct blocks fronting Aberthin Road. At the outset, officers raised significant concern in respect of the scale of the flatted block, in particular its ridge height of 15.1m of the main section of roof

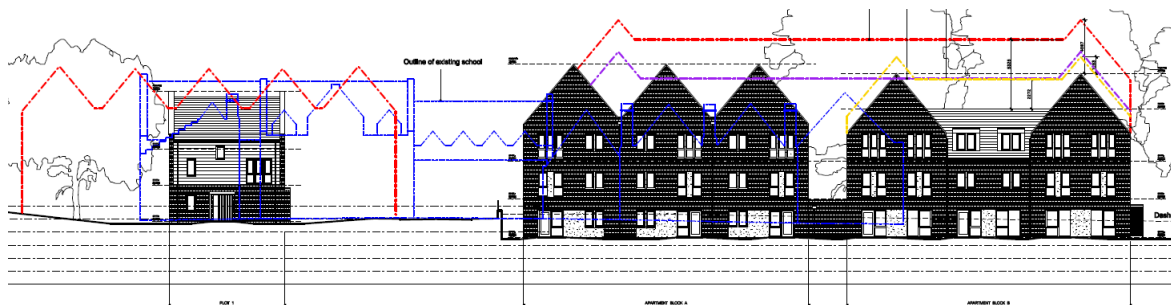
(with the gables some 1.5m higher), which would have been above the parapet of the adjacent flyover. In addition the width of the block of flats and its overall design and form was considered over scaled and at odds with the residential character and the scale of the nearby dwellings.



Original Scheme – Front Elevations

As such, in this context, the original proposals would have appeared over-scaled and unusually high, especially when approaching the site from either direction along A4222 or when viewing Cowbridge in a wider context from the A48 fly over. The buildings would also be prominent from view points and locations in Millfield Drive and Slade Close. The scale, height and mass of the original proposal would be exacerbated by the prominent viewpoints further afield and would appear at odds with the existing context and the edge of the settlement.

The section below shows the existing school (blue) and the original scheme in red and shown the marked change in the scale of development proposed at the site when compared to the existing school.



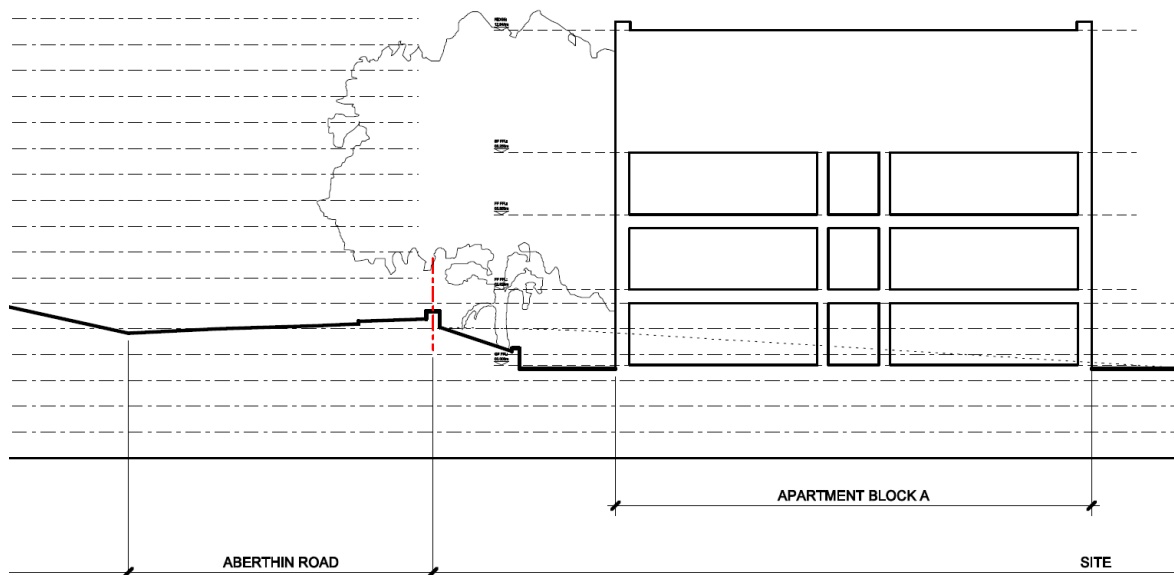
A series of amendments were submitted to address the authority's concern, initially only reducing the main height of the flatted block to 12.1m high. However, it was still considered that the flatted block was over scaled and that the building still needed to be broken up. The second revision (in yellow) proposed to split the block up with the same main ridge height of 12.1m and also re-orientated the houses. Whilst this change resulted in a marked improvement, a further revision was sought to reduce the central section of ridge, to ensure that it was more in line with the form and scale that the authority would consider appropriate. A further revision was sought where the main central ridge of block B was further reduced in height.

The elevation drawing below shows the final iteration of the scheme which is now being considered and shows that the highest ridge point of the development is below the parapet of the adjoining fly over and in particular the block being

nearest to the fly over has been further reduced in scale to limit the impact of the development when viewed from the bypass in this elevated location. The overall form of the development now appears more as a linked block of town houses as opposed to a single block of flats. The scheme now introduces much more vertical emphasis more in keeping with the traditional scale of domestic buildings found within Cowbridge, where the use of the gables replicates a number the historic buildings within the historic core.



It is accepted that the flatted block will still be higher than the school building which it replaces, but nevertheless the scale of development and its massing is now considered appropriate for both the site and its wider context. Moreover, it should be noted that if the site were to be developed for market housing, it is very likely that the form of development proposed would be similar to that being proposed in the form of two - three storey blocks. The proposed dwellings along the southern part of the site are more domestic in terms of their scale and act as a transition between the flatted blocks and the existing dwellings in Slade Close.



Whilst the flatted blocks are three storey, as shown in the section above, the site is set below road level (some 1.8m below pavement) and as such when viewed from a distance, the ground floor levels will be partly be screened which reduces the perceived massing of the buildings.



On the basis of the above the overall massing, scale and form of the proposed flats and houses are considered acceptable. Whilst indicative levels have been submitted in the section drawings which are considered acceptable, for clarity and completeness, full details of level of the buildings and finished site levels shall be submitted by way of condition (**Condition 4** refers).

In respect of the materials and finishes used in the locality, Millfield Drive and Slade Close are predominantly either red brick or buff brick with rendered panels and hanging tiles. In respect of the dwellings along Aberthin Road, many of the dwellings, which are post war, are a mix of white render brick and stone. As such there is no strong predominant material used in the locality.

Whilst the use of brick and the form of development and design would result in a building which appears distinctly urban, nevertheless given the location of the site within the settlement of Cowbridge, creating what would ultimately appear as a relatively contemporary form of development is not considered harmful or out of keeping with this very mixed street scene and the context of the site.

The proposed scheme indicates a mix of brick where the 3D coloured images shown that they have a tonality that would be similar to stone. Based on the above there is no officer objection to brick and the use of two brick colours will assist in providing more distinction across the site. The other materials and finishes are also considered acceptable, comprising synthetic slate roofs and grey windows and doors, subject to the approval of full details by condition (**Condition 3** refers).

The scheme seeks to retain the existing low level stone wall, stone piers and railings (albeit modified to remove the existing entrance gate), which is welcomed and will retain this historic enclosure along the site frontage. There are also sections of railings missing / damaged, which would need to be reinstated, in addition to works repair/rebuild stone pillars. Whilst boundary details of enclosures have been submitted which are generally acceptable, further details are required particularly in relation to the enclosures around the perimeter of the site and a revised enclosure (1.8m high stone wall) to the side of Plot 1 to provide noise mitigation (see below). These additional / revised details can be secured by condition (**Condition 5** refers).

Trees

The application has been supported by a Tree Survey, Draft Tree Protection Plan and Tree Constraints Plan. In summary, of the 17 subject trees / groups of trees on the site that have been surveyed, a total of 6 trees are proposed to be removed. All of the trees to be removed are ash except one goat willow, all of which are classified as being Category C trees. Category C trees are defined as being low quality, unremarkable trees of very limited merit or impaired condition and offer low or only temporary/transient landscape benefits and no material conservation or other cultural value.

Notably the scheme seeks to retain all of the protected (TPO) trees on the site, comprising of the three Lime Trees, located along the rear boundary (T3, T4 and T6) and the Yew tree (T15) located at the front of the site. No building(s) are proposed within the root protection area (RPA) of these trees, although it is noted that the existing building at the site will already impact / constrain these trees. Whilst part of the parking area does fall within the root protection area of the Lime Trees, this can be adequately dealt with by a “no dig” construction method for the parking area and appropriate method statement to ensure minimal disturbance during the construction and operational phase of these trees. (**Condition 6** refers).

The T15 Yew tree would be located in the rear garden of the dwelling at Plot 1 with the RPA slightly encroaching into the adjacent rear garden. On the basis that the only structures in the RPA will be fencing and paving, it is considered that this can be adequately dealt with by a method statement for these works by way of condition (**Condition 6** refers). The proposed Planting Plan specifies that hand digging within RPA will be undertaken and fenced off as per Treescene Tree Protection Plan, until car park is built at end of contract.

Whilst the Yew tree will under greater pressure, being located in the rear garden, it is not considered that the tree will be at significant risk and that garden area beneath will still be usable. Should the home owner wish to undertake any future works, to crown lift etc. consent would need to be given to undertake any such works.

The Draft Tree Protection plan includes full details of a protective fencing for the protection of trees during construction, which is considered acceptable and shall be secured by condition (**Condition 7** refers), noting that at some stages works will have to be undertaken with the protected area.

The proposed Planting Plan, sets out as details a schedule of ornamental shrub beds, native planting beds and proposed hedge and tree planting of 23 replacement trees in line with the Councils Trees, Woodlands, Hedgerows and Development SPG, the replacement trees would be in excess of the required ratio of 2:1. The planting particularly along the site frontage is considered acceptable with trees set within a shrub beds set behind the stone wall/piers and railings enhancing the street scene.

Density

Policy MD 6 states that in service centre settlements (which Cowbridge is defined as) a density of 30 units per hectare is required, in order to ensure the efficient use of land. The application site measures some 0.53ha (slightly differing from the allocated site) and based on 34 units, the site would deliver a density of 64 dph.

The LDP states that for this allocated site (identified as being 0.52 ha) the site would deliver 20 units. However, it should be noted that a number of the allocated sites within the LDP have been approved where the number of units have far exceeded the anticipated number of units allocated for these sites. Moreover, a number of windfall sites within settlement boundary have also been approved where the density far exceeds those stated in Policy MD6, particularly affordable housing schemes which are generally flatted blocks and by their very nature are high density.

It is noted that a number of the objections received raise concern that the number of units is significantly in excess of the 20 proposed for the allocated site. Whilst noted, Policy MD6 does state that higher densities will be permitted where they reflect the character of the surrounding areas and would not unacceptably impact upon local amenity. Given that the visual impact of the development has been assessed above and is considered acceptable, it is maintained that the built form to accommodate the number of units and the resulting density would not be at odds with the mixed character of the surrounding area and would not unacceptably impact local amenity. Moreover, regard should also be given to the direction of travel and national planning policies and Future Wales in making more efficient use of land and a general drive to achieving, where appropriate, higher densities in urban areas.

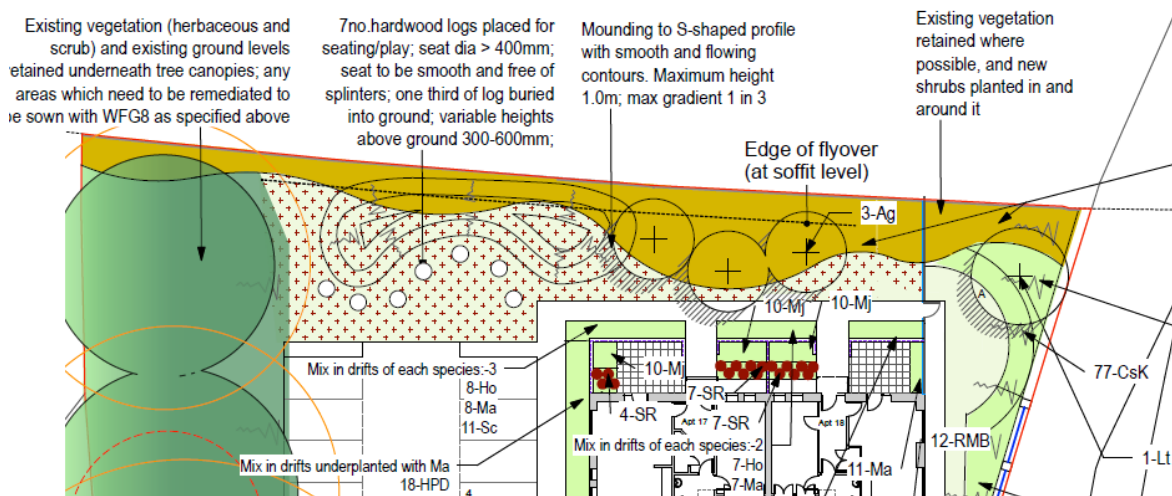
Amenity space provision

Policy MD2 of the Local Development Plan requires new developments to meet the Council's approved guidelines with respect to the provision of amenity space and public open space. These approved guidelines are contained within the adopted Supplementary Planning Guidance (SPG) 'Residential and Householder Development', which provide guidelines to ensure that all new residential developments contribute towards a better quality of life without unacceptably affecting the amenity enjoyed by existing residents.

The guidance contained within this policy notes that for flats between 12.5 sq. m and 20 sq. m of amenity space per person should be provided, depending on the size of development and for dwellings 20 sq. m of amenity space per person. Moreover, the guidance states that communal areas of amenity space may be acceptable, but these must be directly accessible for all occupiers.

In relation to the proposed dwellings, there is mixture of one four-bedroom, two three-bedroom and one two-bedroom homes. All of the dwellings are shown to be served by a private amenity space to the rear of the properties, with three dwelling having between 100 and 120 sq. m., with one dwelling more limited in size with a rear garden of 62 sq. m (due to the location of the bat roost to the rear). Overall, the provision of amenity space to serve these dwelling is considered acceptable and whilst falling slightly short of the SPG standards, it would nevertheless provide meaningful space for the residents of these houses.

In relation to the flats, they are predominantly one-bedroom apartments of which six would be two-bedroom apartments. The flats would be mainly served by an area of amenity space set out as an informal seating / play area to the north of the parking area as shown below.



Whilst the area of amenity space would fall below the standards set up within the SPG, these standards are a starting point and must be considered in relation to the development as a whole having regard to its context and the form of development. It is often the case that flatted developments cannot practically be served by private amenity space that always meets the Council standards. Moreover, any shortfall in on site provision of amenity space must also be weighed against the positive impacts of the development; in this case principally the provision of much needed affordable units.

Nevertheless, the layout of amenity space shows a meaningful and usable area of open space with provision of seating with peripheral areas of landscaping that can be accessed by the residents of the flats. In addition, there are also other smaller pocket areas of landscaping around the site which would also provide a significant degree of visual amenity for future occupiers of the development. Whilst the general layout of the amenity areas is acceptable further details shall be submitted of the amenity space by way of condition (**Condition 8** refers) which will form part of a wider landscaping condition.

The applicant has also agreed to a financial contribution (see Planning Obligations section below) which can be used to upgrade open space in the area, and this amount is commensurate with the size of the development (and having regard to the Council's position regarding affordable housing developments of over 25 units- see below).

Therefore, on balance it is considered that the level of amenity space and securing a full financial contribution for off-site POS (see below) will be adequate to meet the needs of the future occupiers of the site, in terms of outdoor relaxation and recreation.

Impact on neighbouring amenity

In assessing neighbouring amenity, regard should be given in respect of the impact of the existing vacant school on the privacy and amenities of adjacent and nearby dwellings, having particular regard to the siting and the massing of the existing church.

In respect of the opposing neighbours located to the east on the other side of Aberthin Road. The dwelling of 1 New Forest View Aberthin Road, will at its nearest be some 29 metres away from the flatted block and some 22m away from the boundary of the front garden. The next nearest house to be affected would be 2 New Forest View, Aberthin Road, where that dwelling would be some 28 metres away from the side facing gable end of the proposed dwelling (H1) and some 17 metres to the boundary with the front garden. At these distances and the fact that these opposing dwellings are in an elevated position, it is not considered that the proposed dwellings and flatted block would unreasonably enclose the outlook of these occupiers. Notwithstanding the greater massing of the replacement buildings on the site, in terms of the impact on privacy, given that the distance between windows exceeds 21 metres, in line with the Councils as SPG, the proposal would not result in a loss of privacy for these occupiers.

The properties of Millfield Drive, comprise of semi-detached dwellings allocated to the rear (west) of the application site and would back onto the parking area, retained landscape corridor and turning areas. At its nearest the south-west corner of the flatted block would be some 24 metres from the rear garden boundary with the properties on Millfield Drive, this distance would be increased to some 30 metres at the north-west corner of the flatted block. It is noted that the rear gardens of the properties which adjoin the site to the rear have gardens of a more limited depth, however given the distance to these dwellings, and the distance between opposing windows to these dwellings, the nearest would be some 35m away, which would increase further to the north of the rear of the flatted block. Despite the proposal having a greater massing and impact than the school on the site, based on the ridge heights shown, the overall design and levels (as illustrated within the section) the distances are such that the proposal would not unreasonably enclose the outlook of these adjoining occupiers to the west.

Finally with regards to the impact of the dwellings to the south, namely the detached dwelling and semi-detached pair at numbers 4, 6 and 8 Slade Close, it is also noted that these properties are located at a lower level than Aberthin Road. The proposed dwellings which comprises of two pairs of semi-detached dwellings would abut the rear gardens of these properties. Plot No. 1 is of a larger house type comprising of a 2 1/2 story element with the remaining adjoining semi-detached property a traditional two storey dwelling, the same as the adjacent semi-detached pair. The larger of the proposed dwellings (H1) is shown to have a rear garden of some 14.5m in depth, with a distance of some 24 metres from the rear elevation of H1 to the main two storey part of 8 Slade Close, with a similar relationship and distance in respect of H2. Whilst Plot I is a larger scale dwelling, it is nevertheless considered the distance between these dwellings is such that the design and siting of H1 and H2 would not unreasonably enclose the outlook of 8 Slade Close and would not result in an unacceptable loss of privacy to these occupiers. The dwellings H3 and H4 would be some 16 to 17 metres from the boundary of the site and the rear elevations of the proposed dwelling would be some 26 metres from the semi-detached properties to the rear at numbers 4 and 6 Slade Close.

With regard to the proposed bat roost, which is a single storey stand alone building located to the rear of the properties at Nos. 4 Slade Close, 16 and 18 Millfield Drive, the building is comparable to the scale of a detached garage with an eaves height of some 2.3m and ridge height of some 4.6m. Given the siting of this building and the fact that the roof slopes away from the boundaries, it is not considered that the building will enclose the outlook of these adjoining occupiers.

Noise and Air Quality

In line with Policy MD7 (Environmental Protection), development proposals are required to demonstrate that they will not result in unacceptable impacts, on people, residential amenity, property in respect of, amongst other things, land contamination, noise, vibration and nuisance, flood risk and any other identified risk to public health and safety

In respect of noise, the submitted report comprises an assessment of the potential noise impacts upon the proposed residential dwellings including noise from the A48 and Aberthin Road. The report assesses the results of a noise survey carried out in accordance with current guidance and includes recommendations for noise mitigation as appropriate.

An amended noise assessment was submitted which concludes that the dominant noise source affecting the proposed development site is road traffic on the A48 and Aberthin Road and that the noise levels have been assessed using guideline values suggested by BS8233 and Tan 11.

To meet the required external noise guidance levels, the report states that a 1.8m high closed board fencing along eastern boundary of garden 1. This mitigation measure proposed will ensure the upper BS8233 guideline value of 55dBLAeq is met in garden areas across the site.

Internally, the report states that the noise guideline levels will not always be achieved in noise sensitive rooms throughout the site with windows open and all noise sensitive rooms will achieve noise guideline levels with 6/12/6 double glazing

(6mm panes with 12mm gap) with windows closed. During times where windows need to be closed to achieve acceptable noise levels, an alternative means of ventilation will be required. Two Passivent TVALdB 800 Window frame vents (or similar) per window will ensure that noise guideline levels are met, whilst ventilation is also provided.

The Councils SRS Team have reviewed the amended noise assessment and are satisfied with the noise mitigation for the development as detailed in the report, however for the roof space to be used as accommodation, has recommended recommend a condition to ensure that that prior to occupation, a noise survey shall be undertaken to demonstrate that that all habitable rooms in the attic space achieve internal noise levels of 35dBA Leq16hour during the day and bedrooms achieve 30dBA Leq 8hour at night (with windows closed), consideration should also be taken in regards to the LAMax 45db which will need to be achieved.

Whilst the need for a 1.8m high closed board fencing along eastern boundary of garden 1, is noted, such an enclosure along the site frontage, particularly where the other enclosures of the site are stone piers and railings would be out of keeping. As such, it is considered appropriate to seek a 1.8m stone wall in the interest of visual amenity, the stone for which can be sourced from the demolished buildings. Therefore, subject to the compliance with the mitigation set out with noise report (except for the fence) being implemented which shall be required by condition (**Condition 10** refers) in addition to a condition for, a noise survey for the habitable rooms in the attic space prior to occupation (**Condition 11** refers), the proposal would be acceptable from a noise perspective.

With regard to air quality, the Councils SRS Team, in summary have stated given the busy nature of the A48 and likelihood of increased traffic movements along this corridor, particularly in sight of committed developments in the area an appropriate air quality assessment (AQA) must give consideration to the potential impacts on ambient air quality and the magnitude/ risk of these potential air quality impacts on local/current and future residents.

An Air Quality Assessment (AQA) was submitted and details the results of the air quality assessment and discusses the potential dust and fine particulate matter impacts associated with the construction phase, and a discussion of the potential air quality effects associated with vehicle emissions in the operational phase. Whilst the report was written based on the proposed development of 48 residential dwellings, this has now been reduced to 34 dwellings. The report states that during the construction phase, the risk of dust soiling effects is classed as low for demolition. The report concludes that the assessment has demonstrated that the proposed development will not lead to an unacceptable risk from air pollution, subject to appropriate planning conditions. Para 5.1.15 of the report sets out recommendations for Site-Specific Mitigation, relating to dust control and states that it may be in the form of construction best practices or could include a dust management plan.

The Councils SRS Team have reviewed the AQA and state that for the construction phase of the proposed development, a low- medium risk has been identified with respect to dust soiling soil and human effect as a result of construction phase activities (Demolition, Earthworks & Construction). It is therefore considered essential that a suitable Construction Environmental Management Plan outlining a

detailed Dust Management Plan with appropriate measures be submitted and approved by the Local Planning Authority (LPA) prior to the development proceeding. This can be secured by condition (**Condition 13** refers)

With regard to the Operational Phase, in accordance with EPUK 2017 Guidance, as agreed with the appointed consultant and detailed within the supporting air quality assessment, the need to quantify the operational phase has been scoped out. The proposed development will not exceed 500 Annual Average Daily Traffic and in total, the development would generate 138 AADT. In agreement with the consultants, the air quality changes expectant at existing sensitive receptors along the vehicle movement network can therefore be considered to be negligible and not significant. On this basis there are no objections on the grounds of air quality.

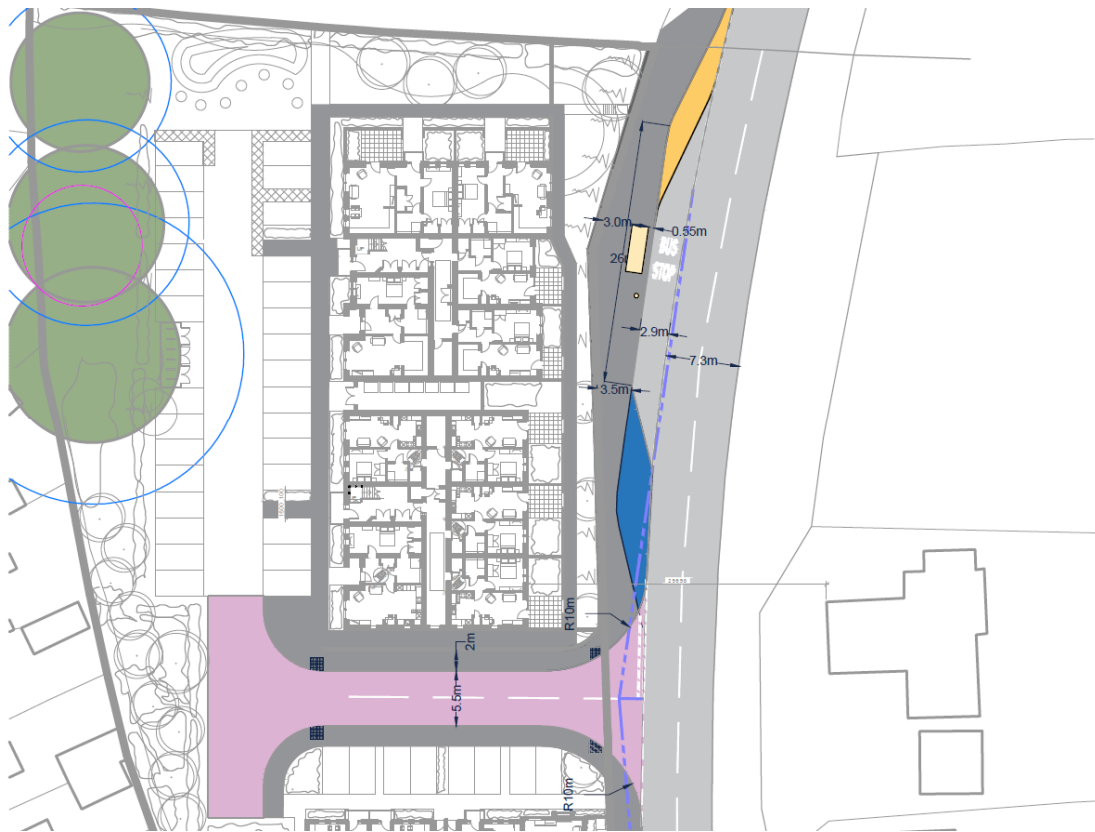
Access and Parking Provision

The access into the site via Aberthin Road leads to a turning head for manoeuvring by a refuse vehicle. Cycle storage is proposed for the flats through the combination of an external shelter, and ground floor internal storage provision within each apartment block. The houses each have sufficient space within their gardens and/or sheds for the storage of bikes, and the back garden to each house is independently accessible from the road.

To the immediate south of the access road, adjacent to the properties they serve, is the car parking provision for the houses at two spaces per dwelling. The car parking for the flats is provided to the rear (west) of the flats and comprises of a total of 30 spaces, (a ratio of 1:1) overlooked by the flats. There is also a cycle store located centrally within the parking area, with provision of 12 cycle spaces. Bin storage for the flats is located between block A and block B, resulting in minimal visual impact upon the street scene. The houses will present waste onto the road on collection day and be able to store their bins in rear gardens at all other times.

The Highway engineer was consulted on the original scheme (for 48 dwellings), and requested amongst other things, an amended plan for tracking for large refuse vehicles, the access kerb radii at the entrance to the development should be 10m and the need to create a combined pedestrian/ cycling footway of 3.5m along the length of the development on Aberthin Road to satisfy the Councils future proposals.

However following a reduction in the number of units down to 34 and in light of the number of design reiterations, the scheme has been amended several times, and based on the most recent set out comments, the layout plan (shown below) shows the required pedestrian gate/link to the back of the parking/ under flyover, in addition indicative bus stop location and tactile crossing point locations.



The off site works within the adopted highway of Aberthin Road would be secured by way of a separate Section 278 Agreement with the Highway Authority.

The Highway engineer has also requested that the area to be offered for adoption (shown in pink on plan above) needs to be constructed to adoptable standards (to include street lighting), with suitable drainage and that a 2m footway is to be provided at the back of the turning area.

In response, the agent states that the applicant has a preference for the road to be adopted, however, the extent of lighting that will be possible along the adopted road is a significantly constrained given the comments made by Natural Resources Wales (see below) on the biodiversity considerations for this development, where NRW have insisted on reduced lighting on-site, to maintain the dark corridor along the western edge, so as not to disturb bat flight paths. An indicative scheme of street lighting has been submitted which shows 3 columns, one at the junction and two on the straight section, with bollards on the western edge of the hammerhead (to limit light spill to the western edge of the site). Whilst formal written comments have not been received from the Highway Engineer, the Engineering Manager Highway Development & Traffic Highways and Engineering has verbally confirmed that the provision of bollard lighting would be acceptable in principle, subject to being fully detailed as part of the technical approval process under S38.

With regard to the requirement for a 2m footpath to the back of the turning head, the agent has stated that this would encroach the western bat corridor, especially on the southernmost corner and would result in the loss of landscaping. Given its location, such a footpath would not in any case connect with any existing footpath and would not appear to fall within any pedestrian desire line, particularly as two

sets of tactile crossing points have been secured either side of the internal access road and at the entrance to the turning head. As such, the required section of footpath would not appear to offer any significant improvements in respect of pedestrian safety, particularly given the ecological / landscaped impacts that it would cause. Therefore, on balance, the lack of provision of the required footway is not considered to cause harm to highway / public safety to warrant refusal of the application. However, the final design of the extent of the design of the adopted highway would form part of the technical approval process under S38, but should in any case as it is within the application site, also be submitted by way of condition (**Condition 23** refers)

In respect of the remaining points raised by the highway engineer, the agent has agreed to reinstate the existing cross over, to cover the legal costs of Traffic Order and replace all the street furniture such as VA Signs, Lamp column etc, in locations to be agreed as part of S278 and S38 agreement.

In addition, the developer has also agreed to provide EV charging infrastructure, but not the charging points at this stage, on the basis that research demonstrates that electric vehicle ownership amongst tenants is very low. It should be noted that within the Parking Standards SPG, which reflect national guidance, there is only a requirement to provide electric vehicle charging points (EVCPs) infrastructure, within new non-residential development proposals at the standards set out in within the SPG. For new residential development proposals, the Council still encourage developers to provide EVCP wherever appropriate, at a ratio of 10% of all parking spaces provided.

On the basis of the above, it is welcomed that the applicant (Hafod) are willing to offer EV charging infrastructure, to future proof the development, where such “passive” provision will provide the necessary underlying infrastructure including the necessary cabling and ducting to enable the simple installation and activation of EVCP parking spaces at a future date. Such passive provision shall be secured by way of condition at a ratio of 10% of all parking spaces provided, (**Condition 18** refers), which has been agreed by the agent.

Ecology

Policy MD9 is most relevant in respect of ecology matters, and it requires new development proposals to conserve and where appropriate enhance biodiversity interests. The Council’s Biodiversity and Development SPG (2018) requires new development to provide ecological enhancements to promote biodiversity within the Vale of Glamorgan.

The Council’s Ecologist initially raised a holding objection stating that the applicant liaise with NRW regarding further survey required for bats and the provision of mitigation/compensation and that when NRW are satisfied with the proposals, and remove their significant concerns, LPA ecologist will then be in a position to assess the application with respect to bats and other protected/priority species and habitats. In addition, given the importance of the site for numerous light-sensitive species of bats, there is a requirement that the applicant design the (external) lighting for the scheme prior to determination.

Natural Resources Wales, in their response noted that several bat species; pipistrelles, brown long eared, Myotis and lesser horseshoe, have been found to be using the building on site. Further to the submitted the David Clements Ecology Report, dated 2017, they also note that the applicant has made amendments to the proposed bat roost drawing in light of previous comments, but there continues to be insufficient information provided to demonstrate the proposal will not be detrimental to the maintenance of the favourable conservation status of Bats, a European protected species.

Following re-consultation based on :

Proposed Bat Roost' Drawing No 3703/PA/230 Revision A, dated Aug 19, by Pentan Architects

- 'Proposed Site Layout Aberthin Road, Cowbridge' Drawing No 3703 / PA / 210 Version E, dated Aug 19, by Pentan Architects
- Soltys Brewster Ecology Response Ltr dated 23 August 2022, uploaded as September 2021

NRW are now satisfied that their concerns can be overcome, if the documents identified above are included in the approved plans and documents condition on the decision notice.

NRW welcome the proposal, set out in the Soltys Brewster Ecology response letter to turn off the lights along the western boundary between 8pm and 6am between April and September inclusive and the intention to dim the lights to 25% in the remaining months of the year.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i. the development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- ii. There is no satisfactory alternative and
- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that a Local Planning Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In light of the above requirements, the three tests that need to be applied to this planning application are:

In respect of test no 1, the proposal would have an overriding benefits in terms of providing much needed affordable housing in the wider public interest within the Vale of Glamorgan.

In order to satisfy test no 2, the failure to maintain the building could eventually result in the building being at risk of falling down, where the roost would be lost. Whilst the building could be brought back into beneficial use, it is likely that any proposal to re use the building would likely result in an impact on these protected species.

With regard to test no 3, as stated above, NRW do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range, subject to identifying the approved plans and documents on the decision notice.

In line with the 'Dear CPO' letter issued by Welsh Government on 1st March 2018, NRW request that an informative is attached to any planning permission granted, advising that planning permission does not provide consent to undertake works that require an EPS licence. This shall be secured by way of an Informative.

In respect of Ecological enhancements, this can be secured by way of condition to ensure that the development enhance biodiversity interests in line with the requirements of the Council's Biodiversity and Development SPG (2018) (**Condition 19 refers**)

Archaeology

The application was supported by an archaeology and heritage report prepared by EDP Ltd (report dated October 2019). Glamorgan Gwent Archaeological Trust (GGAT) have commented on the historic significance of the building which has been considered in detail above. They advise should the buildings be preserved or otherwise, a record should be made of the buildings given their significance and this work can be undertaken at predetermination stage alongside any evaluation work.

GGAT advise that Historic Environment Record, curated by this Trust, indicate archaeological remains of Bronze Age date. Whilst the construction of the current school will have had an adverse effect on any archaeological material, there remains the possibility that similar remains to that noted above may be encountered during the course of any development. On this basis GGAT recommended an archaeological evaluation be conducted prior to any determination of this application.

An Archaeological Evaluation was subsequently undertaken by Headland Archaeology which comprised of the excavation of 5 trenches, to the rear and north of the building. The report states that the evaluation encountered evidence of landscaping and the insertion of a sewer system, associated with the development of the site between c 1896 and the 1960's and that no features or

materials pre-dating the Victorian and modern development was encountered. Following consultation, GGAT have stated that they would agree with the evaluation's conclusion that 'the likelihood of any potential buried archaeological features is highly unlikely.

However, GGAT state that there remains the outstanding Level 3 building survey, as set out in "Understanding Historic Buildings: A Guide to Good Recording Practice", Historic England, 2016. To ensure that work is carried out in a suitable manner, GGAT therefore suggest that a condition worded in a manner similar to model condition 73 given in Welsh Government Circular 016/2014 is attached to any consent that is granted in response to the current application. (**Condition 20** refers),

Drainage and Flooding

LDP Policy MD7 (Environmental Protection) requires development proposals to demonstrate that they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from flood risk and its consequences. The policy goes further to state that 'in respect of flood risk, new developments will be expected to avoid unnecessary flood risk and meet the requirements of TAN15, citing specific requirements relating to Zone C2.

Dwr Cymru Welsh Water (DCWW) were consulted and referenced their response to the Pre-Application Consultation (PAC) Report, which highlights that foul flows only can be accommodated within the public sewerage system and offers no objection in principle to proposals for discharge of surface water flows into an existing culvert. Their response also advises that the proposed development site is crossed by a combined public sewer with the approximate position being marked on the attached Statutory Public Sewer Record, although they note that the planning application is accompanied by the same 'Drainage Strategy' (Drawing No. C-SK01) which appears to indicate the proposed development would be situated outside the protection zone of the public sewer measured 3 metres either side of the centreline.

DCWW have state that no problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site and there is no objection from a water supply perspective. They have however requested a condition to ensure that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network (**Condition 21** refers) and an Advisory Note that the applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991).

The Councils Drainage Team were consulted and have stated that the site is not located in DAM zones at risk of tidal or fluvial flooding and NRW maps indicate that there is a very low risk of surface water flooding to the site. The submitted drainage strategy indicates that infiltration testing will be undertaken to confirm if soakaways are a viable option, however no infiltration data has been provided with this application. Therefore, in summary they have requested a condition (**Condition 22** refers) for a detailed scheme for the surface water drainage of the site, showing how road and roof / yard water will be dealt with has been submitted and approved in writing by the LPA, including any infiltration techniques.

On the basis of the above there is no objection to the application from a Drainage and Flooding perspective

Contaminated Land

Whilst no objection in principle has been raised to the proposal, the Council's Shared Regulatory Services, noting the previous use of the site, request that conditions be attached to any consent with regard to unforeseen contamination, imported soil and aggregates, use of site won material and an informative note in respect of contamination and unstable land (**Conditions 14, 15 and 16** refer)

Section 106 Planning Obligations

At the Council's Cabinet meeting of the 5th September 2016, there was a resolution approved to waive the requirement to seek financial obligations on 100% affordable housing sites of twenty-five units or less, where the development is made by the Council or the four housing associations zoned by Welsh Government to develop in the Vale of Glamorgan (Minute C3271 refers).

Accordingly, Section 106 contributions for this development are sought for this development on the basis of 9 units (34 minus 25).

For Members' information, the full Section 106 contributions (in line with the guidance in the Council's Supplementary Planning Guidance would be :

- Sustainable Transport - £20,700
- Public Open Space - £90,712
- Public Art - to the value of 0.26% of the build costs
- Community Facilities - £11,340
- Education- No contribution based on the remainder of the development being made up of 1 bedroom flats

Sustainable Transport

Having regard to the cost of providing and upgrading sustainable transport facilities, the Council's Planning Obligations SPG provides a basis to consider the type of contribution that may be likely to mitigate the impacts of a development of this size. This is a key aim embodied in national and local planning and transport policies, which the Council is keen to deliver. In this case, a sustainable transport contribution is required to ensure that the site is sufficiently accessible by a range of modes of transport other than the private car.

The applicant has agreed to a request of £20,700 which accords with the rationale set out in the Council's SPG for 9 units. This money could be spent on improving access for pedestrian and cyclists to and from the site from the town centre, and to improve access to shops and services etc.

Education

All new residential developments which are likely to house school aged children create additional demand on places at existing schools. PPW emphasises that adequate and efficient services like education are crucial for the economic, social

and environmental sustainability of all parts of Wales. It makes it clear that decisions should take account of social considerations relevant to land use issues, of which education provision is one. LDP Policy MD5 requires developments to make appropriate provision for community infrastructure to meet the needs of future occupiers, and educational facilities are listed as such community infrastructure in Policy MD4.

Having regard to other application for 100% affordable housing for four housing associations, the authority has been flexible on the first 25 units and the type of units that can be discounted. On this basis and based upon the remaining 1bed units, which are not family units, no contribution would be sought.

Community facilities

The Planning Obligations SPG acknowledges that new residential developments place pressure on existing community facilities and create the need for new facilities. Therefore, it is reasonable to expect new residential developments of this scale to contribute towards the provision of new, or enhancement of existing, community facilities.

The Council has developed a formula to calculate reasonable levels of contributions for community facilities, which has been derived from an analysis of the costs associated with providing such facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals. The formula set out in the Planning Obligations SPG ensures a fair and consistent approach to development proposals throughout the Vale of Glamorgan. The applicant has agreed to an amount of £11,340 which reflects the need that results from the development (based on 9 units) and accords with the guidance in the Council's SPG. This could be used, for example, to enhance Cowbridge Leisure Centre, or Cowbridge Library.

Public Open Space

Where there is an identified need for public open space, new residential development with a net gain of 5 or more dwellings are required to provide public open space, in accordance with LDP Policy MD3 'Provision for Public Open Space'. The Planning Obligations SPG requires 55.68sqm per dwelling, comprising 5.8sqm of children's equipped play space, 12.76sqm of other children's play space, and 37.12sqm of outdoor sports space.

Whilst the Cabinet Resolution sought to waive financial contributions on schemes such as this for the first 25 units, this approach does not seek to waive any necessary 'in kind' contributions necessary to make a development acceptable in planning terms. Due to the site constraints, public open space cannot practically be provided on site, and therefore appropriate provision is required accordingly. The SPG makes provision for an off-site contribution, to improve and upgrade public open space near to the site, based upon £2,668 per dwelling not catered for on site.

In this case and based upon 34 units, this would equate to £90,712 and this would be spent on improving facilities at areas of public open space that would be used by occupiers of the development. This could be used, for example, to improve facilities at the Bear Field, Old Hall Gardens, Physic Gardens, Police Field and/or Twt Park.

Public Art

The Planning Obligations SPG requires developers to set aside a minimum of 1% of their project budget specifically for the commissioning of art and the public art should be provided on site integral to the development where possible. The Public Art in New Development SPG provides additional guidance in this regard.

The applicant has agreed to this requirement, which will be 26% of 1% of development costs (9 units equals 26% of the total development).

In addition, and separate to any obligation sought, the Council requires the developer to pay an administration fee, equivalent to 20% of the application fee or 2% of the total financial contribution being sought, whichever is the greater. This fee covers the Council's costs to negotiate, monitor and implement the terms of the necessary Section 106 agreement. In this case the higher of the fees would be based on 20% of the application fee, which would be £3,648.

RECOMMENDATION

Subject to the interested person(s) first entering into a Section 106 legal agreement to include the following necessary planning obligations:

- The retention of the units as affordable in perpetuity.
- To pay a sum of £20,700 to contribute towards the provision of sustainable transport facilities in the vicinity of the site.
- To pay a sum a sum of £90,712 on improving facilities at areas of public open space that would be used by occupiers of the development
- To provide Public Art to the value of 0.26% of the build costs
- To pay a sum a sum of £11,340 to contribute towards the provision of new, or enhancement of existing, community facilities in the area.

In addition to a clause requiring the payment of a fee to monitor and implement the legal agreement (£3,648 in this case).

REASON FOR RECOMMENDATION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040.

Having regard to Policies SP1– Delivering the Strategy, SP3– Residential Requirement, SP4– Affordable Housing Provision, SP10- Built and Natural Environment, MG1 – Housing Supply in the Vale of Glamorgan, MG4 – Affordable Housing, MG1 – Sites and Species of European Importance, MG20 – Nationally Protected Sites and Species, MG21 - Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species, MD1 - Location of New Development, MD2 - Design of New Development, MD5 - Development within Settlement Boundaries, MD6 - Housing Densities, MD7 - Environmental Protection, MD9 - Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, and Future Wales – the National Plan 2040. Planning Policy Wales (Edition 11), Technical Advice Notes 2, 10, 11, 12 and 24, the Council’s Supplementary Planning Guidance on Residential and Householder Development, Affordable Housing, Biodiversity and Development Parking Standards and Planning Obligations, whilst the proposal will result in the loss of a building which is considered to be of architectural / historic merit, the proposal would result in the delivery of much needed affordable housing, the merits of which are considered to outweigh the loss of the building and the scheme is considered acceptable having regard to the design, scale and visual impact of the buildings, impact on residential amenity and privacy, parking, highway safety, traffic, noise and odour ecology, archaeology and drainage.

APPROVE subject to the following condition(s):

1. The development shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

3703/PA 001 Rev A Site Location Plan
3703-PA-210 Rev I - Proposed Site Layout
620-0001-SP01 Rev C - Swept Path Analysis
620-0001-SK01 Rev D - Proposed Site Access Visibility
319/2/E1 - M & E Site Plan
Tamlite Lighting Data Sheet - City BL Extruded aluminium LED bollard
Lighting Report R4 - Option 1 - Bollard
Amended 421.01 Rev B Planting Plan
Amended 3703/PA/201 Rev A Existing Site Survey
Amended 3703/PA/211 Rev A Overlooking Distances
Amended 3703/PA/215 Rev A Apartment Block A Proposed Floor Plans
Amended 3703/PA/216 Rev A Apartment Block A Proposed Elevations
Amended 3703/PA/220 Rev A Apartment Block B Proposed Floor Plans
Amended 3703/PA/221 Rev A Apartment Block B Proposed Elevations
Amended 3703/PA/225 Rev A 4B6P Proposed House Plans and Elevations

Amended 3703/PA/226 Rev A 3B5P Proposed House Plans and Elevations
Amended 3703/PA/227 Rev A 2B4P Proposed House Plans and Elevations
Amended 3703/PA/231 Rev A Proposed Cycle Store
Amended 3703/PA/232 Proposed Boundary Details
Amended 3703/PA/235 Rev A Proposed Site Sections
Amended 3703/PA/236 Proposed Site Sections Through Fly-over
Amended 3703/PA/240 Proposed Coloured Elevations
Amended 3703/PA/241 Proposed Coloured Elevations
Amended C1214-C-SK01 Rev B Drainage Strategy
Amended C1214-C-SK03 Rev B Site Contours Sketch

Amended Tree Survey
Amended Draft Tree Protection Plan
Amend Tree Constraints Plan
Amended Arboricultural Impact Assessment

Amended Planning Statement
Amended Design and Access Statement (version 2)
Amended Transport Statement
Additional Air Quality Assessment

Amended Archaeological and Heritage Assessment
Heritage Summary Report
Archaeological Evaluation
Noise Assessment Report March 2022

Extended Phase 1 and Bat Survey Report
Amended Hibernation Survey - Addendum Report Rev 2
Ecology Summer Survey Addendum Report
Soltys Brewster Ecology Response Ltr Sept 2021
Amended - 3703-PA-230 Rev A Proposed Bat Roost
Amended Ecology Report - Survey for Bats and Reptiles
Ecology comments from agent ecologist
Attachment to NRW email- with comments on email

ESP.7052b.3120 Geo-Environmental & Geo-Technical Report
ESP.7052b.3120 - Appendix A - Evaluation Methodology
ESP.7052b.3120 - Appendix B - Historical Maps
ESP.7052b.3120 - Appendix C - Envirocheck Data Report
ESP.7052b.3120 - Appendix D - BGS Borehole Records
ESP.7052b.3120 - Appendix E - Preliminary Uxo Risk Assessment
ESP.7052b.3120 - Appendix F - Trial Pit Records
ESP.7052b.3120 - Appendix G - Windowless Sample Drillhole Records
ESP.7052b.3120 - Appendix H - Results of Soakaway Infiltration Testing
ESP.7052b.3120 - Appendix I - Results of DCP Testing
ESP.7052b.3120 - Appendix J - Results of Gas and Ground Monitoring
ESP.7052b.3120 - Appendix K - Geotechnical Lab Test Results
ESP.7052b.3120 - Appendix L - Geoenvironmental Lab Test Results
ESP.7052b.3120 - Cowbridge Plates
ESP.7052b.3120 - Fig 1 - Site Features
ESP.7052b.3120 - Fig 2 - Investigation Point Plan

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

3. Notwithstanding the submitted details, and prior to their use on site samples of all materials and finishes to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to its first beneficial use.

Reason:

To safeguard local visual amenities, as required by Policies SP1 (Delivering the Strategy) and Policy MD2 (Design of New Development) of the Local Development Plan.

4. Notwithstanding the submitted plans no development (or any site clearance / demolition) shall commence until full details of existing ground levels within and adjacent to the site and proposed finished external and floor levels of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To ensure that the amenities of the area are safeguarded, and to ensure the development accords with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

5. Notwithstanding the submitted plans, prior to the commencement of development (including any demolition) full details of all means of enclosure around and within the site, including details of any existing enclosures which are to be retained/altered, in addition to details of the works to reinstate / alter the existing low level stone wall, stone piers and railings and a 1.8m high stone wall along eastern boundary of Plot 1. shall be submitted to and approved in writing by the Local Planning Authority. Where the agreed means of enclosure forms the site boundary with adjacent dwellings, this means of enclosure shall be erected prior to the commencement of development (including any demolition). All other means of enclosure as approved shall be completed in accordance with the approved details prior to first beneficial occupation of the respective houses and flats and shall thereafter be so retained. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no other fences, gates or walls shall be erected within the site other than those agreed.

Reason:

To safeguard the amenity and privacy of adjoining occupiers and in the interests of visual amenity as required by Policy MD2 (Design of New Development) of the Local Development Plan.

6. Notwithstanding the submitted details, a method statement setting out the "no dig" method of construction within the RPA area of the protected trees shall be submitted to and approved in writing by the Local Planning Authority. The "no dig" works shall thereafter be carried out in full accordance with the agreed method statement.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

7. All the trees shown on the Draft Tree Protection Plan shall be protected by fencing, the type of which shall be approved in writing by the Local Planning Authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained* until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

* the only works permitted within the Root Protection Area of the protected trees within the protective fencing is the "no dig construction" works which shall take place at the end of the contract after the completion of the houses and flats.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

8. Notwithstanding the submitted plans, other than demolition, no construction works shall take place until there has been submitted to and approved in writing by the Local Planning Authority an amended scheme of landscaping, which shall include a detailed layout and specification for the seating and play area. The seating and play areas shall thereafter be laid out in accordance with the agreed details, prior to the occupation of any of the flats and thereafter retained.

Reason:

To safeguard local visual amenities and to ensure appropriate amenity space provision for the occupiers and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

10. The building and site must be development in line with the detailed noise mitigation measures as set out in the Noise Assessment Report March 2022, except for the 1.8m high fence to the eastern boundary of Plot 1, which shall be a 1.8m high stone wall. All mitigation measures shall be completed before the occupation of any of the dwellings or flats and thereafter retained in perpetuity.

Reason:

To safeguard the amenities of the residents and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

11. Prior to occupation a post development noise assessment shall be undertaken and submitted for approval to the Local Planning Authority. The post development noise assessment shall demonstrate that all habitable rooms in the attic space achieve internal noise levels of 35dBA Leq16hour during the day and bedrooms achieve 30dBA Leq 8hour at night (with windows closed), consideration should also be taken in regards to the LAMax 45db which will need to be achieved. The relevant flats that do not achieve the required standard shall not be occupied until such mitigation has been undertaken to comply with the above standards.

Reason:

In order to ensure that future occupants of the residential development are not affected by unacceptable levels of road noise to meet the noise impacts as set out in TAN 11 and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

12. The building shall not be occupied until the parking, cycle parking and associated access and turning areas have been laid out on site in accordance with the approved plans and the approved layout shall thereafter be kept available for the parking of vehicles / cycle parking in perpetuity.

Reason:

To ensure that satisfactory vehicle and cycle parking and turning facilities is provided on site to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

13. No development shall commence, including any works of demolition, until a Construction Environment Management Plan (CEMP) which shall include a detailed Dust Management Plan, has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall also include the following details:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials and haulage routes;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) a method statement for the phasing and demolition works of the building;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii) hours of construction;
- ix) lighting;
- x) management, control and mitigation of noise and vibration;
- xi) odour management and mitigation;
- xi) diesel and oil tank storage areas and bunds;
- xii) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development; and
- xiii) a system for the management of complaints from local residents which will incorporate a reporting system.

The construction of the development shall be undertaken in accordance with the approved CEMP.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place until a scheme to deal with the contamination found has been submitted to and approved in writing by the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

15. Any aggregate (other than virgin quarry stone) or recycled aggregate or any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

To ensure that the safety of future occupiers is not prejudiced in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

16. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

Reason:

To ensure that the safety of future occupiers is not prejudiced. in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

17. No dwelling or flat shall be occupied until the parking spaces and cycle storage, associated access and turning areas have been laid out within the site in accordance with drawing no 3703/PA/210 Rev I (Proposed Site Layout) which shall thereafter be retained in accordance with the approved layout in perpetuity.

Reason:

To ensure that satisfactory vehicle parking, access and turning facilities is provided on site to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

18. The development hereby approved shall have a minimum of 10% of all car parking spaces provided with charging "passive" infrastructure to include the necessary cabling and ducting to enable the simple installation and activation of EVCP parking spaces at a future date.

Reason:

To facilitate future provision of electric vehicle charging point parking to serve the development to ensure compliance with Policy 12 (Regional Connectivity) of Future Wales - The National Plan 2040.

19. Prior to the beneficial use of the building hereby approved, an ecological design strategy (EDS) addressing enhancement measures shall be submitted to and approved in writing by the local planning authority and the development shall thereafter be carried out in accordance with the approved strategy within a timescale agreed within the EDS. The EDS shall include the following:

- a) Details of bird box provision
- b) Details of landscaping features
- c) Details of any additional ecological enhancements

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD9 (Promoting Biodiversity) of the Local Development Plan.

20. No demolition or removal of any internal features of the building shall commence until an appropriate programme of historic building recording and analysis has been secured (which shall take the form of a level III survey as set out in "Understanding Historic Buildings : A Guide to Good Recording Practice", Historic England, 2016) 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.

Reason:

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 Policies SP1 (Delivering the Strategy) and SP10 (Built and Natural Environment) of the Local Development Plan.

21. The drainage scheme for the site shall ensure that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason:

To prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the Local Development Plan.

22. Other than demolition, no construction works shall commence on site until a detailed scheme for the surface water drainage of the site, showing how road and roof / yard water will be dealt with has been submitted and approved in writing by the LPA. If infiltration techniques are used, then the plan shall include the details of field percolation tests. Any calculations for onsite attenuation or discharge should also be included together with the details on the management of the drainage system. The approved scheme shall be implemented prior to first beneficial occupation of any unit.

Reason:

To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased elsewhere and to prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the Local Development Plan.

23. Before the commencement on the construction of development, full engineering details of the extent of the extent of internal access road and turning area to be adopted, including drainage and lighting shall be submitted to and approved in writing by the Local Planning Authority. The engineering details as approved shall be fully completed before the first beneficial use of any of the houses and flats hereby approved.

Reason:

To ensure the means of access to the site is provided in accordance with the Council's standard details for adoption and in the interests of highway safety and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

NOTE:

1. CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE

The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

**(i) determining the extent and effects of such constraints;
(ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;**

- Unprocessed / unsorted demolition wastes.**
- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.**
- Japanese Knotweed stems, leaves and rhizome infested soils.**

In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

2. **The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.**

The applicant is also advised that some public sewers and lateral drains may not be recorded on DCWW maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

3. **Warning: An European protected species (EPS) Licence is required for this development.**

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

4. **The applicant is required to contact Highway Maintenance team (networkmanagement@valeofglamorgan.gov.uk) prior to carrying out any works on site adjacent to the adopted highway to agree location, specifications and for permission to work within the highway. All associated costs of undertaking the works will be at the applicant's own expense to ensure all works on the adjacent highway will be undertaken in accordance with the Council's standard details for adoption and in the interests of highway safety. The developer must enter into a Section 278/S38 Agreement with the Highway Authority before undertaking works along the adjacent highway**

5. The archaeological work must be undertaken to the Chartered Institute for Archaeologists (CIfA), "Standard and Guidance for Building Recording" (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.
6. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.
7. The applicant shall note that a minimum of 12 weeks notice is required to implement a Temporary or Permanent Traffic Regulatory Orders should the closure or other order be agreed. Requests for any such orders must be submitted in writing to Operational Manager Highways and Engineering, Alps Depot Wenvoe, Vale of Glamorgan.

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.