

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **28 FEBRUARY, 2019**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

1. BUILDING REGULATION APPLICATIONS AND OTHER BUILDING CONTROL MATTERS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING UNDER DELEGATED POWERS

(a) Building Regulation Applications - Pass

For the information of Members, the following applications have been determined:

2018/1230/BN	A	8, The Heathers, Barry	Removal of internal structural wall
2018/1267/BR	AC	Larkfield, St Andrews Road, Dinas Powys	Proposed demolition of existing dwelling and construction of new detached replacement dwelling
2019/0025/BN	A	37, Shakespeare Avenue, Penarth	EWI
2019/0026/BN	A	36, Shakespeare Avenue, Penarth	EWI
2019/0027/BN	A	31, Shakespeare Avenue, Penarth	EWI
2019/0028/BN	A	29, Shakespeare Avenue, Penarth	EWI
2019/0031/BN	A	40, Victoria Road, Penarth	Detached double garage
2019/0037/BN	A	54, The Broadway, Cowbridge	structural alterations
2019/0039/BN	A	20, Ravenshoe Road, Barry	Single storey rear extension to enlarge living area
2019/0045/BR	AC	2, Swanbridge Farm, St Marys Well Bay Road, Penarth	Proposed Mezzanine Storage Floor to Conservatory

2019/0047/BN	A	Maes y Deri, Gwern Y Steeple, Peterston Super Ely	Addition of second storey to existing dormer bungalow and general remodelling and visual enhancement
2019/0048/BR	AC	Rose Cottage, Treoes	Alteration/extension
2019/0050/BN	A	19, Dyserth Road, Penarth	Hip to gable loft conversion with rear dormer and new window to side elevation
2019/0052/BN	A	The Stables, Church Road, Llanblethian	Replacement of existing doors and windows to the annexe and dining room with composite and double glazed uPVC units. Two new dormers to the front of the annexe and roof lights to the rear pitch and the inner courtyard dining room roof.
2019/0054/BN	A	18, Pontypridd Street, Barry	Rebuild pine end of house and renew windows
2019/0055/BN	A	57, Eastgate, Cowbridge	To construct a single storey rear extension. The size is estimated to be 4800mm x 2600mm. The inner and external walls to be of concrete block with a 125mm cavity and 75mm insulation. A sloped roof and fibre cement tiles with 2 roof Velux windows. A set of bi-folding doors to be installed 2700mm long. A new W/C to be installed to the extension.
2019/0056/BN	A	18, Borough Avenue, Barry	Two storey extension
2019/0058/BN	A	36, Coldbrook Road East, Barry	Single storey rear extension and demolition of rear chimney stack
2019/0060/BN	A	22, Augusta Road, Penarth	Single storey extension with porch
2019/0063/BN	A	10, Ruthen Terrace, Barry	EWI

2019/0064/BN	A	112, Fontygary Road, Rhoose	Single storey rear extension to extend kitchen
2019/0065/BN	A	121, Phyllis Street, Barry	EWI
2019/0066/BN	A	172, Phyllis Street, Barry	EWI
2019/0068/BN	A	13, Tydfil Street, Barry	EWI
2019/0072/BN	A	70, Bron Awelon, Barry	Single storey extension
2019/0073/BN	A	157, Lavernock Road, Penarth	convert garage to games room
2019/0074/BN	A	1, Balmoral Court, Barry	single storey extension to extend kitchen
2019/0075/BN	A	10, Church Street, Llantwit Major	Internal renovation of the ground floor at the front of the property to convert previous shop unit into kitchen/dining room
2019/0076/BN	A	3, Hopyard Meadow, Cowbridge	Internal alterations and installation of wet system underfloor heating
2019/0078/BN	A	25, Rhoose Road, Rhoose	Internal refurbishment of domestic dwelling
2019/0079/BN	A	9, Regency Close, Llantwit Major	Two rooms into one
2019/0080/BN	A	255, Barry Road, Barry	Removal of internal load bearing walls, installation of steel beams and replacement of existing lean-to porch.
2019/0081/BN	A	16, Cook Road, Barry	Single storey side extension. Front elevation to include new garage space, with the rear to be a kitchen/dines. Internal alterations to windows and doors
2019/0083/BN	A	27, Shakespeare Avenue, Penarth	EWI
2019/0084/BN	A	21, Shakespeare Avenue, Penarth	EWI

2019/0085/BN	A	18, Shakespeare Avenue, Penarth	EWI
2019/0086/BN	A	17, Shakespeare Avenue, Penarth	EWI
2019/0087/BN	A	14, Shakespeare Avenue, Penarth	EWI
2019/0088/BN	A	11, Shakespeare Avenue, Penarth	EWI
2019/0089/BN	A	9, Shakespeare Avenue, Penarth	EWI
2019/0090/BN	A	8, Shakespeare Avenue, Penarth	EWI
2019/0091/BN	A	7, Shakespeare Avenue, Penarth	EWI
2019/0097/BN	A	The Barn, Newton, Cowbridge	Removal of brick fireplace - currently supporting lintels for the chimney stack - and replacement with plastered wall, with provision for adequate structural support of chimney
2019/0100/BR	AC	28, Masefield Road, Penarth	Two storey rear and side extension
2019/0101/BN	A	36, Coronation Terrace, Penarth	Conversion of a store room to a bedroom
2019/0102/BN	A	27, Myrtle Close, Penarth	Single storey extension to rear and side
2019/0103/BN	A	24, Voss Park Drive, Llantwit Major	Installation of steel beam
2019/0104/BN	A	59, Vale Street, Barry	Bathroom adaptation. Install a through floor lift
2019/0109/BN	A	59, Vale Street, Barry	Bathroom adaptation install a through floor lift
2019/0110/BN	A	Twyncyn House, St. Andrews Road, Dinas Powys	Single storey extension to rear to enlarge kitchen

2019/0112/BN	A	7, Ruthen Terrace, Barry	Roof covering and roof line replacement works
2019/0113/BN	A	3, McQuade Place, Barry	Roof covering and roof line replacement works
2019/0114/BN	A	16, Meirion Close, Barry	Roof covering and roof line replacement works
2019/0115/BN	A	6, Newbarn Holdings, Flemingston	Form opening in existing internal wall
2019/0116/BN	A	14, Mountjoy Place, Penarth	Loft conversion under permitted development
2019/0117/BN	A	18, Manobier Court, Barry	To change bathroom to shower room
2019/0120/BN	A	82, Westbourne Road, Penarth	Installation of en-suite bathroom in existing master bedroom
2019/0121/BN	A	16, Kathleen Street, Barry	Re-roof, damp course re-render, new floors and internal alterations
2019/0122/BR	A	13, St. Oswalds Road, Barry	Adjustment of staircase for a lift installation
2019/0123/BN	A	2, Westgate, Cowbridge	Re-roof and internal alterations to ground floor
2019/0124/BN	A	3, Westgate, Cowbridge	Re-roof
2019/0125/BN	A	The Cross, Llanblethian, CF71 7JF	Proposed alterations and extension to existing conservatory
2019/0126/BN	A	Pleasant View, Heol y Mynydd, Nr Southerndown	Alter and adjust existing foul drainage and install Clearwater sewage bio unit to the rear garden
2019/0127/BN	A	7, Cwrt yr Eglwys, Dinas Powys	New opening between the kitchen and ground floor bedroom , fitting of new steel beam and post
2019/0130/BN	A	12, West End Terrace, Llantwit Major	Two rooms knocked into one to enlarge living space

2019/0134/BN	A	7, Myrtle Close, Penarth	kitchen/lounge knock through to enlarge area and create open plan
2019/0142/BN	A	6, Shakespeare Avenue, Penarth	EWI
2019/0143/BN	A	1, Shakespeare Avenue, Penarth	EWI
2019/0144/BN	A	99, Tennyson Road, Penarth	EWI
2019/0145/BN	A	91, Tennyson Road, Penarth	EWI
2019/0148/BN	A	Allt Y Wennol, Groes Faen Road, Peterston Super Ely	Two storey side extension

(b) Building Regulation Applications - Reject

For the information of Members, the following applications have been determined:

2019/0057/BN	R	214, Redlands Road, Penarth	Two storey extension
2019/0077/BN	R	33, Cardiff Road, Dinas Powys	The demolition and reconstruction of garage at rear of property to form a double storey coach house
2019/0098/BN	R	51, Pontypridd Road, Barry	Construct a granny annex to the rear of the property, The structure will be incidental and subservient to the enjoyment of the existing dwelling
2019/0131/BN	R	18, Vale View Crescent, Llandough	Double storey side extension and single storey rear extension
2019/0136/BN	R	25, Cedar Way, Penarth	Single storey extension
2019/0146/BN	R	6, Caynham Avenue, Cosmeston	Kitchen refurb with structural elements, new build porch to front elevation
2019/0150/BN	R	2, Lon Od Nant, Llantwit Major	Single storey orangery style extension to rear
2019/0153/BN	R	6, Hastings Place, Penarth	Single storey extension

(c) The Building (Approved Inspectors etc.) Regulations 2000

For the information of Members the following initial notices have been received:

2019/0005/AI	A	Headlands School, 2, St. Augustines Road, Penarth	Conversion of existing building to form radio station
2019/0006/AI	A	9, Regency Close, Llantwit Major	Proposed new build conservatory extension with solid Leka roof and associated works
2019/0007/AI	A	15, Maes Y Gwenyn, Rhoose	Single storey rear extension, works to include material alterations to structure, controlled services, fittings and thermal elements
2019/0008/AI	A	Clifton House, Treoes	Construction of side conservatory extension with Guardian Warm Roof System, works to include material alterations to structure, controlled services, fittings and thermal elements
2019/0009/AI	A	5, St. James Crescent, Barry	Removal of wall between living room and kitchen; and creation of opening in rear external wall for bi-fold doors
2019/0010/AI	A	17, Mountjoy Avenue, Penarth	Proposed construction of rear conservatory extension with Guardian Warm Roof System, works to include material alterations to structure, controlled services, fittings and thermal elements
2019/0011/AI	A	12, The Grove, Barry	Removal of supporting chimney breast
2019/0012/AI	A	2, Robinswood Close, Penarth	Proposed ground floor rear extension, two storey front extension and front dormer extension at 1st floor level, works to include material alterations to structure,

			controlled services, fittings and thermal elements
2019/0013/AI	A	2, Beryl Road, Barry	Proposed conversion of building into 3 no. 2 bedroom flats, works to include material alterations to structure, controlled services, fittings and thermal elements
2019/0014/AI	A	Unit 3, 1, Paget Road, Barry	Internal and external shop fitting works to an existing retail unit to form a Greggs shop
2019/0015/AI	A	52, Llanmead Gardens, Rhoose	Proposed single storey side/rear extension, works to include material alterations to structure, controlled services, fittings and thermal elements
2019/0016/AI	R	40, St. Davids Crescent, Penarth	Dormer loft conversion and associated works
2019/0017/AI	A	Iscoed, Rose Lane, Ewenny	Single storey sunroom extension

(d) Section 32 Building Act, 1984

It is proposed to implement the above section of the Building Act with a view to remove from the filing system, building regulation plans relating to work which has not commenced. This section of the Building Act makes provision for the Local Authority to serve notice in respect of plans which are three or more years old. Where such notices have been served (when the proposal has not commenced), it means that the plans are of no further effect and can be destroyed.

It is proposed to serve notices in respect of the following Building Regulations applications.

16/0019/BN
16/0105/BR
16/0193/BR
16/0214/BN

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PLANNING COMMITTEE : 28 FEBRUARY, 2019

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. PLANNING APPLICATIONS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING UNDER DELEGATED POWERS

If Members have any queries on the details of these applications please contact the Department.

Decision Codes

A - Approved	O - Outstanding (approved subject to the approval of Cadw OR to a prior agreement
C - Unclear if permitted (PN)	B - No observations (OBS)
EB EIA (Scoping) Further information required	E Split Decision
EN EIA (Screening) Not Required	G - Approved the further information following "F" above (PN)
F - Prior approval required (PN)	N - Non Permittal (OBS - objections)
H - Allowed : Agricultural Condition Imposed : Appeals	NMA – Non Material Amendments
J - Determined by NAFW	Q - Referred to Secretary of State for Wales (HAZ)
L - Approved <u>AND</u> refused (LAW)	S - Special observations (OBS)
P - Permittal (OBS - no objections)	U - Undetermined
R - Refused	RE - Refused (Enforcement Unit Attention)
	V - Variation of condition(s) approved

2015/01403/1/C D	A	Coed y Colwn Barn, Llancarfan	Discharge of Conditions 3 (Panel Height), 4 (Protection of Breeding Birds) and 5 (Landscaping) of planning permission 2015/01043/FUL for a proposed off grid solar panel system and associated plant room, to serve the conversion of a redundant barn to tourist accommodation.
2016/00559/1/C D	A	1, Parkside, Bonvilston	Discharge of Condition 5- Further details re: access of 2016/00559/FUL

2016/00809/6/C D	A	Land to the rear of Westgate (East of Eagle Lane), Cowbridge	Discharge of Condition 19 - Travel Plan - redevelopment to form 37 apartments for the elderly with associated works
2017/00646/1/C D	A	Lane End, Michaelston Le Pit Road, Michaelston Le Pit	Discharge of Conditions 8- Landscaping and Condition 9 - Drainage of planning application 2017/00646/FUL for refurbishment of the existing cottage; provision of an ancillary dwelling; and a replacement barn including the reinstatement of pond
2017/00724/3/N MA	A	Plots 21-25, Caerwent Gardens, off Caerleon Road, Dinas Powys	Non Material Amendment - Repositioning of plots 21 - 25 at Caerwent Gardens, Dinas Powys, by up to 4m and minor amendment to alignment of private drive
2017/00910/3/N MA	A	The Rectory, Port Road, Wenvoe	Non Material Amendment - Regularise the list of approved plans and documents listed under Condition 2 and Condition 12. Planning permission ref: 2017/00910/FUL - Development of 12 dwellings and associated infrastructure at land at The Rectory, Wenvoe

2017/01136/1/N MA	A	Former St. Cyres Lower School, Murch Road, Dinas Powys	Non Material amendment - Amend the wording of Condition 11 (Drainage Strategy). Planning permission ref: 2017/01136/HYB - Hybrid application comprising Full application for residential development for 215 units, highways and drainage infrastructure and associated landscaping; and Outline application in respect of the community and recreational use zone
2017/01337/4/C D	A	St. Pauls Church Hall, Arcot Street, Penarth	Discharge of Condition 15 (Levels) of 2017/01337/FUL
2018/00092/1/C D	A	Provincial House, Kendrick Road, Barry	Discharge of Condition 3 - Materials. Planning Permission ref. 2018/00092/FUL : Change of use and conversion of building to provide 32 affordable residential units, external alterations and associated works
2018/00226/2/N MA	A	Dan Yr Allt, Corntown Road, Corntown	Non-Material Amendment - Smaller scale prestige orangery. Planning ref: 2018/00226/FUL. Rear extension
2018/00461/1/C D	A	Ruscombe House, Westgate, Cowbridge	Proposed extensions and alterations
2018/00559/FUL	A	Church Farm Barns, Adjacent to Heol Las, Monknash	Conversion of existing barns to 4 no. holiday lets with associated parking and ancillary works
2018/00569/LBC	A	Church Farm Barns, Adjacent to Heol Las, Monknash	Conversion of existing barns to 4 no. holiday lets with associated parking and ancillary works

2018/00625/FUL	A	13, Main Avenue, Peterston Super Ely	Demolition of existing garage, construction of new dwelling and associated works
2018/00630/FUL	A	Thompson Street Estate, (Avocet Court/Kingsland Crescent) Barry	Communal bin stores
2018/00631/FUL	A	The Plug, 13a-15, Station Road, Dinas Powys	Change of use from a hairdressers to a coffee shop. Already an existing coffee shop in 13a which has been extended into 15, Station Road. Also changes to the front elevation of 15
2018/00921/LBC	A	Penllyn Castle, Penllyn	Alterations of part of roof from stone tiles to natural slate
2018/00965/FUL	A	Llwynhelig Cottage, Llwynhelig, Cowbridge	Replacement dwelling
2018/01049/FUL	A	Ewenny Quarry, St. Brides Road, Ewenny	Variation of Condition 28 of Planning Permission 2003/01554/FUL to remove criteria b), c), d) and e) relating to the size of explosive charges, blast unit delay, detonating cord depth and blast hole stemming
2018/01066/FUL	A	5, Old Port Road, Wenvoe	Proposed demolition of rear single storey flat roof extension and rear conservatory. Construction of rear, single storey flat roof extension, single storey front extension and rear flat roof dormer. Erection of rear store and enclosed courtyard with change to door and window arrangement throughout

2018/01103/FUL	A	3, Byrd Crescent, Penarth	Demolition of existing conservatory and the construction of a new two storey extension on the rear of the dwelling, incorporating an enlarged kitchen area, and an additional bathroom and rearranged bedrooms on the first floor. Proposal also includes a new Juliet balcony on the rear elevation and new first floor window on side elevation
2018/01109/FUL	A	Middle Hill, Walterston	Proposed two storey residential extension to existing house
2018/01124/FUL	R	7, Dunster Drive, Sully	First floor extension above existing ground floor bedroom and front dormer roof extension
2018/01127/FUL	A	32, Robert Street, Barry	2 Storey side extension and ground floor rear extension
2018/01139/LBC	A	Woodlands Lodge, Hayes Road, Sully	The conversion of a former mortuary to a dwelling house - seeking retrospective approval of details reserved by Conditions 3 and 5 listed building consent ref: 2017/00679/LBC
2018/01154/FUL	A	2, Cornerswell Place, Penarth	Single extension to side of house for downstairs toilet
2018/01191/FUL	A	61, Redlands Road, Penarth	Dropped kerb (single car width) outside front of house to access new driveway
2018/01198/FUL	A	Land at Lydmore Mill Farm, Dyffryn	Construction of Manege and fencing

2018/01200/FUL	A	17A, Norseman Close, Rhose	Alteration to existing conservatory to include replacing glass roof with felt, batten and tile with four Velux windows
2018/01201/FUL	A	Westra Court, Dinas Powys	Variation of Condition 7 (screening and balcony safeguarding) of Planning Permission ref. 2009/00377/FUL for two storey, three bedroom house with vehicular access, compliant to code for sustainable homes level 4
2018/01204/LBC	A	Lower Porthkerry Farm, 1, Porthkerry Road, Rhose	Replace 10 windows from single glazed wood to double glazing wood windows
2018/01206/FUL	A	Kenson Cottage, Barren Hill, Penmark	Erect pitched roof porch. Erect potting shed in garden opposite cottage
2018/01213/FUL	A	3, Seaview Cottages, Twyn Yr Odyn	Free standing balcony
2018/01216/FUL	A	6, Llanmead Gardens, Rhose	Erection of 1800mm high feather edge timber fence to the rear of the existing footpath to enclose the property's side garden
2018/01217/FUL	A	Broad Street Car Wash, Broad Street, Barry	To reverse the ingress and egress arrangement and allow erection of a semi enclosed valet area to replace the existing mobile valet canopy and allow for the existing mobile canopy to be moved to a range of central positions on the site

2018/01223/FUL	A	2, Ceri Avenue, Rhoose	Two storey extension to side of existing dwelling inc. garage and utility area on ground floor and new bedroom and playroom on first floor. Porch to front.
2018/01229/FUL	A	Unit 6, Cos - The Complete Office Solution, Ty Verlon Industrial Estate, Barry	Change of use of premises to Builders Merchant, external storage yard, single storey front extension and two storey rear extension
2018/01231/1/N MA	A	Canna Studio, Ruthin Road, Llangan	Non Material Amendment - To vary Condition No. 2 (to delete reference to the submitted drainage plans, drawings SK003A and SK005A) and Condition No. 8 (to include a requirement for foul drainage details, as well as the surface water drainage details, to be submitted and agreed by the Local Planning Authority).
2018/01235/FUL	A	174, Westward Rise, Barry	Extension of existing raised patio and creation of store underneath
2018/01246/ADV	R	Nisa, 1, Vere Street, Barry	New fascia and signage
2018/01248/FUL	A	71, Porth-y-Castell, Barry	Renewal of Planning Applications ref. 2013/01096/FUL and 2008/01506/FUL - Kitchen dining room extension
2018/01252/FUL	A	38, Nightingale Place, Dinas Powys	Erection of timber summerhouse and combined garden storage unit at far end of garden
2018/01256/LBC	A	Mount Pleasant Farm, Llangan	Installation of CCTV cameras

2018/01261/FUL	A	24, Harbour Road, Barry	Retrospective application to retain rear replaced conservatory
2018/01263/FUL	A	Maes Y Deri, Gwern Y Steeple, Peterston Super Ely	Addition of second storey to existing dormer bungalow and general remodelling and visual enhancement
2018/01264/FUL	A	Castle Bungalow, Peterston Super Ely	Proposed new roof to include roof extension and dormer windows to front and rear, to provide bedroom accommodation in roof space
2018/01270/LAW	A	97, Cornerswell Road, Penarth	Loft conversion with Hip to Gable and rear dormer
2018/01274/FUL	A	20, Sycamore Crescent, Barry	Material alteration of external appearance and porch extension
2018/01278/FUL	A	45, Pontypridd Road, Barry	New front dormer extension and replacement rear dormer extension
2018/01283/FUL	A	35, Plassey Street, Penarth	Ground floor rear extension and loft conversion with rear dormer
2018/01286/FUL	A	OS field parcel 0946, Newton House Farm, Newton	Stable block with concrete apron to front
2018/01287/FUL	A	3, Croft Street, Cowbridge	Removal of mono pitch roof to ground floor rear extension (existing) with 1st floor bedroom extension above existing kitchen
2018/01289/FUL	A	93A, Westbourne Road, Penarth	Single storey outbuilding to rear garden to provide storage and gym

2018/01291/FUL	A	92, Stanwell Road, Penarth	Replacement of wooden sash windows with white uPVC sash windows to rear of dwelling
2018/01293/FUL	A	Rose Cottage, Colwinston, Cowbridge	To replace existing wooden fence at front perimeter of garden with a stone wall, to replace existing garden shed with a summer house and tool store to provide a new garden shed
2018/01298/FUL	A	Manorstone House, Treerhyngyll	Proposed alterations and extensions to existing property
2018/01299/ADV	A	Ty Hafan, 29, High Street, Cowbridge	To remove the shop canopy and replace with fascia sign. To install a sign next to the shop door
2018/01300/FUL	A	32, Clinton Road, Penarth	Proposed two storey front, side and rear extension and other internal alterations
2018/01302/FUL	A	2, Longmeadow Drive, Dinas Powys	Proposed ground floor rear extension
2018/01303/FUL	A	6, Robinswood Close, Penarth	Extension to side of house above existing garage with additional dormer constructions and rooflights
2018/01304/FUL	A	19, Maes Illtuds, Llantwit Major	Proposed single storey extensions to rear and side of property
2018/01308/FUL	A	Chelsea Cottage, 47, Highwalls Avenue, Dinas Powys	Rear single storey extension to replace existing. Garage to replace existing at side rear of property
2018/01309/FUL	A	Iscoed, Rose Lane, Ewenny	Demolition of conservatory and new sun room extension

2018/01320/FUL	A	55, Golwg Y Coed, Barry	Conversion of integral garage to habitable room. Removal of garage door, with installation of window and rendered blockwork to match existing
2018/01321/LAW	A	76, Port Road East, Barry	Construction of single storey rear extension with roof conversion consisting of Hip to Gable to rear roof slope
2018/01322/FUL	A	28, Masefield Road, Penarth	Two storey rear and side extensions with single storey lean to extension to front
2018/01327/FUL	R	Pentre Meyrick House, Ruthin Road, Pentre Meyrick	Change of use of part of existing paddock into residential use. Creation of high quality landscaping on this area of land and the construction of a macadam tennis court with 8 foot chain link fencing enclosing it
2018/01329/FUL	A	New Broad Street Motors, Ty Verlon Industrial Estate, Barry	Division of existing unit with alterations to window and door openings
2018/01331/FUL	A	Kendal House, Penllyn	Demolition of existing single storey rear projection and erection of part two, part single storey rear extension, alterations to fenestration and removal of existing pitched roof to swimming pool and replacement with a flat roof
2018/01332/FUL	A	Ashwood House, Ystradowen	Rear single storey extension
2018/01333/FUL	A	Ty Cerrig, Bonvilston	The widening of an existing agricultural track

2018/01336/FUL	A	192, Lavernock Road, Penarth	Two storey side extension to replace existing single storey side extension, and single storey rear extension
2018/01340/FUL	R	3, Heol Y Mynydd, Welsh St. Donats	New two storey extension to include kitchen and dining area on ground floor and bedroom and bathroom on first floor. New attic store room to include new dormer and roof lights
2018/01341/FUL	A	5, Llys Dwynwen, Llantwit Major	Single storey rear extension and two storey side extension
2018/01347/FUL	A	28, Melyn Y Gors, Barry	Single storey extension and lowering of rear garden level
2018/01353/FUL	A	2, Brynteg Cottages, Tredodridge	Two storey extension on East elevation of existing dwelling and single storey extension to the South front elevation together with general refurbishment of existing dwelling
2018/01357/FUL	A	15, Lynmouth Drive, Sully	Proposed alterations to dwelling including construction of new roof with dormer windows to front
2018/01360/FUL	A	7, Coleridge Avenue, Penarth	Proposed loft conversion with Hip to Gable and rear dormers, single storey rear extension and side extension in place of existing garage. All materials to match the existing
2018/01362/FUL	A	10, Park Road, Penarth	Retrospective permission for balcony on rooftop with glass balustrade

2018/01364/FUL	A	25, Wordsworth Close, Llantwit Major	Proposed alterations and extension to existing property
2018/01366/FUL	A	41-42, Park Crescent, Barry	To part convert existing convenience store/post office with A1 use to new Cafe with A3 usage (existing lock up shop A1 use to remain) - the work would include reinstatement to separate residential occupation of 41 and 42, Park Crescent, Barry
2018/01371/FUL	A	29, West Terrace, Penarth	Loft conversion, rear extension adaptations and additional first floor window to west elevation
2018/01378/FUL	A	27, Glyn Y Gog, Rhoose	Ground floor rear extension
2018/01379/FUL	A	39, Heol Tre Forys, Penarth	Single storey rear extension
2018/01387/LAW	A	13, Dingle Road, Penarth	Construction of two dormers to the rear forming an "L", all windows to face rear garden. New Veluxs installed in the front principle elevation. Removal of chimney breast in bedroom 3 and window relocated to centre of room on rear elevation
2018/01397/LAW	A	32, Dock Street, Cogan, Penarth	Side extension
2018/01398/FUL	A	Hill Cottage, Llantrithyd	Single storey rear extension
2018/01402/LAW	A	9, Regency Close, Llantwit Major	Construction of conservatory addition to rear elevation

2018/01409/FUL A 6, Hastings Place, Penarth Single storey rear and side extension with front porch and associated alterations

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **28 FEBRUARY, 2019**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2017/01005/OUT
Appeal Method: Written Representations
Appeal Reference No: 19/3220947
Appellant: Mr. Martin Stokes
Location: Land at Baobab, Highlight Lane, Barry
Proposal: Erection of 6 new dwellings
Start Date: 31 January 2019

L.P.A. Reference No: 2018/01051/FUL
Appeal Method: Written Representations
Appeal Reference No: 19/3221499
Appellant: Mr. Jeff Kitch
Location: 88, Wordsworth Avenue, Penarth
Proposal: Proposed single storey 1 bed residential unit to rear of house
Start Date: 4 February 2019

(b) Enforcement Appeals Received

L.P.A. Reference No: ENF/2018/0174/PC
Appeal Method: Written Representations
Appeal Reference No: C/18/3219470
Appellant: Mr Malcom Morgan
Location: 87, Salisbury Road, Barry
Proposal: Without planning permission, the erection of timber decking to the rear of the dwelling house
Start Date: 24 January 2019

(c) Planning Appeal Decisions

L.P.A. Reference No: 2018/00892/FUL
Appeal Method: Written Representations
Appeal Reference No: 18/3216220
Appellant: Mr. Dwayne Ibbertson
Location: Unit 3c, Ty Verlon Industrial Estate, Cardiff Road, Barry

Proposal: Change of use from B8 (storage and distribution) to D2 (assembly and leisure)
Decision: Appeal Dismissed
Date: 29 January 2019
Inspector: Richard Duggan
Council Determination: Delegated

Summary

The main issue was considered to be the effect of the proposed development on the supply of employment floorspace in the area.

The appeal related to the change the use of the premises from Use Class B8 to Use Class D2 to operate as a gymnasium.

In the first instance the Inspector considered the Council's Employment Land and Premises Study (2013), and noted the Council's view that, due to the low vacancy rates and the predominance of employment uses within the estate, Ty Verlon has retained a strong and important employment function within Barry since 2013.

The Inspector noted the provisions of LDP Policy MD16, in that it allows proposals for non B1, B2 and B8 employment uses at existing employment sites and premises subject to meeting a number of criteria, including: where the proposal is for ancillary or sui generis uses that would not singularly or cumulatively lead to a material change in the nature of the employment site (criterion 1); or it is demonstrated that the site or premises is no longer suitable or viable for employment purposes (criterion 2). The Inspector was of the view that the intention of this policy is to promote employment and economic activity and resist the loss of land and premises provided for business purposes, which is consistent with national policy set out within PPW and Technical Advice Note 23 (TAN 23) 'Economic Development', 2014.

The appellant suggested that the target market for the gymnasium would be employees within the existing industrial estate. This would mean that the Gymnasium could be considered as an 'ancillary use', which criterion 1 of Policy MD16 allows. However, the Inspector was of the view that, given the relatively compact and modest scale of Ty Verlon, the proposed gymnasium would not be able to sustain itself by relying solely on workers on the estate. As such, he considered that the proposed gymnasium would not be an ancillary use that would support the function of the industrial estate.

In terms of the suitability and viability of the appeal site for its continued current employment use, the Appellant provided evidence of a marketing campaign of the appeal unit. It was noted that this resulted in 15 enquiries and 10 viewings. No other information was submitted.

On this matter the Inspector said: 'Based on the evidence provided it is therefore not possible to substantiate a robust conclusion that every reasonable attempt has been made to secure a suitable B-Class employment use. Instead, I consider that the proposal falls short of a persuasive case to demonstrate that the unit is no longer required, or that there is no reasonable prospect of it being used for its intended purpose in the future.' He said that

'given the low vacancy rates on Ty Verlon Industrial Estate and the fact that the marketing exercise did lead to a number of enquiries and viewings, I am satisfied that there continues to be a demand within the local area for such employment units in this location'.

The Inspector acknowledged that the gym could employ the equivalent of 4 full-time jobs and that there would be moderate benefits by providing a health and leisure facility for workers in Ty Verlon. However, he did not think that these benefits would outweigh the harm resulting in the loss of B-class employment floorspace for which there is a future need. The proposal would not generate the level of employment that would outweigh the harm caused through the loss of business accommodation that would be required to meet future demand throughout the LDP period. The inspector considered the appeal site to be in a highly accessible location; these factors point to a clear need to retain the employment accommodation and a strong economic reason to resist its replacement by another use. Accordingly the Inspector found conflict with Policy MD16 of the LDP, PPW and TAN23.

The Inspector noted the previously allowed planning applications for a gymnasium and veterinary practice on the estate, but noted that these cases were assessed and determined under a different local policy regime and that the circumstances and context of those cases were different to that of the appeal property.

L.P.A. Reference No:	2018/00527/FUL
Appeal Method:	Written Representations
Appeal Reference No:	18/3212970
Appellant:	Ms. N. David
Location:	Windsor Bank, 37, Main Road, Ogmere By Sea
Proposal:	Replacement of existing dwelling with new 2 storey dormer-style dwelling
Decision:	Appeal Dismissed
Date:	22 January 2019
Inspector:	Aidan McCooley
Council Determination:	Delegated

Summary

The Inspector noted the topography of the site, sloping down towards the sea and that the appeal site is currently occupied by a bungalow with two adjoining modest bungalows either side. On the opposite side of the road the houses are set down below road level.

The Inspector noted the requirements of LDP Policy MD2 and MD5, which require that development proposals should:

- (i) respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix, and density; and

- (ii) be of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality.

The principles of good design are contained in Planning Policy Wales 10 and TAN 12 Design.

Planning permission for a replacement 2 story dormer style dwelling was approved in October 2017. The appellant's evidence was that this approval would be implemented should this appeal fail. Accordingly, the Inspector regarded this as an important material consideration and a valid fall-back position.

As there was an approval for a replacement house on the site, the Council did not raise any concerns in terms of the impact upon neighbouring properties, parking and amenity space or the Glamorgan Heritage Coast. The Inspector agreed with these conclusions. As such, the principle issue in the appeal related solely to the design of the proposal in terms of its scale, form and proportions and its impact on the character of the site context and streetscene.

The Inspector considered the context of the site to be defined by the dwellings along the same side of Main Road, which is a mixture of smaller traditional bungalows and extended dormer bungalows with a variety of roof types.

The inspector noted that, whilst the appeal proposal would be sited in a similar position to the approved scheme and would be slightly less wide, it would be significantly taller than the adjoining properties. He was of the view that the proposal would have more of a vertical emphasis, in that a 2-storey gable ended dwelling is now proposed in contrast to the approved dormer bungalow. He also noted that the appeal proposal would be around 1m higher than the approved dwelling and would not respect the context of the site, which consists of bungalows. As such, it would appear to be out of context and out of keeping with the existing streetscene. He considered that the development would have a detrimental effect on the character and appearance of the area for these reasons and would fail to satisfy LDP policies MD2 and MD5, as well as national policies and advice on design.

The Inspector acknowledged that the proposal would be set back from the road, but found that its elevated position opposite a junction would mean that it would be prominent in views from the surrounding area. This, he said, would reinforce the impression of a visually incongruous building within the streetscene, to the detriment of the character and appearance of the area.

(d) Enforcement Appeal Decisions

None

(e) April 2018 – March 2019 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (to measure performance)	W	17	7	24	-
	H	2	1	3	-
	PI	-	-	-	-
Planning Total		19 (70%)	8 (30%)	27	-
Committee Determination		-	2 (100%)	2	-
Other Planning appeals (inc. appeal against a condition)		-	1	1	-
Enforcement Appeals	W	-	-	-	-
	H	1	-	1	-
	PI	-	-	-	-
Enforcement Total		1	-	1	-
All Appeals	W	17	8	25	-
	H	3	1	4	-
	PI	-	-	-	-
Combined Total		20 (69%)	9 (31%)	29	-

Background Papers

Relevant appeal decision notices and application files (as detailed above).

Contact Officer:

Mrs Justina M Moss, Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **28 FEBRUARY, 2019**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. TREES

(a) Delegated Powers

If Members have any queries on the details of these applications please contact the Department.

Decision Codes

A - Approved
E Split Decision

R - Refused

2018/01211/TPO	A	Greystones House, Llanmaes	Work to trees covered by TPO No. 1 of 1977
2018/01225/TPO	A	4, Campbell Court, St. Nicholas	Felling and removal of diseased, dying and dangerous single Ash tree located to the rear garden boundary
2018/01250/TPO	A	Beechwood College Ltd, Hayes Road, Sully	Work to trees covered by TPO No.4 of 2001 - Removal of dead wood, fell dead/dying/diseased trees and reduce height
2018/01260/TPO	A	The Captains Wife, Beach Road, Swanbridge	Works to trees covered by TPO No. 6, 1952 - Pollard Sycamore Tree
2018/01301/TPO	A	Hillbrow, Colhugh Street, Llantwit Major	Work to Trees covered by TPO No.3 of 1977 - Remove Cherry, crown lift Sorbus, reduce Ash and Sycamore

2018/01323/TPO	A	Long Acre, Highlight Lane, Barry	Work to Trees covered by TPO No. 7 of 2006 - Cut back all trees to boundary line & re-balance. Crown Reduction of 30% including height reduction of 3 metres (TPO covers 5 sycamores)
2018/01326/TCA	A	The Lindens, Bradford Place, Penarth	Work to trees in Penarth Conservation Area
2018/01339/TPO	A	1, Maillards Haven, Penarth	Works to Lime tree covered by TPO number 1 of 1988
2018/01344/TCA	A	11, Church Avenue, Penarth	Work to Trees: To reduce the sides of the crown by a third, Pollard the top to the previous pollarded point. Tree located in the front property
2018/01345/TPO	A	The Lindens, Bradford Place, Penarth	Work to trees
2018/01349/TPO	A	September View, 4, Ashgrove, Dinas Powys	Work to Trees (TPO No. 02 of 1954)
2018/01351/TCA	A	Woodlands House, Bonvilston	Works to trees in the Bonvilston Conservation Area
2018/01367/TCA	A	Beech Tree House, Great House Meadows, Llantwit Major	Reduction of cherry tree by 25%. Reduction of Oak tree by 25% and crown lift. Reduction of Sweet Chestnut by 25%
2018/01372/TPO	A	Front garden of 61, Walston Road, Wenvoe	Work to Ash tree covered by TPO No. 01 of 2003, reduce due to proximity to cracked wall
2018/01375/TCA	A	27, Victoria Road, Penarth	Work to trees in Penarth Conservation Area - Reduce apple tree and remove Horse Chestnut in rear garden

2018/01394/TPO	A	Llanblethian Playing Fields, Piccadilly, Llanblethian, Cowbridge	Works to trees covered by TPO number 7 of 1973 - Reduce line of semi mature Ash trees to 3 ft.
2018/01395/TCA	A	Holy Cross Church, Church Street, Cowbridge	Work to trees in Cowbridge Conservation Area - Reduction of Yew tree
2018/01399/TCA	A	To Hesg, Colhugh Street, Llantwit Major	Work to Trees: Removal of two Leylandii trees on the boundary between To Hesg and Croft Cottage, Colhugh Street, Llantwit Major. The trees are on the To Hesg side of the boundary

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **28 FEBRUARY, 2019**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

6. PLANNING APPLICATIONS

Background Papers

The following reports are based upon the contents of the Planning Application files up to the date of dispatch of the agenda and reports.

2018/01358/FUL Received on 17 December 2018

Applicant: DS Properties (Goods Shed) Ltd, c/o Agent

Agent: Miss Louise Darch WYG, 5th Floor, Longcross Court, 47, Newport Road, Cardiff, CF24 0AD

The Goods Shed, Hood Road, The Innovation Quarter, Barry

Change of use, conversion and alterations to the Goods Sheds to provide a mixed use scheme comprising 11 live-work units (sui generis/ Class C3 use), restaurant (Class A3 use), technology hub/community workshop (Class A1, A2, B1 and/or D1 use) and flexible events space (Class A1, A2, A3 and/or D1 use), erection of entrepreneurial incubator business units not exceeding 68 units (converted shipping containers) (Class A1, A3, B1, D1 and/or D2 use), drive-thru coffee shop (Class A3), outdoor cinema (Class D2), farmers market/pop-up street food area (Class A1 and/or Class A3), children's playground (Class D2), access and servicing arrangements, car parking and associated works.

REASON FOR COMMITTEE DETERMINATION

The application is 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 is for a mixed use development comprising the conversion of the Goods Shed to commercial uses (classes A1, A2, A3, B1 and D1) and 11 no. residential/live-work units, the construction of a steel container village comprising commercial uses within classes A1, A2, A3, B1, D1 and D2, a drive thru A3 unit constructed from steel containers, an area of open space between the Goods Shed and container village to function as a play space/outdoor cinema/performance space, and a farmers market.

The development would be served by two new vehicular access points from Hood Road and a total of 28 parking spaces (18 adjacent to the drive-thru and 20 spaces in the eastern part of the site).

The main issues involved in the assessment of the application are the principle of the uses, design and visual impact, impact on the setting of the listed Pumphouse, impact on residential amenity, parking and highways issues, provision of amenity space and open space, drainage, ecology and Section 106 issues. No representations have been received from the public and a strong objection has been raised by Barry Town Council. The application is recommended for approval, subject to conditions.

BACKGROUND

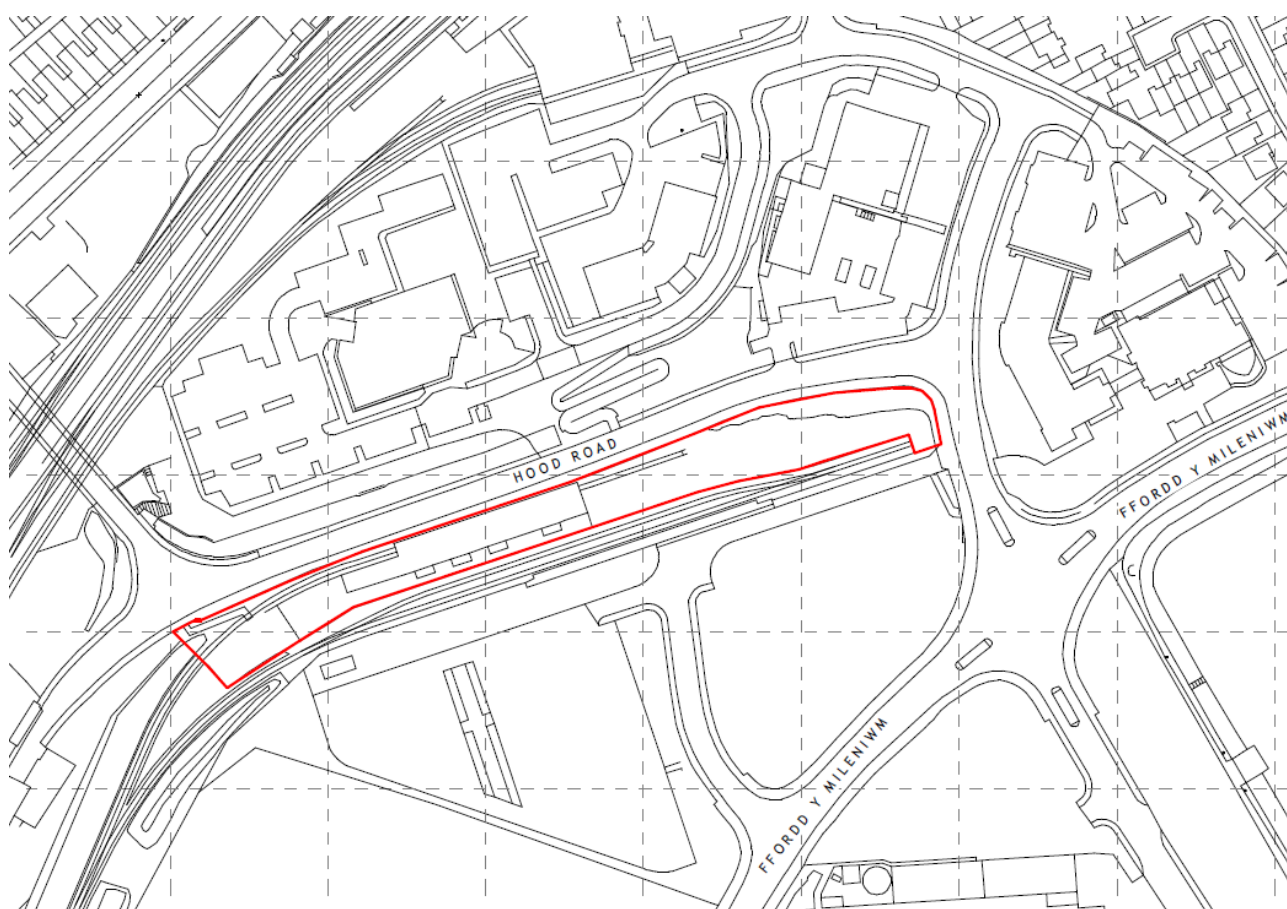
This planning application relates to the conversion of the Goods Shed, the construction of a steel container village, and various ancillary uses/spaces including a drive-thru A3 unit, an outdoor performance/play space and a farmers market. The application site is the full extent of the land outlined in red on the plan below.

Alongside this application, the Council have received a separate planning application (2018/01359/FUL) for 42 residential units in a five storey block. That application is proposed on the eastern part of this site and has the same applicant. While the two applications are separate, the two proposals essentially form one whole redevelopment of this site, and there are a number of overlapping/intrinsically linked aspects.

The two proposals both include a vehicular access point from Hood Road into the eastern part of the site, and the parking area that it accesses would serve both developments. In addition, the two applications have been considered together for the purposes of calculating affordable housing requirements.

SITE AND CONTEXT

The application site is the Goods Shed (and associated land), Hood Road, Barry. The site includes the Goods Shed building and the land to either side, as shown on the plan below.



The site is located within a mixed commercial and residential context, in the heart of the Barry Waterfront Innovation Quarter. To the south of the site is the railway line and land in the Council's ownership that is being marketed for commercial uses (Innovation Quarter Southern Development Site), to the east of the site is the Premier Inn hotel (and residential properties beyond), to the north of the site is the mixed use converted Pumphouse, the medical centre and the Council's Business Service Centre (BSC) and to the west is a car sales business. The site measures approximately 0.45 hectares in size.

DESCRIPTION OF DEVELOPMENT

The application proposes the conversion and change of use of the Goods Shed building to the following:

- 11 x live work residential units (at first floor and partial second floor).
- A mix of uses at ground floor including a restaurant, bar/brewery, a tech hub (use class B1) and/or D1 uses.

The application also includes a steel container 'village' constructed to a combination of 3 and 4 storeys, comprising uses in classes A1, A2, A3, B1, D1 and D2. The layout plans show a total of 49 containers, 40 of which would potentially be used for the uses listed above, with the other 9 used for toilets, stairs and a kitchen. The top floor of the container village is proposed as an A3 unit, with an adjacent roof terrace.

The area between the Goods Shed and the container village is proposed as a flexible multi-use space, for purposes including a play area, outdoor performance space and an outdoor cinema.

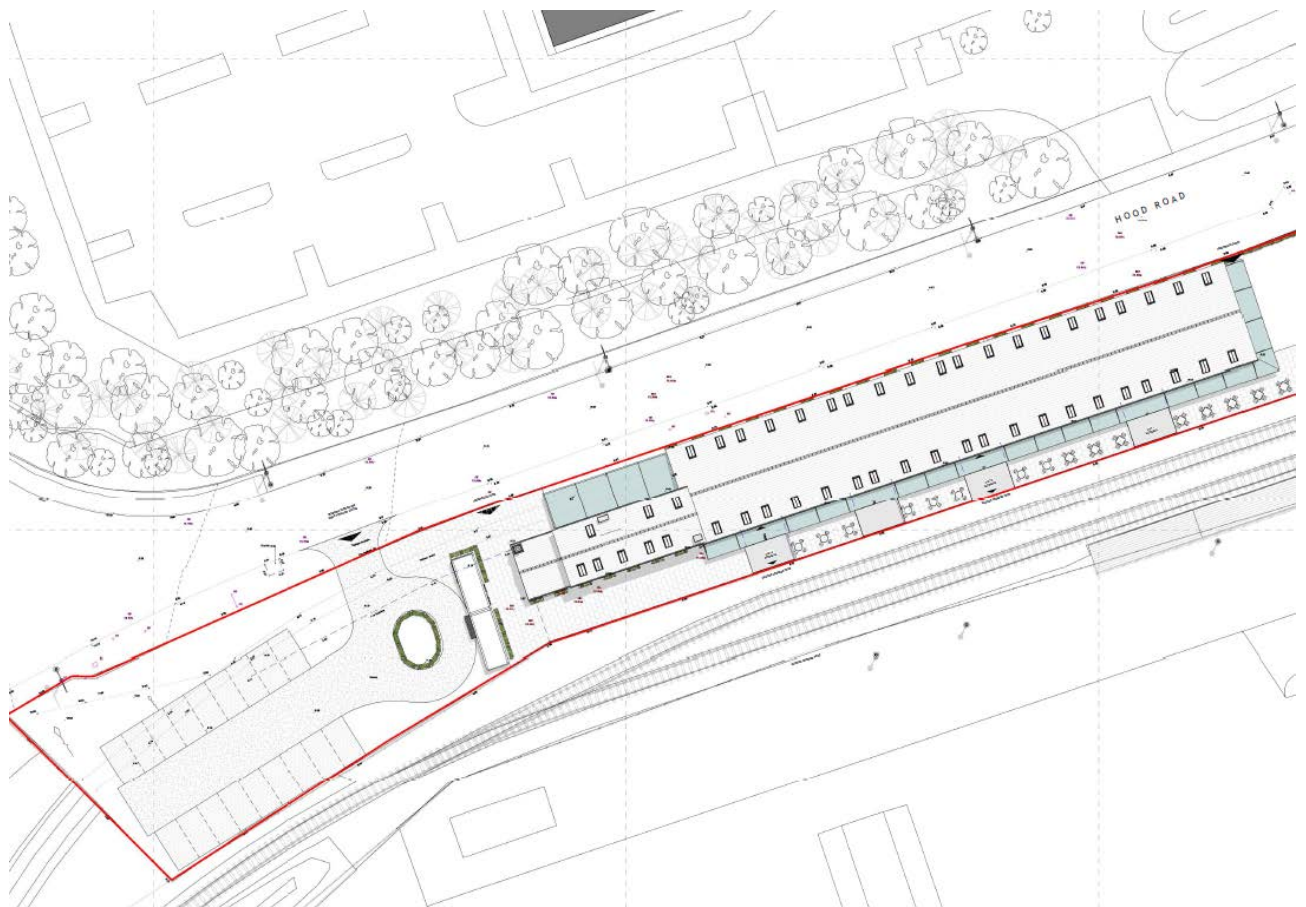
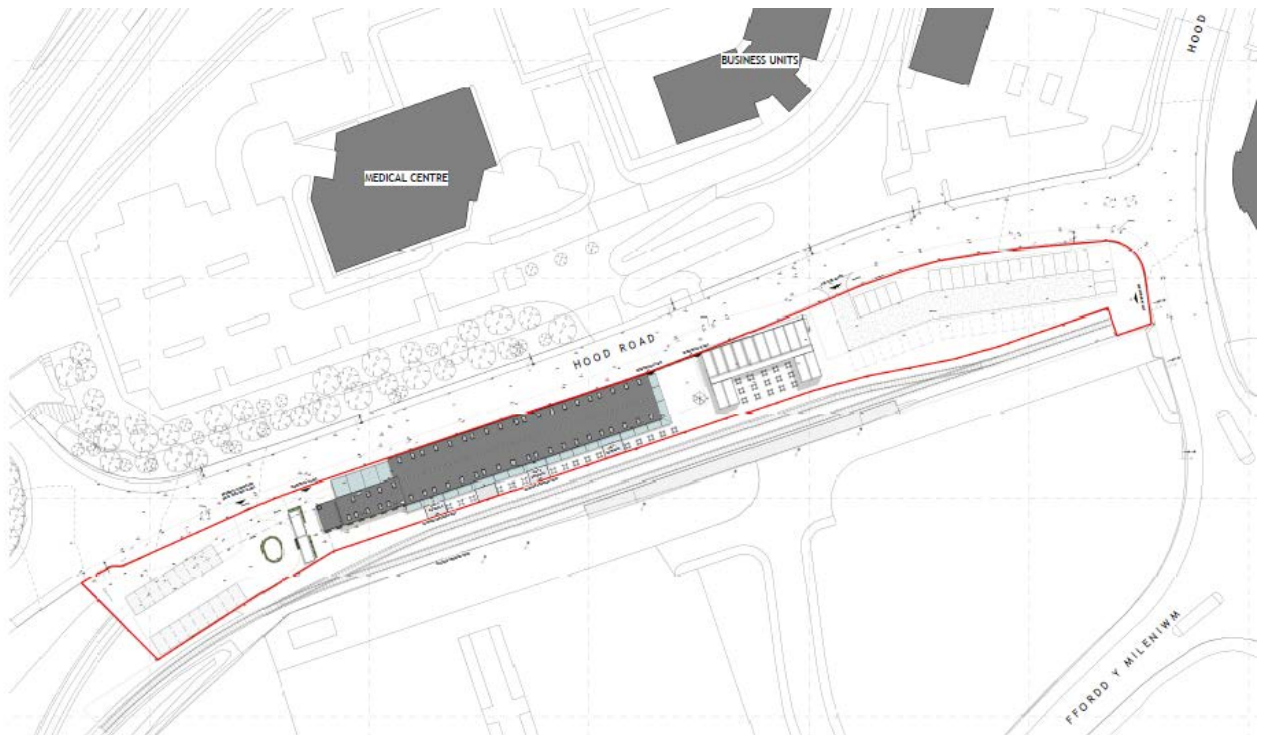
A single storey drive-thru coffee bar/A3 unit is proposed to the west of the Goods Shed, constructed from two adapted shipping containers, and a farmers market is proposed in the linear space to the south of the parking area in the eastern part of the site.

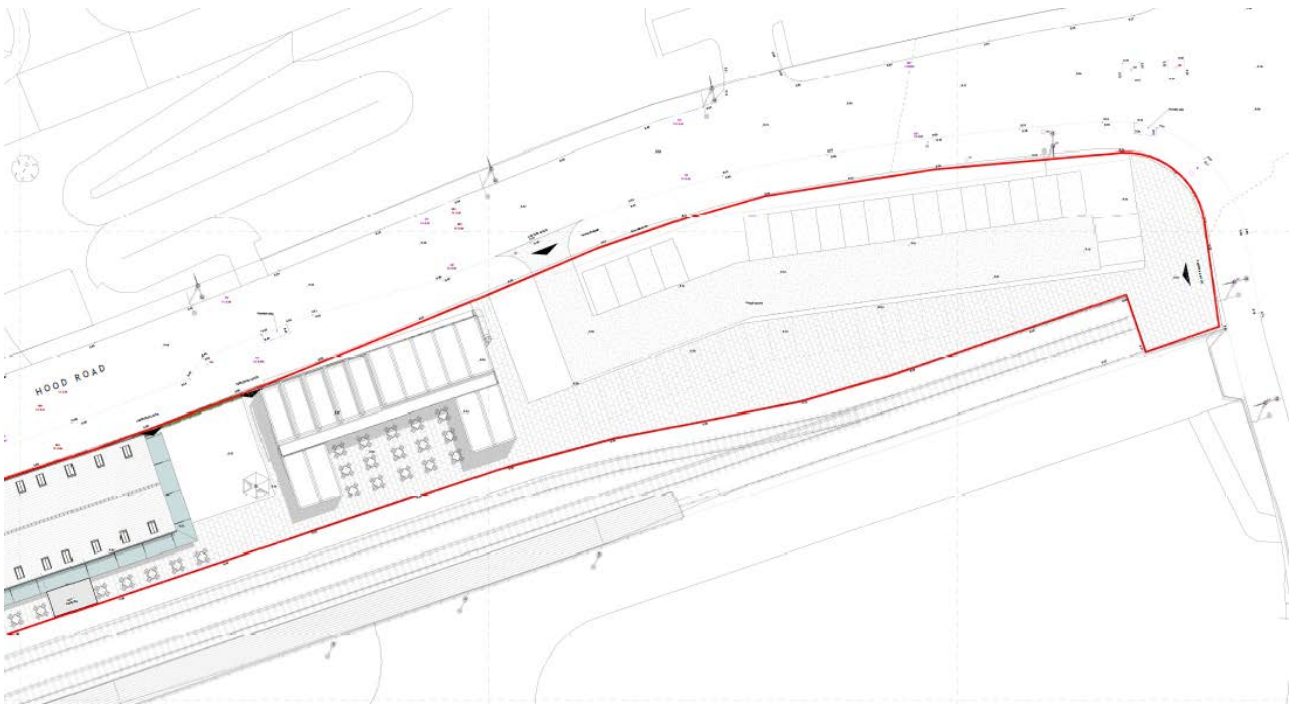
There would be two vehicular access points, one in the western part of the site adjacent to the drive-thru unit, and one in the eastern part. The western access would serve 18 parking spaces and a turning area adjacent to the drive-thru, and the eastern access would serve 34 parking spaces.

Of the 18 spaces, 13 are intended to serve the 11 live work units (one per unit and two for visitors) and the other 5 are to serve the commercial uses in the Goods Shed. Of the 34 spaces in the other part of the site, 14 are proposed to serve the market units that are the subject of planning application 2018/01359/FUL and 20 are to serve customers to the commercial uses.

Alterations are proposed to the Goods Shed comprising a new series of high level of windows, roof lights and a lean-to glazed extension on the Hood Road elevation, a new pattern of large ground floor windows, smaller high level windows, roof lights, a glazed canopy and alterations to the overhanging eaves on the south facing elevation and new glazed windows on the east side elevation. Plans and perspective images of the proposed development are shown below:

Site layout:





Perspectice plans:







PLANNING HISTORY

1978/00148/FUL, Address: Ex- Railway Goods Shed, Gwalia Buildings, Powell Duffryn, Barry, Proposal: Use of building and land for motor vehicle repairs, Decision: Approved

1998/01005/FUL, Address: Railway works as part of Phase II to Barry Heritage Steam Railway, adjacent to Powell Duffryn Way, Proposal: Progression of railway line across Powell Duffryn Way - including running line and siding line, Decision: Approved

2000/01299/REG3, Address: Hood Road goods shed and yard, The Waterfront, Barry,
Proposal: Stage one extension of railway track, erect platform, temp. new road and
car/coach parking forming part of Phase II of Barry Island Railway Heritage Centre/Steam
Railway project, Decision: Approved

2001/01373/REG3, Address: Hood Road goods shed site, The Waterfront, Barry,
Proposal: Stage two extension of railway track, erection of rail platform, extension of
car/coach parking, demolition of tin shed (part of Barry Steam Railway Project), Decision:
Approved

2007/01399/RG3, Address: Hood Road Goods Shed, Hood Road, Barry Waterfront,
Barry, Proposal: Change of use of building to allow storage, Decision: Approved

2018/01359/FUL- construction of 42 residential units (23 affordable and 19 market)- un-
determined.

CONSULTATIONS

Barry Town Council strongly objects on the following grounds:

- *The proposed container village is out of scale and character with the surrounding area.*
- *The proposed drive-thru coffee shop is detrimental to the visual integrity and out of character to the adjoining historic Goods Shed.*
- *There are concerns regarding the highway safety of the Hood Road Bridge and the proposals.*
- *There are concerns regarding the lack of car parking provision for residents and visitors to the proposed development.*
- *There are concerns regarding the alternative car parking arrangements which may be necessary when the farmers market is operational.*
- *There are concerns regarding the servicing of the units in the Goods Shed.*
- *There are concerns regarding the maintenance and servicing of the proposed container village.*
- *There does not appear to be sufficient details regarding the Kids Park/Performance Space.*
- *There is a lack of amenity space contrary to the advice in the adopted SPG document; Residential and Householder Development adopted April 2018 – page 39 Design Standards-Amenity Space.*
- *There are concerns regarding the proposed outdoor cinema/area screen both in practical terms and also whether any noise analysis has been undertaken to assess the implications of this proposal upon residents of the area.*
- *The BTC Council wishes to draw to the attention of the Vale of Glamorgan Council that local knowledge indicates that there may be tunnels under the proposed development site. Accordingly, they and the applicants may wish to seek competent advice upon this matter.*

Highway Development - No representations received to date.

Highways and Engineering - No objection subject to a condition requiring approval of the detailed drainage scheme.

Shared Regulatory Services (Pollution) - Conditions are requested in respect of investigations for contamination.

Local ward members - The following comments have been received from Councillor I. Johnson (points that Councillor Johnson requested be addressed in an updated and revised PAC report):

- *The proposals are drawn very widely across a large number of use classes and consequently appear to be a 'wishlist' of possible uses for the site.*
- *It is claimed that there are 38 parking spaces for users of the Phase One, which appears to include business unit owners, residents at the Phase One Live/Work units, employees etc. at the various hubs and further visitors to the site. This appears to be insufficient parking for the range of activities being proposed. The proposed farmers' market location, whose normal use is a car park, presumably further reduces car parking availability on an occasion when there would be a greater than average attraction to the location. The use of a fall-back position based on existing employment use is not relevant in this context. More clarity should be provided on how deliveries etc. will be made without impacting upon the local site and wider area.*
- *There appears an overlap between the children's play area and the space allocated to an open air cinema. This is a constrained space and is it unclear how it will operate.*
- *The scale of the Container Village is substantial, and allied to surrounding buildings, will provide an imposing and overpowering street scene when viewed from Hood Road.*
- *An explanation should be provided in the PAC Report as to how noise from the site's outdoor activities and night-time economy will be mitigated so that it does not affect negatively upon residents at the site and further afield across the Barry Waterfront and southern parts of the town more generally. This should include anticipated hours of on-site activity.*
- *The desirability of the site is likely to increase traffic levels on Hood Road and the accompanying junctions, including Broad Street. This entrance to the Waterfront has long been considered a pinch-point for traffic and not a preferred entrance to the area, compared with entrances from Ffordd y Mileniwm, Gladstone Road Bridge and from Barry Island. This should be modelled to consider any necessary highway adjustments and reported in the updated PAC report. Given the above, the introduction of a 'drive-thru' facility on this road may be ill suited to the location.*
- *The inclusion of a 'drive-thru' coffee shop is also not in keeping with the remainder of proposed facilities and implies a commitment to car use which is not matched by the number of parking spaces offered on the site.*

Dwr Cymru Welsh Water - No objection subject to a condition requiring approval of the detailed drainage scheme.

Network Rail - No objection in principle. Network Rail have submitted advisory comments in respect of their requirements for the safe operation of the railway and the protection of the adjoining land.

Ecology Officer - No representations received.

Housing Strategy have requested 30% affordable units for this development and that which is the subject of application 2018/01359/FUL.

REPRESENTATIONS

The neighbouring properties were consulted and the development has been advertised on site and in the press. No representations have been received to date.

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 Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which 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 SP10 – Built and Natural Environment
POLICY SP11 – Tourism and Leisure

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan
POLICY MG4 – Affordable Housing
POLICY MG13- Edge and Out of Town Retailing Areas

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 MD8 - Historic Environment
POLICY MD9 - Promoting Biodiversity
POLICY MD13 - Tourism and Leisure
POLICY MD14 - New Employment Proposals
POLICY MD16 - Protection of Existing Employment Sites and Premises

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (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
- Sustainable Management of Natural Resources
- Accessibility
- Previously Developed Land

Chapter 4 - Active and Social Places

- Transport
- Living in a Place (housing, affordable housing and gypsies and travellers and rural enterprise dwellings)
- Activities in Places (retail and commercial development)
- Community Facilities
- Recreational Spaces

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
- Technical Advice Note 11 – Noise
- Technical Advice Note 12 – Design

- Technical Advice Note 15- Development and Flood Risk
- Technical Advice Note 16 - Sport, Recreation and Open Space
- Technical Advice Note 18 – Transport
- Technical Advice Note 24 – The Historic Environment

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Affordable Housing
- Barry Development Guidelines
- Biodiversity and Development
- County Treasures
- Parking Standards (Interactive Parking Standards Zones Map)
- Planning Obligations
- Public Art in New Development
- Residential and Householder Development
- Sustainable Development - A Developer's Guide
- Travel Plan

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations
- Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

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 main issues involved in the assessment of the application are the principle of the uses, design and visual impact, impact on the setting of the listed Pumhouse, impact on residential amenity, parking and highways issues, provision of amenity space and open space, drainage, ecology and Section 106 issues.

The principle of the mix of uses

The application proposes a mix of the following uses:

- A3 (the bar/brewery and restaurant in the Goods Shed, the 'drive-thru' unit, and units within the container village)
- A2 (units within the container village)
- B1 (the technology hub in the Goods Shed, units within the container village and the 'work' elements of the 'live-work' units)
- D1 (non-residential institutions) and D2 (assembly and leisure) (the technology hub in the Goods Shed, units within the container village and the outdoor space between the Goods Shed and the containers.
- A1 (the farmers market and units within the container village)
- C3 (the residential elements of the 'live-work' units).

The application is not wholly prescriptive in terms of the precise location and extent of the various proposed uses. The proposals include a mix of A, B, C and D uses and the applicant is seeking a degree of flexibility in how those uses fill the Goods Shed and the containers in particular. While this would mean that there is not absolute certainty about the overall quantum of floor space that would be put to each use, the success of this type of development is likely to be reliant upon such an approach, which would enable the developer to market the space flexibly. This would, in principle, allow an appropriate range of uses to be secured throughout the development within the terms of reasonable planning conditions, without the developer having to seek frequent and onerous variations to the planning permission to accommodate prospective tenants.

The land was originally marketed for uses falling within classes A1, A2, A3, B1, C3, D1 and D2, with a view to securing a mixed use development that would contribute positively to the regeneration of the area. The application is in line with the uses that the site was originally marketed for and each of those uses is considered to be compatible in principle with the surrounding area.

Live work units

The site lies within the settlement boundary of Barry, within which residential uses are acceptable in principle (subject to the land not being protected for other purposes). The residential/ live work units would be located on the upper floors of the building and, save for stairs, they would not result in the loss of ground floor space. While, therefore, the whole of the building would not be put to commercial uses, it is nevertheless considered that the proposed live-work units would represent a positive beneficial use and would enable (in terms of financial viability) the ground floor to be converted to a series of appropriate commercial uses.

As context, the residential units in the Pumphouse are subject to the following condition:

All of the residential units hereby approved shall be used for residential purposes falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 or as live/work units falling within Class B1(a) and C3 of the Town and Country Planning (Use Classes) Order 1987.

This is because potential mortgage lenders will be unlikely to lend if, following a re-possession, they would not be able to subsequently sell the unit as a conventional C3 residential unit. The condition above gives scope for the space to be occupied as conventional residential or live-work units and it is considered that either would be acceptable as part of this mixed use scheme.

The non-residential uses

The commercial units would comprise a mix of essentially retail (A classes), office, technology and leisure functions. The surrounding Waterfront context includes a mix of A1, A2, A3, B1 and D1 and D2 uses, and further A1, A3 and D2 space is due to be constructed on the Waterfront associated with planning application 2009/00946/OUT. The proposed uses are each similar in character to the commercial uses in the surrounding area and they would serve to reinforce and supplement the existing offer. It is considered that those uses, (particularly in the type of layout proposed here with interactive outdoor spaces), would create a vibrant centre of activity (with both daytime and evening functions) that would complement the existing uses and have a significant positive impact on the vitality and attractiveness of the Waterfront for both visitors and residents.

As noted above, it is necessary to build a degree of flexibility in to the schedule of accommodation, however, it would not be beneficial for one particular use to wholly dominate the development. For example, the Council would be unlikely to support a development that was wholly A1 retail, given that this would represent a less varied and interesting form of development and would potentially have a greater retail impact on protected centres. It is unlikely that the market would support this much A1 floor space in this location, however, an appropriately worded condition would, within reason, set out parameters for the mix of uses. In that regard, the following limitations are proposed and have been agreed by the applicant:

The Goods Shed building:

- Uses falling within classes A3, B1, D1 or D2 (with no limitations on which uses should go in which unit)

The container village:

- Ground floor- uses falling within classes A1 and A3 (with no more than 20% being A1).
- First and second floors- uses falling within classes A1, A2, A3, B1, D1 or D2 (with no more than 20% being A1).
- Third floor- A3 for the unit identified on plan A134 as 'unit 36' and uses within classes A2, A3, B1, D1 or D2 for the remaining third floor units.

This would mean that less than 10% of the overall floor space (as a maximum) would be A1 retail and this would ensure that any A1 space would be very much ancillary/secondary to the other uses and would not have an appreciable detrimental impact on retail activity in defined centres in the town. The proposed farmers market would be a temporary and intermittent use and it is similarly considered that this would not have wider adverse retail impacts.

In summary, it is considered that the application proposes an innovative and exciting mix of uses that would make a significant contribution to the regeneration of the Waterfront, in compliance with Policies SP1 and MD 2 of the LDP.

The outdoor spaces

Concerns have been raised by the Town Council regarding whether the farmers market would displace parking. However, clarification has been sought from the applicant on this matter and it has been confirmed that the farmers market would not conflict with the parking areas. While the plans appear to show the parking court and farmers market being on the same area, it has been clarified that the market would be held on the linear strip of land to the south of the parking area.

Similarly clarity has been sought by Councillor Johnson regarding the use of the area between the Goods Shed and the container village. This area is intended to be a flexible space that can be adapted to meet the requirements of multiple uses, for example, as a play area, outdoor performance area or outdoor cinema.

It is acknowledged that the impacts arising from different uses would potentially vary and consequently, condition 28 is recommended which requires further details (a management/operations plan) of how the external spaces within the site would be operated. This condition would also govern the operation of the farmers market.

Having regard to this, and condition 7 which controls hours of operation of the site as a whole, it is considered that the space can be appropriately managed in a way that would not adversely affect amenity.

Loss of employment land

The existing building measures approximately 660m² internally and it appears that the most recent uses would be within use class B8. Consequently this is classed as existing employment land and policy MD16 of the LDP is relevant. This policy seeks to protect B uses on existing employment sites, however, while a proportion of the Goods Shed building is likely to be put to A3 uses, it is considered that the overall amount of employment space to be provided within the site as a whole is very likely to at least be equivalent to the existing amount of floor space within the Goods Shed. Notwithstanding this, should there be a minor deficit (as a consequence of the balance of occupiers being skewed more in favour of A or D uses) it is nevertheless considered that the overall benefits to employment and regeneration would outweigh a drop in a B8 storage use. Of particular note is the type of spaces proposed, which include a technology hub and 'incubator' units, which have the aims of securing longer term technological and employment benefits by giving opportunities to small/fledgling/start-up businesses. The use of the units by such business could not be prescriptively enforced by the planning permission, however, it is considered that the developer's aims in this regard should be supported in principle.

Design and visual impact

The proposed alterations to the Goods Shed principally comprise a new series of high level windows, roof lights and a lean-to glazed extension on the Hood Road elevation, a new pattern of large ground floor windows, smaller high level windows, roof lights, a

glazed canopy and alterations to the overhanging eaves on the south facing elevation, and new glazed windows on the east side elevation.

The new openings would be sited within the brick recesses and while this would significantly alter the appearance of the south elevation in particular, the openings would respect the integrity and character of the existing building. The roof lights are relatively significant in number, however, they would be sited low on the roof planes, close to the eaves, and they would not result in harmful interruptions to the roof. The glazed extension is of a scale that is subservient to the existing building and it is very lightweight in form. It would respect the character of the building and this is a common and successful approach for extending historic buildings. Similarly the contemporary glazed canopy would be lightweight in appearance and would not significantly affect the appearance of the building.

The main interactive frontage of the building would be the southern elevation, which would contain the principal access points to the units and the adjacent outdoor seating areas. The span/depth of the building is relatively narrow and prospective occupiers are unlikely to be able to design a practical layout which has two open glazed frontages. Consequently, given that the south elevation is adjoined by more circulation space (room for seating etc.) and given that this is away from the main road, it is practically most appropriate for this to be the primary frontage and this creates more attractive and useable outdoor spaces. There would nevertheless still be a series of new doors in the Hood Road elevation comprising service entrances and accesses to the upper floor residential units, and the new extension at the North West corner would provide an engaging frontage to vehicles approaching from Broad Street.

Consequently it is considered that the Hood Road frontage would have a stronger degree of active frontage than at present and, while it would be less open than the south elevation, it would still contribute to an active street scene.

It is considered that the alterations to the Goods Shed would respect and preserve its character and the beneficial use would secure the long term preservation of a building which, while not listed, is characterful and contributes significantly to the local townscape. While the existing building is not in a particularly poor condition, the adaptations and the subsequent active use would enhance the degree to which it contributes to the street scene.

The steel container village would contrast with the traditional brick form of the Goods Shed and it would have a very functional and utilitarian character. However, this is essentially a dockland setting and it is considered that the use of steel containers would have relevance to the historical context to the site. The group of containers would be three and four storeys in height and while it would exceed the highest part of the Goods Shed at its highest point, there would be a generous visual break between the two. Furthermore the section closest to the Goods Shed would be three containers high and this would not compete with the general scale and form of the Goods Shed.

Developments of steel containers are becoming increasingly popular in mixed use projects such as this and they have a number of benefits including their strength and durability, their ease of adaptation and the speed at which they can be constructed. They are also particularly suitable for a series of small incubator/start up units, given their size and the potential flexibility for linking up or dividing units. As a consequence, they are now

relatively common in urban scenes and, subject to how the external surfaces are treated (and maintained), can have an attractive and contemporary appearance.

In this specific case, the external elevation to Hood Road would be a mix of the 'fronts' and 'backs' of the containers and the top floor would have an open frontage with a glazed balcony rail alongside the roof terrace. The perspective plans suggest an indicative form of signage to denote the name of the development ('Goodsheds') along the top row and a form of artwork is shown along the bottom row. The colour would be dark grey and this is considered appropriate in terms of continuity with the fenestration and detailing on the Goods Shed. It would also be more visually recessive. i.e. it would be less likely to compete visually with the principal Goods Shed building than a complex of varied coloured containers. In summary, it is considered that the containers would appear as an interesting and contemporary form of development that would add variety to the street scape and contribute to a high quality regeneration scheme.

The 'drive-thru- unit is single storey in height and would be constructed from two adapted steel containers. This would have continuity with the larger container village to the other side of the Goods Shed and it would be subservient in scale to the main building. It would present further active frontage towards the perimeter of the site and would, similarly to the glazed extension to the Goods Shed, form an engaging part of the development on the approach from Broad Street.

Taken together, it is considered that the respective parts of the development would impact positively on the wider built environment and would contribute significantly in design and visual terms to the regeneration of the Waterfront, in accordance with Policies SP1 and MD2 of the LDP.

Impact on the setting of the listed Pumphouse

The application site lies opposite the grade II listed Pumphouse, which has now been converted to a mix of residential and commercial uses. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states as follows:

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In addition, there is relevant case law, namely the Court of Appeal decision regarding Barnwell Manor (February 2014) within which the court held that the effect of Section 66(1) quoted above was that the desirability of preserving the setting of listed building should be given considerable importance and weight.

The alterations to the Goods Shed building would not significantly affect its overall character and consequently, these alterations would have a negligible impact on the setting of the listed building. The 'drive thru' unit would be single storey and sited to the west of the Goods Shed. It would be some 200m away from the Pumphouse and it would not materially affect wider views or the setting of the listed building.

The complex of steel containers would be approximately 65m away from the Pumphouse at its nearest point, and separated by Hood Road. It would be a taller structure than the Pumphouse (excluding the tower), however, the Pumphouse sits at a higher ground level,

such that the containers would not exceed its actual height. The visual separation between the two, coupled with the change in levels, is such that the containers would not intrude significantly into the setting of the listed building. This context is shown on the plan below:



There would be points within the Innovation Quarter Southern Development site to the south where the containers would partially screen views of the Pumphouse, however, there is a very limited scope of positions where views of the building would be materially affected. The development would, therefore, comply with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and policies SP10 and MD8 of the LDP.

Parking and Highways Issues

Two new vehicular accesses are proposed, one at the western end of the site to provide access to the 'drive-thru' unit and 18 no. parking spaces, and one at the eastern end of the site, which provides access to a parking area of 34 spaces. It should be noted that planning application 2018/01359/FUL proposes an apartment block on the eastern end of the site, and this parking area of 34 spaces would be undercroft to that. Twenty of the parking spaces in this larger area would be available to serve customers of commercial developments in this application, and the remaining 14 would be for market flats the subject of application 2018/01359/FUL.

The two vehicular areas within the site would both benefit from turning space so that vehicles can enter and leave the site in a forward gear. Both vehicular accesses would be sited sufficiently far away from the highway junctions to the east and west of the site (the junction with the part of the highway that runs under the railway bridge and the junction outside the Premier Inn) to ensure that there would not be harmful conflict when vehicles are exiting the site. Both accesses would benefit from good visibility along Hood Road and consequently, it is considered that they would not adversely impact upon highway safety.

The Design and Access Statements set out the intended parking allocations for the respective parts of the development (and the development that is the subject of application 2018/01359/FUL) and for clarity they are as follows:

- 14 spaces to serve the market units in the 5-storey block (application 2018/01359/FUL) (in the area of 34 spaces)
- 20 spaces to serve the commercial uses (in the area of 34 spaces)
- 13 spaces to serve the live work units (11 plus 2 for visitors- in the area of 18 spaces)

- 5 spaces for staff in the commercial units (in the area of 18 spaces).

The Council's Parking Standards Supplementary Planning Guidance provides a basis to assess the likely parking demand and reasonable parking requirements for developments. The standards in the SPG are 'maximum', and it is necessary in every case to consider whether a reduction below that standard is justified.

For residential developments, the standards refer to one space per bedroom up to a maximum of three and one space per 5 units for visitors. The eleven units in the converted Goods Shed would each be served by a single space and there would be two spaces for visitors (one per 5.5 units). This is considered to be an acceptable level of parking which aligns with the aims of the SPG, particularly given the very sustainable nature of the site, close to Barry Train Station, regular bus routes and a number of shops and services.

The parking demand for the commercial uses is less easily modelled, given that there are a range of uses that could potentially be undertaken within the Goods Shed space and the container village. The applicant's parking assessment has considered the maximum parking demand (based on the Council's SPG standards) for the Goods Shed and the container village, on the basis of each of the allowable uses occupying the whole of that space. The assessment has then subtracted 13 spaces for each due to a reduction for sustainability points scored. It should be noted that the Council's draft revised Parking Standards propose the removal of the sustainability scoring system on the basis that the standards are maximum in any case.

The Goods Shed could be put to uses in classes A3, B1, D1 and D2, and those would have maximum parking requirements of between 15 (for B1 or A2 uses) and 53 spaces (for D1), depending on the use, and if those uses occupied the whole of the building. In reality, it is considered most likely that the space will be a combination of uses and the applicant is principally intending to market the largest unit as a B1 technology hub and the other units as A3. The maximum parking demand associated with such a composition would be 9 for the B1 uses and 23 for the A3 uses (based on an estimation of 6 staff per unit and half of the overall space being 'dining space'), and this is considered to be a reasonable basis upon which to assess likely demand.

The occupation of the container village is limited as follows by Condition 5:

- Ground floor- up to 20% in use class A1 and the remainder in use class A3.
- First and second floors combined – Uses within classes A1, A2, A3, B1, D1 and D2 (of which no more than 20% in total shall be in use class A1).
- Third floor- Uses within class A3 for the unit identified on plan A134 as 'unit 36' and uses within classes A2, A3, B1, D1 and D2 for the remaining third floor units.

The above would generate the following maximum parking demand:

- Ground floor- 5 spaces (based on 20% A1, 80% A3 with estimated 12 staff for that space).
- First and second floors- total 10 spaces (based on 20% A1, 40% B1/A2 and 40% A3).
- Third floor- 2 spaces based on the larger unit being A3 and the smaller units being A3 or B1/A2.

This would represent a maximum parking demand of 17 spaces and in addition to the 32 from the Goods Shed, it would be a total commercial maximum demand of 49 spaces. Five parking spaces are proposed within the parking area to the west of the Goods Shed and 20 spaces are proposed within the parking area to the east of the site, which means that a maximum of 24 spaces would need to be accommodated off site. It should be emphasised that this calculation is based on maximum standards and this number of spaces is effectively the maximum that should be made available. i.e. providing more than this may be likely to encourage greater car use and less sustainable modal choice and the absence of 24 spaces does not infer that the development is unacceptable in respect of parking.

While the parking demand associated with application 2013/01359/FUL is most fundamental to the assessment of that application, it is relevant to have regard to it here, since it is likely to be the same surrounding highway network and parking opportunities that would be relied upon for both, and the most robust assessment would assume the approval and construction of both.

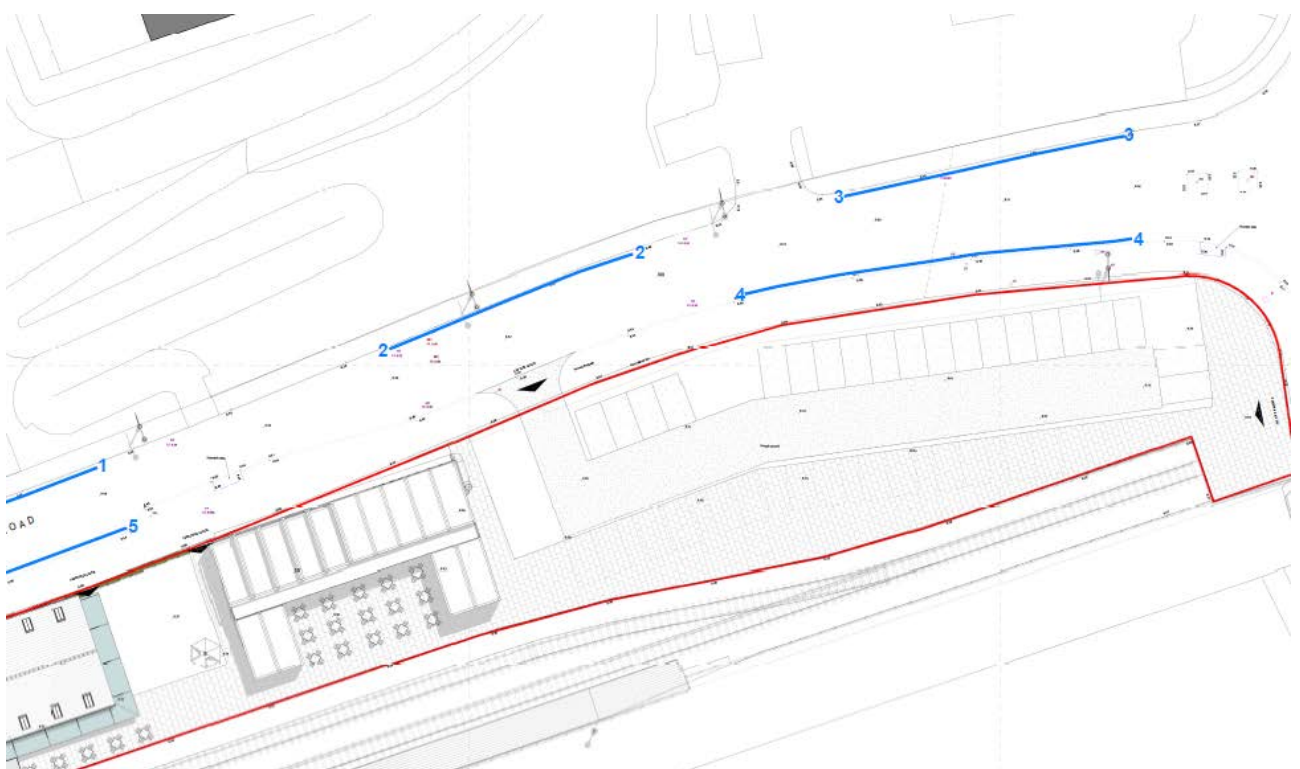
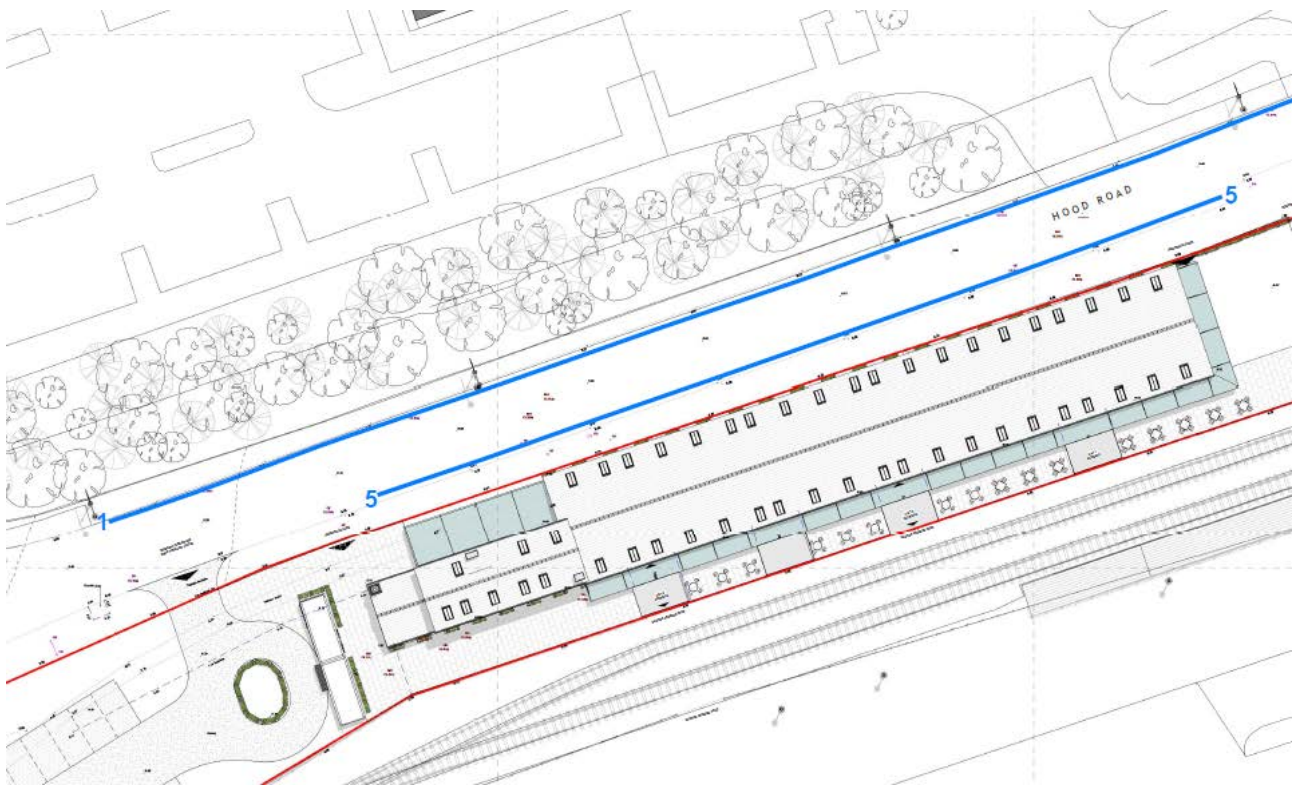
That application proposes 23 affordable units and 19 market units, and 14 parking spaces would be made available for the market units. On the basis of one space per market unit, there would be 5 spaces not accounted for on site.

In respect of the affordable units, the applicant has drawn officers' attention to 2011 census data which suggests that 54% of social rented households in the Vale of Glamorgan have no access to a car, and this would infer that approximately 11 affordable units would have access to a car. Alongside this, the submissions include details of four other development sites in the Barry and in those cases an average of 0.43 parking spaces per unit were being used (including sites nearby at Jackson's Quay and the former Magistrates Court). This would suggest a demand of 10 spaces from this development and those surveys are generally consistent with the census data. Approximately 8 spaces would be required for visitor parking and, in addition to the above, there would be a total maximum parking demand of 24 spaces not accounted for on site. Taken together with the 24 spaces from this application, there is estimated to be an off-site maximum parking requirement of 48 spaces.

The applicant has submitted a parking survey which appraises the availability of off street parking in the area. The original assessment was relatively crude insofar as it assumed potential availability for parking along both sides of the whole length of Hood Road, between the junction directly opposite the Premier Inn and the junction with the highway that runs under the railway bridge. This approach is problematic firstly because there are (and would be) a number of junctions into the site and the Pumphouse (and a bus stop 'build out') along this stretch, and secondly because parking along both sides of this stretch of road would prohibit two way traffic flows.

The applicant has suggested that there should nevertheless be scope for parking on elements of both sides of the road, and that this would not have a significant impact on traffic flows. However, this is an important strategic highway that links Broad Street to the wider Waterfront and the free flow of traffic is an important material consideration. Consequently, it is considered that it is only appropriate to rely on parking on one side of the carriageway, either only the north or south side of the road or in an alternating pattern (similar to how elements of the carriageway are defined by parking boxes at present).

The applicant has subsequently made additional submissions, which appreciate the locations of junctions into this site and the Pumphouse, and the bus-stop. Based on a pattern of parking that utilises space on the northern and southern sides of the road, there would potentially be capacity for 25 spaces in locations which would preserve the free flow of two way traffic (areas 2, 4 and 5 on the plans below).



The parking surveys were carried out by the applicant on a Tuesday, Wednesday and Friday, between 0700 and 1900. The occasion of peak parking was 1500 on the Friday, at which time 13 vehicles were parked on Hood Road (there were 8 cars parked at 1900). It is regrettable that the surveys do not include a weekend day, however, a Friday evening is considered to be representative of likely peak demand for a development such as this. At the majority of times through the surveyed period there was up to 5 cars parked on the road.

Assuming the worst case scenario based on the survey results, 13 spaces of existing demand should be taken into account, and this would suggest residual capacity for 12 spaces.

While this would not satisfy the maximum demand calculated above, the applicant has only surveyed and taken account of capacity on the stretch of Hood Road across the site frontage. There is additional on street capacity immediately to the west of the site, along the highway to the east of the Pumphouse/the west of the Premier Inn, along the highway to the north of the Pumphouse, and on the highway to the front of the BSC building (the latter directly by a footway to Hood Road. This nature of the uses in the BSC and the medical centre are such that occasions of peak demand associated with those buildings are highly unlikely to coincide with peak demand for the developments associated with this application and application 2018/01359/FUL. These surrounding streets are within very short walking distance to the site and it is considered reasonable and appropriate to take them into account as available capacity to serve need arising from this development.

The application has not quantified the exact amount of space available on these streets, however, there is evidently capacity to deal with the sort of demand calculated above. While there is available capacity in these surrounding streets, it is likely that customers may choose to park directly in front of the site if un-prohibited space was apparently available. Consequently, and to avoid a practice of parking which would be to the detriment of the free flow of traffic, Condition 26 requires a scheme of regulated parking to be submitted and approved in writing by the Local Planning Authority, and a Traffic Regulation Order to be implemented if necessary.

Notwithstanding the above, it should also be noted that the development is unlikely to generate its maximum parking demand at all times and the demand in the surveyed locations from existing uses is, based on the parking surveys, likely to be significantly less than 13 spaces at the majority of times.

As noted above, the site is in a highly sustainable location, close to the train station and bus links, and customers/staff associated with the development would have significant scope to access the site by means other than the private car. In particular, the populations of the existing and approved residential developments along the Waterfront are within easy walking distance of the site. It is appropriate for mixed use developments such as this to be located in highly accessible urban locations and the type and quantity of floor space represent an efficient use of the land, and one that will seek to maximise the positive regeneration benefits. Materially less development (and/or more of the site being used for parking) would represent an inefficient use of the land and would be contrary to local and national policy to de-prioritise car use.

The drive-thru unit would not require a significant amount of parking since its very function is to process a throughput of customers in their vehicles without needing to park. Condition 24 requires further details of the operation of this unit, to ensure that it does not

result in any adverse impacts in terms of queuing onto the highway. Councillor Johnson has raised concerns that the drive through suggests a commitment to car use, however, it is considered that it is most likely to service passing trade and would not be likely to result in a significant number of additional vehicle trips.

Further concerns have been raised by Councillor Johnson in respect of traffic generation and the impact on the free flow of traffic within the wider highway network. The development is not of a scale which requires a Transport Assessment, nevertheless the traffic impacts should be assessed. While traffic modelling has not been undertaken, the above assessment of likely parking demand is informative in relation to likely traffic impacts. Given the size of the development, and the sustainable nature of the site and the scope for visits to the site by means other than car, it is considered that the development would not be likely to give rise to levels of traffic that would significantly impact on congestion and wider traffic flows.

The development is likely to be subject to servicing and deliveries and these are very likely to need to be carried out from within the highway. Consequently, condition 25 requires further details of deliveries and servicing arrangements to be approved prior to the uses commencing.

Having regard to the above, it is considered that the proposed development would be served by safe vehicular access points and that the surrounding highway network is readily capable of accommodating any parking demand that cannot be catered for within the site, in accordance with policies SP1, MD2 and MD5 of the LDP.

Residential amenity

The development would include 11 residential units in the Goods Shed and the nearest other residential units are those in the converted Pumhouse (approximately 65m away), the dwellings to the east of the Premier Inn (approximately 175m away) and those new dwellings on the Waterfront to the south of the site (approximately 200m away). It should also be noted that application 2013/01359/FUL proposes residential units on the eastern part of this site and while that application has not been approved yet, regard should also be given to potential impacts on those occupiers.

The buildings are far enough away from the neighbouring residents to ensure that there would be no overbearing or privacy impacts and consequently, the principal issues to consider are noise and odours. The application does not contain details of proposed hours of operation and this is largely because the full composition and location of users is not known yet. There is typically potential for a degree of noise from A3 uses and in this case they are likely to be served by areas of outdoor seating. In addition, the space between the Goods Shed and the containers has been identified as a play space/performing space/outdoor cinema.

The proposed uses are considered compatible in principle with the surrounding area (which is itself a mix of commercial and residential- particularly at the Pumhouse) but given the nature of the uses/spaces and the relationship to residential properties, it is considered reasonable and necessary to impose a condition (7) which requires a schedule of operational hours to be submitted and agreed, prior to the uses commencing. A condition (9) is also recommended to ensure that the conversion has regard to the necessary noise attenuation between ground and upper floors of the Goods Shed.

Similarly, the required odour attenuation will depend of the exact location and type of users, and the proposals could not reasonably be expected to contain details of the type and location of fume extraction equipment, for example. A further condition (8) is recommended to ensure that details of any necessary odour attenuation/fume extraction equipment etc. are agreed prior to their erection.

Subject to the above conditions relating to odour, noise, hours of operation, and a further condition for a Construction Environmental Management Plan (Condition 10) it is considered that the development would not unacceptably impact upon residential amenity, in accordance with Policies MD2 and MD7 of the LDP.

Drainage and water resources

The application is not accompanied by details relating to surface water drainage and both the Council's Drainage Engineer and Dwr Cymru Welsh Water (DCWW) have advised that infiltration should be the primary method of surface water disposal, prior to any other method being considered. Both have requested a condition requiring full detail of the drainage scheme to be agreed and this is at Condition 15. DCWW have advised that there is no objection to foul flows connecting to the existing system. Part of the site (at the eastern end) is within Flood Zone B, which suggests that there is a partial risk of surface water flooding to the site, however, TAN 15 does not advise against development in Zone B, and in this case the surface water proposals should have regard to this.

Ecology

The application is accompanied by an ecological assessment which concludes that the building is not being used by bats and that there is low potential for reptile use. The report contains a series of recommendations to minimise any adverse impacts and these include working outside of bird nesting season, time limited works to grassland, hand clearance of barge boards etc. The report also recommends ecological enhancement in the form of bat boxes. Subject to conditions to require the report recommendations and enhancement to be carried out, it is considered that the development would be acceptable in terms of biodiversity and would comply with Policy MD9 of the LDP.

Section 106/Viability issues and affordable housing

Given the scale of the development (both commercial floorspace and residential units), the Council would normally seek to secure financial obligations in respect of sustainable transport and public open space, in addition 30% of the units being affordable. In this case, the applicant has submitted viability information which demonstrates that financial obligations would bring the development profit below a level which a developer would reasonably expect for a development of this type. i.e. below a profit level that would reasonably incentivise a developer to carry out the scheme. While contributions would ordinarily be sought, the development is in a particularly sustainable location and the combination of uses would have a material community benefit. Furthermore, the public realm through the site and the area between the Goods Shed and the containers would have an amenity value. On this basis, and in light of the viability position, it is considered that the development is acceptable without financial contributions.

Notwithstanding the above, this application runs alongside application 2018/01359/FUL, for 42 residential units at the eastern end of the site. That development would comprise 23 affordable units and 19 market units. Taken together, the two developments comprise 53

units of which 23 would be affordable and 30 would be market. This equates to just over 43% affordable, which exceeds the 30% requirement in Barry, and satisfies the requirements of Policy MG4 of the LDP. While there is not a provision in this proposal to enforce the implementation of the development being considered under application 2018/01359/FUL, affordable housing provision would not be viable from this development alone, as discussed above.

The Council's Affordable Housing Enabler has advised that 576 affordable units are required in the Vale of Glamorgan each year and the following figures have been provided in respect of need in Barry from the Homes4U waiting list:

	1 bed	2 bed	3 bed	4 bed	5 bed	
Barry	6	1				7
Baruc ward	303	179	49	12	1	544
Butrills ward	342	133	55	14	2	546
Cadoc ward	156	81	32	5	3	277
Castleland ward	268	127	46	9	2	452
Court ward	101	59	17	2		179
Dyfan ward	93	68	35	5	1	202
Gibbonsdown ward	100	67	25	7		199
Illtyd ward	106	77	27	5	1	216
Grand Total	1475	792	286	59	10	2622

The site lies mostly in Baruc ward and partially in Butrills ward, and the Homes4U waiting list figures for both are highlighted above. There is a waiting list for 645 one bed units and 312 two bed units across those two wards.

It is considered that the 23 affordable units would make a meaningful contribution towards meeting that housing need in the area. While a number of affordable units have been approved within the area of the Waterfront in the last 5 years in particular, there is significant affordable housing need throughout Barry, which would not be fully met by this development, or those nearby on the already approved phases of the Waterfront. (Approximately 200 units of affordable housing have been approved across the phases of the waterfront so far- those phases associated with application 2009/00946/OUT)

It is, therefore, considered that there remains evidenced need for affordable units in these wards (and Barry as a whole) and the units to be provided across these two applications clearly do not exceed that need.

RECOMMENDATION

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:

A126 A, A127, A128 A, A129, A130, A131, A132, A133, A134, A135, A136, A137, A138, A139, A140 and A141.

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, a schedule and samples of the external materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority, prior to their use. The development shall be completed and at all times thereafter maintained in accordance with the approved details.

Reason:

To safeguard local visual amenities, as required by Policies SP1 and MD2 of the Local Development Plan.

4. The 'live-work' units hereby approved shall be used for residential purposes falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 or as live/work units falling within Class B1(a) and C3 of the Town and Country Planning (Use Classes) Order 1987.

Reason:

In order to ensure a satisfactory and sustainable form of development which will support and enhance the local rural community and in order for the development to comply with Policies SP1, MD2 and MD7 of the Local Development Plan.

5. The converted Goods Shed and the steel container village shall only be used for the following uses, from the Town and Country Planning (Use Classes) Order 1987:

Converted Goods Shed ground floor-

Uses within classes A3, B1 and D1 or D2.

Steel container village-

Ground floor- up to 20% in use class A1 and the remainder in use class A3.

First and second floors combined – Uses within classes A1, A2, A3, B1, D1 or D2 (of which no more than 20% in total shall be in use class A1).

Third floor- Uses within class A3 for the unit identified on plan A134 as 'unit 36' and uses within classes A2, A3, B1, D1 or D2 for the remaining third floor units.

Reason:

In order to ensure that the development is composed of an appropriate mix of uses, to control retail impact and to ensure compliance with Policies SP1, MD2 and MG13 of the Local Development Plan.

6. No development shall commence, including any works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) the delivery routes and delivery timings for all plant, materials and steel containers
 - iv) storage of plant and materials used in constructing the development;
 - v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vi) wheel washing facilities;
 - vii) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - ix) hours of construction;
 - x) lighting;
 - xi) the location of any site compound
 - xii) management, control and mitigation of noise and vibration;
 - xiii) odour management and mitigation;
 - xiv) diesel and oil tank storage areas and bunds;
 - xv) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorscheme.org.uk) during the course of the construction of the development; and
 - xvi) 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 Policy / Policies SP1 (Delivering the Strategy) / MD7 (Environmental Protection) of the Local Development Plan.

7. Prior to any use commencing (with the exception of the residential/live work uses in the upper floors of the Goods Shed) details of the hours of opening/operation for that use (for staff and customers) shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the hours of use for the outdoor spaces, including the space between the Goods Shed and the container

village (identified on plan A130 as kids park/performance space), any outdoor seating areas associated with commercial uses and the farmers market.

The uses shall only be carried out in accordance with the approved hours.

Reason:

In the interests of public and residential amenity and to ensure compliance with Policies MD2 and MD7 of the Local Development Plan.

8. Prior to their erection/installation, details of any fume extraction and odour attenuation equipment associated with the A3 units shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the amenity of the area is safeguarded and to ensure the development accords with Policies SP1 and MD7 of the Local Development Plan.

9. Prior to the first beneficial use of the ground floor units in the Goods Shed and any unit in the container village, details of a scheme of noise attenuation (to include details of the floor between the residential/live-work units and commercial units in the Goods Shed) shall be submitted to and approved in writing by the Local Planning Authority. The noise attenuation shall be carried out prior to the first beneficial use of the commercial/non-residential use/unit that it relates to and so retained at all times thereafter.

Reason:

To safeguard residential amenity and to ensure compliance with the terms of Policies SP1, MD2 (Design of New Developments) and MD7 of the Local Development Plan.

10. Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

(i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;

(ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;

(iii) an assessment of the potential risks to:
- human health,

- groundwaters and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- ecological systems,
- archaeological sites and ancient monuments; and
- any other receptors identified at (i)

(iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017),, unless the Local Planning Authority agrees to any variation.

* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason:

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment, and to ensure compliance with Policy MD7 of the LDP.

11. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works and within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted in writing to the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017),, unless the Local Planning Authority agrees to any variation.

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, and to ensure compliance with Policy MD7 of the LDP.

12. In the event that contamination is found at any time when carrying out the development that was not previously identified, it shall be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place (unless otherwise agreed in writing) until a scheme to deal with the contamination found has been approved in writing by the local planning authority. The scheme shall include an investigation and risk assessment and where remediation is necessary a remediation scheme and verification plan shall 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, prior to the first beneficial occupation of any of the dwellings approved.

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 MD2, MD5 and MD7 of the Local Development Plan.

13. Any topsoil (natural or manufactured) or subsoil, and any aggregate (other than virgin quarry stone) or recycled aggregate to be imported (and any site won material including soils, aggregates, recycled materials) shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation (to include details of procedures for sampling) 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 the relevant Code of Practice and Guidance Notes.

Reason:

To ensure that the safety of future occupiers is not prejudiced and to ensure compliance with Policy MD7 of the LDP.

14. Any means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority, prior to their erection/implementation.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

15. No development shall commence until details of a scheme of foul, land and surface water drainage has been submitted to and agreed in writing by the Local Planning Authority. The scheme (which shall include details of the perpetual management and maintenance of the system) shall be implemented in accordance with the approved details prior to the first beneficial use of the part of the development that it relates to, and it shall be so retained in perpetuity.

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.

16. The development shall at all times be carried out in accordance with the measures and recommendations as set out in the Wildwood Ecology Ecological Impact Assessment (WWE18158 ECIA REV B). The enhancement measures listed in the assessment shall be retained at all times thereafter.

Reason:

In the interests of ecology and to ensure compliance with Policy MD9 of the LDP.

17. Prior to their use in the development hereby approved, further details of all doors, windows, rooflights and rainwater goods, and sections of the construction of the glazed extension and glazed canopy to the Goods Shed shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and maintained in accordance with the approved details.

Reason:

In the interests of visual amenity and to ensure compliance with Policy MD2 of the LDP.

18. Prior to the first beneficial use of the steel container village, further details of the external treatment of the steel containers (to include colours, orientation (i.e. the pattern of fronts and backs) of the units on the Hood Road elevation, specific details of artwork/decoration on the ground floor elevation facing Hood Road, and the colour and external appearance of the drive-thru unit) shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out and maintained in accordance with those details.

Reason:

In the interests of visual amenity and to ensure compliance with Policies MD2 and MD5 of the LDP.

19. Prior to the first beneficial use of the development, further details of the external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be carried out and at all times maintained in accordance with the approved details.

Reason:

In the interests of visual and residential amenity and to ensure compliance with Policies MD2 and MD7 of the LDP.

20. Prior to the first beneficial occupation of the development, a scheme of landscaping (to include details of soft planting and hard landscaping materials) shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy MD2 (Design of New Developments) of the Local Development Plan.

21. 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 building that the landscaping relates to, 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. The hard landscaping shall be carried out in accordance with the approved details prior to the first beneficial use of the part of the site that it relates to and it shall be so maintained at all times thereafter.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policy MD2 (Design of New Developments) of the Local Development Plan.

22. Notwithstanding the submitted plans and prior to the first beneficial use of the development, the vehicular accesses from Hood Road, the internal site roads and the two parking areas shall be fully completed in accordance with further details, that shall have first been submitted to and approved in writing by the Local Planning Authority, prior to the commencement of work to construct them. The accesses and parking areas shall be retained at all times thereafter, to serve the development.

Reason:

In the interest of highway safety, to ensure a satisfactory form of access 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.

23. Notwithstanding the submitted details, a parking management plan shall be submitted to and approved in writing by the Local Planning Authority, and this shall include details of which parking spaces will serve which element of the development hereby approved, their hours of use, and the means to allocate and enforce parking allocations for the residential properties.

Reason:

In order to ensure that the respective parts of the development are served by adequate parking, and to ensure compliance with Policy MD2 of the LDP.

24. Prior to its first beneficial use, an operation plan for the drive thru unit shall be submitted to and approved in writing by the Local Planning Authority, to include measures to minimise queuing towards the highway, details of any customer waiting areas, location of the collection/payment kiosk, management of the internal access road and circulation areas.

Reason:

In the interests of highway safety and to ensure compliance with Policies MD2 and D5 of the LDP.

25. Prior to the first beneficial use of any element of the development hereby approved, further details of proposed arrangements for commercial deliveries, servicing and all waste collection (to include hours/timings) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be operated and serviced in accordance with the approved details.

Reason:

In the interests of highway safety and to ensure compliance with policies MD2 and MD5 of the LDP.

26. Prior to the first beneficial use of the development hereby approved, a scheme for the regulation of on street parking along Hood Road (including timescales for implementation) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented (by means of a Traffic Regulation Order if necessary) in accordance with the approved details.

Reason:

In the interests of highway safety and the free flow of traffic and to ensure compliance with Policies MD2 and MD5 of the LDP.

27. Prior to the first beneficial use of the development hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, which shall include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage

sustainable transport and cut unnecessary car use. The Travel Plan shall thereafter be completed in accordance with the approved details.

Reason:

To ensure the development accords with sustainability principles and that site is accessible by a range of modes of transport in accordance with Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

28. Prior to the first beneficial use of the development hereby approved, a management/operation plan for the outdoor spaces within the site shall be submitted to and approved in writing by the Local Planning Authority, and the development shall only be operated in accordance with the approved details. The details shall include hours of use of all outdoor areas, the specific location of the farmers market, the nature/range and timing of events within the 'performance space', details of any play equipment, details of the location and type of any cinema screen, and details of the amplification of sound or music associated with an outdoor cinema or any other activity within the site.

Reason:

In the interests of residential amenity and to ensure compliance with Policy MD2 of the Local Development Plan.

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.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

Having regard to policies SP1 – Delivering the Strategy, SP10 – Built and Natural Environment, SP11 – Tourism and Leisure, MG1 – Housing Supply in the Vale of Glamorgan, MG4 – Affordable Housing, MG13- Edge and Out of Town Retailing Areas, MD1 - Location of New Development, MD2 - Design of New Development, MD3 - Provision for Open Space, MD4 - Community Infrastructure and Planning Obligations, MD5 - Development within Settlement Boundaries, MD6 - Housing Densities, MD7 - Environmental Protection, MD8 - Historic Environment, MD9 - Promoting Biodiversity, MD13 - Tourism and Leisure, MD14 - New Employment Proposals and MD16 - Protection of Existing Employment Sites and Premises of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, PPW Edition 10, Technical Advice Notes 2, 11, 12, 15, 16, 18 and 24, the Council's Supplementary Planning Guidance on Affordable Housing, Barry Development Guidelines, Biodiversity and Development, County Treasures, Parking Standards, Planning Obligations, Public Art in New Development, Residential and Householder Development, Sustainable Development - A Developer's Guide and Travel

Plan, and Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the proposed development is considered acceptable in terms of the principle of the uses, design and visual impact, impact on the setting of the Pumphouse, retail impact, residential amenity, parking, traffic, highway safety, ecology, drainage and affordable housing.

NOTE:

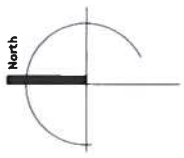
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual 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.

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Notes:
Do not scale this drawing. Check all dimensions on site. Any discrepancies to be reported back to the architect for clarity.

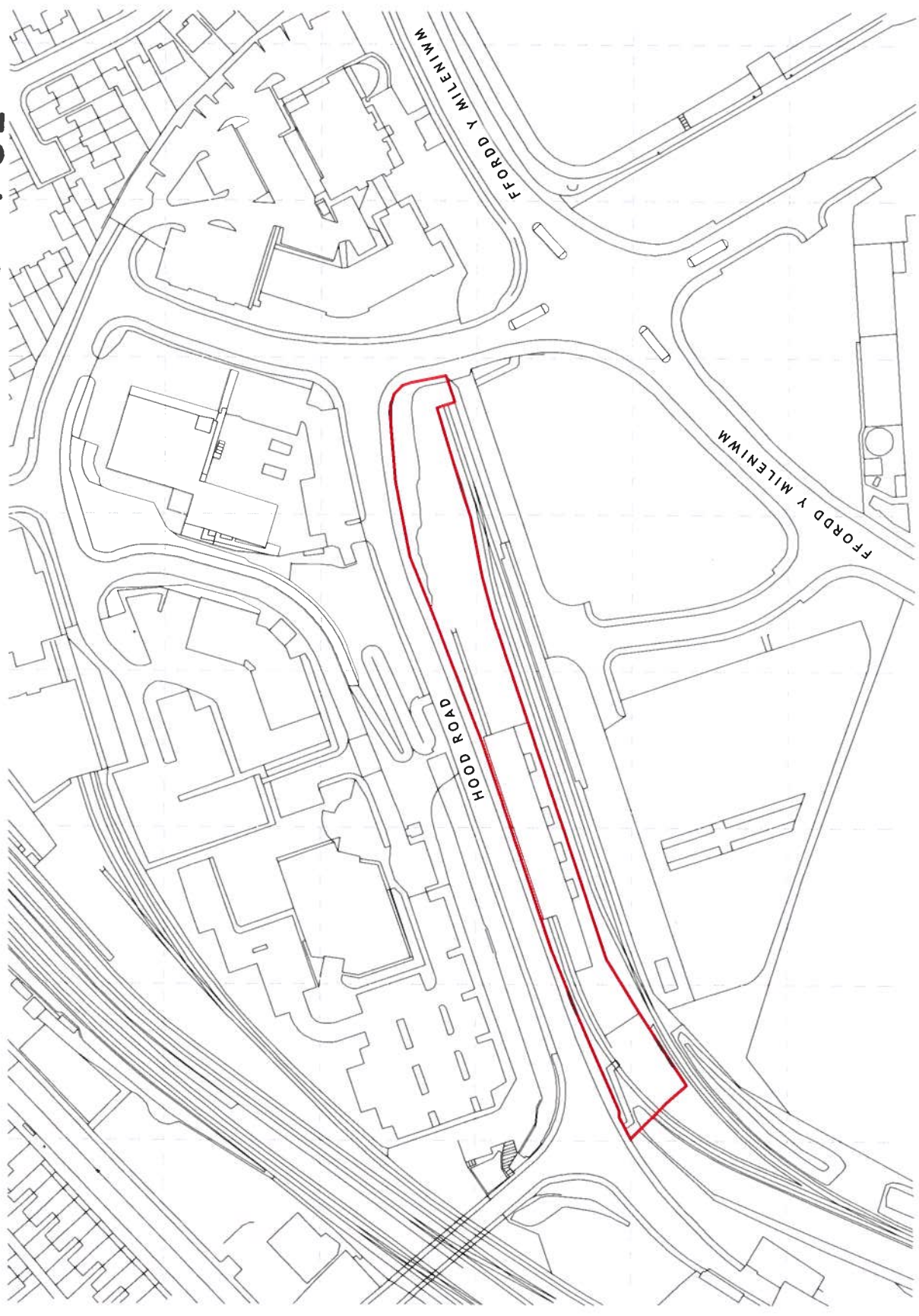
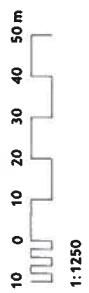


Client:	DS PROPERTIES (GOODS SHED) LTD DS HOLDINGS (PENARTH) LTD
Project:	GOODSHEDS, HOOD ROAD, BARRY
Job Number:	L818
Date:	12.10.18
Drawn By:	PC
Dwg No:	A120
Revision:	
Scale:	1 : 1250 @ A3
Drawing Status:	PLANNING
SITE LOCATION PLAN	



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1801358FUL



01 SITE LOCATION PLAN
1 : 1250

2018/01359/FUL Received on 10 December 2018

Applicant: DS Properties (Goods Shed) Limited and Newydd Housing Association, C/o Agent

Agent: Miss Louise Darch WYG, 5th Floor, Longcross Court, 47, Newport Road, Cardiff, CF24 0AD

Land East of the Goodsheds, Hood Road, The Innovation Quarter, Barry

Erection of a five storey residential block to comprise 23 affordable and 19 market units with undercroft car parking and associated works

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 is for 42 apartments in a single five-storey block, on land to the east of the Goods shed, Hood Road, Barry. The development would comprise 23 affordable units and 19 market units. The affordable units would be made up of 18 no. one bed units and 5 no. 2 bed units and the market units would be made up of 16 no. one bed units and 3 no. two bed units.

The development would be served by a new vehicular access point from Hood Road and this would lead to 34 parking spaces (14 to serve this development and 20 to serve commercial developments that are the subject of application 2013/01358/FUL).

The main issues involved in the assessment of the application are the principle of the use, design and visual impact, impact on the setting of the listed Pumphouse, impact on residential amenity, parking and highways issues, provision of amenity space and open space, drainage, ecology and Section 106 issues. One objection has been received from the public, in addition to a strong objection from Barry Town Council. The application is recommended for approval subject to conditions.

BACKGROUND

This planning application relates to 42 apartments on land adjacent to the Goods Shed, and the application site is the extent of the land outlined in red on the plan below.

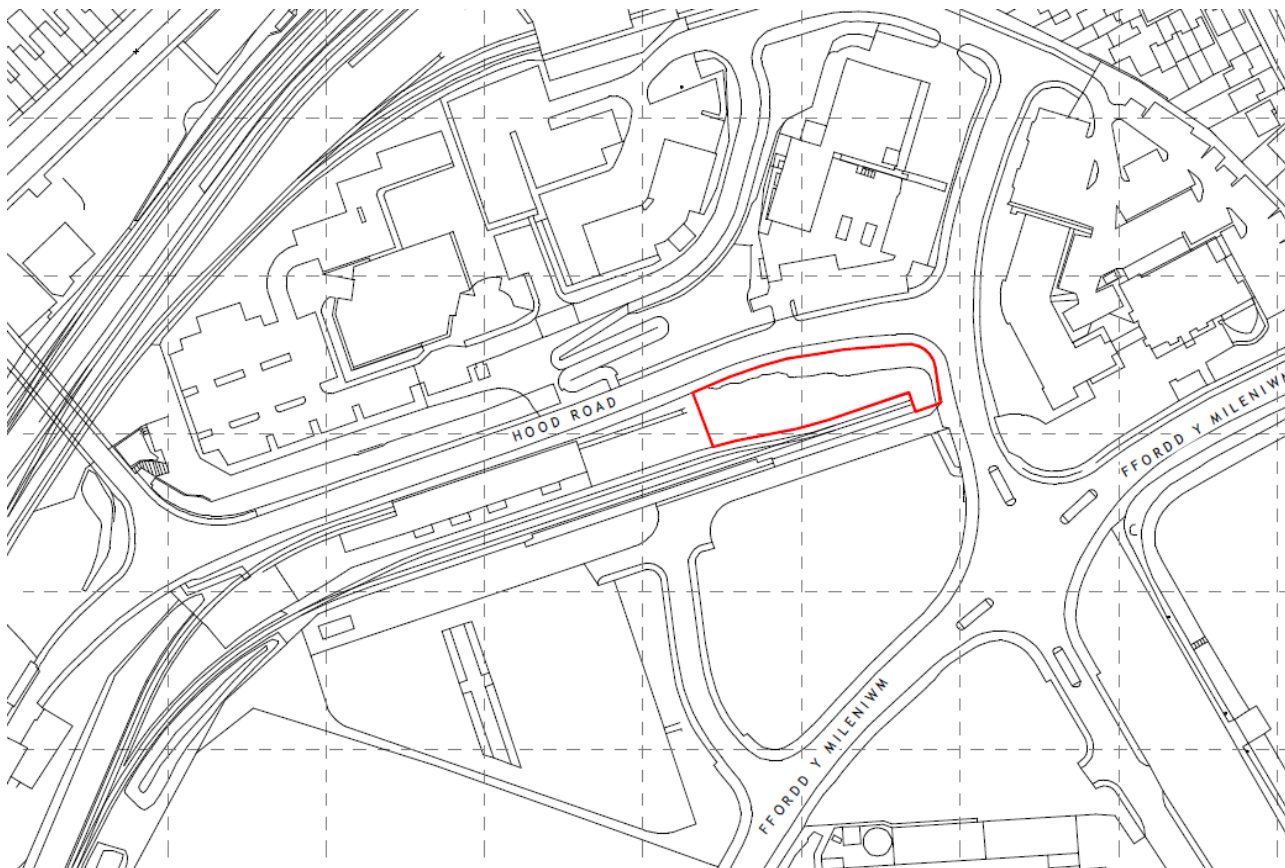
Alongside this application, the Council have received a separate planning application (2018/01358/FUL) for the conversion of the Goods Shed, the construction of a steel container village, and various ancillary uses/spaces including a drive-thru A3 unit, an outdoor performance/play space and a farmers market. That application also includes this site area and has the same applicant. While the two applications are separate, the two proposals essentially form one whole redevelopment of the wider site, and there are a number of overlapping/intrinsically linked aspects.

The two proposals both include a vehicular access point from Hood Road into the eastern part of the site, and the parking area that it accesses would serve both developments. In

addition, the two applications have been considered together for the purposes of calculating affordable housing requirements.

SITE AND CONTEXT

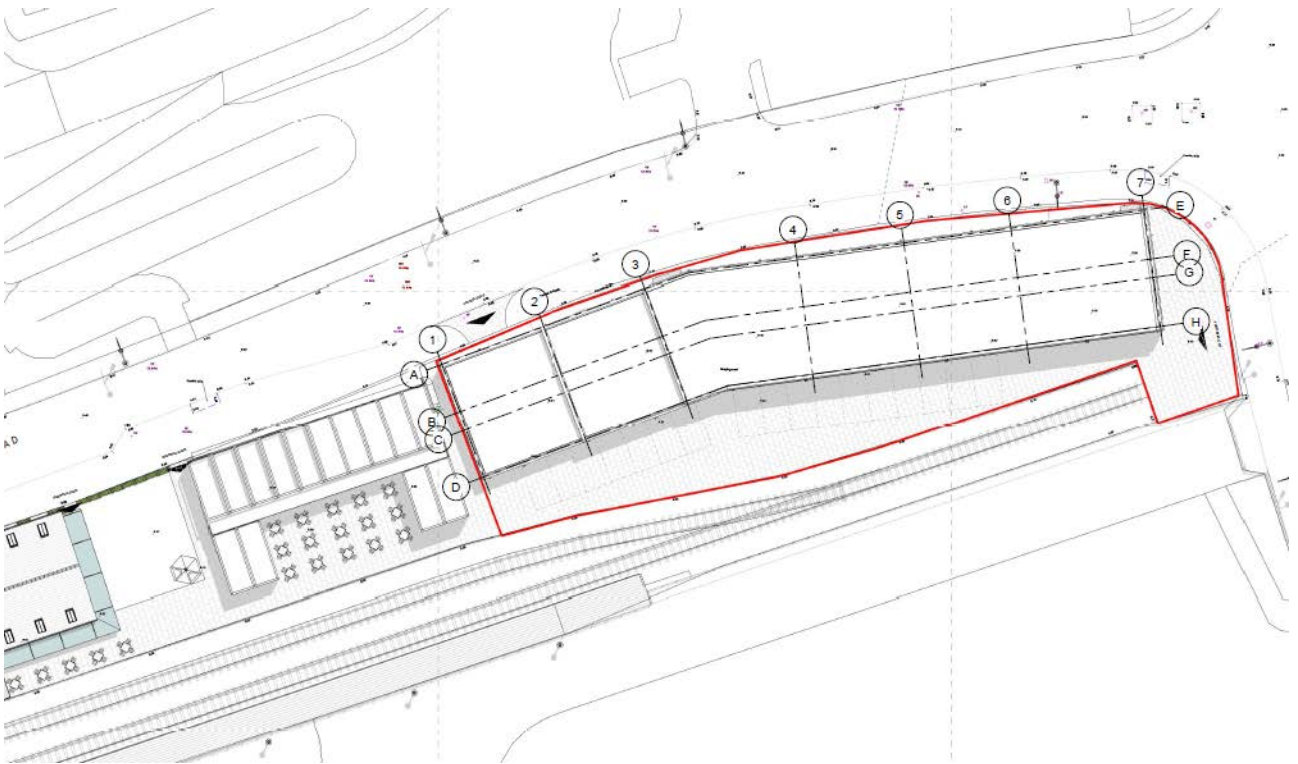
The application site is land to the east of the Goods Shed (and associated land), Hood Road, Barry. The site includes the Goods Shed building and the land to either side, as shown on the plan below.



The site is located within a mixed commercial and residential context, in the heart of the Barry Waterfront Innovation Quarter. To the south of the site is the railway line and land in the Council's ownership that is being marketed for commercial uses (Innovation Quarter Southern Development site), to the east of the site is the Premier Inn hotel (and residential properties beyond), to the north of the site is the mixed use converted Pumthouse, the medical centre and the Council's Business Service centre and to the west is car sales business. The site measures approximately 0.15 hectares in size.

DESCRIPTION OF DEVELOPMENT

The application proposes 42 residential units in a detached block, on land to the east of the Goods Shed. The development would comprise 23 social rented affordable units and 19 market units. The affordable units would be made up of 18 no. one bed units and 5 no. 2 bed units and the market units would be made up of 16 no. one bed units and 3 no. two bed units. The building would be sited close to the site perimeter, in the location shown on the plan below:



The block steps up from three storeys to four, and then to five, in a west to east direction. It is generally linear in form with a 'dog leg' approximately one third of the way along the frontage. The development would have a flat roof and would be constructed from a mix of brown brick and dark grey cladding. The proposed brick would seek to replicate the general character and appearance of that used in the Pumphouse, Goods Shed and more recently constructed Premier Inn hotel. The elevations would contain a repetitious series of windows, set within recessed sections, again, seeking to replicate a design principle of the surrounding buildings. The plans and perspective images below show the appearance of the proposed building:





The following plans are context elevations showing the building within the existing group and proposed container village:





The residential accommodation would be sited on the first thru fourth floors, and the ground floor would comprise undercroft parking (34 spaces in total- 14 to serve market flats and the other 20 spaces would serve the commercial element of the development that is the subject of planning application 2018/01358/FUL). A single vehicular access point is proposed from Hood Road, towards the north western corner of the site. There is no private amenity space or public open space proposed as part of the development.

The application has been amended from the original proposals by amending the pattern of the windows, and creating a break in the brickwork on the long side elevations (front and back) by introducing a recessed vertical clad section.

PLANNING HISTORY

1978/00148/FUL, Address: Ex- Railway Goods Shed, Gwalia Buildings, Powell Duffryn, Barry, Proposal: Use of building and land for motor vehicle repairs, Decision: Approved

1998/01005/FUL, Address: Railway works as part of Phase II to Barry Heritage Steam Railway, adjacent to Powell Duffryn Way, Proposal: Progression of railway line across Powell Duffryn Way - including running line and siding line, Decision: Approved

2000/01299/REG3, Address: Hood Road goods shed and yard, The Waterfront, Barry, Proposal: Stage one extension of railway track, erect platform, temp. new road and car/coach parking forming part of Phase II of Barry Island Railway Heritage Centre/Steam Railway project, Decision: Approved

2001/01373/REG3, Address: Hood Road goods shed site, The Waterfront, Barry, Proposal: Stage two extension of railway track, erection of rail platform, extension of car/coach parking, demolition of tin shed (part of Barry Steam Railway Project), Decision: Approved

2007/01399/RG3, Address: Hood Road Goods Shed, Hood Road, Barry Waterfront, Barry, Proposal: Change of use of building to allow storage, Decision: Approved

2018/01358/FUL- Mixed use development involving conversion of Goods Shed to uses including C3, A3, B1 and D1, construction of steel container village of uses in classes A1, A2, A3, B1, D1 and D2, outdoor performance space, farmers market and drive-thru A3 unit- Un-determined.

CONSULTATIONS

Barry Town Council- *“BTC strongly object to the proposed development for the following reasons; 1. The proposed development has inadequate parking provision. 2. There is a lack of amenity space contrary to the advice in the adopted SPG document; Residential and Householder Development adopted April 2018 – page 39 Design Standards-Amenity Space. 3. The proposed development is out of scale, character and design with the surrounding area. 4. The BTC Council wishes to draw to the attention of the Vale of Glamorgan Council that local knowledge indicates that there may be tunnels under the proposed development site. Accordingly they and the applicants may wish to seek competent advice upon this matter.”*

Highway Development- No representations received to date.

Highways and Engineering- No objection subject to a condition requiring approval of the detailed drainage scheme.

Shared Regulatory Services (Pollution)- Conditions are requested in respect of investigations for contamination.

Local ward members- The following comments have been received from Councillor I. Johnson (points that Councillor Johnson requested be addressed in an update and revised PAC report):

- *The allocation of 16 parking spaces for residents is insufficient for 42 residences (an average of fewer than 0.4 cars per unit), even taking into consideration proximity to public transport and that affordable housing tenants are assumed to have lower car ownership than residents in market units. The use of a fallback position based on existing employment use is not relevant in this context. As the total number of parking spaces is 34, an explanation and analysis of the anticipated use of the remaining spaces would be helpful. I would suggest that the applicant considers increasing the allocation of parking spaces for residents.*
- *The Pre-Application Consultation argues that there is an identifiable need for affordable housing, with a particular focus on one-bed units. Noting this claim, it is unclear why a Registered Social Landlord intends to develop a site where 45% of units are open market, rather than meeting the need for affordable housing that the applicant says exists. This should be clarified in the PAC Report.*
- *The massing of the development may overpower the existing area, particularly on Hood Road where there is a likelihood of reduced sunlight and the artist’s impression of the frontage suggests an unbroken and almost brutal street scene for pedestrians and from the courtyard of the redeveloped Pumphouse building.*
- *Noise pollution for residents of the flats is a strong possibility given the proximity of the residential development to phase one of the Goods Shed development which includes outdoor activities. Mitigations to this eventuality should be made clear in the PAC Report.*
- *Consideration should be taken of the possibility of ‘overlooking’ nearby sites, which will include the building of a primary school.*
- *No detail is provided regarding private amenity space for residents. This should be clarified in the PAC Report.*

Dwr Cymru Welsh Water- No objection subject to a condition requiring approval of the detailed drainage scheme.

Ecology Officer- No representations received to date.

Housing Strategy- The application is supported and the mix of units has been agreed.

South Wales Police Crime Prevention Officer- No objection, and advice is provided regarding crime prevention measures.

REPRESENTATIONS

The neighbouring properties were consulted and the application has been advertised on site and in the press. One letter of objection has been received, as follows:

“The 5 storey residential block is a very curious addition to the innovation quarter on land marketed for predominantly leisure/commercial. It was said that some enabling development would be necessary, I thought that this might have come in the form of the 11 live/work units in the goods shed. How can then the 5 storey 44 unit block be justified. It is not in keeping with surroundings including grade 2 listed pumphouse and is a big overdevelopment. The container village/goods shed plans are great but not this part.”

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 Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which 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 SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan

POLICY MG4 – Affordable Housing

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 MD8 - Historic Environment

POLICY MD16 - Protection of Existing Employment Sites and Premises

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (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
- Sustainable Management of Natural Resources
- Accessibility
- Previously Developed Land

Chapter 4 - Active and Social Places

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

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

- Technical Advice Note 11 – Noise
- Technical Advice Note 12 – Design
- Technical Advice Note 15- Development and Flood Risk
- Technical Advice Note 16 - Sport, Recreation and Open Space
- Technical Advice Note 18 – Transport
- Technical Advice Note 24 – The Historic Environment

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Affordable Housing
- Barry Development Guidelines
- Biodiversity and Development
- Parking Standards (Interactive Parking Standards Zones Map)
- Planning Obligations
- Public Art in New Development
- Residential and Householder Development
- Sustainable Development - A Developer's Guide
- Travel Plan

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations
- Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

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 main issues involved in the assessment of the application are the principle of the use, design and visual impact, impact on the setting of the listed Pumphouse, impact on residential amenity, parking and highways issues, provision of amenity space and open space, drainage, ecology and Section 106 issues.

The principle of the development

The site lies within the settlement boundary of Barry, within which residential uses are acceptable in principle (subject to the land not being protected for other purposes). The residential units would be above ground floor parking and, therefore, save for the perimeter elements of the superstructure, the development does not occupy a significant proportion of the ground floor footprint of the site and the residential units themselves have not resulted in the loss of potential commercial space. This would enable parking to be provided for the commercial uses proposed by the planning application on the adjacent land.

The land is not protected within the LDP for alternative uses and while it is located within the heart of the Innovation Quarter, the Goods Shed site as a whole is subject to another application for a comprehensive package of commercial uses that would contribute positively to the regeneration of the area. This residential proposal does not compromise the delivery of those uses or diminish the scope and quantity of commercial space. There are residential uses within other parts of the IQ in the Pumphouse and (proposed) in the upper parts of the Goods Shed and, while this proposal is more substantial in size than those, it would not dominate the surrounding (existing and proposed) commercial uses.

It is considered that the residential uses are compatible with the other mixed uses within the IQ and they would add activity and vitality to the area. It is, therefore, considered that the residential use is acceptable in principle and it would make a positive contribution to the regeneration of the area, as well as contributing to housing need. Further assessment of the affordable housing issues is contained below in the Section 106 part of the report.

Scale, design and visual impact

The context surrounding the site is made up of a varied composition of buildings, both in terms of scale and design. The immediate context includes the historic listed Pumphouse, and the similarly characterful (albeit not listed) Goods Shed. That small historic core of buildings has been added to over time and the group now contains the more contemporary flat roofed Premier Inn hotel, the medical centre and the BSC building. Each of the more recent additions has been designed with varying degrees of relevance to the Pumphouse and Goods Shed and while some are more contemporary than others, there is a general design theme that runs through the group. The core design principles of the Premier Inn, in particular, are the brown brick and the repetitious windows set within bricked vertical recesses, and this gives continuity with the more historic buildings.

The building that is the subject of this application has been designed upon a similar set of principles, albeit the secondary materials are different (dark grey cladding as opposed to render). The applicant proposes to source matching brick and the elevations are principally made up of a series of windows in similar bricked recesses. It is considered that this provides a strong degree of continuity with the rest of the group and it would assist

with its visual assimilation into the street scene. The areas of brick would be broken up with dark grey cladding, and it is considered that this would give the building an attractive contemporary appearance. While the elevational composition is fundamentally simple, this is considered to be an appropriate form of design in this context.

The building would be sited close to the back of the pavement, and this would present an active frontage to the road and would define a strong edge to the development. It would replicate the relationship that the Goods Shed has with Hood Road, and the BSC and Premier Inn give similar enclosure to their roads. This is the predominant pattern of development in the area and this building would appropriately continue that.

The building would be five storeys tall and this is larger than any of the existing buildings in the group, however, the buildings to the north side of Hood Road are at a raised level and the roof form would be at a similar level. The applicant has made changes to the design, with a view to breaking up the overall area of brick, and creating more of a visual distinction between the brickwork and the recessed top storey.

The image below is from the original submissions, and this had less relief to break up the length of the main elevation, and the cladding was a similar colour to the brick:



The amended corresponding image is below, where grey cladding has been used to create a distinction with the top storey, and the elevation has been split with a vertical recessed clad section:



It is considered that these amendments have proved effective in breaking up the massing of the building and giving relief to the front and rear elevations. The 'dog leg' on the front elevation would give further relief, and there is another recessed clad section at that point, as shown on the image below:



The dark grey cladding would also give a sense of continuity with the adjacent steel container village, which is shown on the plans as being finished in a similar dark grey.

It is acknowledged that the building is a relatively large structure, however, it is considered to be an interesting and high quality design which would positively add to the group of buildings in the Innovation Quarter. The amendments to the design have given depth to the front elevation and the palette of materials would be successful in breaking up the massing of the building. Consequently, and given the relative ground levels through the Innovation Quarter, it is considered that the building would not appear over scaled and would enhance the street scene, in compliance with Policies MD2 and MD5 of the LDP.

Impact on the setting of the listed pumphouse

The application site lies opposite the grade II listed Pumphouse, which has now been converted to a mix of residential and commercial uses. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states as follows:

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In addition, there is relevant case law, namely the Court of Appeal decision regarding Barnwell Manor (February 2014) within which the court held that the effect of Section 66(1) quoted above was that the desirability of preserving the setting of listed building should be given considerable importance and weight.

This new apartment block would be approximately 40m away from the Pumphouse at its nearest point, and separated by Hood Road. It would be a taller structure than the Pumphouse (excluding the tower), however, the Pumphouse sits at a higher ground level, such that the top of the new building would be at a height that is broadly comparable its roof. The visual separation between the two, coupled with the change in levels, is such that the building would not intrude significantly into the setting of the listed building. This context is shown on the plan below:



From within the Innovation Quarter Southern Development site and parts of the Barry Island Link Road to the south, the development would screen views of the Pumphouse, however, in the wider context there is a relatively limited scope of positions where views of the building would be significantly interrupted. On the approach towards the site from the east, the building would be visible in the same visual context as the Pumphouse, however, the change in levels and the distance between the buildings is such that it would not unacceptably challenge the setting or spacing around the building. The development would, therefore, comply with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and policies SP10 and MD8 of the LDP.

Residential amenity

The nearest residential units are those in the converted Pumphouse (approximately 65m away), the dwellings to the east of the Premier Inn (approximately 120m away) and those new dwellings on the Waterfront to the south of the site (approximately 200m away). It should also be noted that application 2013/01358/FUL proposes residential units in the upper floors of the Goods Shed and while that application has not been approved yet, regard should also be given to potential impacts on those occupiers.

The proposed building is far enough away from the neighbouring residents to ensure that there would be no overbearing or privacy impacts, and a Construction Environmental Management Plan (CEMP) is required (by Condition 6) to minimise amenity impacts during the construction phase. Subject to the measures within the CEMP it is considered that the development would be acceptable in terms of residential amenity.

The development would have some angled views towards the site of the proposed school to the south, however, these views would be at a distance that would not give rise to any unacceptable privacy impacts.

Occupiers of the development would be living in close proximity to the number of commercial uses proposed by application 2018/01358/FUL (if approved), however, there are a series of conditions recommended for that development which would control the nature of the uses, hours of operation, fume extraction and noise attenuation. It is, therefore, considered that occupiers of this development would not be subject to unacceptable amenity impacts from nearby commercial uses.

Parking and highways issues

A vehicular access is proposed from Hood Road, which would provide access to a parking area of 34 spaces. It should be noted that planning application 2018/01358/FUL proposes a further parking area to the west of the Goods Shed to serve residential and commercial units as part of that application.

The vehicular area within the site would benefit from turning space so that vehicles can enter and leave the site in a forward gear. It would be sited sufficiently far away from the junction to the east of the site to ensure that there would not be harmful conflict when vehicles are exiting the site. The access would benefit from good visibility along Hood Road and consequently, it is considered that it would not adversely impact upon highway safety.

The Design and Access Statement sets out the intended parking allocations for the development (and the development that is the subject of application 2018/01358/FUL) and for clarity/context they are as follows:

- 14 spaces to serve the market units in the 5-storey block (in the area of 34 spaces)
- 20 spaces to serve the commercial uses from application 2018/01358/FUL (in the area of 34 spaces)
- 13 spaces to serve the live work units from application 2018/01358/FUL (11 plus 2 for visitors- in the area of 18 spaces)
- 5 spaces for staff in the commercial units from application 2018/01358/FUL (in the area of 18 spaces).

The Council's Parking Standards Supplementary Planning Guidance provides a basis to assess the likely parking demand and reasonable parking requirements for developments. The standards in the SPG are 'maximum', and it is necessary in every case to consider whether a reduction below that standard is justified.

For residential developments, the standards refer to one space per bedroom up to a maximum of three and one space per 5 units for visitors. The application proposes 23 affordable units and 19 market units, and 14 parking spaces would be made available for the market units. On the basis of one space per market unit, there would be 5 spaces not accounted for on site.

In respect of the affordable units, the applicant has drawn officers' attention to 2011 census data which suggests that 54% of social rented households in the Vale of Glamorgan have no access to a car, and this would infer that approximately 11 affordable units would have access to a car. Alongside this, the submissions include details of four other development sites in the Barry and in those cases an average of 0.43 parking spaces per unit were being used (including sites nearby at Jackson's Quay and the former Magistrates Court). This would suggest a demand of 10 spaces from this development and those surveys are generally consistent with the census data. Approximately 8 spaces would be required for visitor parking and, in addition to the above, there would be a total maximum parking demand of 24 spaces not accounted for on site.

While the parking demand associated with application 2013/01358/FUL is most fundamental to the assessment of that application, it is relevant to have regard to it here, since it is likely to be the same surrounding highway network and parking opportunities that would be relied upon for both, and the most robust assessment would assume the approval and construction of both.

The eleven units in converted Goods Shed would each be served by a single space and there would be two spaces for visitors (one per 5.5 units). This is considered to be an acceptable level of parking which aligns with the aims of the SPG, particularly given the very sustainable nature of the site, close to Barry Train Station, regular bus routes and a number of shops and services.

The parking demand for the commercial uses is less easily modelled, given that there are a range of uses that could potentially be undertaken within the Goods Shed space and the container village. The applicant's parking assessment has considered the maximum parking demand (based on the Council's SPG standards) for the Goods Shed and the container village, on the basis of each of the allowable uses occupying the whole of that space. The assessment has then subtracted 13 spaces for each due to a reduction for

sustainability points scored. It should be noted that the Council's draft revised Parking Standards propose the removal of the sustainability scoring system on the basis that the standards are maximum in any case.

The Goods Shed could be put to uses in classes A2, A3, B1 and D1, and those would have maximum parking requirements of between 15 (for B1 or A2 uses) and 53 spaces (for D1), depending on the use, and if those uses occupied the whole of the building. In reality, it is considered most likely that the space will be a combination of uses and the applicant is principally intending to market the largest unit as a B1 technology hub and the other units as A3. The maximum parking demand associated with such a composition would be 9 for the B1 uses and 23 for the A3 uses (based on an estimation of 6 staff per unit and half of the overall space being 'dining space'), and this is considered to be a reasonable basis upon which to assess likely demand. i.e. 32 spaces in total.

The occupation of the container village would be limited as follows by Condition XXX of that permission (if granted):

- Ground floor- up to 20% in use class A1 and the remainder in use class A3.
- First and second floors combined – Uses within classes A1, A2, A3, B1, D1 and D2 (of which no more than 20% in total shall be in use class A1).
- Third floor- Uses within class A3 for the unit identified on plan A134 as 'unit 36' and uses within classes A2, A3, B1, D1 and D2 for the remaining third floor units.

The above would generate the following maximum parking demand:

- Ground floor- 5 spaces (based on 20% A1, 80% A3 with estimated 12 staff for that space).
- First and second floors- total 10 spaces (based on 20% A1, 40% B1/A2 and 40% A3).
- Third floor- 2 spaces based on the larger unit being A3 and the smaller units being A3 or B1/A2.

This would represent a maximum parking demand of 17 spaces and in addition to the 32 from the Goods Shed, it would be a total commercial maximum demand of 49 spaces. Five parking spaces are proposed within the parking area to the west of the Goods Shed and 20 spaces are proposed within the parking area to the east of the site, which means that a maximum of 24 spaces would need to be accommodated off site. It should be emphasised that this calculation is based on maximum standards and this number of spaces is effectively the maximum that should be made available. i.e. providing more than this may be likely to encourage greater car use and less sustainable modal choice and the absence of 24 spaces would not infer that the development is unacceptable in respect of parking.

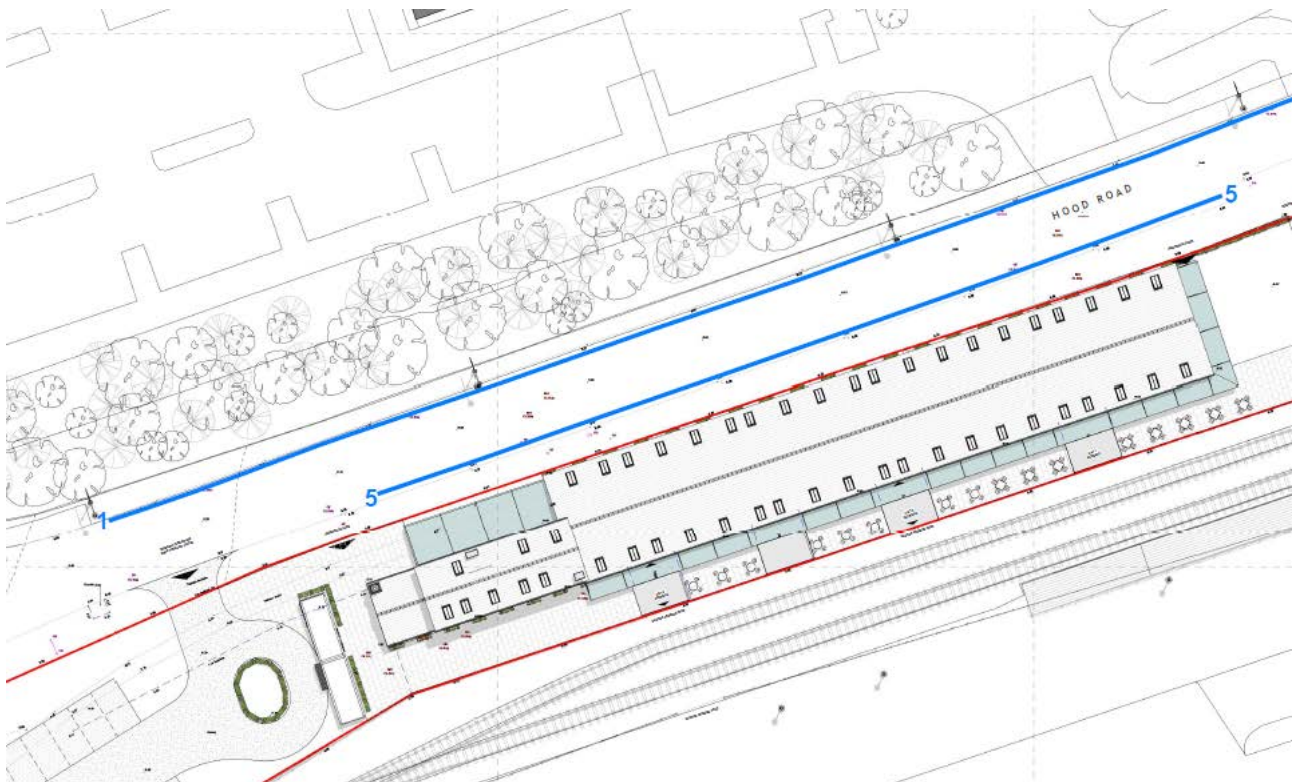
Taken together with the 24 spaces from this application, there is estimated to be an off-site maximum parking requirement of 48 spaces.

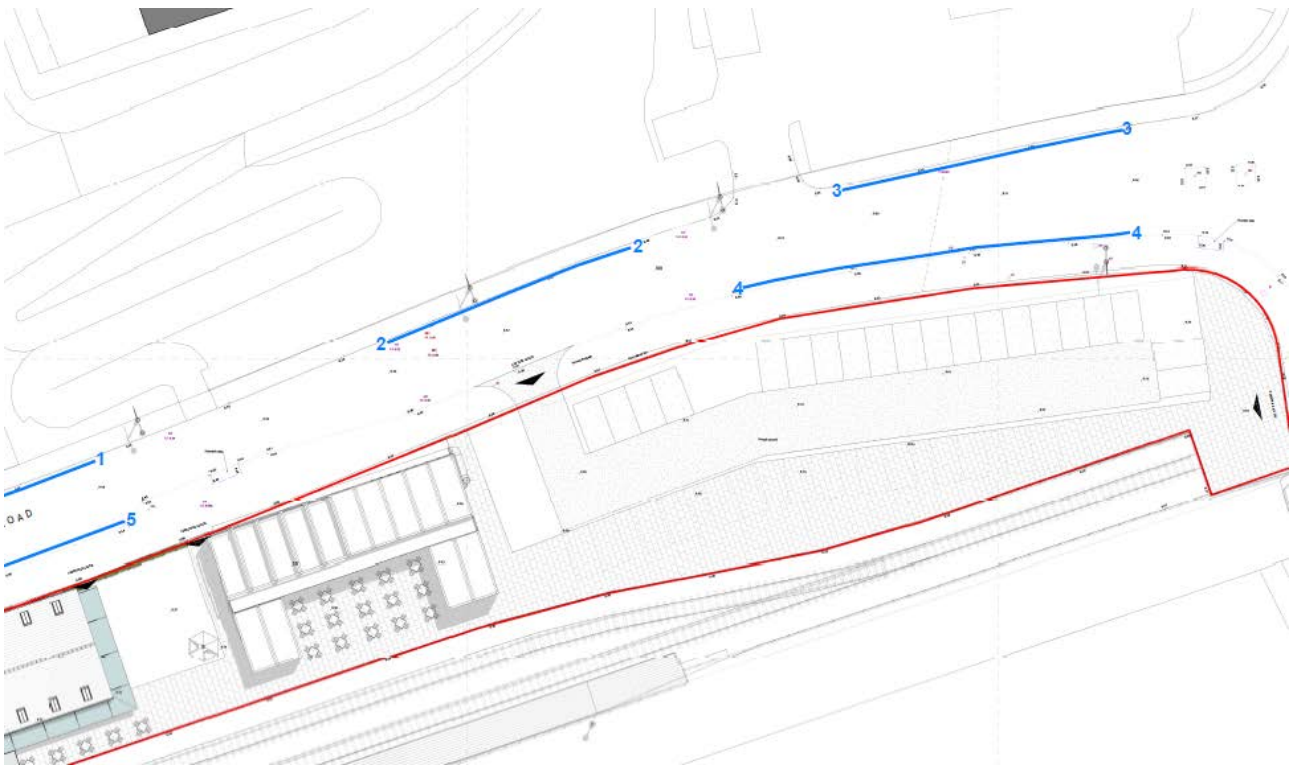
The applicant has submitted a parking survey which appraises the availability of off street parking in the area. The original assessment was relatively crude insofar as it assumed potential availability for parking along both sides of the whole length of Hood Road, between the junction directly opposite the Premier Inn and the junction with the highway that runs under the railway bridge. This approach is problematic firstly because there are (and would be) a number of junctions into the site and the Pumphouse (and a bus stop

'build out') along this stretch, and secondly because parking along both sides of this stretch of road would prohibit two way traffic flows.

The applicant has suggested that there should nevertheless be scope for parking on elements of both sides of the road, and that this would not have a significant impact on traffic flows. However, this is an important strategic highway that links Broad Street to the wider Waterfront and the free flow of traffic is an important material consideration. Consequently, it is considered that it is only appropriate to rely on parking on one side of the carriageway, either only the north or south side of the road or in an alternating pattern (similar to how elements of the carriageway are defined by parking boxes at present).

The applicant has subsequently made additional submissions, which appreciate the locations of junctions into this site and the Pumphouse, and the bus-stop. Based on a pattern of parking that utilises space on the northern and southern sides of the road, there would potentially be capacity for 25 spaces in locations which would preserve the free flow of two way traffic (areas 2, 4 and 5 on the plans below).





The parking surveys were carried out by the applicant on a Tuesday, Wednesday and Friday, between 0700 and 1900. The occasion of peak parking was 1500 on the Friday, at which time 13 vehicles were parked on Hood Road (there were 8 cars parked at 1900). It is regrettable that the surveys do not include a weekend day, however, a Friday evening is considered to be representative of likely peak demand for a development such as this. At the majority of times through the surveyed period there was up to 5 cars parked on the road.

Assuming the worst case scenario based on the survey results, 13 spaces of existing demand should be taken into account, and this would suggest residual capacity for 12 spaces.

While this would not satisfy the maximum demand calculated above, the applicant has only surveyed and taken account of capacity on the stretch of Hood Road across the site frontage. There is additional on street capacity immediately to the west of the site, along the highway to the east of the Pumphouse/the west of the Premier Inn, along the highway to the north of the Pumphouse, and on the highway to the front of the BSC building (the latter directly by a footway to Hood Road. This nature of the uses in the BSC and the medical centre are such that occasions of peak demand associated with those buildings is highly unlikely to coincide with peak demand for the developments associated with this application and application 2018/01359/FUL. These surrounding streets are within very short walking distance to the site and it is considered reasonable and appropriate to take them into account as available capacity to serve need arising from this development.

The application has not quantified the exact amount of space available on these streets, however, there is evidently ample capacity to deal with the sort of demand calculated above. While there is available capacity in these surrounding streets, it is likely that customers may choose to park directly in front of the site if un-prohibited space was apparently available. Consequently, and to avoid a practice of parking which would be to

the detriment of the free flow of traffic, Condition 17 requires a scheme of regulated parking to be submitted to and approved in writing by the Local Planning Authority, and a Traffic Regulation Order to be implemented if necessary.

Notwithstanding the above, it should also be noted that the development is unlikely to generate its maximum parking demand at all times and the demand in the surveyed locations from existing uses is, based on the parking surveys, likely to be significantly less than 13 spaces at the majority of times.

As noted above, the site is in a highly sustainable location, close to the train station and bus links, and customers/staff associated with the development of application 2018/01358/FUL would have significant scope to access the site by means other than the private car. In particular, the populations of the existing and approved residential developments along the Waterfront are within easy walking distance of the site. It is appropriate for mixed use developments to be located in highly accessible urban locations and the type and quantity of floor space represent an efficient use of the land, and one that will seek to maximise the positive regeneration benefits. Materially less development (and/or more of the site being used for parking) would represent an inefficient use of the land and would be contrary to local and national policy to de-prioritise car use.

Having regard to the above, it is considered that the proposed development would be served by a safe vehicular access point and that the surrounding highway network is readily capable of accommodating any parking demand that cannot be catered for within the site, in accordance with policies SP1, MD2 and MD5 of the LDP.

Amenity space and open space

The units would not be served by private amenity space and the layout does not make provision for public open space. It is often the case that flatted developments cannot practically be served by private amenity space, however, the site is well located for access to public open space, in particular the public realm and new open spaces on Barry Waterfront. Further open space is to be provided throughout the wider Waterfront development, including a large strategic allocation as part of East Quay.

The limited on site space must be weighed against the positive impacts of the development; in this case principally the provision of much needed affordable units (and market units). The provision of an area of public open space or private shared amenity space would significantly impact on the number of units that can be provided and the viability of the scheme. In light of the importance to be placed upon affordable housing provision and given the close relationship the site has with the nearby public open space, it is considered that the outdoor amenity needs of the occupiers can, on balance, be reasonably met in this way. It should also be noted that there are outdoor areas within the adjacent site (application 2018/01358/FUL) and these would also be directly useable to the occupiers of this site.

Drainage

The application is not accompanied by details relating to surface water drainage and both the Council's Drainage Engineer and Dwr Cymru Welsh Water (DCWW) have advised that infiltration should be the primary method of surface water disposal, prior to any other method being considered. Both have requested a condition requiring full detail of the drainage scheme to be agreed and this is at Condition 12. DCWW have advised that

there is no objection to foul flows connecting to the existing system. Part of the site (at the eastern end) is within Flood Zone B, which suggests that there is a partial risk of surface water flooding to the site, however, TAN 15 does not advise against development in Zone B, and in this case the surface water proposals should have regard to this.

Ecology

The application is accompanied by an ecological assessment which concludes that there is low potential for reptile use. The report contains a series of recommendations to minimise any adverse impacts and these include working outside of bird nesting season and time limited works to grassland. The report recommends ecological enhancement in the form of bat boxes on the Goods Shed building, however, that provision would not be relevant to this specific site, which does not include the Goods Shed building. Subject to conditions to require the report recommendations and alternative enhancement to be carried out (for example bird boxes on the new building), it is considered that the development would be acceptable in terms of biodiversity and would comply with Policy MD9 of the LDP.

Section 106/Viability issues and affordable housing

Given the scale of the development, the Council would normally seek to secure financial obligations in respect of sustainable transport, public open space, community facilities, in addition 30% of the units being affordable. Education contribution would not be sought due to the composition of the development, which is 34 one bedroom units and 8 two bedroom units.

In this case, the applicant has submitted viability information which demonstrates that financial obligations would bring the development profit below a level which a developer would reasonably expect for a development of this type. i.e. below a profit level that would reasonably incentivise a developer to carry out the scheme. On this basis, and in light of the viability position, it is considered that the development is acceptable without financial contributions. While contributions would ordinarily be sought, the development is in a particularly sustainable location and the combination of uses within the site as a whole (considering application 2018/01358/FUL) would have a material community benefit. Furthermore, the public realm through the site and the area between the Goods Shed and the containers would have an amenity value.

Notwithstanding the above, this application runs alongside application 2018/01358/FUL, for 11 market residential units in the Goods Shed building. Taken together, the two developments comprise 53 units of which 23 would be affordable and 30 would be market. This equates to just over 43% affordable, which exceeds the 30% requirement in Barry, and satisfies the requirements of Policy MG4 of the LDP.

The Council's Affordable Housing Enabler has advised that 576 affordable units are required in the Vale of Glamorgan each year and the following figures have been provided in respect of need in Barry from the Homes4U waiting list:

	1 bed	2 bed	3 bed	4 bed	5 bed	
Barry	6	1				7
Baruc ward	303	179	49	12	1	544
Butrills ward	342	133	55	14	2	546
Cadoc ward	156	81	32	5	3	277
Castleland ward	268	127	46	9	2	452
Court ward	101	59	17	2		179
Dyfan ward	93	68	35	5	1	202
Gibbonsdown ward	100	67	25	7		199
Illtyd ward	106	77	27	5	1	216
Grand Total	1475	792	286	59	10	2622

The site lies mostly in Baruc ward and partially in Butrills ward, and the Homes4U waiting list figures for both are highlighted above. There is a waiting list for 645 one bed units and 312 two bed units across those two wards.

It is considered that the 23 affordable units would make a meaningful contribution towards meeting that housing need in the area. While a number of affordable units have been approved within the area of the Waterfront in the last 5 years in particular, there is significant affordable housing need throughout Barry, which would not be fully met by this development, or those nearby on the already approved phases of the Waterfront. (Approximately 200 units of affordable housing have been approved across the phases of the waterfront so far- those phases associated with application 2009/00946/OUT)

It is, therefore, considered that there remains evidenced need for affordable units in these wards (and Barry as a whole) and the units to be provided across these two applications clearly do not exceed that need.

Councillor Johnson has queried why a registered social landlord is seeking to deliver only 55% affordable housing, in light of the acute affordable housing need in Barry. While this is a less typical development model for a registered social landlord, the applicant's agent has advised that the revenue from the market units would be re-invested back into other affordable developments (given the essentially non-profit making nature of an RSL). While this would result in a less demonstrable contribution to affordable housing need on this specific site (and in this ward), it will nevertheless still contribute to affordable housing in a wider sense and the development still exceeds the policy requirement in terms of actual affordable units.

RECOMMENDATION

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:

A126 A, A127, A128 A, A129, A130, A131, A132, A133, A134, A135, A136, A137, A138, A139, A140 and A141.

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. No development shall commence until details of existing ground levels within and adjacent to the site and proposed finished ground and floor levels 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 visual 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.

4. The affordable residential units hereby approved shall be delivered by a Housing Association Partner (Hafod Housing, Newydd Housing, United Welsh Housing or Wales & West Housing) of the Vale of Glamorgan Council and shall only be occupied as affordable housing that meets the definition of affordable housing in Annex B of the Welsh Government Technical Advice Note 2 on Affordable Housing, or any future guidance that replaces it. The affordable units shall comprise 18 x one bed social rented units and 5 x two bed social rented units.

Reason:

In order to ensure that the site delivers appropriate provision of affordable housing to meet the identified need and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP4 (Affordable Housing Provisions), MG4 (Affordable Housing) and MD4 (Community Infrastructure and Planning Obligations) of the Local Development Plan.

5. Notwithstanding the submitted details, a schedule and samples of the external materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority, prior to their use. The development shall be completed and at all times thereafter maintained in accordance with the approved details.

Reason:

To safeguard local visual amenities, as required by Policies SP1 and MD2 of the Local Development Plan.

6. No development shall commence, including any works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to and

approved in writing by the Local Planning Authority. The CEMP shall include the following details:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) the delivery routes and delivery timings for all plant and materials
- iv) storage of plant and materials used in constructing the development;
- v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vi) wheel washing facilities;
- vii) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
- viii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- ix) hours of construction;
- x) lighting;
- xi) the location of any site compound
- xii) management, control and mitigation of noise and vibration;
- xiii) odour management and mitigation;
- xiv) diesel and oil tank storage areas and bunds;
- xv) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorscheme.org.uk) during the course of the construction of the development; and
- xvi) 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 Policy / Policies SP1 (Delivering the Strategy) / MD7 (Environmental Protection) of the Local Development Plan.

7. Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

(i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;

(ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;

(iii) an assessment of the potential risks to:

- human health,
- groundwaters and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- ecological systems,
- archaeological sites and ancient monuments; and
- any other receptors identified at (i)

(iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017),, unless the Local Planning Authority agrees to any variation.

* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason:

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment, and to ensure compliance with Policy MD7 of the LDP.

8. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works

to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works and within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the

effectiveness of the remediation carried out must be submitted in writing to the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017),, unless the Local Planning Authority agrees to any variation.

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, and to ensure compliance with Policy MD7 of the LDP.

9. In the event that contamination is found at any time when carrying out the development that was not previously identified, it shall be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place (unless otherwise agreed in writing) until a scheme to deal with the contamination found has been approved in writing by the local planning authority. The scheme shall include an investigation and risk assessment and where remediation is necessary a remediation scheme and verification plan shall 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, prior to the first beneficial occupation of any of the dwellings approved.

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 MD2, MD5 and MD7 of the Local Development Plan.

10. Any topsoil (natural or manufactured) or subsoil, and any aggregate (other than virgin quarry stone) or recycled aggregate to be imported (and any site won material including soils, aggregates, recycled materials) shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation (to include details of procedures for sampling) 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 the relevant Code of Practice and Guidance Notes.

Reason:

To ensure that the safety of future occupiers is not prejudiced and to ensure compliance with Policy MD7 of the LDP.

11. Any means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority, prior to their erection/implementation.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

12. No development shall commence until details of a scheme of foul, land and surface water drainage has been submitted to and agreed in writing by the Local Planning Authority. The scheme (which shall include details of the perpetual management and maintenance of the system) shall be implemented in accordance with the approved details prior to the first beneficial use of the part of the development that it relates to, and it shall be so retained in perpetuity.

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.

13. The development shall at all times be carried out in accordance with the measures and recommendations as set out in the Wildwood Ecology Ecological Impact Assessment (WWE18158 ECIA REV B), and prior to the first beneficial use of the development, enhancement measures shall be carried out in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority. The enhancement measures shall be retained at all times thereafter.

Reason:

In the interests of ecology and to ensure compliance with Policy MD9 of the LDP.

14. Prior to their use in the development hereby approved, further details of all doors, windows, rooflights and rainwater goods, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and maintained in accordance with the approved details.

Reason:

In the interests of visual amenity and to ensure compliance with Policy MD2 of the LDP.

15. Notwithstanding the submitted plans and prior to the first beneficial use of the development, the vehicular access from Hood Road, the internal site road and the parking area shall be fully completed in accordance with further details, that shall have first been submitted to and approved in writing by the Local Planning Authority, prior to the commencement of work to construct them. The access and parking area shall be retained at all times thereafter, to serve the development.

Reason:

In the interests of highway safety, to ensure a satisfactory form of access 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.

16. Notwithstanding the submitted details, a parking management plan shall be submitted to and approved in writing by the Local Planning Authority, and this shall include details of which parking spaces will serve which element of the development hereby approved, their hours of use, and the means to allocate and enforce parking allocations for the residential properties.

Reason:

In order to ensure that the respective parts of the development are served by adequate parking, and to ensure compliance with Policy MD2 of the LDP.

17. Prior to the first beneficial use of the development hereby approved, a scheme for the regulation of on street parking along Hood Road (including timescales for implementation) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented (by means of a Traffic Regulation Order if necessary) in accordance with the approved details.

Reason:

In the interests of highway safety and the free flow of traffic and to ensure compliance with Policies MD2 and MD5 of the LDP.

18. Prior to the first beneficial use of the development hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, which shall include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The Travel Plan shall thereafter be completed in accordance with the approved details.

Reason:

To ensure the development accords with sustainability principles and that site is accessible by a range of modes of transport in accordance with Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

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.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

Having regard to policies SP1 – Delivering the Strategy, SP10 – Built and Natural Environment, MG1 – Housing Supply in the Vale of Glamorgan, MG4 – Affordable Housing, MD1 - Location of New Development, MD2 - Design of New Development, MD3 - Provision for Open Space, MD4 - Community Infrastructure and Planning Obligations, MD5 - Development within Settlement Boundaries, MD6 - Housing Densities, MD7 - Environmental Protection, MD8 - Historic Environment and MD9 - Promoting Biodiversity, of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, PPW Edition 10, Technical Advice Notes 2, 11, 12, 15, 16, 18 and 24, the Council's Supplementary Planning Guidance on Affordable Housing, Barry Development Guidelines, Biodiversity and Development, County Treasures, Parking Standards, Planning Obligations, Public Art in New Development, Residential and Householder Development, Sustainable Development - A Developer's Guide and Travel Plan, and Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the proposed development is considered acceptable in terms of the principle of the uses, design and visual impact, impact on the setting of the Pumphouse, retail impact, residential amenity, parking, traffic, highway safety, ecology, drainage and affordable housing.

NOTE:

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.

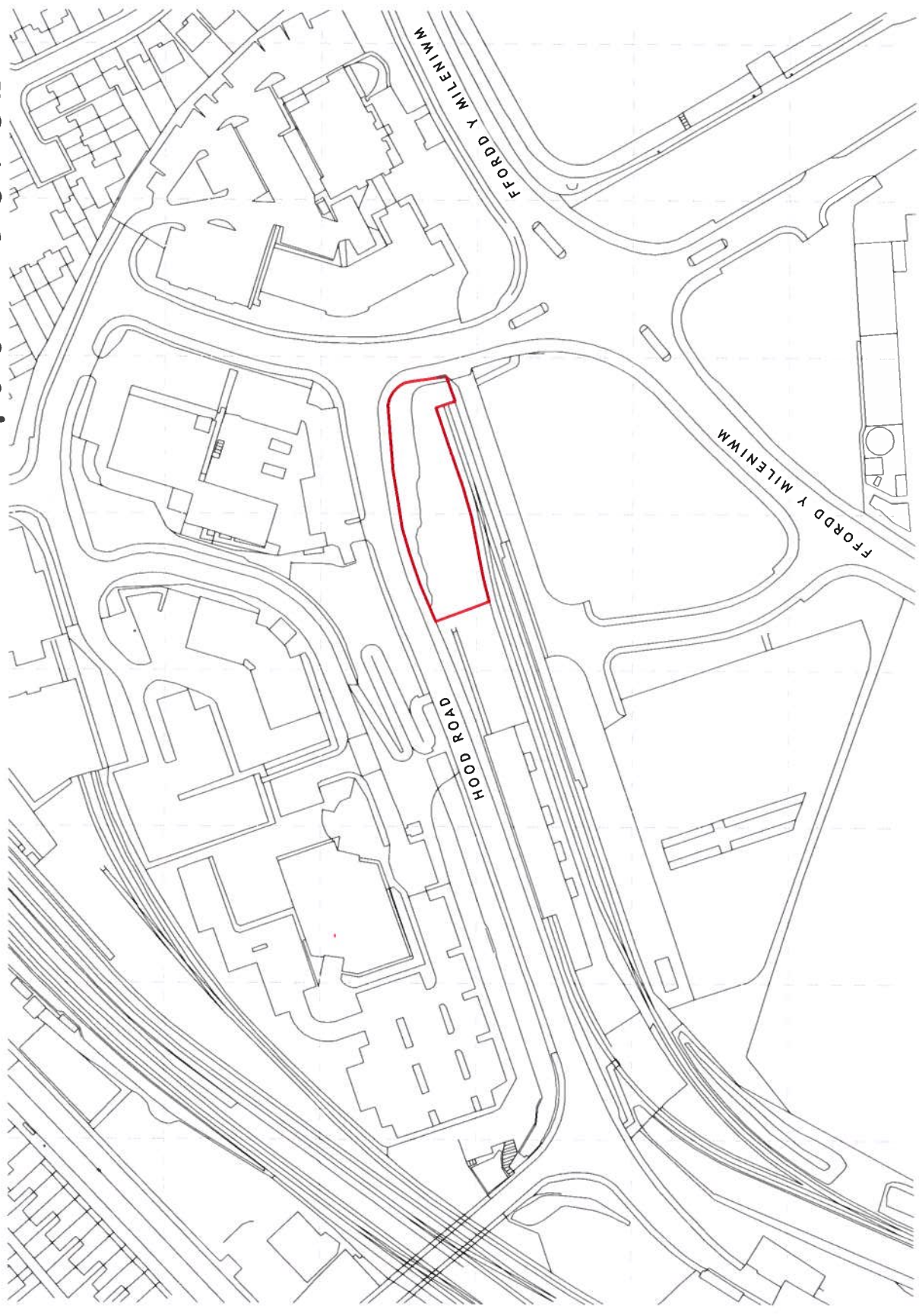
In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

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.

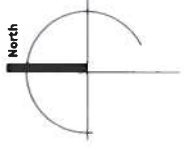


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01 SITE LOCATION PLAN
1:1250

Copyright © 2018
Notes:
Do not scale this drawing. Check all dimensions on site. Any discrepancies to be reported back to the architect for clarity.



Client:	DS PROPERTIES (GOODS SHED) LTD DS HOLDINGS (PENARTH) LTD
Project:	GOODSHEDS, HOOD ROAD, BARRY
Job Number:	L818
Date:	31.10.18
Drawn by:	PC
Dwg No:	A150
SITE LOCATION PLAN	
Revision:	A
Scale:	1:1250 @ A3
Drawing Status:	PLANNING



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2018/01108/FUL Received on 5 October 2018

Applicant: JEHU and Wales & West c/o Agent

Agent: Mr. Jon Hurley, WYG Planning and Environment, 5th Floor, Longcross Court, 47, Newport Road, Cardiff, CF24 0AD

Land at Subway Road, Barry

Demolition of existing buildings and erection of 80 affordable housing units, cycle bicycle store, waste store, surface level car park and associated works.

REASON FOR COMMITTEE DETERMINATION

The application is 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 is for 72 social rented apartments on land at Subway Road, Barry, formed in two detached, four and five storey blocks. The development would comprise 63 one bedroom units and 9 two bedroom units, and they would be served by 37 parking spaces, with access from Subway Road. The site lies opposite the Council's Grade II* listed Docks Office, and otherwise is in a predominantly residential context.

The main issues involved in the assessment of the application are the design, scale and visual impact of the buildings, the impact on the setting of the listed building, impact on residential amenity and privacy, parking, highway safety and the loss of existing commercial units.

Approximately 20 objections have been received to the development, in addition to a strong objection from Barry Town Council on grounds including the size of the proposed buildings, impact on neighbours, the overdevelopment of the site, the lack of parking and impact on the setting of the Docks Office. The application is recommended for approval, subject to conditions.

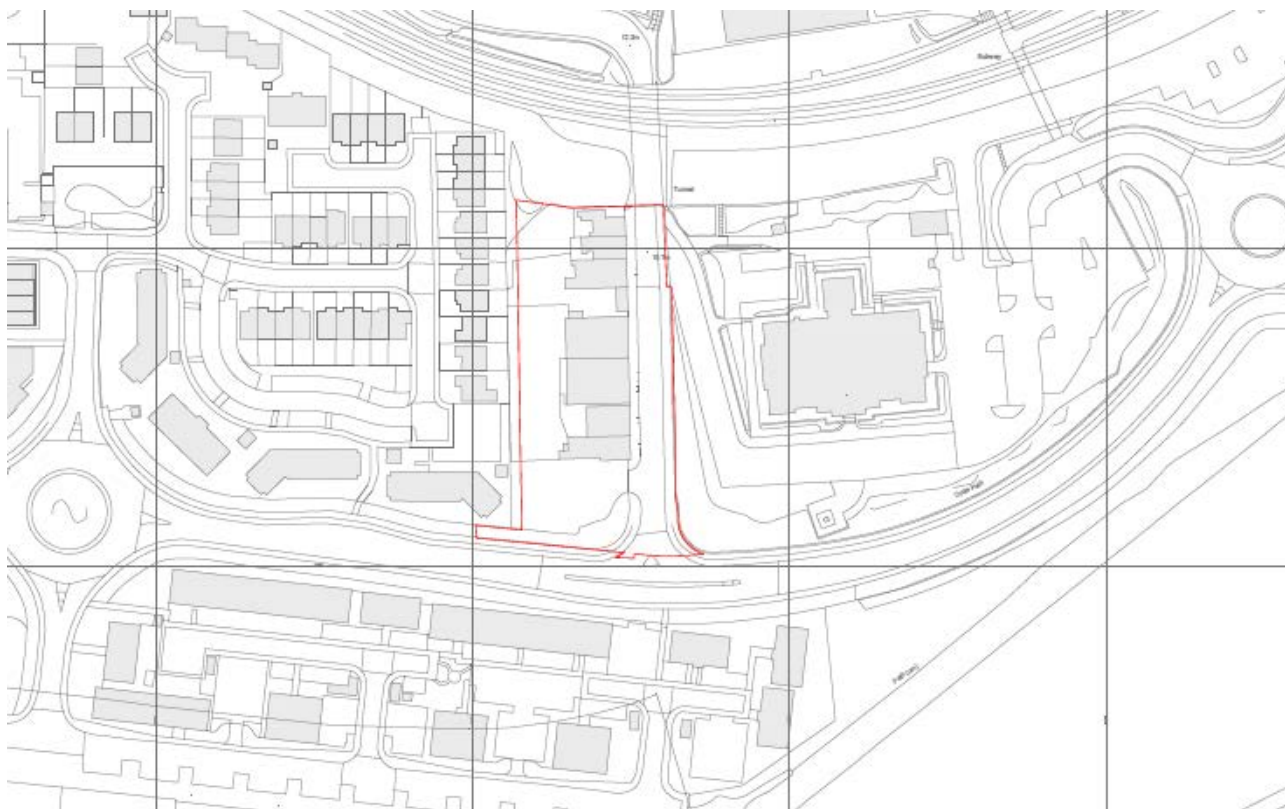
SITE AND CONTEXT

The application site is land at Subway Road, Barry. It is broadly rectangular in shape and measures just under 0.5 hectares in size (approximately 100m wide by 50m deep). The site includes a number of retail/employment units including Crefft Kitchen and Bedroom Studio- manufacturing and display (operational), Glamorgan Plumbing Supplies (no longer trading), a Fireplace and Heating Centre (no longer trading) and a DIY store (operational). The site also includes two vacant red brick buildings which are listed as most recently being used for residential purposes (noting that Barry Town Council have advised that these buildings were the 'Old Docks Police Station and the Seaman's Institute'). The southern part of the site is a gravelled open area that is informally used for car parking and is often subject to fly tipping.

The site is adjoined to the rear by a strip of land that separates it from the rear gardens of dwellings on Clos Tyniad Glo and flats at Heol Cilffrydd. To the south is Ffordd Y Milleniwm, to the north is a railway bridge and to the east, across Subway Road, is the

Council's Docks Office (Grade ii* listed). The application site also includes a section of Subway Road, which the applicant has purchased from Associated British Ports (ABP) (it is currently un-adopted).

The plan below shows the site in context:



DESCRIPTION OF DEVELOPMENT

The application is for 72 affordable flats (63 x one bedroom units and 9 x two bedroom units) in two blocks. Block 1, which would sit closer to Ffordd Y Milleniwm in the southern half of the site would be five storeys high, while Block 2 to the north would be four storeys high.

The blocks would have very shallow pitched roofs, however, they would ostensibly appear as flat roofed from street level. The design is relatively contemporary with projecting window surrounds on the front and side elevations, two recessed balconies per block and a pattern of large proportioned windows. The proposed materials would be brick and cladding, as shown on the elevations below:

Block 1:



Block 2:



Street scene elevation from Subway Road:



The vehicular access to the site would be broadly central along the Subway Road frontage, with pedestrian footways on either side. The footways would lead in to the site and then terminate to give way to shared surfaces. Thirty seven parking spaces would be available to serve the development, directly accessed from the internal road at the rear of the buildings.



The proposal was originally for 80 units (5 storeys per block), however, this was amended in light of concerns regarding the impact on neighbours to the rear, to reduce block 2 to 4 storeys.

PLANNING HISTORY

None relevant to this application.

CONSULTATIONS

Barry Town Council raised strong objections in respect of the original proposal, and reiterated the same objections to the amended scheme. The grounds of objection are:

- The excessive height and scale of the buildings.
- Overlooking and adverse impact on privacy to the dwellings at the rear.
- Overdevelopment of the site.
- Adverse impact on the setting of the listed Docks Office.
- Insufficient landscaping.
- Insufficient amenity space.
- Lack of provision for rubbish/recycling
- Poor on site car parking provision
- The loss of the red brick buildings.
- Issues associated with the ownership of Subway Road

Highway Development - Advice has been provided throughout the application on matters including the number of parking spaces, the geometry of the site access, and the treatment of the footways outside the site. The Highways engineer now raises no objection subject to conditions.

Drainage Engineer - No objection subject to a condition to require approval of the detailed drainage scheme for the site.

Shared Regulatory Services (Pollution) - Conditions have been requested relating to contaminated land, a Demolition and Construction Environmental Management Plan, and a noise survey.

South Wales Police Crime Prevention Officer has provided advice in respect of crime prevention measures. The degree of natural surveillance to the rear parking areas is welcomed.

Glamorgan Gwent Archaeological Trust - no objection subject to a condition relating to building recording and analysis for the red brick buildings.

Local ward members - Councillor Millie Collins has stated that the proposal is an overdevelopment of the site.

Dwr Cymru Welsh Water - No objection subject to a condition to require approval of the detailed drainage scheme for the site.

Network Rail - No objection in principle and comments have been provided in relation to requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

Ecology Officer - Raised a holding objection to the original consultation pending the submission of a biodiversity strategy relating to birds and reptiles. Following the submission of the biodiversity strategy, the Ecologist requested additional provision in relation to bird boxes, and these are now included within an amended strategy.

Housing Strategy - Support the proposals and have provided advice in respect of affordable housing need.

Natural Resources Wales - No objection

REPRESENTATIONS

The neighbouring properties were consulted and the development has been advertised on site and in the press. Nine letters/emails of objection were received in respect of the original plans and a further twelve objections have been received in respect of the amended plans. The grounds are summarised as follows:

- Insufficient parking.
- Overlooking and loss of privacy.
- Loss of employment land.
- Loss of historic buildings.
- Overdevelopment of the site.
- Poor quality of design that is inferior to the Docks Office- and adverse impact on the setting of the Docks Office.
- Adverse impact on highway safety.
- Insufficient need for this amount of affordable housing.
- The development would appear over scaled.
- Impact on property value.
- Congestion and traffic impacts.
- Uncertainty regarding the proposed drainage system.
- Loss of natural sunlight.
- Bin stores may attract vermin.
- Inadequate ecology report and adverse impacts on ecology (including bats).
- Concerns regarding the nature of occupants of the flats.
- Impact on surrounding infrastructure.
- There should be a mix of rented and shared ownership homes, as opposed to them all being rented.
- Noise and disturbance.
- Security concerns in respect of existing dwellings/gardens.
- The development would be overbearing.

REPORT

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 Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which 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 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 MG4 – Affordable Housing

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 MD8- Historic Environment
POLICY MD9 - Promoting Biodiversity
POLICY MD16- Protection of Existing Employment Sites and Premises

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 10) (PPW) is of relevance to the determination of this 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
- Accessibility
- Previously Developed Land

Chapter 4 - Active and Social Places

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

Chapter 5 - Productive and Enterprising Places

- Energy (reduce energy demand and use of energy efficiency, renewable and low carbon energy, energy minerals)
- Making Best Use of Material Resources and Promoting the Circular Economy (design choices to prevent waste, sustainable Waste Management Facilities and Minerals)

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
- Technical Advice Note 12 – Design
- Technical Advice Note 15- Development and flood risk
- Technical Advice Note 16 - Sport, Recreation and Open Space
- Technical Advice Note 18- Transport
- Technical Advice Note 24- The Historic Environment

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Residential and Householder Development
- Affordable Housing
- Barry Development Guidelines
- Biodiversity and Development
- Parking Standards (Interactive Parking Standards Zones Map)
- Planning Obligations
- Public Art
- Sustainable Development - A Developer's Guide
- Trees, Woodland, Hedgerow and Development

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations
- Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

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 Barry, and it is located within a largely residential context. 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 flats to the south (across Ffordd Y Milleniwm). The use would not be incompatible with the offices across Subway Road and given the proximity to the town centre, shops, services, bus and train links, it is considered that the proposed development would be very sustainably located.

The site currently accommodates a series of commercial units, namely a Kitchen showroom/sales and manufacturing business, a plumbing supplies store (formerly with an associated fireplace centre) and a DIY store. The Kitchen and DIY units are currently open and operational, whereas the plumbing business has been closed since June 2016. There is policy protection in the LDP in principle for employment uses (those in use classes B1, B2 and B8) whereas there is no specific protection in the LDP for retail uses that aren't in defined retail centres. The kitchen unit is a mix of B1 and A1, whereas the DIY store and Glamorgan Plumbing Supplies appear to be fundamentally retail units. On that basis the 'employment' space that would be lost is limited to the B1 element of the kitchen unit and it is necessary to weigh the loss of this against the benefits to be associated with affordable housing provision.

There is acute affordable housing need in Barry and this is a significant material consideration in favour of the development. The 2017 Local Housing Market Assessment determined that 576 additional affordable housing units were required each year to meet housing need in the area. The need is further evidenced by the following figures from the council's Homes4U waiting list in the area in the ward of Castleland:

CASTLELAND	
1 BED	268
2 BED	127
3 BED	46
4 BED	9
5 BED	2
	452

It is considered that the development would make a significant contribution towards meeting that housing need and, on balance, it is considered that it would outweigh the modest loss of employment space within the site, and that the loss of that space would not significantly affect the supply and availability of employment land within Barry.

Neighbouring residents have questioned the need for this level of affordable housing, in light of recent developments in the area. While a number of affordable units have been approved within the area of the Waterfront in the last 5 years in particular, most of the Waterfront development is not in this ward. Notwithstanding that (and acknowledging that the site lies close to the ward boundary between Castleland and Baruc), there is significant affordable housing need throughout Barry, which would not be fully met by this development, or those nearby on the already approved phases of the Waterfront. The table below shows the Homes4U waiting list for Barry as a whole (a total waiting list of 2622):

	1 bed	2 bed	3 bed	4 bed	5 bed	
Barry	6	1				7
Baruc ward	303	179	49	12	1	544
Butrills ward	342	133	55	14	2	546
Cadoc ward	156	81	32	5	3	277
Castleland ward	268	127	46	9	2	452
Court ward	101	59	17	2		179
Dyfan ward	93	68	35	5	1	202
Gibbonsdown ward	100	67	25	7		199
Illtyd ward	106	77	27	5	1	216
Grand Total	1475	792	286	59	10	2622

The Homes4U waiting list for Castleland ward is 268 for one bed units alone, and almost 400 units for one and two bed units combined. It is, therefore, considered that there is evidenced need for the development, and that the proposal clearly does not exceed that need.

The red brick buildings closest to the railway bridge appear to have been most recently occupied with residential uses, albeit they have been vacant and boarded up for at least the last ten years. They are reported as being the former Docks Police Station and the former Seaman's Institute and they are characterful buildings in their own right. Historically, they would have contributed more positively to the built wider environment, however, their existing condition depreciates that contribution and they are not listed (or County Treasures). While they are interesting buildings within the street scape they are not afforded statutory protection and their demolition cannot reasonably be resisted in planning terms. Nevertheless, Condition 21 requires a programme of historic building

recording and analysis to be agreed, at the request of Glamorgan Gwent Archaeological Trust.

It is, therefore, considered that a proposed re-development of the site for affordable housing is acceptable in principle, and the detail of the scheme is considered below.

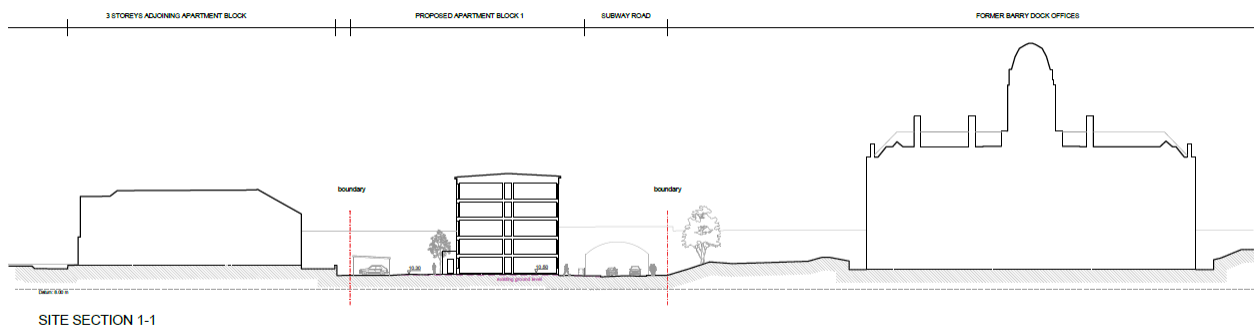
Scale, Design and Visual Impact

The existing buildings on the site are a mix of single storey and two storeys in height, and the wider context includes two-storey dwellings and three storey flats immediately to the rear, the four storey Docks Office opposite (at a higher level) and four/five storey flats across Ffordd Y Milleniwm. The street scene further along Ffordd Y Milleniwm predominantly comprises a mix of three, four and five storeys flatted buildings.

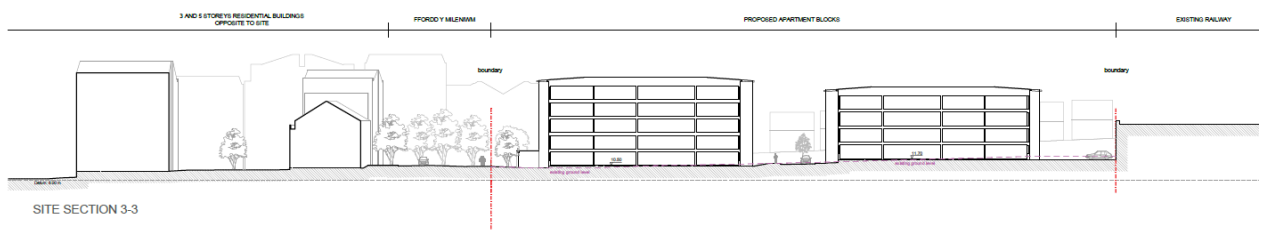
The application initially proposed two blocks, each five storeys in height, however, Block 2 (closer to the railway bridge) has been reduced in height to four storeys (principally for reasons relating to neighbouring impacts- see section below).

The plans below are sections through the site and neighbouring land, and show the five storey building in the context of the Docks Office and the flatted developments along Ffordd Y Milleniwm.

Section across Subway Road:



Section across Ffordd Y Milleniwm (running parallel to Subway Road):



While taller than the two and three storey dwellings/flats to the rear, the buildings are comparable with much of the wider street scene and they would not appear as over-scaled or unusually tall in this context, when approaching the site from either direction along Ffordd Y Milleniwm. The buildings would, appropriately, be markedly secondary in scale in comparison to the listed Docks Office, and this is discussed further below, with reference to the setting of the listed building.

The buildings would be prominent from close range view points along Ffordd Y Milleniwm, Subway Road, and Clos Tyniad Glo, but they would be well screened from the majority of view points further afield- in particular by the Docks Office when approaching from the east and by the neighbouring phases of flats when approaching from the west. It is considered that the buildings are, therefore, of an appropriate scale that is compatible with the wider street scene. The scale would step up from block 2 to block 1 with the larger block at the junction of the two adjacent roads.

The buildings are of a relatively contemporary design, with an ostensibly flat roof, a mix of materials comprising brick and two colours of cladding, and angular projecting surrounds to frame a number of the windows. The neighbouring brick dwellings/flats and the nearby Docks Office are more traditional in design, but there is a clear mix of architectural styles in the wider context of the site and it is considered that a more contemporary design is not inappropriate in principle on this site.

The buildings have been subject to a series of amendments since the initial submissions, notably the introduction of the projecting window surrounds on front and side elevations, the use of balconies and increasing the size of windows (notably on the side elevation facing Ffordd Y Milleniwm). It is considered that the resultant scheme is of an interesting composition and the buildings would contribute positively to the street scene along Subway Road and Ffordd Y Milleniwm, with strong frontages to both. The rear elevations would be clearly visible from Clos Tyniad Glo and these do not contain the projecting window surrounds that have been added to the fronts and side. Nevertheless, the rear elevations have been detailed with same palette of materials and large windows as the fronts, and the massing is broken up with a series of recesses. It is, therefore, considered that the rear elevations, while not as highly detailed as the fronts, remain of an acceptable design and form.

Condition 7 requires samples of materials to be approved, and this will give the Local Planning Authority control over their quality and appearance. The plans indicate a buff brick. While this would require further consideration at condition discharge stage, it may be that a red-brick would more appropriately reflect the context of the site, noting the proximity of the Dock Office and the prevalence of red brick throughout Barry. It should be noted that the more recent phases of the Barry Waterfront development have used red brick throughout.

The layout plan shows soft landscaping around the perimeter of the site and there is scope for new trees to the rear of the buildings. Five of the existing trees would be lost as a consequence of the development, however, these are not protected and there is scope for replacement planting. Condition 17 requires details of a landscaping scheme to be agreed.

Impact on the setting of listed buildings

The new buildings would be approximately 40m from the Grade II* listed Council Docks Office, which itself is surrounded by 6 Grade II listed lamp standards and the Grade II* listed statue of David Davies (and its associated pedestal).

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states as follows:

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In addition, there is relevant case law, namely the Court of Appeal decision regarding Barnwell Manor (February 2014) within which the court held that the effect of Section 66(1) quoted above was that the desirability of preserving the setting of listed building should be given considerable importance and weight.

When approaching the site from east, the proposed development would be well screened by the Docks Office itself and it would not be significantly in view. Block 1 of the development would form a partial backdrop to the Docks Office (and the secondary listed structures) at points further to the west, but it would be very much secondary in scale and prominence, given the elevated position of the Docks Office in the foreground. The image below shows a computer generated image from this area:



The development would also be viewed in the context of the Docks Office in the area immediately to the south of the site, however, notwithstanding the height of Block 1, the raised level and size of the Docks Office (and the visual break between the two) would ensure that the proposed development would not compete with it within the wider street scene.

When travelling towards the site from the west, the clock tower and part of the roof of the Docks Office are visible at distance from Ffordd Y Milleniwm in the area between Asda and the Gladstone Bridge roundabout. The proposed development would have little impact on views of the clock tower from this area. The image below is a computer generated model from the applicant's Design Statement, however, officers are satisfied from site visits that this is a reliable representation.



From this point on, the Docks Office goes out of sight, screened by the existing residential developments and trees along Ffordd Y Milleniwm. The Docks Office remains out of view until just south of the application site and while the development would extend the range of the highway from which the Docks Office is screened, it would not significantly alter the existing situation.

There would be points along Dock View Road and from the train station where the development would be viewed in the context of the Dock Office. However, it would not significantly affect its setting or primacy, given the siting of the Dock Office on raised ground, enveloped by the road network around it which separates it from the wider context, including the application site.

To the rear (west) of the application site, the Dock Office is already substantially screened by dwellings on Clos Tyniad Glo, whereas it is more open to view from parts of Heol Cilffrydd. While the development would change and largely block views of the building from Heol Cilffrydd, this is an unadopted secondary road and it is considered that the setting of the building in the wider context would not be unacceptably affected by these impacts.

Taken together, while the development would alter the extent of views of the principal listed building (and the secondary listed structures), it is considered that the visual gap between the development and those listed buildings, coupled with the height and scale of the Docks Office, would mean that the setting of the listed buildings would not be unacceptably affected. Weighed against these impacts in any case is the provision of much needed affordable housing, and it is considered that those benefits decisively outweigh the very limited impact on the setting of the listed buildings. The development would, therefore, comply with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and policies SP10 and MD8 of the LDP.

Impact on neighbours

There are no immediate neighbours to the north or east, and the nearest properties to the south are across Ffordd Y Milleniwm, in excess of 30m away. Consequently, the principal issues to consider are those relating to the properties to the west (to the 'rear' of the site) on Heol Cilffrydd and Clos Tyniad Glo.

There is a row of detached, two-storey dwellings on Clos Tyniad Glo with rear garden boundaries that are close to the application site. These rear gardens measure between approximately 6m and 7m in depth (from rear elevation to rear boundary) and there is a strip of land approximately 3m in width between these gardens and the application site. Block 2 would be located to the rear of numbers 11 to 16 Clos Tyniad Glo (no number 13) and Block 1 would be located to the side/rear of flats on Heol Cilffrydd. The rear of number 10 Clos Tyniad Glo would directly oppose the space between the two blocks.

There were concerns with the likely impact of the original proposals on the neighbours to the rear on Clos Tyniad Glo and consequently the plans have been amended to omit one storey from block 2 and to alter the siting of block 1 (moving it south by approximately 2.5m). The layout is now as shown below:



Block 2 would be approximately 25m from the rear elevations of properties on Clos Tyniad Glo, and 18-19m from the rear boundaries of their gardens. It would be materially larger than the existing buildings on site and would have the effect of enclosing the outlook from the rear of these properties to a greater degree than at present. While there would be 25m to rear windows and just under 20m to the gardens, it was considered on balance that five storeys would have an excessive impact on the outlook and amenities of these properties. Consequently the top storey has been omitted and while the block would remain prominent to these neighbours, it is now considered to be of a scale that would not be so harmful to residential amenity to warrant the refusal of the application. The neighbours' objections in this respect have been fully considered and it is understandable that a change in outlook can be a cause for concern. However, the Local Planning Authority must fundamentally assess whether (notwithstanding the degree of the change to that outlook) the resultant situation is one that preserves an acceptable level of amenity. In this case, while the building is relatively large, it is considered that the scale, taken together with the distance between the properties, would ensure an acceptable level of amenity would be preserved and that the development would not be unreasonably overbearing.

The gap between the two blocks would align with the rear of number ten Clos Tyniad Glo, and the amendment to the siting of Block 1 has improved this relationship. The occupiers of this property would clearly have direct views of both blocks, however, it is considered that the direct outlook from the property would remain sufficient open. Representations have been received from number 11, which raise objections regarding the impact on direct sunlight. It is evident that at certain times of the day and certain times of the year there would be an impact on the amount of direct sunlight reaching the rear of this property and others in the row, however, it is considered that those impacts would not be so significant across the course of the whole day/year that the living conditions in those properties would be unacceptably affected.

Block 1 remains five storeys in height and it would be approximately 21m-22m from the block of flats at Heol Cilffrydd at its nearest point. These existing flats are at an angle to Block 1 and the elevations of those flats do not directly face the development.



The photograph above shows the side elevation which contains a dual aspect kitchen/living area window, and the rear elevation which contains (from left to right) two bedroom windows, a bathroom window and stairwell windows per floor. While this building lies marginally closer to the proposed development at its closest point, the elevations then taper away and their orientation would ensure that the windows retain a sufficiently open aspect (the main living room windows are on the elevation facing Ffordd Y Milleniwm). The open areas around the side and rear of the building are incidental circulation areas as opposed to useable amenity space and consequently, there are no adverse impacts in respect of amenity space.

In terms of privacy, Block 2 would be approximately 25m from the main rear elevations of the properties on Clos Tyniad Glo (and over 21m away from the conservatory at number 10) and approximately 18m away from the rear boundaries of their gardens. The Council's Residential and Householder Development SPG requires 21m between opposing habitable room windows and such an arrangement in residential areas would typically involve in the region of 10m-11m to the boundary. In this case the distances involved would exceed the standards set out in the Council's SPG and it is, therefore, considered that the proposal is acceptable in respect of privacy.

It is noted that the relationship is different to that which would typically exist between opposing two storey dwellings, and there are windows which would have views towards the gardens and rear elevations of these properties at a greater height, however, the distances involved exceed those set out within the SPG and it is considered on balance that there would not be an unacceptable loss of privacy.

The distance between the windows on block 1 and the windows on the flats at Heol Cilffrydd (and the rear of 10 Clos Tyniad Glo) would also satisfy the requirements of the Council's SPG and they would not be at directly facing angles. It is, therefore, considered that the development would preserve an acceptable level of privacy for the occupiers of the development.

The bins stores, which are sited close to the western boundary of the site, are modest in height and these would not unacceptably impact upon the amenities of neighbouring properties. Subject to the proper management of the stores by the RSL, it is considered that they also should not result in a harmful level of odours. The parking areas are principally adjacent to the rear boundary of the site, however, the spaces would not be directly adjacent to the gardens of houses on Clos Tyniad Glo and it is considered that the level of noise from use of the parking areas would not be unduly harmful. A Construction Environmental Management Plan condition is recommended (Condition 8) and this would ensure that impacts during the construction phase are minimised as far as is practicable. It is accepted that the construction period is likely to result in a degree of noise and disturbance to surrounding residents, however, regrettably this is inevitable with the majority of developments and it would not be reasonable to refuse planning permission as a consequence of these temporary impacts.

In summary, it is considered that the development would not unacceptably impact upon residential amenity, in accordance with Policies MD2 and MD7 of the LDP and the Council's SPG.

Highways issues and parking

The application proposes 72 units and these would be served by 37 parking spaces within the site. This is below the maximum standards set out in the Council's Supplementary Planning Guidance, however, it should be emphasised that the standards in the SPG are 'maximum', and it is necessary in every case to consider whether a reduction below that standard is justified.

The applicant has investigated likely parking demand as a consequence of the location and the tenure type, and has drawn officers' attention to relevant census data in this regard. The 2011 census data suggests that 54% of social rented households in the Vale of Glamorgan have no access to a car, which would infer that approximately 33 units in this case would have access to a car. Alongside this, the submissions include details of four other development sites in the Barry and in those cases an average of 0.43 parking spaces per unit were being used (including sites nearby at Jackson's Quay and the former Magistrates Court). This would suggest a demand of 31 spaces from this development and those surveys are consistent with the census data. The 37 spaces proposed would account for the resident demand of 31-33 spaces, with 4-6 visitor spaces. There would be further scope for visitor parking on street, along Subway Road, even if yellow lining is required by the Highways Authority as part of the adoption process (discussed further below).

The site is in a particularly sustainable location, within close walking distance of Barry Docks Train Station, regular bus routes, a medical centre, retail uses on the Waterfront and Barry Town Centre. Consequently, this is a site where occupants could realistically live without a car, given the very close proximity to transport links and a very wide range of day to day services.

The Council's Highways Engineer has considered the proposed level of parking in the context of the above data and the sustainable nature of the location and has raised no objection on parking grounds. It is, therefore, considered that the level of proposed parking is acceptable in this location (and to serve this tenure type) and that the development would not result in an unacceptable pressure for parking off site that would detrimentally affect highway safety or the free flow of traffic. This is consistent with local and national policy which seeks to reduce reliance on the private motor vehicle and in sustainable locations such as this, it is considered that lower levels of parking should be encouraged.

The vehicular access to the site would be broadly central along the Subway Road frontage, with pedestrian footways on either side. The footways would lead in to the site and then terminate to give way to shared surfaces. This approach is considered appropriate in that it would enable safe, segregated access into the site and then more informal use of the shared spaces when away from the primary highway. The submitted 'Proposed Site Plan' suggests tarmac for the full extent of the internal roads, whereas the 'Preliminary General Layout' indicates block paving. It is considered that a distinction between the materials to be used on the shared surfaces and the remainder of the site road would be appropriate, to emphasise to users (pedestrians and drivers) that there is a functional difference between the two. Condition 5 retains control over the surface materials.

The footway would be approximately 3m wide across the frontage of the site and along the section to the south of the access (between the access and Ffordd Y Milleniwm), it would be a combined cycleway/footway. It is noted that the existing footpaths fronting the site are at a higher level than the road (up to approximately 0.5m). The footway to the south of the access would also be lowered (relative to the existing) so that it sits at a conventional kerb height relative to the road, and the section of the footway immediately to the north of the access would be similarly lowered. The remainder of the footway to the north of the access would then be graded up to the existing level. There have been discussions with the applicant regarding lowering the entire length of the footway, however, the existing footway would still remain at a raised level (relative to the carriageway) beyond the land which is in the applicant's ownership/control and the footway does not return to carriageway level until approximately 5m past the start of the railway bridge. Consequently, retaining the footway at the current level is considered to be the most appropriate option, and the Highways Engineer is agreeable to this approach (subject to new railings along the footway edge). A new tactile paving crossing point is proposed immediately to the north of the site access and this would facilitate improved access across Subway Road towards the train station and beyond.

The Highways Engineer has requested yellow lining either side of the site access, to assist visibility when emerging from the site, however, planning officers do not consider that this is a justifiable request in this case. While there are cases where it may be necessary to implement yellow lines either side of a junction (particularly at junctions of more busy roads), in this case the junction is between an internal site road/parking court and Subway Road. In such situations, where there are no lines, drivers would emerge with caution *if* visibility is affected to any degree by parked vehicles on the highway. This is a common arrangement and is not considered to be fundamentally unsafe for a minor junction such as this. Consequently, while the Highways Authority may wish to seek lining as part of any adoption process, it is considered on balance that there is no fundamental requirement for a planning condition to require the same. It is, therefore, considered that the new access, which the Highways Engineer is satisfied with in terms of its location and geometry, would not adversely impact upon highway safety.

The development would add traffic to the local highway network, however, it is considered that the level of additional traffic would not be significant in the context of the wider highway network (particularly given the likely car ownership levels) and the development would not unacceptably impact upon the free flow of traffic.

The layout initially included a pedestrian link in the south west corner, to link the parking area to the footway on Ffordd Y Milleniwm, however, this has now been removed at the request of the Police Crime Prevention Officer, in order to ensure that the development satisfies the requirements of Secure By Design. While this link would have been beneficial, the additional distance that a pedestrian would have to walk around the front of the building is highly unlikely to influence modal choice and consequently, the development remains acceptable in terms of the scope of pedestrian movements/links. Issues related to sustainable transport are discussed below in the Planning Obligations section of the report.

The applicant is seeking the adoption of the 'T-shaped' turning head centrally within the site, and the shared surfaces and parking areas would be privately managed by the housing association. The adoption process lies outside of the planning process and in any case, the adoption of the roads would not be fundamental to the acceptability of the scheme.

Having regard to the above, it is considered that the development is acceptable in terms of parking, highway safety, traffic generation and transport.

Proximity to the railway line

The application site lies adjacent to the railway line and a noise assessment has been carried out to establish the likely impacts (and potentially necessary mitigation) for the residential units. The assessment comprised sampling noise at locations adjacent to where each of the two residential blocks would be.

Annex 2 of Technical Advice Note (TAN) 11- Noise, provides Noise Exposure Categories (NEC) for developments near noise sources. The results of the assessment conclude that much of the site would be in NEC A, where the TAN states that noise need not be a determining factor in the acceptability of a development. Part of the site falls within NEC B, within which mitigation may be necessary to render the living conditions acceptable.

The report recommends measures relating to the fabric of the building and ventilation and subject to these, concludes that the noise levels within the building would be at acceptable levels. It is considered that the conclusions and recommendations of the report are reasonable and these measures are required by condition 22.

Amenity and public open space

Four of the flats would have small balconies on the front elevations, however, the remaining units would not be served by private amenity space and the layout does not make provision for public open space. It is often the case that flatted developments cannot practically be served by private amenity space, however, the site is well located for access to public open space, in particular the public realm and new open spaces on Barry Waterfront, a play area on Heol Y Porthladd, open space at the top of Subway Road, Gladstone Gardens and the play area at Belvedere Crescent. Further open space is to be provided throughout the wider Waterfront development, including a large strategic allocation as part of East Quay, which is within very short walking distance of this site.

The limited on site space must be weighed against the positive impacts of the development; in this case principally the provision of much needed affordable units. The provision of an area of public open space or private shared amenity space would significantly impact on the number of affordable units that can be provided and the viability of the scheme. In light of the importance to be placed upon affordable housing provision and given the close relationship the site has with the nearby public open space, it is considered that the outdoor amenity needs of the occupiers can, on balance, be reasonably met in this way.

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).

There are refuse stores to the rear of the buildings, which can be readily accessed from the units and from the highway at collection times. It is considered that this represents an appropriate means of waste storage.

Drainage and water issues

The applicant's site surveys have identified that there are separate surface water and foul drainage systems under Subway Road. The proposed drainage strategy comprises a new connection to the existing system for foul discharge and also connecting to the existing infrastructure for surface water (at a restricted rate). The drainage strategy concludes, following ground testing, that soakaways/infiltration are not viable for the site and there is no nearby watercourse to discharge to.

Dwr Cymru Welsh Water's (DCWW) consultation response states that the submitted drainage report fails to evidence that all surface water drainage options have been explored and fully exhausted in accordance with the hierarchy set out in 'Non-statutory standards for sustainable drainage (SuDS) in Wales'. Consequently, DCWW have requested a condition (condition 6) which requires full details of the drainage scheme to be submitted and approved, while noting that the public system can take the foul flows. The Council's Drainage Engineer has similarly requested a condition for the detail of the system to be agreed.

Subject to the above condition, which gives the Local Planning Authority control over the detail of the scheme, it is considered that the proposals can be drained appropriately.

The site lies within Flood Zone B, within which TAN 15 advises that Natural Resources Wales and the Council's Flood Risk Engineers should be consulted. Neither consultee has raised any objection in respect of flood risk, both in terms of the site itself or adjacent land.

The proposed development is, therefore, considered acceptable in terms of drainage and water resources, in accordance with Policy MD7 of the LDP and TAN 15.

Ecology

The Council's Ecologist raised a holding objection to the original consultation pending the submission of a biodiversity strategy relating to birds and reptiles. Following the submission of the biodiversity strategy, the Ecologist requested additional provision in relation to bird boxes, and these are now included within an amended strategy. Natural Resources Wales have raised no objection and accept the bat survey, which confirmed that the site is not being used by bats. It is, therefore, considered that the development would not unacceptably impact upon ecological interests, in accordance with Policy MD9 of the LDP. Condition 19 requires compliance with the biodiversity strategy.

Other grounds of objection

The following assessment is made in respect of the other points of objection, which are not addressed elsewhere in the report. While impact on property value is understandably a matter of concern for existing residents, this not a matter than can have bearing on the planning merits of the application. Concerns have been raised regarding the nature of occupants, however, this is not a planning matter and there is no evidence submitted to demonstrate why occupiers of affordable units would have adverse impacts. While some affordable developments (or the affordable elements of some developments) have a tenure mix, the significantly dominant need in Barry is social rented units and consequently, this is considered acceptable in this location. Subject to proper management of the bin stores, these areas should not result in vermin or excessive odours. A degree of noise and disturbance is likely to arise during a construction phase,

however, such impacts are temporary and would rarely justify the refusal of planning permission. While security is also understandably a matter of importance to neighbouring residents, the Police Crime Prevention officer has welcomed the degree to which the rear part of the site would be naturally overlooked and arguably an occupied residential development would be less likely to give rise to security issues than the rear of the existing site, which hosts unoccupied units. The means of enclosure will be secured by condition 4.

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. Accordingly, the section 106 contributions for this development have been calculated based on the amount of units over 25- i.e. 47 units. Affordable housing issues have been discussed in the report above, and the remainder of the Section 106 issues are discussed below.

The development is of a size whether the Council would typically consider the merit of financial contributions to mitigate impacts in respect of Sustainable Transport, Community Facilities, Education, Public Open Space and Public Art.

The applicant has submitted viability information which concludes that the development can viably deliver £150,000 in Section 106 contributions. The submitted costs have been considered by the Council's Quantity Surveyor and he has concluded that the costs are reasonable. For Members' information, the full Section 106 contributions (in line with the guidance in the Council's Supplementary Planning Guidance would have been:

- Sustainable Transport- £108,100
- Public Open Space- £125,396
- Community Facilities- £59,200
- Public Art- 1% of build costs
- Education- No contribution based on the development being made up of 63 x 1 bedroom flats and 9 x 2 bedroom flats (i.e. less than the ten unit threshold in the SPG for 2 bed units)

The reduced financial contributions are only considered acceptable in view of the development viability issues, and having regard to the planning merits of the development (which include the provision of a significant number of much needed affordable units).

It is considered most appropriate to require £108,100 for sustainable transport and the balance of £41,900 towards public open space/community facilities.

Planning Policy Wales and TAN 18 both place a significant emphasis on active travel and developing sustainable transport infrastructure to connect people with places of employment, leisure uses, community facilities etc., and to reduce the reliance on the private car for daily travel. The money in this instance can be used towards items which could include improvements to the entranceway to the train station, crossing points on Subway Road to facilitate easier access to the train station, improved connectivity to the town centre (including pavement and lighting improvements), longer term aspirations towards a bus interchange, public and community transport provision, bus shelters on

Ffordd Y Milleniwm, etc.). The Highways Engineer has also identified desired works at the splitter island at the junction of Subway Road and Ffordd Y Milleniwm.

The remaining sum of £41,900 should be designated towards Public Open Space/Community Facilities, and this can include projects at Gladstone Gardens, Barry Waterfront jetties; a potential new community facility adjacent to the Waterfront Health Centre (circa 200metres from the development site), or projects at Ocean Watersports Trust etc.

The applicant has agreed to the above sums (and how they would be directed in principle) and it is considered that these would mitigate the impacts of the development, as far as development viability allows.

RECOMMENDATION

Subject to the applicant/developer first entering into a Section 106 legal agreement to secure the following:

- The retention of the units as affordable in perpetuity.
- £108,100 towards upgrading sustainable transport facilities in the vicinity of the site.
- £41,900 towards public open space/community facilities provision in the local area.
- A clause requiring the payment of a fee to monitor and implement the legal agreement (£4,400 in this case).

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:

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

2. This consent shall only relate to the following plans:

- PL03D Proposed Site Plan
- PL04D Proposed Boundaries and Material Plan
- PL05D Apartment Block 1 Plans
- PL06D Apartment Block 1 Plans
- PL07D Apartment Block 2 Plans
- PL08D Apartment Block 2 Plans
- PL12D Proposed Site Sections
- PL15F Block 1 Proposed Elevations and Street Elevations Block 1-2
- PL16F Block 2 Proposed Elevations

The development shall be carried out strictly in accordance with these details.

Reason:

To ensure a satisfactory form of development and for the avoidance of doubt as to the approved plans.

3. The development shall be constructed to the levels shown on plan PL12 D, or in accordance with an alternative set of levels, the details of which shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the construction of any of the buildings. The development shall thereafter be carried out and maintained in accordance with the approved details.

Reason:

To ensure that the visual amenity of the area is safeguarded, and to ensure the development accords with Policy MD2 (Design of New Development) of the Local Development Plan.

4. The means of enclosure associated with the development hereby approved shall be in accordance with Plan PL04 D, or in accordance with an alternative scheme of enclosures, the details of which shall be submitted to and approved in writing by the Local Planning Authority, prior to the first beneficial occupation of any of the buildings. The means of enclosure shall be erected in full prior to the first beneficial occupation of the development, and so retained at all times thereafter.

Reason:

To safeguard local visual amenities, and to ensure the development accords with Policies MD2 and MD5 of the Local Development Plan.

5. Notwithstanding the submitted plans and prior to the commencement of the construction of the site access and internal site roads, further details of the proposed access into the site, details of site lighting, the levels of the footway and footway/cycleway along the frontage of the site on Subway Road (including the location of tactile paving crossing points on both sides of Subway Road), details of the railings to be erected along the footway on Subway Road and all surface materials to be used in the parking areas and carriageways within the site, shall be submitted to and approved in writing by the Local Planning Authority. the development shall thereafter be carried out and maintained in accordance with the approved details.

Reason:

In the interests of highway safety and to ensure compliance with Policies MD1 and MD2 of the LDP.

6. Full details of a scheme for foul and surface water drainage (including details of the perpetual management of the drainage system) shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented and maintained at all times thereafter in accordance with the approved details. The details shall include an assessment of the potential to dispose of surface and land water by sustainable means (including percolation test

results and hydraulic calculations) and a management and maintenance plan for the drainage system.

Reason:

To ensure the adequate drainage of the site, and to ensure the development accords with Policies MD2 and MD5 of the Local Development Plan.

7. Notwithstanding the submitted plans and prior to their use in the construction of the dwellings hereby approved, further details and samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out and maintained at all times in accordance with the approved details.

Reason:

In the interests of visual amenity and to ensure the development accords with Policies MD2 and MD5 of the Local Development Plan.

8. No Development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include details of the proposed demolition works/methodologies, construction working hours, and details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated (for demolition and construction). The CEMP will utilise the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk). The CEMP will include a system for the management of complaints from local residents which will incorporate a reporting system. The construction of the Development shall be completed in accordance with the approved Plan unless otherwise agreed in writing with the Local Planning Authority.

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 the development accords with Policies MD2, MD5 and MD7 of the Local Development Plan.

9. Prior to the commencement of the development, an assessment of site contamination (to be carried out by a suitably qualified competent person in accordance with BS10175(2011)) shall be submitted to and approved in writing by the Local Planning Authority. Following the approval of the assessment, a detailed contamination remediation scheme and verification plan shall be submitted to and approved in writing by the Local Planning Authority, also prior to the commencement of development. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017),, unless the Local Planning Authority agrees to any variation.

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, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and to ensure compliance with Policy MD7 of the LDP.

10. The remediation scheme approved by condition 9 above must be fully undertaken in accordance with its terms prior to the occupation of any part of the development, or in accordance an alternative set of timescales that shall first be approved in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of the commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017),, unless the Local Planning Authority agrees to any variation.

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, and to ensure compliance with Policy MD7 of the LDP.

11. In the event that contamination is found at any time when carrying out the development that was not previously identified, it shall be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place (unless otherwise agreed in writing) until a scheme to deal with the contamination found has been approved in writing by the local planning authority. The scheme shall include an investigation and risk assessment and where remediation is necessary a remediation scheme and verification plan shall 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, prior to the first beneficial occupation of any of the dwellings approved.

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 MD2, MD5 and MD7 of the Local Development Plan.

12. Any topsoil (natural or manufactured) or subsoil, and any aggregate (other than virgin quarry stone) or recycled aggregate to be imported (and any site won material including soils, aggregates, recycled materials) 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 the relevant Code of Practice and 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 and to ensure compliance with Policies MD1 and MD7 of the LDP.

13. Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to and approved in writing by the Local Planning Authority.

Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases, and to prevent lateral migration of gases into or from land surrounding the application site, shall be submitted to and approved in writing by the Local Planning Authority. If no protection measures are required then no further actions will be required.

All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments,.

Reason

To ensure that the safety of future occupiers is not prejudiced and to ensure compliance with policies MD2 and MD7 of the Local Development Plan.

14. Prior to the commencement of development, an independent highway maintenance consultant shall be appointed to carry out a condition survey of Subway Road and the survey shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development.

Reason:

In the interests of highway safety and to ensure compliance with Policy MD2 of the LDP.

15. Following the construction of the development and prior to its first beneficial occupation, an independent maintenance consultant shall be appointed to carry out a survey of Subway Road, so as to identify any difference in the condition of the highway since the commencement of the construction of the development, and any repairs required as a consequence. The survey shall be submitted to and approved in writing by the Local Planning Authority prior to the first beneficial occupation of the development.

Reason:

In the interests of highway safety and to ensure compliance with Policy MD2 of the LDP.

16. Following the construction of the development and prior to the first beneficial occupation of the development, the developer shall carry out any repairs to Subway Road identified as being necessary in the second survey required by Condition No. 15 above.

Reason:

In the interests of highway safety and to ensure compliance with Policy MD2 of the LDP.

17. Prior to the first beneficial occupation of any of the residential units, a scheme of landscaping (including details of the perpetual management and maintenance of the landscaped areas) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

18. 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 MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

19. The development shall be carried out in accordance with the David Clements Ecology Biodiversity Strategy (February 2019), and all recommendations and measures in the strategy shall be carried out and maintained at all times.

Reason:

In the interests of ecology and to ensure the development accords with Policy MD9 of the Local Development Plan.

20. The residential units hereby approved shall be delivered by a Housing Association Partner (Hafod Housing, Newydd Housing, United Welsh Housing or Wales & West Housing) of the Vale of Glamorgan Council and shall only be occupied as affordable housing that meets the definition of affordable housing in Annex B of the Welsh Government Technical Advice Note 2 on Affordable Housing, or any future guidance that replaces it.

Reason:

In order to ensure that the site delivers appropriate provision of affordable housing to meet the identified need and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP4 (Affordable Housing Provisions), MG4 (Affordable Housing) and MD4 (Community Infrastructure and Planning Obligations) of the Local Development Plan.

21. No demolition works shall take place to the two red brick buildings in the northern part of the site until an appropriate programme of historic building recording and analysis has been secured and completed in accordance with a written scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The final report on such recording shall be submitted in writing to the Local Planning Authority prior to first beneficial use of the development hereby approved, in order that it may be forwarded to the Historic Environment Record, operated by the Glamorgan Gwent Archaeological Trust (Heathfield House, Heathfield, Swansea SA1 6EL Tel: 01792 655208).

Reason:

The building is of significance and the specified records are necessary to ensure that any features of archaeological interest are recorded, and to ensure compliance with Policies SP1 (Delivering the Strategy) / SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

22. The development shall be carried out in full accordance with the measures and recommendations set out in the Acoustics Consultants Ltd Noise Assessment 7205/BL/pw (July 2018).

Reason:

In the interests of residential amenity and to ensure compliance with Policy MD2 of the LDP.

23. Prior to the first beneficial occupation of the development, swift boxes and house sparrow boxes shall be provided within the site, in accordance with a scheme that shall first be submitted to and approved in writing by the Local Planning Authority. The boxes shall be retained at all times thereafter.

Reason:

In the interests of biodiversity and to ensure compliance with Policy MD9 of the LDP.

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.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

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, MD1 - Location of New Development, MD2 - Design of New Development, MD3 - Provision for Open Space, MD4 - Community Infrastructure and Planning Obligations, MD5 - Development within Settlement Boundaries, MD6 - Housing Densities, MD7 - Environmental Protection, MD8- Historic Environment , MD9 - Promoting Biodiversity and MD16- Protection of Existing Employment Sites and Premises of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Planning Policy Wales (Edition 10), Technical Advice Notes 2, 12, 15, 16, 18 and 24, the Council's Supplementary Planning Guidance on Residential and Householder Development, Affordable Housing, Barry Development Guidelines,

Biodiversity and Development , Parking Standards (Interactive Parking Standards Zones Map), Planning Obligations, Public Art and Sustainable Development - A Developer's Guide and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposed development is considered acceptable in respect of the design, scale and visual impact on the buildings, the impact on the setting of listed buildings, impact on residential amenity and privacy, parking, highway safety, traffic, ecology, drainage and the loss of existing commercial units.

NOTE:

- 1. The proposed development site is crossed by a public sewer. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Dwr Cymru Welsh Water's Network Development Consultants on 0800 9172652.**

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).

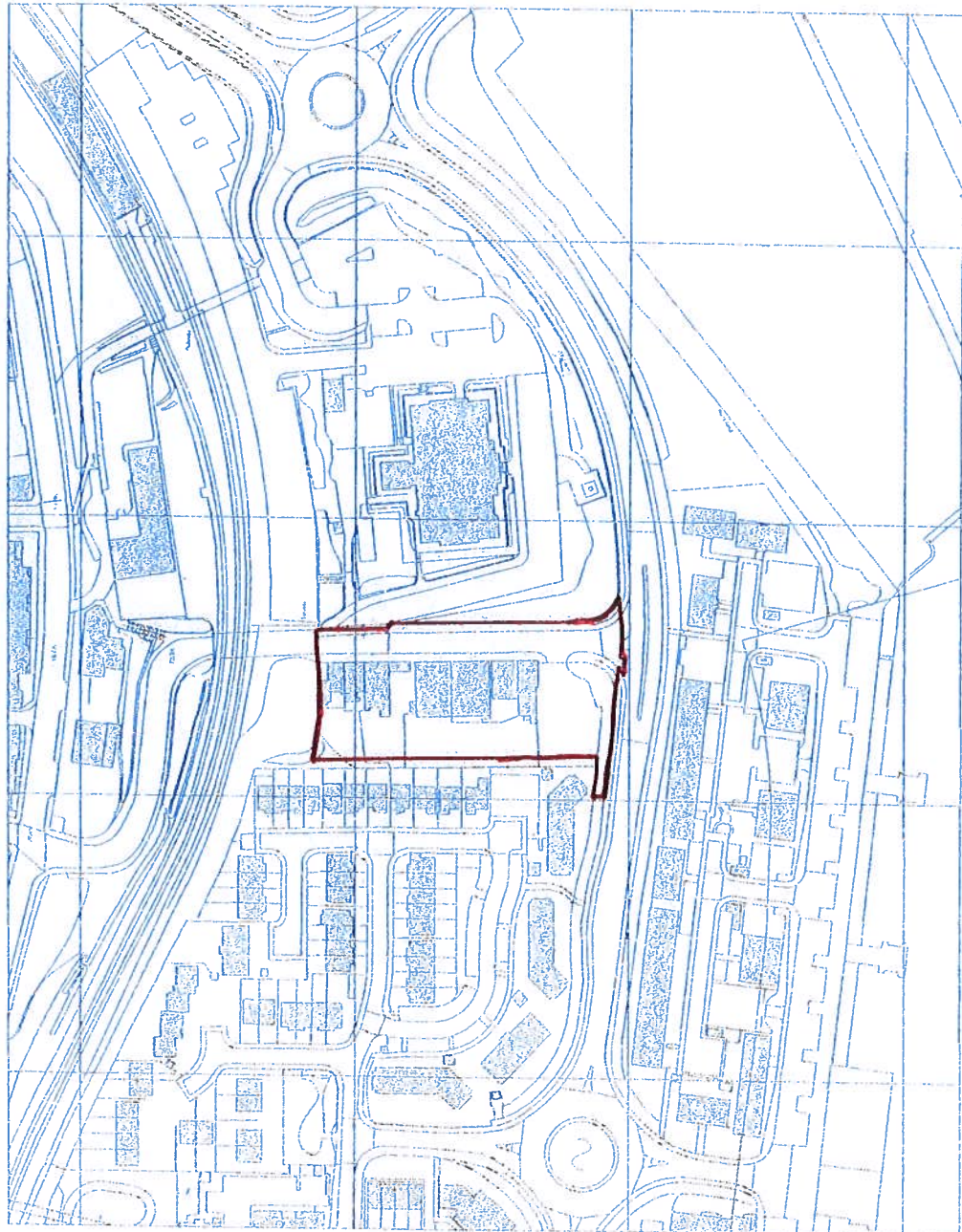
The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised 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.

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rev.	date	description

1801108 FUL



 Boundary line subject to survey and legal agreement

Roberts Limbrick
ARCHITECTS

Project
RESIDENTIAL DEVELOPMENT
SUBWAY ROAD BARRY

Client
JEHU GROUP

Drawing
Site Location Plan

Discipline
PLANNING

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Registered Office: England No. 16510779
Scale: 1/1250 @ A2
Date: August 2018
Author:

ROBES 8760
1801108 FUL01

2018/00996/FUL Received on 6 September 2018

Applicant: Mr. & Mrs. Graham-Wride c/o Agent

Agent: Andrew Parker Architect, The Great Barn, Lillypot, Bonvilston, Vale of Glamorgan, CF5 6TR

Clawdd Coch, Pendoylan

Proposed demolition of agricultural barn and outbuildings. Proposed new dwelling with detached garage with hobby room over

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 has been called in for determination by Peterston Super Ely Ward Member, Cllr M J Morgan because he wishes the issue of sustainability and new housing in rural areas to be explored by Committee

UPDATED POSITION

The application was first reported to Planning Committee on 3 January 2019. At that meeting Members determined to defer a decision with a view to approve the application contrary to officer recommendation, and to allow the consideration of the following:

- Relevant necessary planning conditions;
- Receive confirmation from the applicant that they will enter into a S106 for affordable housing/self-build exemption; and
- Consider any other outstanding matters relevant should the application be approved.

The application was reported back to Planning Committee on 31 January 2019 following the receipt of the additional information/clarification requested above. The amended report noted the following:-

In relation to the planning conditions, it has been suggested to the agent that details of materials, levels, boundary treatments, etc., could be submitted to avoid the need to condition these matters and the submission of subsequent applications to discharge them. To date no such information has been provided and therefore these matters have been included in the suggested conditions at the end of this report.

The agent has confirmed that a S106 will be entered into for affordable housing/self-build exemption, and this has been included along with the suggested conditions at the end of this report.

In relation to any outstanding issues, the agent was requested to clearly define the residential curtilage of the plot separate from the paddock to the south, and identify how the paddock will be accessed for continued agricultural use. An amended site edged red location plan has been agreed which defines a more acceptable residential curtilage. The agent was also requested to clarify whether or not the site is in a sewered area, as Welsh Water have queried the use of a septic tank noting NRW may have an interest in this form of drainage. The agent has confirmed that the foul drainage will be to a klargester bio disc unit with sub soil irrigation and surface water drainage to soakaway to building regulation approval. Notwithstanding this, the drainage details of the proposal can be conditioned.

Whilst the proposal will have limited impact on the wider character of the SLA, it is argued that the loss of the existing agricultural buildings would detract from the rural character of the hamlet. Whilst the buildings are in a poor state of the repair, they nevertheless serve to maintain the historical rural character of the hamlet.

In respect of its immediate context, the application site (as amended) still represents a large residential curtilage. The wide (circa 37m) frontage, together with the siting of the detached double garage (with dormer accommodation over) and the proposed two storey dwelling, would fill the width of the plot. As such when viewed from the lane, the proposed dwelling and associated detached garage would be significantly larger and more prominent than the farmhouse at Ty Cadno to the east (a rural enterprise dwelling). The proposed dwelling would also be higher than the single storey barn conversion (to the west) and much larger in scale than the dwellings opposite the site (Clawdd Coch Cottages).

Therefore the proposed dwelling, due to its siting, design and scale would be both a dominant and prominent form of development and result in a marked change to the character of the hamlet. Planning Committee should therefore give consideration, if minded to grant planning permission for the development, as to whether officers should negotiate further amendments to siting and rationalisation to the scale and form of dwelling and garage, to ensure that any new dwelling is in keeping with the scale of the dwellings in the hamlet.

In light of the above, the Members at the Planning Committee on 31 January 2019 determined to again defer the application for officers to seek amendments to the scale and design of the house and garage to reflect the rural context of the site.

Subsequent amended plans have been submitted which have made a number of changes to the scale and design of the dwelling and garage. These include, a reduction in the number of bedrooms from five to four, reduction in the roof height, omission of the side dormer and reduction in the width of the main house. The garage has been amended by reducing its width, together with the omission of the first floor hobby room and dormers, and reduction in the ridge height to 4m. The proposed garage is also shown to be sited closer to the proposed dwelling.



FRONT ELEVATION



SIDE ELEVATION

Previously proposed front and side elevation to house

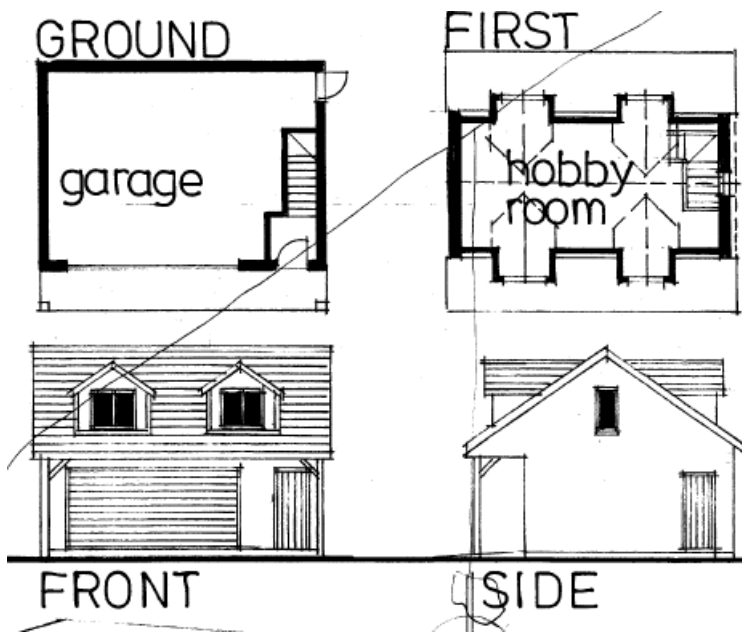


FRONT ELEVATION

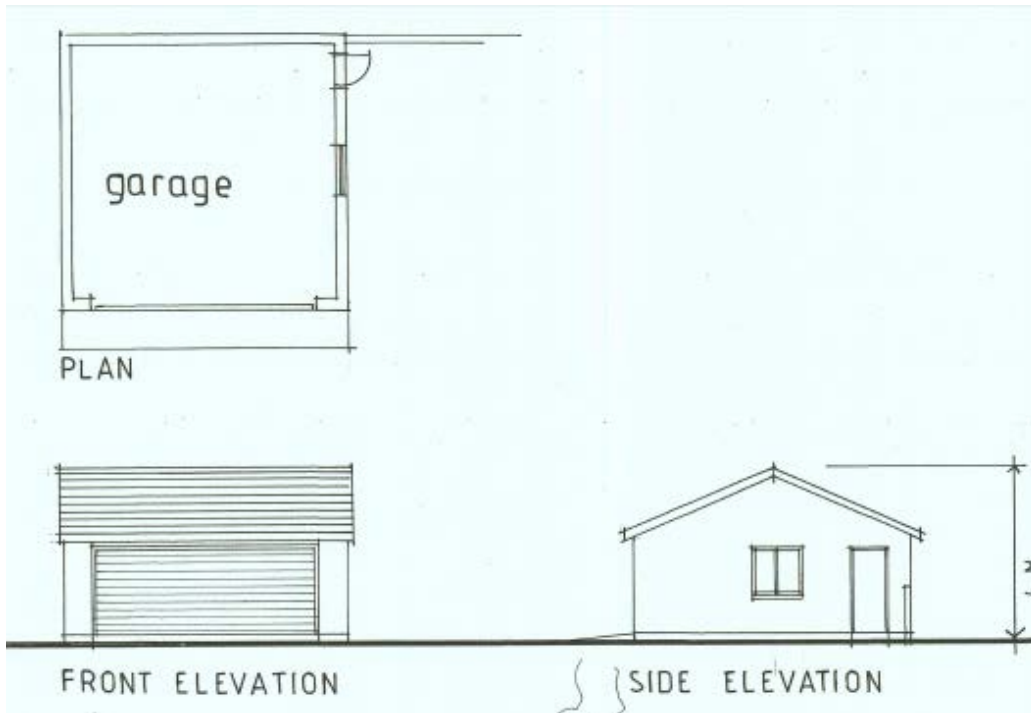


SIDE ELEVATION

Amended front and side elevation to house



Previously proposed garage



Amended garage

EXECUTIVE SUMMARY

The application site comprises an area of approximately 0.4 ha, which is occupied by a number of dilapidated agricultural buildings and associated yard area to the north, with pasture land beyond. The site is located in the countryside in the small hamlet of Clawdd Coch, some 900 metres to the north of the village of Pendoylan. The site lies in the countryside and the Ely Valley and Ridge Slopes Special Landscape Area as defined in the Local Development Plan.

This is an application for full planning permission for the demolition of the existing agricultural buildings and the construction of a detached dwelling and associated garage.

To date no objections to the proposal have been received. Representations of support have been submitted by the occupiers of 'Bryn Bach', 'Clawdd Coch Guest House', 'Chapel View Barn' and 'Duffryn Mawr Farm'; plus local Ward Member Cllr Morgan.

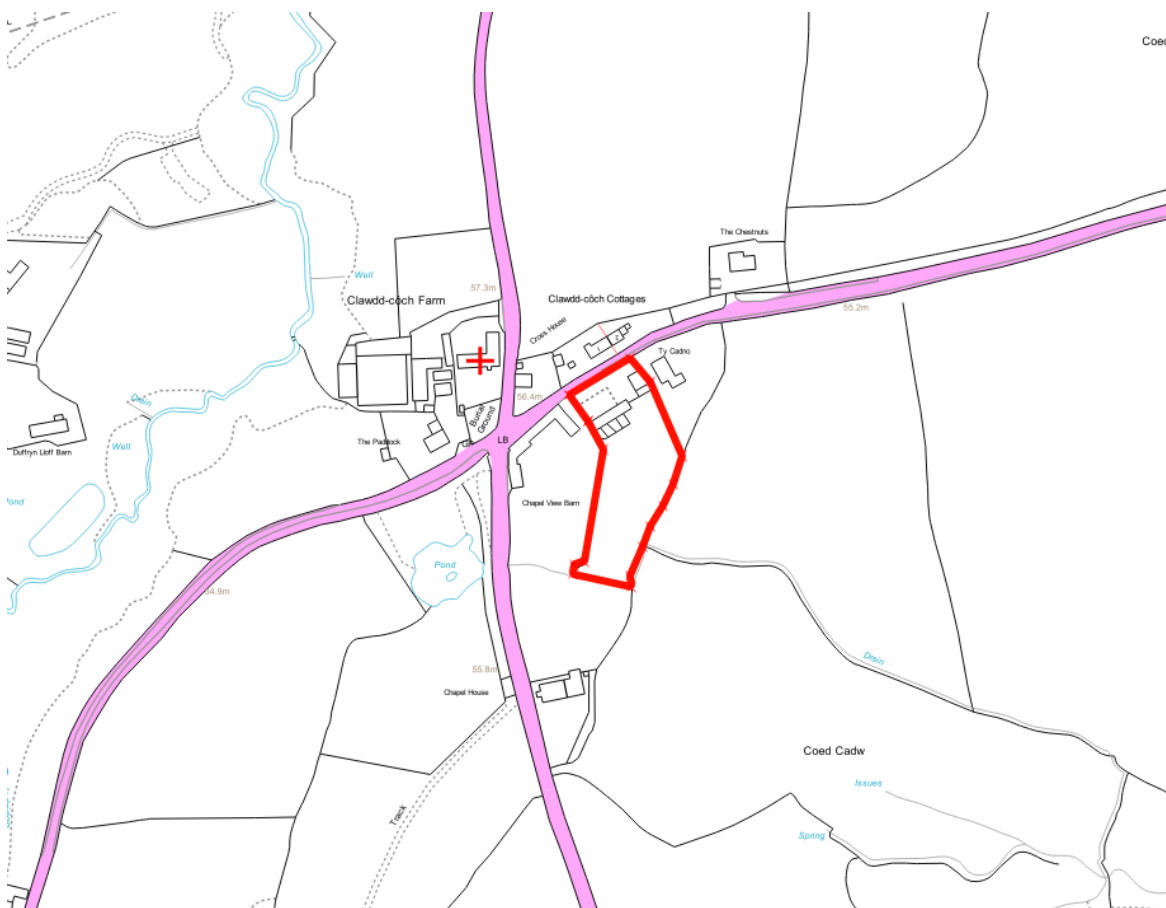
Having regard to both local policy and national guidance, it is considered that the main issues in the assessment of the application include: the principle of new residential development in this location; design and visual impact on the surrounding rural landscape, including the Special Landscape Area; the effect on neighbouring and general residential amenities; any detriment to highway safety; and S106 planning obligations. The planning history of the site is also material to the determination of the application.

It is recommended that the application be REFUSED on the grounds that the proposal represents an unsustainable form of residential development, in the hamlet of Clawdd Coch, which is not included within the settlement hierarchy of the Local Development Plan. As such the proposal would be reliant on private transport to access services and facilities, contributing to climate change, and placing additional burdens on existing services, contrary to Policies SP1-Delivering the Strategy, and MD1-Location of New

Development of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; and national guidance contained in Planning Policy Wales and TAN6-Planning for Sustainable Rural Communities.

SITE AND CONTEXT

The application site as edged in red comprises an area of approximately 0.4 ha which is occupied by a number of dilapidated agricultural buildings and associated yard area to the north, with pasture land beyond. The site is located in the small hamlet of Clawdd-Coch which is classified as falling within the countryside for the purpose of planning policy. The hamlet is located at a cross roads, some 900 metres to the north of the village of Pendoylan via a national speed limit road with no footways.



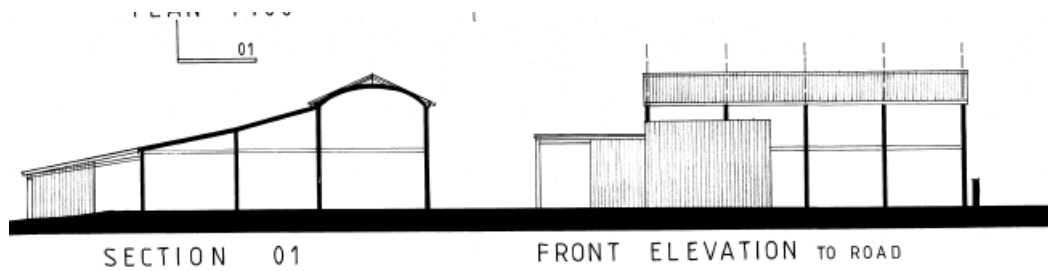
There is an existing vehicular access onto the adopted highway on the northern boundary of the site.

The site lies in the countryside, outside of any settlement, as defined within the Local Development Plan (LDP). The site also lies within the Ely Valley and Ridge Slopes Special Landscape Area (SLA).

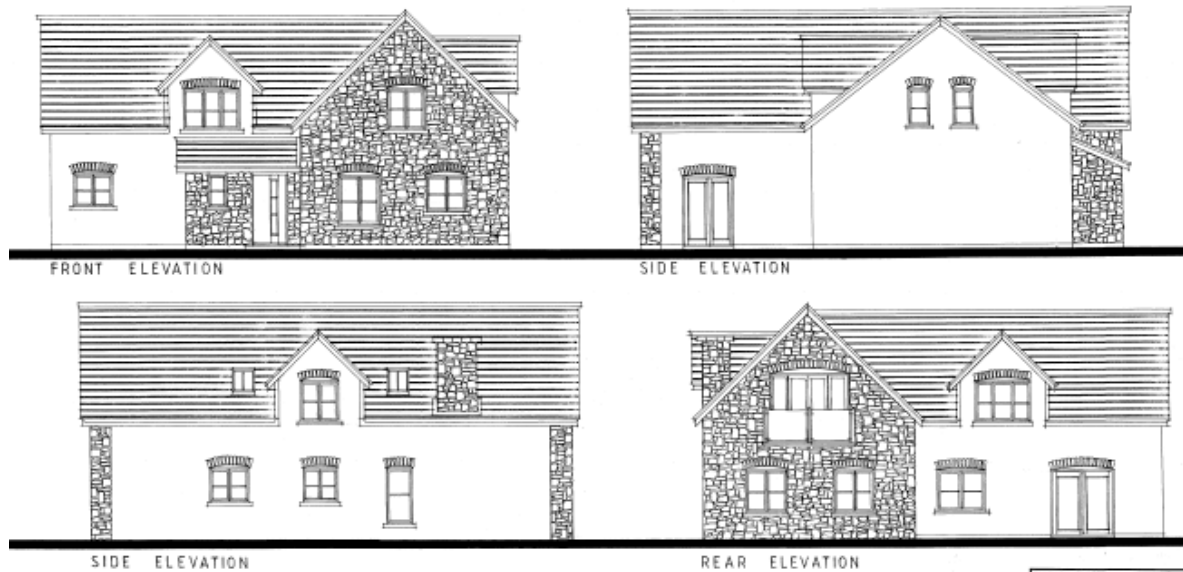
DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the construction of a detached dwelling and associated garage. The proposal entails the following works:-

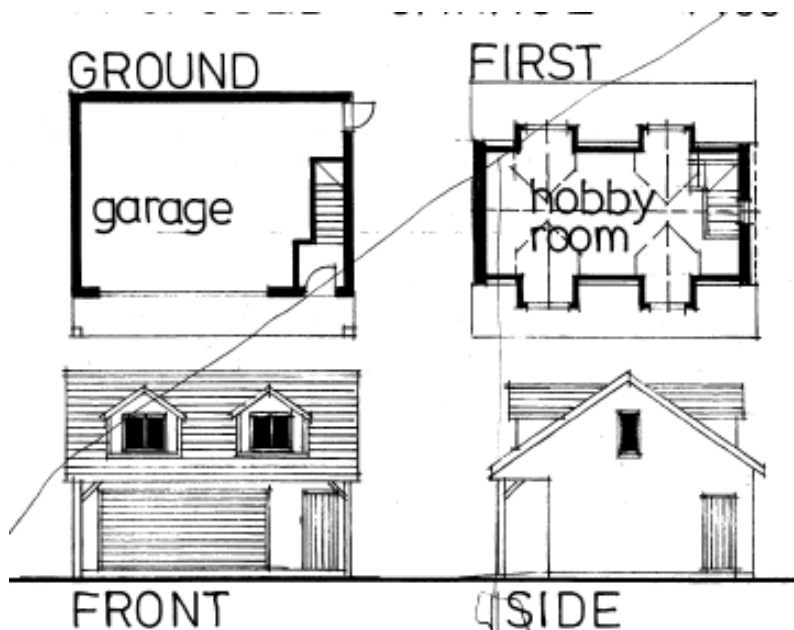
- Demolition of the existing buildings on the site (shown below), including a large hay barn and smaller detached storage sheds.



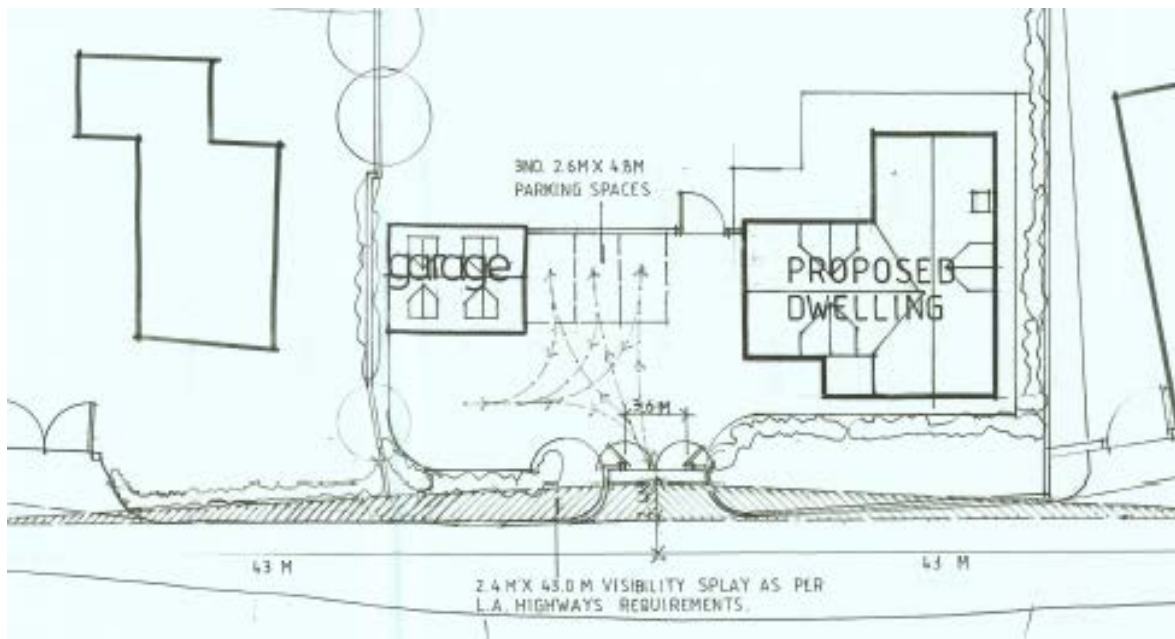
- Construction of a detached, two storey, pitched roof, five bedroom dwelling. The proposed dwelling will be sited within the north-western corner of the plot, close to the boundary with 'Chapel View Barn', and with a frontage to the road. The dwelling will be traditional in design with external finishes of natural stone and render to the walls and a slate roof.



- A detached, two storey, pitched roof garage with hobby room above. The garage will be sited towards the north east corner of the plot close to the boundary with 'Ty Cadno'. The garage will include pitched roof, gabled dormers to front and rear.



- A gated vehicular entrance will give access onto the adopted highway. This will be positioned centrally within the front boundary and will measure approximately 3.6m wide and with a set-back of around 2.4m.



The application is supported by a Planning and Design Statement.

PLANNING HISTORY

2002/01335/OUT - Two pairs of semi-detached cottages – Refused 21 November 2002 for the following reasons:-

- “1. The proposal represents unjustified residential development in a countryside location which would detract from the undeveloped, unspoilt rural character of the area contrary to Policies EV3 and H10 of the South Glamorgan Structure Plan Proposals for Alteration No. 1 1989 and Policies ENV1, HOUS3 and HOUS14 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998.
2. The application site cannot provide for adequate visibility to access the proposed dwellings and the proposal will therefore serve to intensify the use of a substandard access all to the detriment of highway safety and the free flow of traffic on the adjacent highway.”

2005/01073/OUT - Construction of one dwelling – Refused 1 September 2005 for the following reason:-

- “1. The proposal, by reason of its location and significant size of site, would represent an unacceptable form of infill development in the countryside outside an identified settlement, that cannot be justified in the interests of agriculture and forestry and would cause demonstrable harm to the established rural character of the locality, which is designated as part of the Ely Valley and Ridge Slopes Special Landscape Area. Accordingly, the proposal would be contrary to Policies ENV1, ENVXXX (Special Landscapes Area), ENV9 and HOUS3 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and Planning Policy Wales (2002).”

CONSULTATIONS

Pendoylan Community Council were consulted and responded with no objection.

Peterston Super Ely Community Council were consulted on 18 September 2018 and no comments have been received to date.

Peterston Super Ely Ward Member (Cllr M Morgan) was consulted and has made the following comments “The proposed residential development would be an improvement on the current derelict buildings. Provided that there are no objections from immediate neighbours I would support this application.” In a further comment he stated: “It seems to me that development of this nature is essential to the sustainability of our rural communities. Clawdd Coch is a small hamlet but a strong community. It is the mutual support of neighbours for one another in rural communities that keeps those communities sustainable. I have previously raised concerns at Homes and Safe Community Scrutiny Meetings about the approach to planning in the Rural Vale and in particular the needs of older residents. This current application will bring a young family back into a community where they can support their parents and neighbours. I have read The Council’s guidance on Sustainable development and refer to the “definition” of Sustainable development: “Development which meets the needs of the present without compromising the ability of future generations to meet their own needs” This application raises important issues about how the question of sustainability is addressed in our rural communities and it will be of benefit to all for the matter to be aired in the Planning Committee.

Dwr Cymru/Welsh Water were consulted and have stated that as the applicant intends utilising a septic tank facility we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

The Council’s Housing Strategy Team were consulted and have stated that there is an evidenced need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2017 Local Housing Market Assessment (LHMA) which determined that 576 additional affordable housing units were required each year to meet housing need in the area.

The need is further evidenced by the following figures from the council’s Homes4U waiting list in the area in the ward of Peterston Super Ely.

PETERSTON S ELY	
1 BED	14
2 BED	4
3 BED	4
4 BED	1
	23

The unit will be a net gain of 1 and therefore we would expect an off-site contribution of AHC x 0.4 of a one bedroom property in zone 5 i.e. £27,770.40.

The Council’s Ecology Team were consulted and have responded with no comments to make on the application.

The Council’s Highway Development Team were consulted and initially requested additional information, including, a plan of the proposed garage and access to a scale of

1:200; details of on-site turning facilities and appropriate track runs; details to show visibility splays of 2.4m x 43m at the access to scale of 1:200 in order to prove the appropriate visibility is achievable.

Further to the receipt of the above information, no objection is raised.

The Council's Drainage section were consulted and have stated that no details have been submitted with regard to surface water drainage for the proposed development. For all new developments, infiltration should be the primary method of surface water disposal, prior to any other method being considered and evidence of on-site infiltration testing should be submitted prior to approval of a surface water drainage system. In addition, no details on the management and maintenance of the proposed drainage system have been included with this application. As such, a condition is requested on any planning permission requiring a detailed scheme for the surface water drainage of the site.

The Council's Shared Regulatory Services (Environmental Health) were consulted and have advised of the use of the 'unforeseen contamination' condition and informative and conditions relating to importation of soils and/or aggregates.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 18 September 2018. In addition a site notice was posted on 28 September 2018.

Letters of support for the application have been submitted by the occupiers of 'Bryn Bach', 'Clawdd Coch Guest House', 'Chapel View Barn', and 'Duffryn Mawr Farm'. These are all available on record to view in full, however, in summary, the main reasons for supporting the proposal relate to:-

- The dwelling would be in keeping.
- Represents an improvement to a derelict site.
- Positive use of the site to provide a family home to maintain the village.
- A refusal would not be justified in light of proposed new road.
- Would prefer a central positioning of dwelling on the plot.

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 Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which 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 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 MG4 - Affordable Housing.

POLICY MG17 - Special Landscape Areas.

Managing Development Policies:

POLICY MD1 - Location of New Development.

POLICY MD2 - Design of New Development.

POLICY MD4 - Community Infrastructure and Planning Obligations.

POLICY MD7 - Environmental Protection.

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (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 3 - Strategic and Spatial Choices

- Promoting Healthier Places, in particular paragraph 3.21.
- Placemaking in Rural Areas, in particular paragraphs 3.34, and 3.35.
- Spatial Strategy and Site Search Sequence, in particular paragraph 3.37.
- The Best and Most Versatile Agricultural Land, in particular paragraph 3.54.
- Development in the Countryside, in particular paragraph 3.56.

Chapter 4 - Active and Social Places

- Transport, including Active Travel, in particular paragraph 4.1.36, and Car Parking, paragraph 4.1.51.
- Living in a Place, in particular 4.2.25 and 4.2.26-affordable housing.

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places, including Landscape, in particular paragraphs 6.3.3 and 6.3.11.

Technical Advice Notes:

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

- TAN1 - Joint Housing Land Availability Study (2015).
- TAN2 - Planning and Affordable Housing (2006).
- TAN6 - Planning for Sustainable Rural Communities.
- TAN 12 - Design, including paragraphs 2.6, 4.3, 4.5, 4.8, 5.8-rural areas and 5.11-housing design and layout.

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).
- Design in the Landscape.
- Parking Standards.
- Planning Obligations (2018).
- Residential and Householder Development (2018).
- Trees, Woodlands, Hedgerows and Development (2018).

In addition, the following background evidence to the Local Development Plan is considered relevant to the consideration of this application insofar as it provides a factual analysis and information that is material to the issues addressed in this report:

- Agricultural Land Classification background paper (2015) (Also see LDP Hearing Session 1 Action Point 12 response).
- Affordable Housing Viability Update Report (2014) (Also see LDP Hearing Session 6 Action Point 3 to 9 responses).
- Affordable Housing Delivery Update Paper (2016) (LDP Hearing Session 6 Action Point 2 response).
- Vale of Glamorgan Local Housing Market Assessment (LHMA) 2017.
- LDP Housing Land Supply Trajectory 2011-26 (September 2016).
- (LDP Hearing Session 2 and 3, Action Point 4, 6, 7, 9 and 10 response) Housing Provision Background Paper (2015) (Also see LDP Hearing Session 2 and 3 Action Point 3 and 5 response).

- Housing Supply Background Paper (2013) (Also see LDP Hearing Session 2 and 3 Action Point 5 response).
- Joint Housing Land Availability Study (2014).
- Vale of Glamorgan Housing Strategy - (2015-2020).
- Population and Housing Projections Background Paper (2013).
- Designation of Landscape Character Areas (2013 Update).
- Designation of Special Landscape Areas (2013 Update).
- Designation of SLAs Review Against Historic Landscapes Evaluations (2013 Update).
- Sustainable Settlements Appraisal Review (2016).

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management.
- Welsh Office Circular 13/97 - Planning Obligations.
- Development Management Manual - Revision 2 - May 2017.

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

In assessing the proposal against the above policies and guidance it is considered that the main issues include, the principle of new residential development in this location; design and visual impact on the surrounding rural landscape, including the Special Landscape Area; the effect on neighbouring and general residential amenities; any detriment to highway safety; and S106 planning obligations. The planning history of the site is also material to the determination of the application.

Principle and background

In policy terms the site is located in the countryside, outside of any settlement boundary defined within the LDP. As such, relevant policies include, SP1-Delivering the Strategy, and MD1-Location of New Development. Policy MD1 seeks to emphasise the importance of protecting the countryside from unacceptable and unjustified new development, and ensure that it contributes positively to the rural economy and the viability and sustainability of rural communities. The policy allows for new development subject to the following criteria:-

"1. HAVE NO UNACCEPTABLE IMPACT ON THE COUNTRYSIDE;

2. REINFORCE THE ROLE AND FUNCTION OF THE KEY SETTLEMENT OF BARRY, THE SERVICE CENTRE SETTLEMENTS, PRIMARY SETTLEMENTS OR MINOR RURAL SETTLEMENTS AS KEY PROVIDERS OF COMMERCIAL, COMMUNITY AND HEALTHCARE FACILITIES;

3. WHERE APPROPRIATE PROMOTE NEW ENTERPRISES, TOURISM, LEISURE AND COMMUNITY FACILITIES IN THE VALE OF GLAMORGAN;

4. IN THE CASE OF RESIDENTIAL DEVELOPMENT, SUPPORT THE DELIVERY OF AFFORDABLE HOUSING IN AREAS OF IDENTIFIED NEED;

5. HAVE ACCESS TO OR PROMOTE THE USE OF SUSTAINABLE MODES OF TRANSPORT;

6. BENEFIT FROM EXISTING INFRASTRUCTURE PROVISION OR WHERE NECESSARY MAKE PROVISION FOR NEW INFRASTRUCTURE WITHOUT ANY UNACCEPTABLE EFFECT ON THE NATURAL OR BUILT ENVIRONMENT;

7. WHERE POSSIBLE PROMOTE SUSTAINABLE CONSTRUCTION AND MAKE BENEFICIAL USE OF PREVIOUSLY DEVELOPED LAND AND BUILDINGS;

8. PROVIDE A POSITIVE CONTEXT FOR THE MANAGEMENT OF THE WATER ENVIRONMENT BY AVOIDING AREAS OF FLOOD RISK IN ACCORDANCE WITH THE SEQUENTIAL APPROACH SET OUT IN NATIONAL POLICY AND SAFEGUARD WATER RESOURCES; AND

9. HAVE NO UNACCEPTABLE IMPACT ON THE BEST AND MOST VERSATILE AGRICULTURAL LAND."

This approach is supported by national guidance, including PPW which suggests that development in the countryside may be appropriate in certain circumstances. However, this is subject to full consideration of all factors, including the landscape context and the character of the area. Paragraph 3.56 states:-

"Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area."

It will be noted from the planning history of the site that there have been earlier applications for the residential re-development of the site, which have been refused. These include, 2002/01335/OUT for two pairs of semi-detached cottages, refused in 2002, and a single dwelling under 2005/01073/OUT, refused September 2005. The reasons for refusal have included, unjustified residential development in the countryside; harm to the established rural character of the area; and detriment to highway safety due to lack of adequate visibility and intensification of use of a substandard access.

Since these earlier decisions the policy context has changed both nationally, and locally with the adoption of the LDP. Despite this, the site remains an unsustainable one, outside of any identified settlement. PPW notes at paragraph 3.35:-

"For most rural areas the opportunities for reducing car use and increasing walking, cycling and use of public transport are more limited than in urban areas. In rural areas most new development should be located in settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole. Development in these areas should embrace the national sustainable placemaking outcomes and, where possible, offer good active travel connections to the centres of settlements to reduce the need to travel by car for local journeys."

The LDP settlement hierarchy, which was informed by the Sustainable Settlements Appraisal Background Paper (Feb 2016 update), identifies sustainable settlements which are considered to be capable of accommodating additional development during the Plan period. The Study identified 4 main categories of settlements grouped according to their size, role and characteristics, including the key settlement of Barry; service settlements of Cowbridge, Llantwit Major and Penarth; primary settlements of Dinas Powys, Llandough (Penarth), Rhoose, St Athan and Wenvoe; and minor rural settlements of Aberthin, Bonvilston, Colwinston, Corntown, Culverhouse Cross, East Aberthaw, Ewenny, Fferm Goch, Graig Penllyn, Llancarfan, Llandow, Llanmaes, Llysworney, Ogmored by Sea, Pendoylan, Penllyn, Peterston Super Ely, Sigingstone, Southerndown, St Brides Major, St Nicholas, Treoes, Wick and Ystradowen.

Clawdd-Coch has not been included within the settlement hierarchy due to its isolated location and lack of basic services and facilities, similar to many other small hamlets and rural settlements within the Vale of Glamorgan. The lack of amenities, employment opportunities and limited public transport services means that inhabitants are more likely to be reliant on private cars for travel, making them unsuitable and unsustainable locations for further additional residential development.

It is acknowledged that Clawdd-Coch does have a bus service which operates every 2 hours Mondays to Saturdays (320 service). It is noted that the nearest village identified within the LDP settlement hierarchy is the Minor Rural Settlement of Pendoylan, which is located some 925m away. Pendoylan includes a primary school, public house and post box.

Whilst the road linking Clawdd-Coch to Pendoylan is a classified road, it is not served by any footways or lighting. As such it is considered that the road is not suitable as a safe walking route, which together with the distance of the site to Pendoylan, would highly likely result in the dependence on private vehicles to access basic shops, services and facilities needed on a regular basis from the site.

It must therefore be concluded that due to the isolated position outside of any defined settlement boundary and given the distance and general absence of comprehensive pedestrian/alternative modal links to the nearest settlement, the site is considered to be in an unsustainable and unsuitable location where the proposed dwelling would be remote from day to day amenities/services and any future occupiers would be over-reliant on the private car.

In policy terms, new residential development outside of the settlement hierarchy can be considered acceptable in certain circumstances, in particular where they meet the requirements of either policy MD10-Affordable Housing Developments Outside Settlement Boundaries, or MD11-Conversion and Renovation of Rural Buildings. This follows national guidance contained in PPW, which states at paragraph 3.56:-

“Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity.”

However, even in such cases, such sites still need to be accessible and sustainable and have a relationship to a settlement. The proposal does not entail the conversion of an existing rural building, neither does it relate to affordable housing.

Thus, it is considered that the current proposal for market housing would be contrary to the LDP and national guidance set out in Planning Policy Wales.

Agricultural Land

Another issue in relation to the acceptability of the principle of the proposed development is that would have no unacceptable impact/loss of the best and most versatile agricultural land, as set out under criterion 9 of Policy MD1 and Policy MD7. This is in line with national guidance, including paragraph 3.54 of PPW which states:-

“Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future.”

The Council’s Agricultural Land Classification records shows the land classified as Grade 3, although, with no survey work undertaken, it is not clear whether this is the higher Grade 3a. Although the application site extends to the south, and includes the currently undeveloped pasture land, the proposed built development is restricted to the frontage of the site in the existing yard area. The application is accompanied by a Planning and Design Statement, which includes a Supporting Statement from the applicant at Appendix F, which outlines the farming background to the proposal. This identifies that the yard is now redundant to the current farming operations, which have shifted from a dairy herd and chickens to beef cattle and barley. The farm buildings are now located at The Paddocks on the opposite side of the crossroads, where movement of animals is easier in relation to passing traffic. Although it is not clear how the southern paddock would be accessed following development of the frontage, it is accepted that an alternative could be made available. As such, it is not considered that a refusal of the application on the grounds of the loss of high quality agricultural land would be justified.

Personal circumstances of the applicant

It is also noted that the supporting statement makes reference to the personal circumstances of the applicant. Section 38 of The Planning and Compulsory Purchase Act 2004, requires that the Council determine an application in accordance with the development plan unless material considerations indicate otherwise. The Development Management Manual (DMM) provides guidance on the nature of material considerations, noting that factors taken into account must be planning matters, i.e. they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The DMM notes at paragraph 9.4.3:-

“Material considerations must also be fairly and reasonably related to the development concerned. The Courts are the final arbiters of what may be regarded as material considerations in relation to any particular application, but they include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The effects of a development on, for example, health, public safety and crime can also be material considerations, as, in principle, can public concerns in relation to such effects.”

In addition, under the requirements of the Human Rights Act 1998, the Council must protect an individual’s rights and paragraph 9.4.18 of the DMM states:-

“The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process for the LPA to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed. In carrying out this balancing exercise the LPA should be satisfied that it has acted proportionately.”

The DMM notes that the weight to be attached to material considerations is a matter of judgement. However, as paragraph 9.4.5 points out:-

“... the LPA must demonstrate in the planning officers or committee report that, in reaching its decision, they have considered all relevant matters.”

Thus in considering the personal circumstances put forward, it is noted that the applicant outlines a wish to live in the village of her childhood, which is currently not possible due to house prices in the area, and the limited availability. The land would be gifted by the applicant's parents. The proximity to the parents would also allow for their care in old age and failing health. Whilst sympathetic to the personal circumstances outlined, such a situation is by no means unusual, and a similar case for new dwellings in inappropriate and unacceptable locations could be made many times over by other families, undermining local policies and national guidance.

A further reference to the personal circumstances of the case is highlighted in chapter 6, the summary section of the Planning and Design Statement. This indicates:-

“That the applicant wishes to be able to live close by to allow them to continue to work on the farm and other nearby housing is too expensive.”

It is acknowledged that TAN6-Planning for Sustainable Rural Communities allows for sustainable housing, including affordable housing and rural enterprise dwellings. In relation to rural enterprise dwellings TAN6 states at paragraph 4.3.1:-

“One of the few circumstances in which new isolated residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work. Whether this is essential in any particular case will depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of any of the individuals involved. Applications for planning permission for new rural enterprise dwellings should be carefully assessed by the planning authority to ensure that a departure from the usual policy of restricting development in the open countryside can be fully justified by reference to robust supporting evidence.”

A rural enterprise dwelling can include a second dwelling on an established farm which is financially sustainable, where there is a functional need for a further 0.5 or more of a full time worker and at least 50% of a Grade 2 Standard Worker salary, as defined by the latest version of the Agricultural Wages Order, is obtained from the farm business.

Notwithstanding the above, the current application does not propose either an affordable dwelling, or a rural enterprise dwelling, and no evidence to support such development has been submitted. As such the application has been assessed as a proposal for new market housing.

Thus it is considered that the principle of the development of a new market house on the site is considered unacceptable, as it does not meet the requirements of policy MD1, in particular criterion 5, access to or promotion of the use of sustainable modes of transport.

Design and visual impact

In policy terms, criterion 1 of policy MD1 requires that new development on unallocated sites should have no unacceptable impact on the countryside. Furthermore, criteria 1 and 2 of policy MD2 requires new development to be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment; and responds appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density. National guidance within TAN12-Design states at paragraph 5.8.2:-

“Design is relevant to rural settlements, urban fringe, steep sided valleys, mountain top plateaus and broad agricultural areas vary significantly. Policies and guidance should take account of the need to steer activity to avoid negative impact on distinctive rural landscapes and the best agricultural land and to conserve and enhance diversity of species and habitats. Managing change by means of a landscape strategy based on a thorough landscape assessment is one means of safeguarding a rural sense of place. This should analyse key issues and put forward guidelines for design themes, palettes of materials, and briefs for specific sites.”

Furthermore the Council’s Supplementary Planning Guidance on Design in the Landscape contains guidance on landscape impact, with one of the aims of DG13-Rural Settlements, being to reduce, and wherever feasible, reverse the erosion of locally distinct rural character which results in suburbanisation.

It is noted that the letters submitted in support of the application highlight how the proposal will improve the current situation with the removal of the existing dilapidated structures. In addition the Planning and Design Statement outlines how the new dwelling will sit comfortably within the existing residential development, and be commensurate with the existing dwellings in the hamlet.

“The scale, siting, design, materials, landscaping and external appearance are all appropriate in the context of the hamlet of Clawdd Coch.”

It is agreed that the proposal will not extend the built form of the hamlet into the surrounding countryside. In addition the traditional design of the proposed dwelling would reflect many of the original properties.

In relation to the wider landscape impact, including the Ely Valley and Ridge Slopes SLA, relevant policies include SP10-Built and Natural Environment, and MG17-Special Landscape Areas. Policy MG17 allows for new development where it is demonstrated that it would cause no unacceptable harm to the important landscape character of the area. The accompanying Planning and Design Statement indicates that the use of the site for a dwelling will not materially alter the character of the SLA.

“The site is currently occupied by unsightly dilapidated corrugated iron and timber barns and outbuildings. It is a natural in fill site with other residential properties on three sides and its configuration allows the natural line of houses along the lane to be respected.”

It is agreed that the proposal will have a limited impact on the wider character of the SLA. It could be argued that the loss of the existing agricultural buildings would detract from the rural character. However, the more recent agricultural buildings to the west would serve to maintain the historical character of the hamlet.

Thus it is considered that the loss of the existing buildings, and the introduction of a new dwelling in this location will not result in any detriment to the character and appearance of Clawdd-Coch and its rural setting, including the SLA.

Neighbouring and residential amenity

Policy MD2 of the LDP and the Council's SPG on Residential and Householder Development seek to ensure adequate amenity for the occupiers of not only new housing but also the existing properties. Criterion 8 of policy MD2 of the LDP seeks to safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.

It is noted that, to date, no objections have been received, only support for the proposal. However, the neighbour at 'Chapel View Barn' has expressed a preference for the dwelling to be sited away from their boundary, more centrally within the plot.

In relation to any overshadowing or overbearing effect, it is considered that, compared to the existing agricultural barn, the proposed dwelling would have less impact due to its smaller size.

As regards any impact on the current levels of privacy, although there are some windows at first floor level in the side elevations facing the neighbours at 'Chapel View Barn' and 'Ty Cadno', these serve non-habitable landing and en-suite facilities.

In relation to the residential amenity of the proposed dwelling itself, the Council's SPG on Residential and Householder Development requires a minimum of 20 sq.m. of amenity space per person, which in this case, would be a minimum of 80 sq.m.. Although the current layout shows a relatively restricted area of private amenity space, it is acknowledged that this can be improved with a reduction in the number of on-site parking spaces proposed from five to the maximum three spaces required by the Parking Standards.

Access and Parking

Criterion 6 of MD2 of the LDP requires that new development has no unacceptable impact on highway safety nor cause or exacerbate existing traffic congestion to an unacceptable degree.

There is an existing vehicular access to the site to serve the existing agricultural use. This is proposed to be modified to provide a 3.6m wide double gated entrance, set back to provide visibility splays of 2.4m x 43m along the adjacent highway. Following a request for additional information relating to garage access, on-site turning facilities, and visibility splays, the Council's Highway Development team have advised that there is no objection to the proposal.

As such it is considered that there should be no detriment to highway safety. Indeed, as the supporting information notes, the removal of the agricultural use of the land, with the potential to move animals along the adjacent highway at the crossroads, should serve to improve highway safety.

S106 planning obligations

Policy MD4 of the LDP relates to Community Infrastructure and Planning Obligations and notes that the Council will seek to secure new and improved infrastructure, facilities, and services appropriate to the scale, type and location of proposed developments through the use of planning obligations. The Council's Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought, and indicates how they may be calculated.

In this case, policy MG4-Affordable Housing is relevant to the proposal. This requires all residential sites resulting in a net gain of one or more dwellings to provide an element of affordable housing. The Council's Affordable Housing SPG requires that residential development within the Rural Vale housing market area resulting in a net gain of one dwelling or more should deliver 40% affordable housing.

In this case, as the contribution would relate to the equivalent of 0.4 of an affordable unit, this would require an off-site affordable housing contribution, based upon the following equation:

Acceptable Cost Guidance (£) per unit x % Social Housing Grant x Number of affordable housing units = Financial contribution (£).

The Acceptable Cost Guidance band in this case is based upon band 5. The Council's Housing Strategy Team has been consulted on the application and confirm that Clawdd Coch is in the Peterston Super Ely Ward where the highest need is for one bedroom accommodation. Based on the table at Figure 1 paragraph 5.3.2 of the SPG the ACG is £119,700. As such the required contribution is calculated as £27,770.4.

Although a formal response is still awaited from the applicant's agent, the applicant has verbally indicated that the proposed development is intended to be a 'self-build' scheme. There is an exemption for Self Build Housing Developments in the SPG, and this would be taken into consideration in any subsequent S106 legal agreement that would be required. Notwithstanding this, the proposal remains unacceptable for the reasons outlined above.

Other issues

On the issue of drainage, Welsh Water note that the proposal entails the use of a septic tank facility. As such they advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

The Council's Drainage section note that no details have been submitted with regard to surface water drainage for the proposed development, and no detail on the management and maintenance of the proposed drainage system. As such, a condition is requested on any consent that no development shall commence 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.

The Council's Environmental Health section indicate that although there is no known contamination at this site, the potential cannot be ruled out. As such, they have requested the use of the 'unforeseen contamination' condition in any consent. In addition, should there be any importation of soils, or materials imported as part of the construction of the development, it must be demonstrated that they are suitable for the end use. Therefore conditions relating to the importation of soils and/or aggregates are also requested.

Finally, it is noted that there are no ecological issues relating to the site. The Council's Ecology team have been consulted on the proposal, and advise that they have no comments to offer on the application.

In view of the above the following recommendation is made.

RECOMMENDATION

Should Committee Members determine to approve the application contrary to officer recommendation, it is considered that this should be subject to the applicant first entering a S106 legal agreement relating to an affordable housing/self-build exemption, and subject to the following conditions:-

Conditions

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:

- Site Location Plan, amended plan received 17 January 2019;
- Existing Site Layout, Drg. No. 712/P/01, received 29 October 2018;
- Existing Agricultural Buildings, Drg. No. 712/P/02, received 6 September 2018;
- Proposed Site Plan, Drg. No. 712/P/10 B, received 14 February 2019;
- Proposed House Plans, Drg. No. 712/P/11 B, received 14 February 2019;
- Proposed House Elevations, Drg. No. 712/P/12 B, received 14 February 2019; and
- Planning Design Statement, received 18 September 2018.

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. The new vehicular access, vision splays, and on-site parking and turning space, as shown on Drg. No. 712/P/10A, received 29 October 2018, shall be implemented in full before the first beneficial occupation of the dwelling hereby permitted. The access, vision splays, and on-site parking/turning space shall be retained thereafter.

Reason:

In the interests of highway safety in accordance with Policies SP1-Delivering the Strategy, MD1-Location of New Development, and MD2-Design of New Development of the Local Development Plan.

4. A schedule of materials 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.

Reason:

To safeguard local visual amenities, as required by Policies SP1-Delivering the Strategy, SP10-Built and Natural Environment, MG17-Special Landscape Areas, MD1-Location of New Development and MD2-Design of New Development of the Local Development Plan.

5. All means of enclosure associated with the development hereby approved shall be completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be completed in accordance with the approved details prior to the first beneficial use of the development.

Reason:

To safeguard local visual amenities, as required by Policies SP1-Delivering the Strategy, SP10-Built and Natural Environment, MG17-Special Landscape Areas, MD1-Location of New Development, and MD2-Design of New Development of the Local Development Plan.

6. No development shall commence until details of existing ground levels within and adjacent to the site and proposed finished ground and floor levels 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 safeguard local visual amenities, as required by Policies SP1-Delivering the Strategy, SP10-Built and Natural Environment, MG17-Special Landscape Areas, MD1-Location of New Development, and MD2-Design of New Development of the Local Development Plan.

7. No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason:

To safeguard local visual amenities, as required by Policies SP1-Delivering the Strategy, SP10-Built and Natural Environment, MG17-Special Landscape Areas, MD1-Location of New Development, and MD2-Design of New Development of the Local Development Plan.

8. 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, SP10-Built and Natural Environment, MG17-Special Landscape Areas, MD1-Location of New Development, and MD2-Design of New Development of the Local Development Plan.

9. No development shall commence until details of a scheme of foul, land and surface water drainage has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details prior to the first beneficial occupation of the development hereby permitted and retained in perpetuity.

Reason:

To prevent pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment, in accordance with Policies SP1-Delivering the Strategy, MD1-Location of New Development, and MD7-Environmental Protection of the Local Development Plan.

10. 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.

11. Any soils/aggregate (other than virgin quarry stone) or recycled aggregate material 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.

12. Notwithstanding the provisions of schedule 2, Part 1 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 extensions shall be erected to the building other than those expressly authorised by this permission and no buildings shall be erected other than those expressly authorised by this permission.

Reason:

To enable the Local Planning Authority to control the scale of development and to ensure compliance with Policy MD2 (Design of New Developments) of the Local Development Plan.

Informatives

1. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.

2. With respect to the discharge of effluent to ground or surface water, the Applicant will need to apply for an environmental permit or register an exemption with Natural Resources Wales (NRW). The Applicant must obtain any necessary permit or exemption prior to commencement of work on site. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with NRW's Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. More information, including a step by step guide to registering and the relevant application forms are available on NRW's website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standards 6297 and Approved Document H of the Building Regulations.

3. 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.

Reason for Granting Planning Permission

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 comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

Having regard to Policies SP1-Delivering the Strategy, SP3-Residential Requirement, SP4-Affordable Housing Provision, SP10-Built Natural Environment, MG1-Housing Supply in the Vale of Glamorgan, MG4-Affordable Housing, MG17 - Special Landscape Areas, MD1-Location of New Development, MD2-Design of New Development, MD4-Community Infrastructure and Planning Obligations, and MD7-Environmental Protection of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; Supplementary Planning Guidance, including Affordable Housing, Design in the Landscape, Parking Standards, Planning Obligations, Residential and Householder Development, and Trees, Woodlands, Hedgerows and Development; and national guidance contained in Planning Policy Wales, TAN1-Joint Housing Land Availability Study, TAN2-Planning and Affordable Housing, TAN6-Planning for Sustainable Rural Communities, and TAN12-Design, it is considered that the replacement of the derelict farm buildings and yard with a new dwelling, the benefits of which outweigh the unsustainable location of the site. In addition the proposal will have no adverse impact on the character and appearance of the surrounding countryside, including the Ely Valley and Ridge Slopes Special Landscape Area, nor should it detract from neighbouring amenity or highway safety.

REFUSE

1. By virtue of its isolated position outside of any defined settlement boundary and given the distance and absence of safe pedestrian / alternative modal links to the nearest settlement, the proposal represents an unsustainable form of residential development, remote from day to day amenities / services and any future occupiers would be over-reliant on the private car. The proposal would therefore be contrary to Policies SP1-Delivering the Strategy, and MD1-Location of New Development of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; and national guidance contained in Planning Policy Wales and TAN6-Planning for Sustainable Rural Communities.

REASON FOR RECOMMENDATION

The decision to recommend refusal of 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.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

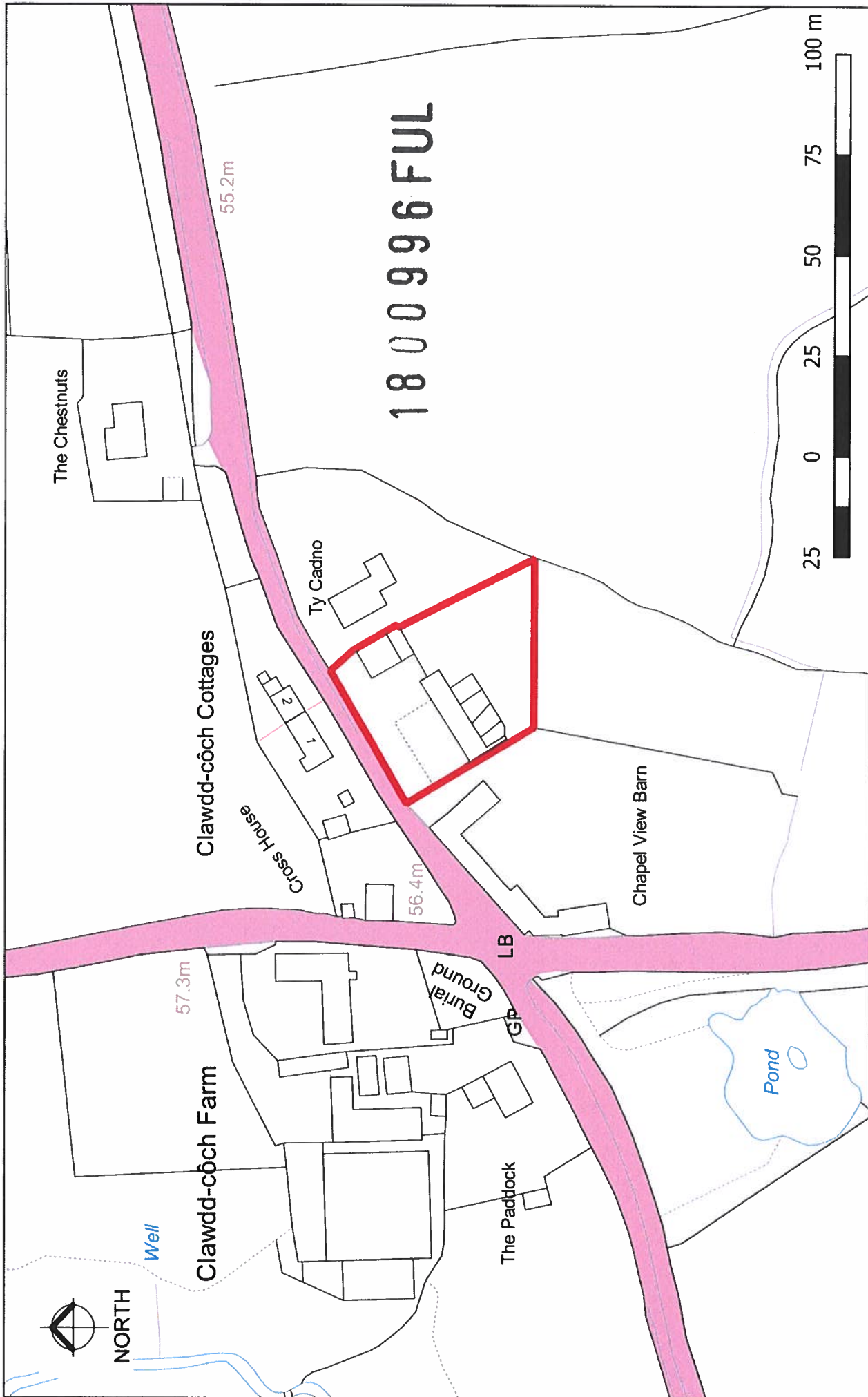
NOTE:

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.



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Site Location Plan	15 January 2019	© Crown copyright and database rights 2019 Ordnance Survey 100023424
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