

The Vale of Glamorgan Council

Cabinet Meeting: 17 December 2018

Report of the Cabinet Member for Housing and Building Services

Housing Development Programme - Land at Hayeswood Road, Barry

Purpose of the Report

1. To seek Cabinet approval to continue with the acquisition of Welsh Government owned land at Hayeswood Road, Barry shown edged red in the plan at APPENDIX 1 ("the Site"), for the provision of a wholly affordable housing scheme
2. To seek Cabinet approval for the Housing Development Team to explore options for the redevelopment of the Site and provide a further report to Cabinet once a viable scheme has been prepared and endorsed by the Housing Development Strategic Project Board.

Recommendations

1. That approval is granted to continue negotiations with Welsh Government with the aim of acquiring the Site at best price, having regard to the proposed use of the Site, existing site constraints and abnormal costs.
2. That approval is granted to allow the Housing Development Team to explore and recommend a viable affordable housing scheme in a further report to Cabinet, prior to submitting a planning application for such a scheme.

Reasons for the Recommendations

1. To continue negotiations with Welsh Government in order to establish an acceptable value for the Site for a wholly affordable scheme, for the purposes of providing much needed affordable housing in Barry.
2. To allow the Housing Development Team to further explore affordable housing options for a scheme, having regard to the importance of the Site in satisfying a considerable housing need for new homes in the Bendricks area of Barry.

Background

3. The Council is seeking to expand its housing stock and satisfy local housing need through the commissioning of new properties as a new development initiative. The

principle of developing new homes was established by the Council following a Cabinet meeting on 11 August 2014 (C2439) and sites across the Vale were considered for development.

4. The Site was originally identified as a potential location for a new Gypsy and Traveller site, in response to the need to provide a permanent site in accordance with the Council's adopted Local Development Plan (LDP).
5. Cabinet approval to proceed with the purchase of the site, to submit a planning application for permanent Gypsy and Traveller provision on the Site and that the report be referred to the Homes and Safe Communities Scrutiny Committee for consideration, was granted at a Cabinet meeting on 17th September 2018 (see Minute C417).
6. On the 15th October 2018, Cabinet formally decided not to proceed with a planning application for, or the negotiation of the purchase of the site from Welsh Government for a Gypsy and Traveller scheme on the site, citing both public and local business concerns and concerns regarding the ability to secure grant assistance due to the need to engage further with the group of travellers for whom the Council needs to find a site for (see Minute C440).
7. For the avoidance of doubt, the critical resolutions attached to Minute C440 state:
"T H A T the findings of the Site Assessment (attached at Appendix A of the report to Cabinet on 17th September, 2018 and subsequently considered by Homes and Safe Communities Scrutiny Committee) be rejected and the identification of the site at Hayeswood Road, Barry as the preferred site to meet the longer term need for Gypsy and Traveller Accommodation identified in the Gypsy and Traveller Accommodation Assessment (GTAA) be rejected".
"T H A T in pursuance of resolution 1 above, the proposal to submit a planning application for the site at Hayeswood Road, Barry as a detailed application for a Gypsy and Traveller site be rejected and not progressed any further".
"T H A T in pursuance of resolution 1 above, the proposal to enter into negotiations with Welsh Government for the acquisition of the site for the purposes of a Gypsy and Traveller site be rejected and not progressed any further".
8. However, given the location of the site, its inclusion in the LDP for housing purposes and its availability, having been declared surplus to requirements by Welsh Government, it would seem prudent to continue to explore options for the development of much needed wholly affordable housing and that the resolutions attached to Minute C440 are still in effect.

Relevant Issues and Options

9. Cabinet Minute C278 (26th March 2018) previously authorised the Council's acquisition of the site from Welsh Government and to undertake site investigation process.
10. The Housing Development Team had completed the due diligence process on the site and has currently spent £32,000 on design, surveys and site investigation, which would be abortive costs if the site were not to be acquired.
11. The original proposal for the Site included 41 no. affordable housing units along with 20 no. gypsy and traveller pitches. However, the location of the affordable housing on the north eastern part of the site was in an area of extremely poor ground and drainage conditions.

12. In providing the affordable housing element, as part of the original project the Council would have incurred significant cost in rectifying the abnormal ground conditions.
13. Both the Housing Development Strategic Project Board and The Gypsy and Traveller Project Board decided to abandon the affordable housing element on the site and progress with the gypsy and traveller provision only.
14. Now that the use of the site for Gypsy and Traveller accommodation has been rejected by Cabinet, the Housing Development Team propose that the part of the site that was going to contain the gypsy and traveller provision, which had more 'sympathetic' ground conditions, could deliver an estimated 28 to 30 no. new affordable homes.
15. The site is located within an identified Settlement Boundary and an Allocated Housing site under the Local Development Plan. The site is located in the Castleland Ward and demand for affordable housing in this ward is summarised, by bedroom size, in the table below:

CASTLELAND	
1 bed	250
2 bed	112
3 bed	48
4 bed	7
5+ bed	3
	420

16. Further detailed design would be required to confirm the number of units and layout of any proposed scheme and on the basis of that design, an estimated cost plan could be produced and a viability appraisal could be undertaken.
17. The need to provide additional affordable homes is a high priority for the Council, and the new homes will be let at rents within the Council's rent policy, making the homes affordable for those in need. Consultation will continue with officers from Housing Solutions, Highways and Planning, to give officers and Members time to consider and agree the final proposals for development mix to meet priority housing needs in line with the Council's Local Housing Strategy.

Resource Implications (Financial and Employment)

18. Initial costs of the scheme were forecast at £4.5m and accommodated within the 2018/19 Housing Business Plan. Once the number of Affordable Housing Units has been finalised, the total costs of the new scheme will be re-profiled for the Final Capital Proposals and included in the 2019/20 Housing Business Plan which will be reported to Cabinet during February 2019
19. The proposed scheme could also be submitted for Housing Grant in 2020/21, should a new round of Welsh Government subsidy be available as a successor to the current Affordable Housing Grant programme.
20. Costs of £32,000 have already been incurred in completing the Site due diligence.
21. There are no other resource issues to report as this time.

Sustainability and Climate Change Implications

22. The proposed scheme will be designed to meet Welsh Government Development Quality Requirements and Lifetime Homes as a benchmark standard. The Code for Sustainable Homes has now been withdrawn by the Welsh Government, but there is an expectation for all new schemes subsidised by Welsh Government will meet Part L of the current Building Regulations as a substituted requirement.
23. No renewable technologies are currently proposed. However, to assist in addressing fuel poverty, there will be a contractual requirement for the proposed scheme to meet or exceed current Building Regulations in terms of thermal performance.

Legal Implications (to Include Human Rights Implications)

24. The Development Team will continue to liaise with the Council's Legal team on all legal matters concerning the project and it will be necessary for appropriate forms of contract to be executed.

Crime and Disorder Implications

25. The proposed scheme will be designed to meet Secure by Design, a standard part of the Welsh Government Development Quality Requirements, which ensures that the layout and technical specification designs out crime as far reasonably practical.

Equal Opportunities Implications (to include Welsh Language issues)

26. There will be training opportunities offered as part of the build contract through targeted training and recruitment (as part of the First Job Opportunities Programme). In addition, using the Value Wales Toolkit, local supply chains and investment can be monitored formally and reported.

Corporate/Service Objectives

27. An inclusive and Safe Vale:
Objective 2: Providing decent homes and safe communities.
Action: Increase the number of sustainable, affordable homes. (2019/20)

Policy Framework and Budget

28. This report is a matter for Executive decision by Cabinet.

Consultation (including Ward Member Consultation)

29. Ward Member consultation for the proposed scheme would need to be undertaken ahead of a local information event with the local community.
30. A community consultation event would need to be reconvened to update the public on the amended proposals for the Site, as part of the PAC process and prior to submitting a planning application.

Relevant Scrutiny Committee

31. Homes and Safe Communities

Background Papers

None

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Responsible Officer:

Miles Punter - Director of Environment and Housing



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Planning Observations for Land at Hayeswood Road, Barry

Planning Policy

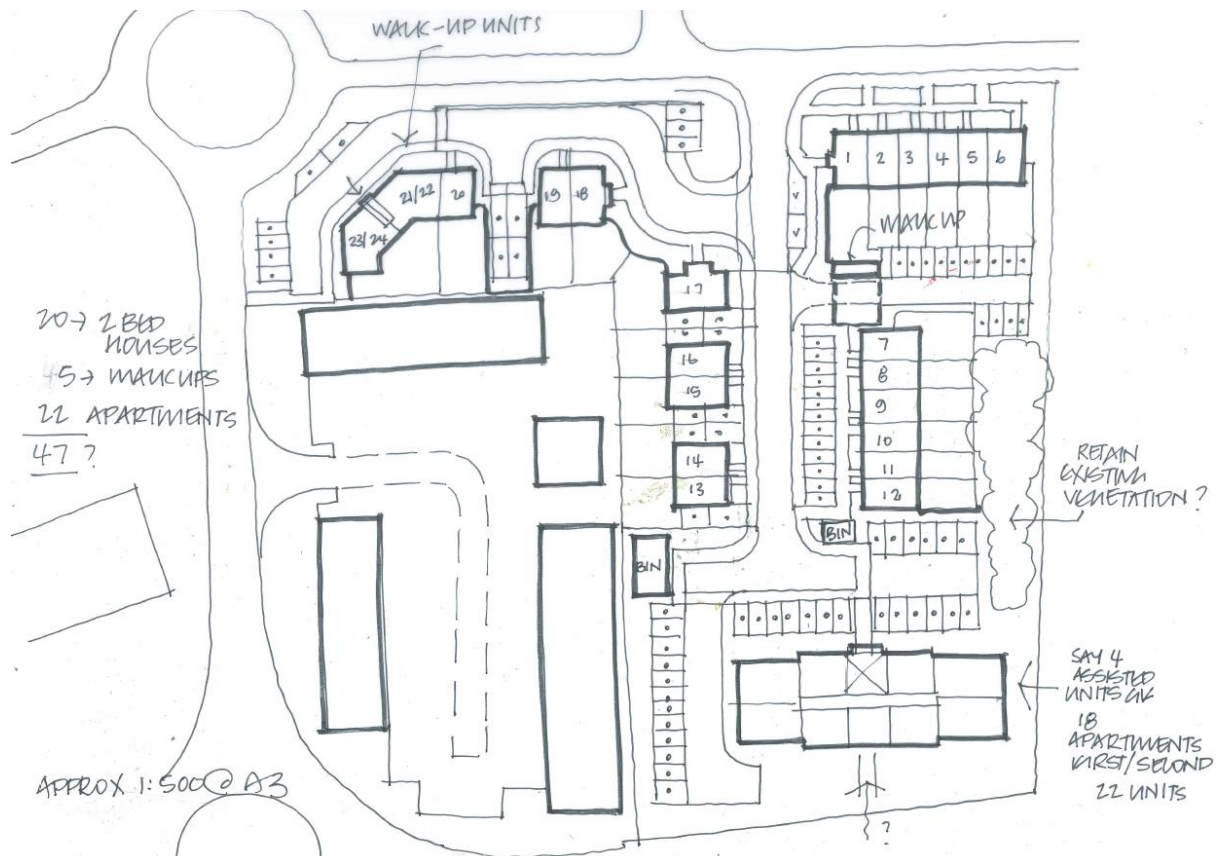
12th October 2018

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1. Proposal

- 1.1. This statement relates to the potential development opportunity on land at Hayeswood Road, Barry. The initial proposal is for a residential development which would be a mixture of 12 two storey terraced units offering 2 bedrooms, 6 two storey semi-detached units with 2 bedrooms, 5 two storey 'walk-up' units and 1 three storey flatted building containing 22 apartments of which 4 will be for assisted living. Overall the proposal would create 47 residential units with 46 off street car parking spaces serving the proposed two storey houses and 31 off street car parking spaces to serve the proposed flatted development. The proposal would also include provision of two bin stores affiliated with the flatted element of the proposal.
- 1.2. Figure 1 details the initial layout for the proposal. The developable area of the site is approximately 1.02ha and would involve creating a new access point along Hayes Road to serve the proposed development as well as parking provision accessed directly from the main road. The land is currently within private ownership and would need to be acquired before development could proceed.

Figure 1: Initial Layout

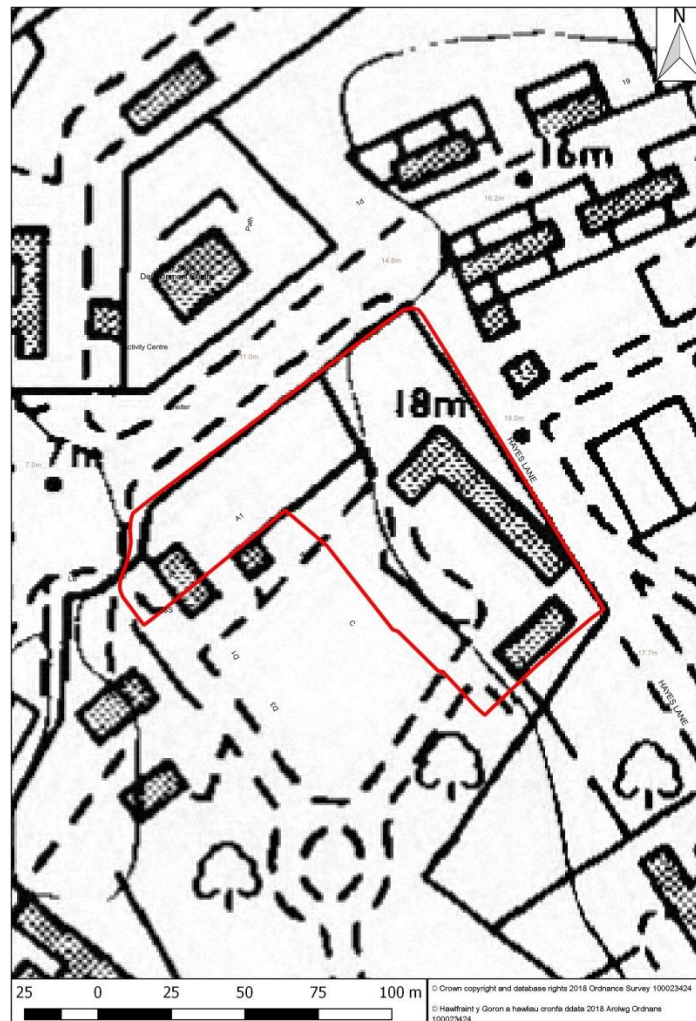


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2. Site Location and History

- 2.1. The proposed development is located on land behind the Atlantic Gate Industrial Estate and between Hayes Road, Hayes Lane and Hayeswood Road and is referred to as land at Hayeswood Road. Previously the land was developed for employment uses relating to B1 and B2 use classes which were first developed in 1972 to 1975 as detailed in Figure 2 which shows the historic map for the area in relation to the proposal.

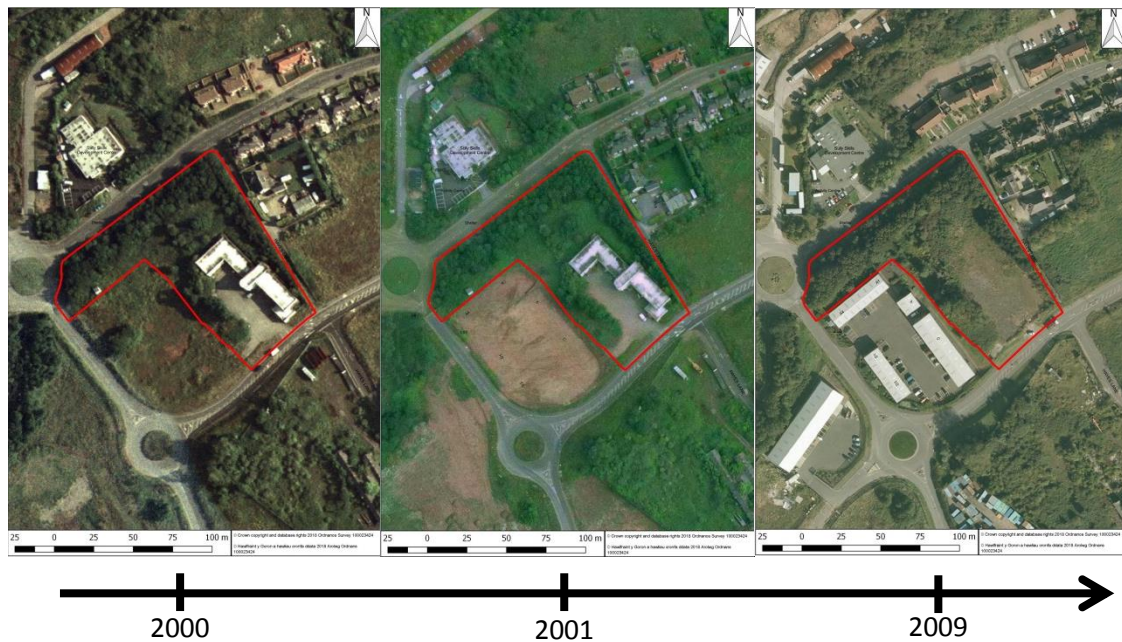
Figure 2: Historic Map relating to the Site (1972 to 1975)



- 2.2. In more recent years the site has changed significantly, this is portrayed in the aerial map timeline in Figure 3. This shows the demolition of the original structure on the site, the site clearance and the reclamation of the land to a natural state.

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Figure 3: Timeline of Previous Development on Site from 2001 to 2009



- 2.3. Since the demolition of the original building on the site and the construction of Atlantic Gate Industrial Estate the land has remained vacant and has been reclaimed by natural vegetation. Figure 4 shows the current state of the site and its surrounding context. In regards to the classification of the land, Planning Policy Wales (PPW) Edition 9 (2016) defines previously developed land as “that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage of the development is included, as are defence buildings, and land used for mineral extraction and waste disposal where provision for restoration has not been made through development management procedures” (PPW, p.60, Fig 4.4, 2016). The definition does include a number of exclusions one of which is “land where the remains of any structure or activity have blended into the landscape over time so that they can reasonably be considered part of the natural surroundings” (PPW, p.60, Fig 4.4, 2016). Based upon Figure 3, it is clear that the site has been subject to natural vegetation growth which has spread to an extent to remove any trace of the previous development on the site and would not meet the brownfield classification detailed within PPW. Therefore, the site must be considered as a reclaimed brownfield site and treated as greenfield in planning terms.

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Figure 4: Site Location and Context (2017)



- 2.4. In regards to the surrounding area to which the site relates, it has a mixed character due to the presence of residential properties to the north along Hayes Road which are predominately two storey semi-detached houses and north west on Bendrick Road which are mainly two storey terraced houses. Hayes lane which bounds the site to the east differs from the main two storey character of the residential properties in the area due to the presence of two detached dormer bungalows. However, the residential character of this area is juxtaposed against the proximity of Atlantic Trading Estate to the west and south which is an existing employment site containing large industrial units mainly in the form of warehouses with metal frames and roofs following the typical style of an employment site with units spread out over a large area.
- 2.5. Additionally the site also borders some vacant plots of land to the south east which are also reclaimed brownfield sites and have been allocated within the LDP for housing and employment uses.

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3. Policy Context

3.1. National Policy

Planning Policy Wales:

3.1.1. Planning Policy Wales (PPW) Edition 9 (2016) sets out the land use planning policies for Wales. The main policy areas which relate to the proposal are:

- “Previously developed (or brownfield) land (see Figure 4.4) should, wherever possible, **be used in preference to greenfield sites, particularly those of high agricultural or ecological value.**”
- “Many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. This includes sites:
 - **in and around existing settlements where there is vacant or under-used land, commercial property or housing;**
 - in suburban areas close to public transport nodes which might support more intensive use for housing or mixed use;
 - which secure land for urban extensions, and;
 - **which facilitate the regeneration of existing communities.**”
- “Good design can protect and enhance environmental quality, consider the impact of climate change on generations to come, help to attract business and investment, promote social inclusion and improve the quality of life. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales, from the construction or alteration of individual buildings to larger development proposals.”
- “Development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. **Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing,** but 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 respect the character of the surrounding area and should be of appropriate scale and design.**”
- “Sensitive infilling of small gaps within small groups of houses, or minor extensions to groups, **in particular for affordable housing to meet local need, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area.**”
- “Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area’s character or amenity. **This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.**”

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- “In determining applications for new housing, local planning authorities should ensure that **the proposed development does not damage an area’s character and amenity**. Increases in density help to conserve land resources, and good design can overcome adverse effects, but **where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered**. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas.”

3.1.2. In regards to good design Welsh Government promote 5 key objectives which developers should seek to meet in their proposals. These are outlined in Figure 4 below.

Figure 5: Good Design Objectives (Source: Welsh Government)



Technical Advice Note (TAN) 12 - Design (2016):

- 3.1.3. TAN 12 provides further guidance on the elements of good design which should be included within development proposals. The design context is individual to each proposal however there are broad areas which should be covered in any proposal which are outlined in TAN 12. The key guidance relating to the proposed development are:
- “Those involved in the design process need to recognise existing urban qualities and find ways of ensuring that new development strengthen or complement these.”

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- “Building at higher densities is not synonymous with high rise development and innovative good design is a prerequisite to the success of higher densities. The perception of lower density can be influenced by skilful design. Clearly defining public and private space and ensuring suitability for purpose will be particularly important where densities are high.”
- “The design of housing layouts and built form should reflect local context and distinctiveness, including topography and building fabric. Response to context should not be confined to architectural finishes. The important contribution that can be made to local character by contemporary design, appropriate to context, should be acknowledged. To help integrate old and new development and reinforce hierarchy between spaces, consideration should be given to retaining existing landmarks, established routes, mature trees and hedgerows within housing areas as well as introducing new planting appropriate to the area. All residential proposals should seek to minimise energy demand, larger schemes should investigate the feasibility of a district heating scheme especially when mixed uses are proposed for the site.”
- “The location and definition of public and private space and the design of boundary treatment are particularly important for housing. New development should take account of the existing relationship of buildings to landscape and the local means of boundary definition such as hedges, walls and fences. In general, every effort should be made to orientate dwellings so that they front existing roads and spaces, ensuring a balance with the need to promote features of environmental sustainability. The relationship of the perimeter of a development to its setting is important and developments which turn their back on existing roads do not integrate well with their context.”

Technical Advice Note (TAN) 15: Development and Flood Risk (2004)

3.1.4. TAN 15 provides detailed guidance on the impact flood risk can have on development and the actions which can be taken to mitigate flood risk within new developments. The following advice is considered to be the most relevant to the proposal:

- Zone B Flooding - “Areas known to have been flooded in the past evidenced by sedimentary deposits.” “Used as part of a precautionary approach to indicate where site levels should be checked against the extreme (0.1%) flood level. If site levels are greater than the flood levels used to define adjacent extreme flood outline there is no need to consider flood risk further.”
- Zone C2 Flooding - “Areas of the floodplain without significant flood defence infrastructure.” “Used to indicate that only less vulnerable development should be considered subject to application of justification test, including acceptability of consequences. Emergency services and highly vulnerable development should not be considered.”
- Highly Vulnerable Development - “all residential premises (including hotels and caravan parks), public buildings (e.g. schools, libraries, leisure centres), especially vulnerable industrial development (e.g. power stations, chemical plants, incinerators), and waste disposal sites”

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- “New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development and Emergency Services in zone C2 should not be permitted. All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location.”

3.2. Local Policy

Vale of Glamorgan Local Development Plan 2011-2026 (Adopted 2017):

3.2.1. The Local Development Plan (LDP) contains the local planning policies which proposals need to comply with to be considered acceptable. The following policies are considered to be relevant to this proposed development:

- Policy SP1 - Delivering the Strategy
- Policy SP4 - Affordable Housing Provision
- Policy MD1 - Location of New Development
- Policy MD2 - Design of New Development
- Policy MD5 - Development within Settlement Boundaries
- Policy MD6 - Housing Densities
- Policy MD7 - Environmental Protection
- Policy MD9 - Promoting Biodiversity
- Policy MD10 - Affordable Housing Developments Outside Settlement Boundaries

Supplementary Planning Guidance (SPG):

3.2.2. The Council has a suite of SPG documents which support the policies in the LDP and are material considerations in the determination of planning application. The following SPGs are considered to be relevant to this proposal:

- Affordable Housing SPG (2018)
- Biodiversity and Development SPG (2018)
- Parking Standards SPG (2015)
- Planning Obligations SPG (2018)
- Residential & Householder Development SPG (2018)
- Trees, Woodlands, hedgerows and Development SPG (2018)
- Travel Plan SPG (2018)

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4. Planning History

4.1. The site has been subject to a number of planning applications which are detailed below:

- 1985/00550/OUT - Proposal: Residential development, including public house, retail and community facilities. Applicant: Penarth Com. Properties Ltd. / Wilcon Homes. Decision: Refused (11/02/1986).
- 1986/00534/OUT - Proposal: Residential development, including public house, retail and community facilities. Applicant: Penarth Com. Properties Ltd. Decision: Appeal Dismissed (13/07/1988).
- 1995/00926/REG3 - Proposal: Upgrading of derelict trading estate including demolition of derelict structures, new landscaping and the construction of a new access road. Applicant: Vale of Glamorgan Borough Council. Decision: Approved (19/12/1995).

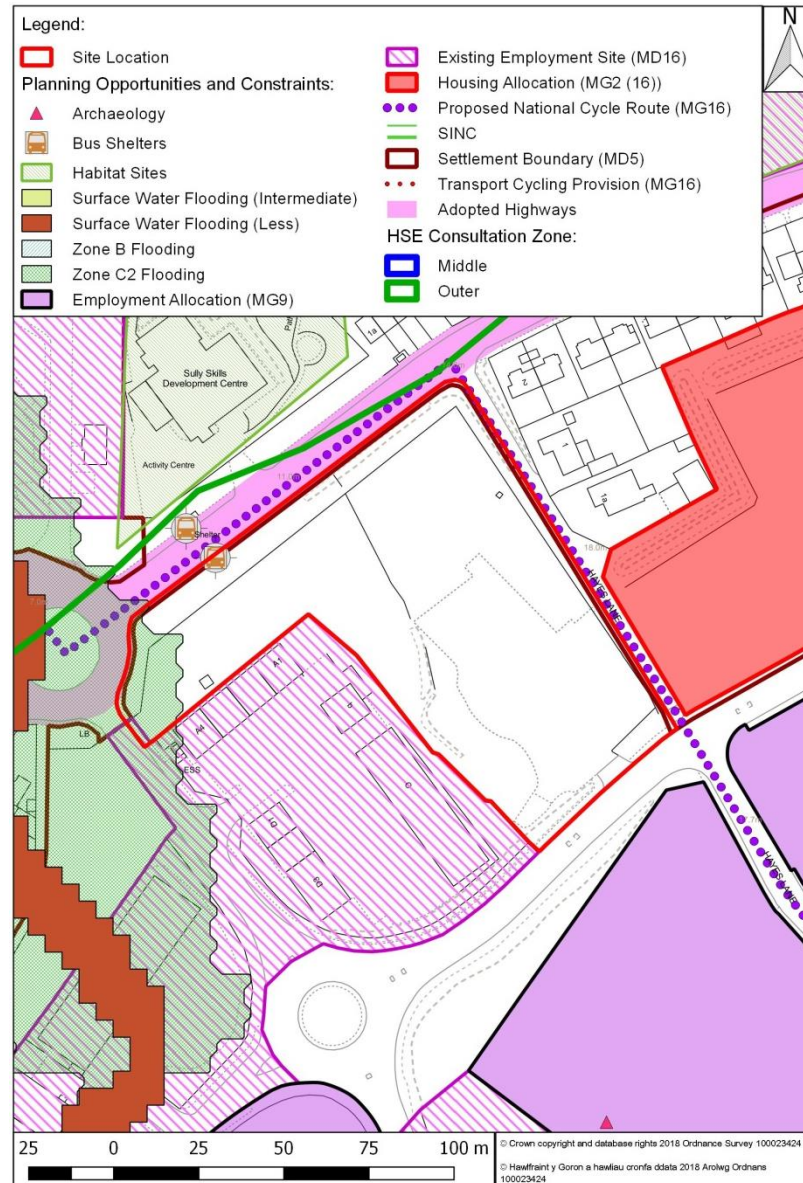
4.2. None of the above planning permissions are extant and only the 1995/00926/REG3 application was completed which resulted in the removal of existing B2 units from north western area of the proposed site.

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5. Planning Analysis

- 5.1. Figure 6 identifies the planning opportunities and constraints which relate to national and local policies.

Figure 6: Opportunities and Constraints Map



- 5.2. The majority of the site is considered to be unconstrained in regards to planning allocations and designations however, a portion of the site to the north west lies within a Zone C2 Flooding area which restricts sensitive development, such as residential uses, where appropriate mitigation is not possible. Furthermore, it should also be noted due to the amount of vegetation re-growth on the site, there may be biodiversity implications surrounding the development of the site.
- 5.3. The Zone C2 Flooding area can have implications regarding the proposed use of the site and the subsequent design of any development proposal that comes forward within the

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site. Sensitive development, such as residential, can only be justified within areas of Zone C2 Flooding if they meet the following criteria outlined in TAN 15:

- i. “ Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement ; **or**,
- ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

and,

- iii. It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,
- iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.” (TAN15, p.8, 2004)

5.4. The site to which the proposed development relates, does not meet criterion iii of TAN15 as evidenced in Section 2 Figure 3. Therefore, residential units identified as no.20 - 24 cannot be situated within their current location of the design. Furthermore, in considering the impact of the flooding area in any re-design of the proposal, access to the site should also be situated away from the flooding area. Currently the proposed access is situated away from the flooding area and creates a staggered junction in relation to the existing opposing access point along Hayes Road which is considered appropriate. Nevertheless, detailed comments should be sought from the Council’s Highways Department in relation to the appropriateness of the proposed road infrastructure for the development. Additionally, it is advised due to the identified Zone C2 Flooding Area on the site a detailed Flooding Consequences Assessment (FCA) would be required for any development coming forward on this site to fully understand the implications the location and proximity of the potential flooding would have on any development coming forward. The FCA should be carried out in accordance with Appendix 1 of TAN15 and should inform the future design of the development and the potential mitigation measures that would be required to make the site acceptable in planning terms.

5.5. The proposed development is not located within a settlement boundary but adjoins the boundary of Barry. This section of Barry’s settlement boundary is detached from the larger element of the settlement as the residential element to which the boundary relates is surrounded by the existing employment sites of Barry Docks, The Chemical Complex and Atlantic Trading Estate which have been excluded from the settlement boundary. This area of Barry’s settlement boundary is known as the Bendricks. However, the settlement of Barry is considered as a whole and was identified the most sustainable location within the Vale of Glamorgan as identified within the Council’s Sustainable Settlements Appraisal Background Paper (2016). Barry ranks 1st out of the 57 settlements assessed. Based upon this assessment Barry has been classed as the Key Settlement in the LDP’s Settlement Hierarchy.

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- 5.6. Nonetheless, it should be noted, that due to the Bendricks area being detached from the main part of the settlement boundary there are limited facilities and services within the immediate vicinity to serve the proposed development, especially in light of the existing Housing Allocation MG2 (16), which is yet to come forward in the area and has been allocated for 55 residential units.
- 5.7. Policy MD10 - Affordable Housing Developments Outside Settlement Boundaries, outlines the criteria affordable housing developments need to comply with to be considered appropriate outside of settlement boundaries. Firstly policy MD10 relates to small scale affordable housing schemes which will “generally mean 10 or fewer dwellings, however, in or adjoining some of the larger settlements, proposals for more than 10 dwellings may be acceptable if required to meet specific need and where the number of dwellings is proportionate to the size of the settlement” (LDP, p.113, 2017). The proposed development adjoins the Barry settlement boundary which is considered to be able to support larger scale affordable housing schemes. However, the proposal needs to be considered within its immediate context which is characterised by a lower density than the other areas of Barry and this should be reflected in the design of the proposal. Criterion 1 of Policy MD10 also states proposals will need to demonstrate “the proposal meets an identified local need which cannot be satisfied within identified settlement boundaries” (LDP, p.113, 2017). The most recent Local Housing Market Assessment (LHMA) undertaken in 2017 identifies the ward of Barry as having an annual need for affordable housing of 108 units. However, a proportion of this need (approximately 17 affordable units based on 30% of allocated units being affordable) can be met on the adjacent allocated housing site, therefore, this needs to be reflected within the density of the proposal in line with criterion 1 of policy MD10.
- 5.8. As the proposed development is located outside of the settlement boundary for Barry the presumption in favour of a development outlined in Policy MD5 - Development within Settlement Boundaries would not apply instead the supporting text to policy MD5 states “accordingly to protect the identity of these settlements, to ensure the efficient use of land and to protect the countryside from urbanisation and incremental loss, development will only be permitted outside of the identified settlement boundaries where it complies with national planning policy set out in paragraph 9.3.2 of PPW.” (LDP, p.107, 2017). PPW promotes the sensitive infilling which includes minor extensions to groups particularly in reference to affordable housing which would meet the local need. However, PPW states development which “is likely to result in unacceptable expansion of travel demand to urban centres and where travel needs are unlikely to be well served by public transport” (PPW, para.9.3.2, 2016) should be avoided. Two bus stops are situated immediately to the north of the site which would be within walking distance for potential residents. The bus stop runs the no.88 service which has hourly trips to Morrison’s in Barry and Windsor Terrace in Penarth. However, the proposed development is likely to increase travel demand to the urban centre of Barry due to the lack of facilities and services within the immediate area. Therefore, to ensure the development is appropriate, a reduction in the density of the site should be

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considered to reflect the detached nature of the Bendricks and existing public transport provision in the area.

- 5.9. The proposed density of the development and its location outside of a settlement boundary may also require a Travel Plan to support a future planning application for the proposal. The Travel Plan SPG (2017) sets out the thresholds for the requirement for travel plans. For residential development the threshold is >50 dwellings. Although the proposal does not exceed this threshold the SPG does state “the Council may require the submission of a travel plan in support of planning applications which fall below the stated thresholds where their impact on the local transport network is likely to be significant or where particular local circumstances exist, such as low levels of car parking.” (Travel Plan SPG, p.14, 2018).
- 5.10. Furthermore, PPW goes on to state “Residential development in the vicinity of existing industrial uses should be restricted if the presence of houses is likely to lead residents to try to curtail the industrial use.” (PPW, para.9.3.2, 2016). The proposed development will adjoin an existing employment site known as Atlantic Trading Estate and will also be adjacent to allocated employment sites along Hayeswood Road identified in the LDP as MG9 - Employment Allocations (6) Hayes Lane, Barry and (8) Hayes Wood, Barry. Based on the proximity of the proposed development to the existing employment site and the employment allocations there are concerns that a proposal of this scale would hinder the viability of the existing employment uses and the future of the allocated employment land coming forward over the plan period. In particular the proposed units identified at no.13 to 17 which adjoin the proposed existing employment site and therefore likely have detrimental impact upon the residential amenity of these proposed units. A possible way to alleviate these concerns is using effective landscaping/buffers to separate the proposed residential units from the existing employment uses.
- 5.11. LDP Policy MD2 - Design of New Development sets out the key principles for developers to consider for design, amenity and access which contribute to creating attractive, safe and accessible environments. The proposed plans are currently only in the initial phases and no elevation plans have been completed. Based on the proposed layout the height of the proposal will range from 2 to 3 stories with the majority of the site being 2 storeys and a large flatted development located to the south of the site being 3 stories in height. The proposed 2 storey elements of the development are considered to appropriately reflect the existing residential properties along Hayes Road in terms of scale, form and type, complying with criterion 2 of Policy MD2 which states “Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density” (LDP, p.100, 2017). However, the proposed flatted development at the rear is considered to be contrary to criterion 2 by virtue of its current scale which does not relate to the existing residential form or massing in the area. It should be noted that flatted development could be considered appropriate if designed appropriately and at a smaller scale to reflect the immediate context. In terms of criterion 7 of Policy MD2 which states proposals should “Safeguard

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existing public and residential amenity, particularly, with regard to privacy, overlooking, security, noise and disturbance” (LDP, p.100, 2017), the proposal would have more massing in terms of its surrounding properties and contain types of development (e.g. flatted residential units) which could have an overbearing impact upon public and residential amenity. The use of different heights in the design and a less dense proposal should be considered help to alleviate this issue.

- 5.12. The Council’s Residential and Householder Development SPG (2018) offers more detailed guidance relating to the different factors developers should consider regarding residential developments. In terms of the proposed development, consideration needs to be given to the impact the proposal would have on existing privacy. To ensure the proposal accounts for potential impact upon privacy levels currently serving the existing residential properties in the area and the privacy between proposed units, habitable room windows should maintain a separation distance of at least 21m between opposing habitable room windows. This requirement is set out under Design Standard 3 of the Residential and Householder Development SPG which states “A minimum distance of 21 metres* between opposing windows in habitable rooms should be achieved”.
- 5.13. The Residential and Householder Development SPG also contains guidance relating to the requirement of amenity space needed to serve a development. Design Standard 4 and 5 of the SPG states:

“For houses, a minimum of 20sq.m amenity space per person* should be provided, and the majority should be private garden space.

*typically a 2 bed house would have 3 persons, 3+ bedrooms would typically have 4 persons.”

“For flats, between 12.5sq.m and 20sq.m of amenity space per person should be provided, depending on the size of development*. Communal areas of amenity space may be acceptable, but these must be directly accessible for all occupiers.

*typically a 1 or 2 bedroom flat would have 2 persons.

1-20 people = 20 sq.m per person

21-40 people = 17.5 sq.m per person

41-60 people = 15 sq.m per person

61+ people = 12.5 sq.m per person” (Residential and Householder Development SPG, p.39, 2018).

- 5.14. Based upon the above requirements the proposed development should provide 885sq.m amenity space to serve the proposed development. This is based on 20sq.m amenity space to serve each house (500sq.m in total) and 385sq.m to serve the proposed flatted development. Currently the proposal does not appear to meet this requirement especially in relation to the flatted development. This further suggests that the proposed density is excessive for the site. However, if this figure cannot be met through re-design it could be addressed through viability evidence during the planning application stage.

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- 5.15. The proposed development meets the maximum requirements set out within the Council's Parking Standards SPG (2015) in relation to the number of off street car parking spaces made available to potential residents and visitors of the proposal. However, 7 car parking spaces currently serving the proposed flatted development would need to be used by residents of the houses within the proposed scheme.
- 5.16. The Council's Affordable Housing SPG (2018) states that "schemes for 100% affordable housing developments of twenty-five residential units or less delivered either by the Council or its four Housing Association Partners (Hafod Housing, Newydd Housing, United Welsh Housing and Wales & West Housing) will be exempt from paying financial planning obligations" (Affordable Housing SPG, p.35, 2018). However, it should be noted the exemption from financial contributions does not waive any necessary 'in kind' contributions required to make the development acceptable in planning terms. The scope of these measures can be ascertained during the planning application stage of the development. Based upon the proposal, if the scheme came forward as 100% affordable the first 25 units would be exempt from paying financial planning obligations but the remaining units would not be covered under the exemption. However, Policy MD3 - Provision for Open Space requires new residential developments with a net gain of 5 or more dwellings (regardless of the above exemption) to provide public open space where there is an identified shortfall. Based upon the Council's Open Space Background Paper (2013) the ward of Castleland, Barry has an under provision of 0.71ha of children's play space and 7.76ha of outdoor sport space. Policy MD3 set out the following standards new developments should meet; "1. Outdoor sports provision 1.6 hectares per 1,000 population; 2. Children's equipped play space 0.25 hectares per 1,000 population; 3. Informal play space 0.55 hectares per 1,000 population" (LDP, p.102, 2017). This influences the Planning Obligation SPG (2018) formula which would require the proposed development to provide 2616.96sq.m of open space based on 55.68sq.m per dwelling. Policy MD3 in the first instance will require developers to provide this open space on-site, however where this "is not practical or desirable to make provision on-site, appropriate off-site provision or financial contributions for improvements to existing facilities will be required in lieu of on-site public open space." (LDP, p.102, 2017). A possibility to help achieve the open space requirement is to locate the public open space provision on the area of the site affected by Zone C2 Flooding which would account for 456.57sq.m of the overall requirement.
- 5.17. In terms of housing densities on site, Policy MD6 - Housing Densities sets the minimum requirement for dwellings per hectare (dph) in the Vale of Glamorgan. For development located within key, service centre and primary settlements, such as Penarth, a minimum of 30dph will be required. Based on this, the developable area of the site would require a dph of 31 dwellings which the proposal exceeds by 16 units. Policy MD6 does not place a restriction on the maximum density a site can achieve, however, the density does need to be considered in light of other policies within the LDP such as Policy MD1 - Location of New Development and Policy MD2 - Design of New Development. The LHMA (2017) identifies an annual need for affordable housing within the Barry ward

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area of 108 units for Low Cost Home Ownership, Intermediate Rent and Social Rent properties. The proposed development would help to meet this need within the area which should be weighed against the impact the proposed density would have on the surrounding context.

- 5.18. As the site is considered to have been reclaimed and has returned to a natural state, there is a higher possibility that the site has a higher biodiversity and ecological value. Although the site has not been identified as a designated site for biodiversity within the LDP there could be protected species on the site. Therefore it is advised an ecological survey would be required in line with the Council's Biodiversity and Development SPG and is carried out at the early stage of the development process to enable the outcomes of the study to influence the design of the proposal and implement the necessary mitigation methods. Additionally, there are a number of trees on the site which could have amenity and biodiversity value. Consequently, a tree survey will be required in line with guidance set out within the Trees, Woodlands, Hedgerows and Development SPG (2018) under Section 7, which should identify existing landscape features which should be retained and included within the design of any future development proposal.

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6. Conclusion

- 6.1. In conclusion the proposal's current scale, form, type and density is considered excessive due to its location outside of a settlement boundary and within the context of the adjoining isolated area of the Barry settlement boundary. However it should be noted that although the current scheme would unlikely gain planning approval the principle of residential development on the site should not be discounted subject to a re-design of the proposal. Nonetheless, it would be unlikely for development to be considered appropriate if it was promoted as a mix of market and affordable housing; therefore it is advised a scheme which produces 100% affordable housing would be more appropriate in this location due to the site being outside a settlement boundary. Furthermore, the density of the proposal needs to be considered in terms of the affordable housing need. As there is already an allocated site within the Bendricks area of the Barry settlement boundary, this would mean a proportion of the affordable housing need would be met for the area, the proposal would not be supported by LDP affordable housing exemption policy MD10 at the proposed density under criterion 1 of the policy.
- 6.2. A possibility which could be considered is the opportunity to develop the proposed site in conjunction with the existing Housing Allocation MG2 (16) Hayes Wood, Bendricks. This would allow for a better overall design which relates to the existing residential properties within the area and allow for better use of the land regarding the proximity to the existing employment uses as the proposal could be spread over a wider area. In any case the presence of Zone C2 Flooding on the site also means any proposed residential properties and access to the proposed development would need to be located away from this area of the site which would inevitably impact upon the proposed density of any subsequent proposal.
- 6.3. It should be noted that any design evaluation at this stage is subject to change depending upon the submission of more detailed plans which could be considered inappropriate depending upon the assessment of the proposed plans.
- 6.4. Please be aware following detailed site investigations, additional site surveys maybe required to support a planning applications, other than the ones mentioned in this report, and the appropriate professionals should be contacted to carry out any necessary work.