

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **18 DECEMBER, 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:

2019/0022/PO	AC	11, Lydstep Crescent, Cardiff	Loft conversion with rear elevation dormer
2019/0302/BR	AC	Penllyn Estate Llwynhelig, Cowbridge	New build farm shop and cafe
2019/0412/BN	A	43, Tan Y Fron, Barry	PVC window replacement and doors. Single storey side and rear extension and some internal alterations - 1 structural wall
2019/0628/BN	A	8, Nyth Yr Eos, Rhoose	Garage conversion and removal of walls between lounge and dining room. Bi fold doors and French doors on ground and first floor and balcony to first floor
2019/0781/BN	A	48, Broadway, Llanblethian, Cowbridge	Proposed single storey extension and internal alterations
2019/0804/BN	A	9, Gadlys Road East, Barry	Single storey kitchen extension
2019/0861/BN	A	170, Jenner Road, Barry	Single storey extension to rear, convert garage to utility room
2019/0920/BN	A	20, Lewis Road, Llandough	Loft conversion

2019/0945/BN	A	27, Port Road East, Barry	Proposed single storey rear extension and internal alterations
2019/0952/BN	A	The Oaks, St. Owains Crescent, Ystradowen	Replacement conservatory roof with warm roof.
2019/0953/BN	A	12, Great House Meadows, Boverton	Replacement conservatory roof with warm roof
2019/0956/BR	AC	7, Llantwit Major Road, Cowbridge	Demolition of existing carport and porch, creation of new 2 storey side extension
2019/0959/BN	A	8, Bron Awelon, Barry	Alteration to existing steel work
2019/0960/BN	A	63, Trinity Street, Barry	Remove lean-to conservatory and replace with extension to rear of the property. Remove part of 2 internal walls to create open plan space
2019/0962/BN	A	75, Cedar Way, Penarth	Knock through kitchen / lounge area
2019/0964/BR	AC	49, Westbourne Road, Penarth	Single storey rear extension
2019/0965/BR	AC	6, Stacey Road, Dinas Powys.	Single storey rear extension
2019/0966/BN	A	13, Priory Gardens, Barry	Remove wall between kitchen and utility room
2019/0967/BN	A	28, Hannah Street, Barry	Re-roof
2019/0968/BN	A	4, Llwyn Passat, Penarth Marina, Penarth	Balcony and French doors to front elevation (first floor)
2019/0970/BN	A	2, Mill Park, Cowbridge. CF71 7BG	Two storey extension encompassing double garage
2019/0971/BN	A	8, Dunster Drive, Sully	Porch and new roof and bi-folds to rear existing extension
2019/0972/BN	A	Pengelli Farm House, Pendoylan	Ground and first floor extension to enlarge house

2019/0973/BN	A	22, Harbour Road, Barry	New roof
2019/0978/BN	A	29, Cross Street, Barry	New flat roof
2019/0979/BN	A	30, Windsor Terrace, Penarth	Single storey extension to enlarge kitchen
2019/0980/BN	A	10, Borough Avenue, Barry	Double storey extension
2019/0981/BN	A	100, Plassey Street, Penarth	Replacing 4 upstairs windows and front door
2019/0984/BN	A	51, Boverton Road, Llantwit Major	Extending door and window opening to fit bi-fold doors
2019/0985/BN	A	145, Woodlands Road, Barry	Relocate kitchen to reception room install new door to exterior. Remove chimney breast in existing kitchen. Increase size of window
2019/0986/BR	AC	Vale of Glamorgan Council, Dock Offices, Barry	Proposed installation of new internal partitions to first floor office
2019/0988/BN	A	8, Lakin Drive, Barry	Install new drainage for dog kennel
2019/0989/BN	A	24, Old Port Road, Wenvoe	Garage conversion and W.C
2019/0990/BN	A	3, Downfield Close, Llandough	Kitchen improvement. Removal of internal wall between kitchen and dining room to create larger / combined kitchen diner. Flat roof to be replaced with windows. Sliding doors to rear of the house
2019/0992/BN	A	38, Heol Y Sianel, Rhoose Point, Rhoose	Garage conversion into sitting room and form new cupboard at rear
2019/0994/BN	A	Cadoxton Methodist Church Hall, Church Road, Barry	Strip existing natural slate roof covering and renew with new Spanish slates, battens, breather membrane and accessories

2019/0997/BN	A	Howe Mill Farm, St Marys Church, Cowbridge	Two storey extension to the rear of the property comprising a utility room and boot room at ground floor level and a dressing room and family bathroom at first floor level
2019/0998/BN	A	67, Jenner Road, Barry	Single storey rear extension
2019/0999/BN	A	43, Hillary Rise, Barry	Take out wet room and fit new bath
2019/1000/BN	A	16, East View, Llandow	New central heating, partial rewire, new kitchen and new bathroom
2019/1001/BN	A	17, Lennox Green, Barry	Fit fire door and frame
2019/1002/BN	A	73, Shakespeare Avenue, Penarth	New kitchen, new bathroom and partial rewire
2019/1003/BN	A	32, Glanmore Crescent, Barry	Fit fire door and frame
2019/1004/BN	A	81, North Walk, Barry	Take down and rewire ceilings (asbestos) lounge, stairwell, landing, bedroom 1, 2 and 3
2019/1005/BR	AC	20, Lord Street, Penarth	External alterations and installation of fittings
2019/1006/BN	A	5, Gilbert Lane, Barry	Garage conversion into kitchen
2019/1008/BN	A	7, Fairfield Rise, Llantwit Major	New roof lag attic space. Remove chimney and internal wall. Swap down stairs bedroom / living room. Replace doors and windows. Replace 2m sliding door with 4m sliding door. New kitchen and bathroom
2019/1009/BN	A	7, Kent Green, Barry	Take down the dividing wall between the wet room and w/c, make it into one room

2019/1010/BN	A	17, Cwrt Y Vil Road, Penarth	Single storey kitchen extension and removal of internal wall
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(b) Building Regulation Applications - Reject

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

2018/1197/BN	R	4, Tudor Place, Llantwit Major	Single storey extension to enlarge kitchen
2019/0975/BN	R	6, Murch Crescent, Dinas Powys	Rear single storey extension, loft conversion and knock through
2019/0982/BN	R	11, Walnut Grove, St. Athan	Replace bay windows and 2 further windows
2019/0987/BN	R	1, Station Terrace, Station Road East, Wenvoe	Removal of single detached garage and construction of double garage to replace
2019/1007/BN	R	1, Flanders Meadow, Llantwit Major	Conversion of the attached garage into a kitchen, while incorporating a flat roof porch which links the present back door of the present kitchen and garage. Will require the knocking down of the wall between the garage and kitchen
2019/1015/BN	R	7, St. Davids Avenue, Llantwit Major	Single storey extension (living room for annex)
2019/1025/BN	R	77, St. Davids Crescent, Penarth	Single storey extension to create open plan living area, utility room and shower room, opening up kitchen into extension

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

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

2019/0156/AI	A	Ty Shwllac, St. Brides Major, Bridgend	Proposed two storey side extension with single storey rear extension (works to incorporate material alterations to
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			structure, controlled services, fittings and thermal elements)
2019/0157/AI	A	86, Porthkerry Road, Barry	Proposed conversion of residential home into 3 no. self-contained flats (work to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0158/AI	A	Unit 1, Penarth Road Retail Park, Penarth Road, Cardiff	Fit out of shell to form a Greggs shop
2019/0159/AI	A	Unit 1, Briscombe Retail Park, Cardiff Road, Barry	Fit out of shell to form a Greggs shop
2019/0160/AI	A	Site adjacent to Llangan Primary School, Llangan	Construction of 13 residential units and communal structure with associated works
2019/0161/AI	A	First and second floor flats, 4, Royal Buildings, Stanwell Road, Penarth	Full refurbishment to include material alterations
2019/0162/AI	A	14, Denbigh Way, Barry	Replacement roof structure and coverings
2019/0163/AI	A	Ashdene Manor, 10, Bridgeman Road, Penarth	Extensions, alterations and change of use to create 9 apartments
2019/0164/AI	A	Brookville, Treerhyngyll	Replacement of an existing conservatory roof
2019/0165/AI	A	Unit 1, NBSM Premises, Cardiff Road, Barry	Fit out of a light industrial unit for use as a trade counter for the sale of tools and equipment to the property trade
2019/0166/AI	A	44, Enfield Drive, Barry	Replacement of an existing conservatory roof
2019/0167/AI	A	Cardiff Wales Airport Terminal, Cardiff International Airport, Rhoose	Installation of new toilets near departure/arrivals gate 12 and 13

2019/0168/AI	A	24, St. Pauls Avenue, Barry	Proposed loft conversion, internal alteration and associated works
2019/0169/AI	A	18, Clinton Road, Penarth	Proposed single storey side/rear extension, external boiler room and alterations to existing roof to create dormer (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2019/0170/AI	A	Headlands School, St. Augustines Road, Penarth	Installation of a new floor in zero waste building
2019/0171/AI	A	48, Byrd Crescent, Penarth	Rear single and two storey extension
2019/0172/AI	A	Sant Y Nyll Farm, Heol Sant Y Nyll, St. Brides Super Ely	Conversion of stone barn to residential use including associated works
2019/0173/AI	A	Llandough Hospital, Penlan Road, Llandough.	Refurb the first floor and construct a three storey extension and associated works
2019/0174/AI	A	81, Blackberry Drive, Barry	Gas installations registered under a competent persons scheme
2019/0175/AI	A	Valegate Retail Park, Cophorne Way, Cardiff	External facade refurbishment comprising renewal of entrance structures, new signage zones and improvements to external works
2019/0176/AI	A	Awl-Fan, Aberthin Lane, Aberthin, Cowbridge.	Proposed two storey side extension (works to include material alterations to structure, controlled services, fittings and thermal elements)

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REPORT OF THE HEAD OF REGENERATION AND PLANNING

2. 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

2011/00511/1/C D	A	1, Gelli Garn Cottages, Cwrt Farm Lane, St. Mary Hill		Discharge of Condition 4 - Archaeology. 2011/00511/FUL - Planning permission for two storey extension to semi-detached property
2014/00229/2/C D	A	Area known as East Quay, Barry Waterfront, Barry		Discharge of conditions 31,39,40,46,47,49 and 51 for planning application 2009/00946/OUT - Development of vacant land at Barry Waterfront for residential (C3), retail (A1), cafes, bars and restaurants (A3), hotel (C1), offices (B1) and community and leisure uses (D1 and D2). (Formerly

			2009/00946/10/CD).Development of vehicular and pedestrian/cycle access including a new link road, re-grading of site to form new site levels and associated infrastructure works, parking, servicing, landscaping, public realm and public open space provision
2015/01132/2/C D	A	The Beachcomber, Lakeside, Barry	Discharge of Condition 13- EPS licence. Planning Application: 2015/01132/FUL: Proposed demolition and redevelopment of The Beachcomber, Barry for seven residential flats and associated ancillary works
2015/01165/1/C D	A	The Beachcomber, Lakeside, Barry	Discharge of Condition 2- restoration or redevelopment. Planning Application 2015/01165/CAC: Proposed demolition and redevelopment of The Beachcomber, Barry for seven residential flats and associated ancillary works
2015/01165/2/C D	A	The Beachcomber, Lakeside, Barry	Discharge of Condition 4- EPS licence. Planning Application 2015/01165/CAC: Proposed demolition and redevelopment of The Beachcomber, Barry for seven residential flats and associated ancillary works
2016/00967/1/N MA	A	Ynyslas, 36, Marine Drive, Ogmore By Sea	Non-Material Amendment - Standard entrance door with glazed window alongside to be replaced by double door entrance with full height glazing. Planning permission ref.

			2016/00967/FUL: Existing single garage to be demolished and replaced by building with cavity walls to be used as a domestic study
2016/01290/1/C D	A	Arno Quay, Barry Waterfront, Barry	Discharge of conditions 2, 5 and 15 - Development of the site known as Arno Quay for residential development and associated infrastructure works, parking, and landscape
2016/01290/2/N MA	A	Arno Quay, Barry Waterfront, Barry	Non material amendment - Development of the site known as Arno Quay for residential development and associated infrastructure works, parking, and landscape at Arno Quay, Barry Waterfront, Barry. Planning permission ref. 2016/01290/RES: Development of the site known as Arno Quay for residential development and associated infrastructure works, parking, and landscape
2017/00291/2/C D	A	Greenyard Farm, Argae Lane, St. Andrews Major	Discharge of Conditions 4 - Highway Engineering and 5 - Landscaping Scheme. Planning Permission ref. 2017/00291/FUL : Change of use of existing stone barn and timber barn to residential, partial conversion of former milking parlour to garage use, the demolition of the remaining milking parlour and steel framed buildings and erection of 12 holiday accommodation units and shower block

2017/00497/2/N MA	A	Arbor Vale, St. Andrews Road, Dinas Powys	Non-material Amendment- Addition of traffic calming speed ramp at entrance into site. Planning Application 2017/00497/FUL: Retention of the development for 24 residential units granted planning permission by virtue of applications 2015/00954/FUL and 2016/00494/FUL with an amendment to the parking layout to serve that development
2017/00662/2/C D	A	Barry Waterfront, South Quay Waterside, Barry	Discharge of Conditions 10 - Boundary Treatments and 11 - Landscape Management Plan. Planning Permission ref. 2017/00662/RES: Reserved Matters application for approval for layout, scale, appearance, access and landscaping for 171 dwellings.
2017/00818/1/C D	A	Side Garden, The Pound, Duffryn Lane, St Nicholas	Discharge of Condition 12 - Ground Gas Assessment. Planning Application 2017/00818/FUL: Construction of four bedroom detached house in the side garden of 'The Pound', Duffryn Lane, St. Nicholas
2018/00256/1/C D	A	South Quay Waterside (Taylor Wimpey), Barry Waterfront	Discharge of Conditions 2 - Further details of LEAP, 3 - Means of enclosure, 4 - Benches and bins, 6 - Surface materials and 7 - Landscaping scheme. Planning Permission ref. 2018/00256/RES: Waterside public open space and public realm so

			far as it relates to Taylor Wimpey's parcel at South Quay, Waterside, Barry Docks
2018/00681/1/C D	A	Pasture Land, Peterston Super Ely	Discharge of conditions 3 (landscaping) and 5 (storing and disposing of waste) of planning permission 2018/00681/FUL (Creation of private (non-commercial) facilities (stables, open-fronted barn, riding area, and gravel parking areas) for keeping and riding horses. Associated works including repair of track between site entrance and riding area)
2018/00735/2/N MA	A	Apple Blossom Cattery Limited, Nant Rhydhalog, 4, Cowbridge Road, Talygarn	Non-material Amendment- Installation of heating pump system. Planning Application 2018/00735/FUL: To develop new cattery for commercial purposes, to construct new building for cattery and grooming parlour, with new specialist cat pens, adjustment of existing site access and provision of car parking
2018/01043/1/C D	A	WM Morrison Supermarkets Plc, Heol Ceiniog, Barry	Discharge of Conditions 4, 5, 6, 19, 22, 23 and 25 Planning Application 2018/01043/FUL: Erection of 1 No. Use Class A1 / A3 drive thru' coffee shop with car parking, drive thru' lane, hard and soft landscaping, refuse areas and associated works
2018/01354/1/C D	A	The Former Royal British Legion Club, High Street, Cowbridge	Discharge of Conditions 3, 5, 6, 8, 11, 12, 13 and 14. Planning Ref 2018/01354/FUL:

			Construction of 6 no. 2-bed apartments and 2 no. 3-bed duplex apartments with associated car parking and private amenity space
2018/01357/1/N MA	A	15, Lynmouth Drive, Sully	Non material Amendment sought to reduce the area of glazing to the main dormer on the front (north) elevation in lieu of grey cladding to match adjacent: Planning Permission 2018/01357/FUL: Proposed alterations to dwelling including construction of new roof with dormer windows to front
2019/00029/1/C D	A	Broadshoard House, 13, Westgate, Cowbridge	Discharge of Condition 3: Planning Permission Ref 2019/00029/FUL Demolition of existing detached garage (under 115 cubic metres) and larch lap fencing to side boundary. Erection of attached garage to side of house and construction of new stone wall to side boundary
2019/00156/FUL	A	Plot 4, Craig Yr Eos Avenue, Ogmere By Sea	Variation to Planning Permission 2017/01157/FUL to bring ground floor balcony into alignment with neighbouring properties, alteration to rear garden level and to seek approval of materials details reserved by condition
2019/00205/FUL	A	24, St. Brides Road, Wick,	To put a driveway in at the front of the property

2019/00243/FUL	A	Land Adjacent to 56, Redlands Avenue, Penarth	Proposed balcony to first floor and full height glazed rear extension to ground floor
2019/00264/FUL	A	Llanerch Vineyard, Hensol	Proposed renewal of application 2016/00897/FUL (Removal of Condition 3 - Change restricted hours shown to 24:00-12:00 hours) for a period of 5 years or until the complex as approved 2011/00680 (Proposed single storey events complex on the site of existing pool house, with associated vehicle turning space and associated works. Also proposed is an additional car park area (approximately 64 spaces). Furthermore, existing unauthorised works such as the use of the ground floor of the farmhouse as a cafe/restaurant and the cookery school are included for their retention) is completed
2019/00302/FUL	A	Llanerch Vineyard, Hensol	Proposed renewal of application 2016/00096/FUL for a period of 5 years or until the even complex as approved 2011/006804
2019/00372/1/C D	A	Cylch Meithrin Y Bontfaen, The Broad Shoard, Cowbridge	Discharge of Condition 4 - Landscaping Scheme. Planning Permission ref. 2019/00372/FUL: Small extension to the front of the building
2019/00484/1/N MA	A	37, Glen Mavis Way, Barry	Non-Material Amendment - Amend rear lean-to extension to use blocks instead of bricks to match the original lean-to at the

			front of the property. Planning Permission ref. 2019/00484/FUL: Replacement of existing lean-to to rear and alterations to front to include relocation of front door
2019/00501/FUL	A	Tremains Farm, Llanmaes	To construct an all-weather arena, 60 x 40 metres and surrounded by a wooden fence with 2 access gates.
2019/00527/1/N MA	A	7, Port Road East, Barry	Non-material Amendment- Alteration of 300mm to width of proposed garage. Planning Application 2019/00527/FUL: Demolition of the existing garage at rear of the site boundary and construction of a larger garage and summer house
2019/00640/1/C D	A	6, Glebe Street, Penarth	Discharge of conditions 6 (works to building's exterior) and 7 (external materials) of planning permission 2019/00640/FUL (Change of use of Unit 1 of the building (ground and first floor) to A3 cafe use with outdoor seating (no hot food to be cooked on the premises))
2019/00665/LBC	A	Biglis Farmhouse, Argae Lane, St Andrews Major	Replacement of windows and doors
2019/00683/1/C D	A	Mount Pleasant Farm, Llangan	Discharge of Condition 3- Materials Details. Planning Ref 2019/00683/LBC: Extension to existing garage
2019/00686/FUL	A	194, Port Road East, Barry	New rear orangery to replace existing conservatory. Existing

			ground floor layout to be modified to accommodate disabled toilet and wet room
2019/00688/FUL	A	41, Augusta Crescent, Penarth	Erection of new dormer window to existing loft conversion and window to gable end. Alterations to window and door openings. Conversion of garage. Internal alterations to suit. External landscaping also
2019/00704/FUL	A	14, Maes Y Gwenyn, Rhoose	Converting an integral double garage into living area.
2019/00720/FUL	A	Unit 1, Atlantic Trading Estate, Barry	Change of use from B1 to A3 for part of the building, internal alterations and new external escape stairs
2019/00752/FUL	A	Hafod Y Coed, College Gardens, Llantwit Major	Installation of a 3.6KW solar PV array using an in roof mounting system
2019/00763/FUL	R	1A, Palmers Vale Business Centre, Palmerston Road, Barry	Change of use from Warehouse to Indoor Paintball
2019/00784/FUL	A	Image, 108, Glebe Street, Penarth	Change of use of ground floor from A1 to A3, new shopfront and single storey rear extension with associated works including refuse/recycling facilities.
2019/00823/FUL	A	109, Redlands Road, Penarth	Proposed two storey extension to rear, loft conversion with dormer to rear
2019/00840/LAW	R	2, Cwrt-y-Vil Road, Penarth	Crossover required to pavement, reduction of walled frontage to allow access, hardstanding create/improved, removal of conifer tree and re-position lamp post

2019/00855/OUT	R	Time House, Regent Street, Barry	Demolition of existing coach house and construction of 4 no. flats
2019/00883/FUL	A	62, Broadway, Llanblethian, Cowbridge	Demolish conservatory, construct two storey rear extension
2019/00900/FUL	A	36, West Farm Road, Ogmore By Sea	Proposed first floor extension within roof space to also include first floor extension above existing flat roof. New dormer on the west elevation and alterations to an existing flat roof and the addition of new first floor windows. Raising height of existing front and rear gables
2019/00936/FUL	A	176, Westbourne Road, Penarth	Rear ground floor extension, construction of new roof wrapping over the side, existing 2 storey flat roofed areas, dormer to rear. Attic bedroom within roof space and elevation upgrade, with replacement porch
2019/00939/OUT	A	Land adjacent to 63, Vere Street, Barry	Construction of 2 no. flats (one block) with on-site parking and individual amenity areas
2019/00953/FUL	A	Dockside Quay, Barry Waterfront	Variation of condition 14 of planning permission 2017/00476/RES, to allow temporary use of A3 unit for a period of 12 months for residential sales office (A2 Financial and Professional Services as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended))

2019/00969/FUL	A	35, White House, Barry	Ground floor extension to side to form new single storey kitchen
2019/00979/FUL	R	Rockleigh, 34, Craig Yr Eos Road, Ogmore By Sea	Demolition of garage and removal of rear dormer extension. Replacement with 2 storey rear extension.
2019/00986/FUL	A	2, Bingle Lane, St Athan	First floor extension to the rear elevation
2019/00988/FUL	A	Land at Barry Waterfront	Variation of Condition 1 of 2017/01356/RES to amend size of kiosks
2019/00990/FUL	A	16, Cory Crescent, Peterston Super Ely	Dismantle original leaking chimney(s) and re-build using modern materials and techniques to match existing. Extend existing garage to accommodate second vehicle using materials and finish to match existing house
2019/00991/LBC	A	16, Cory Crescent, Peterston Super Ely	Dismantle original leaking chimney(s) and re-build using modern materials and techniques to match existing. Extend existing garage to accommodate second vehicle using materials and finish to match existing house
2019/00992/FUL	A	53, Castle Avenue, Penarth	Proposed two storey extension to the side of the existing property. Existing garage to be demolished and replaced by new detached garage
2019/00993/FUL	A	Tyr Ardd, Llandough, Cowbridge	Patio area with block retaining and timber fence post and rail stock proof fence to boundary

2019/00999/FUL	A	First Floor Flat, 4, Herbert Terrace, Penarth	Change of use from residential to D1 Tutor centre
2019/01004/ADV	A	On Road outside the Valegate Retail Park, Culverhouse Cross	Display of a double sided illuminated paper advertising panel, fully integrated into a bus shelter
2019/01005/ADV	A	Culverhouse Cross Access Roads Tesco and Marks and Spencer, Culverhouse Cross	Display of a double sided illuminated paper advertising panel, fully integrated into a bus shelter
2019/01007/FUL	A	Backways, Ffordd Yr Eglwys, Peterston Super Ely	Proposed garage
2019/01008/FUL	A	31, Wick Road, Ewenny	Double storey extension to side. Addition of open porch canopy, replacement of windows and rendering to front
2019/01013/FUL	A	St Peters Church Car Park, Mile Road, Off Sully Road, Old Cogan, Penarth	Variation of condition 2 of planning permission 2013/00728/FUL: land to be used for church related car parking only. Erect a wooden security garden style shed, with grey roofing flat over treated timber on a concrete hardstanding that already exists in the S.E corner
2019/01016/FUL	A	90, Murlande Way, Rhose, Barry	First floor extension, building over ground floor kitchen and garage to provide new bedroom with ensuite facilities
2019/01019/FUL	A	31, Channel View, Ogmore By Sea	Change of use of land to residential-Note amended description
2019/01020/FUL	A	Former Waitrose, Palmerston Road, Barry	The construction of a flow forge plant cage/compound

			and the installation of air conditioning/refrigeration plant thereto together with the forming of 4 no. openings in external wall/cladding associated with same and keyclamp sections to protect plant
2019/01025/FUL	A	Cigfran Glas, 8, Harbour View Road, Penarth	Single storey rear and side extension plus loft conversion with rear dormers plus all associated works
2019/01026/ADV	A	Former Waitrose, Palmerston Road, Barry	High level signs to front and side elevations, sign over entrance, loading bay sign and panels to totem poles together internal graphics to shopfront
2019/01028/FUL	A	Unit 3, Tyr Gyfraith, (Filco Supermarkets Ltd.,) Thompson Street, Barry	Change of Use from Retail to Class A2 on existing building
2019/01034/FUL	A	5, Cadoc Crescent, Barry	Re-configuration of windows to rear and side elevations
2019/01036/FUL	A	24 Heol Neuadd Cogan, Caversham Park, Penarth	Single storey extension to rear of property to form additional floor area to kitchen and dayroom
2019/01038/FUL	A	2, Downfield Close, Llandough, Penarth	Ground floor rear/side extension
2019/01040/FUL	A	22, Maillards Haven, Penarth	Front door moved forward to outside line of house. Glass panels either side and glass panel on side angle pointed roof over door and panels to tie in to existing bottom roof

2019/01042/FUL	A	73, Heol Collen, Culverhouse Cross, Cardiff	A side and rear single storey extension providing an enlarged kitchen area and lounge
2019/01043/FUL	A	63, Porthkerry Road, Barry	Change of use from C3 to C4 House of Multiple Occupation totalling 5 bedrooms. No changes are to be made to the exterior of the property
2019/01048/FUL	A	New Broad Street Motors, Ty Verlon Industrial Estate, Barry	Variation of condition 6 of 2019/00160/FUL - The use shall not be carried out outside the hours of 7:00 to 20:00 Monday to Saturday and 9:00 to 17:00 on a Sunday and Bank Holidays to amend to Monday to Saturday (including Bank Holidays).
2019/01049/FUL	A	Red Roofs, St. Athan Road, Cowbridge	Internal remodelling of property, including front and rear extension with rooflights and dormer in roof
2019/01054/FUL	A	Area between Coronation Street and Fryatt Street, Barry. Land is accessible from lane at top of both streets	Abandoned, fallen down garage, turned into a storage facility.
2019/01057/FUL	A	5, Abbey Gardens, Abbey Road, Ewenny	Proposed single storey side extension to provide ancillary accommodation for elderly relative
2019/01065/FUL	A	Westcross House, 10, Stanwell Road, Penarth	Demolish existing coach house and construct new games room
2019/01066/FUL	A	Channel View, Green Lane, Llantwit Major	Single storey side extension to dwelling and balcony

2019/01067/FUL	A	Ground Floor Flat, 8, John Street, Penarth	Remove shed and enlarge existing pvc window openings at rear of property to install new patio doors and windows
2019/01070/ADV	A	Land off Cog Road, Sully	3 no. flag and pole; and a land acquired board
2019/01072/FUL	A	Ladbrokes now Llantwit Ice Cream, East Street, Llantwit Major	Combined use A1 and A3 so we can serve hot food. Use upstairs for commercial use for seating areas and workshops
2019/01073/FUL	R	Hendre, Sigingstone	To create kitchen windows onto roadside. Two windows with matching size and style as near to bathroom three windows. Windows proposed dimensions 40cm wide x 80 cm high with stone pillar work in keeping with welsh stone property construction. Windows in wood sash frame and black paint to match bathroom windows
2019/01075/FUL	A	High Seat Limited, 1, Penarth Road Retail Park, Penarth Road, Penarth	Provision of two extract grilles and replacement ac condensers
2019/01076/ADV	A	High Seat Limited, 1, Penarth Road Retail Park, Penarth Road, Penarth	Two fascia signs
2019/01078/FUL	A	34, Grove Place, Penarth	Proposed dormer to rear annexe and increase size of window to side elevation
2019/01079/FUL	A	Sokotra Villa, 105, Windsor Road, Penarth	Single storey rear extension
2019/01080/FUL	A	The Master Mariner, Skomer Road, Barry	External alterations

2019/01081/FUL	A	Thimble Cottage, Castle Hill, Llanblethian, Cowbridge	Rear ground floor kitchen extension with a first floor extension over the garage
2019/01084/FUL	A	23, Rectory Close, Wenvoe	First floor extension
2019/01085/LBC	A	The Court House, High Street, Llantwit Major	Listed Building Consent is required for NMA to Householder application 2018/01343/FUL "Over cladding of rear, two storey 1950s prefabricated extension with timber studs and render to match existing colour and finish at The Court House, High Street, Llantwit Major" - NMA to change the construction type
2019/01087/LAW	A	3, Turnpike Close, Dinas Powys	Single storey garage extension
2019/01090/FUL	A	3, Whitehall Close, Wenvoe	Single storey rear extension with raised terrace (as existing) conversion of garage to habitable room
2019/01095/FUL	A	Gelert West, 2, St. Augustines Crescent, Penarth	Proposed raised decking in rear of garden
2019/01096/FUL	A	27, Mountjoy Avenue, Penarth	Amendment to 2016/00896/FUL. Reduce the length of approved extension to 4400mm and increase the width to 1700mm
2019/01098/RG3	A	Llansannor and Llanharry Church In Wales Primary School, Llansannor	Construction of a single storey extension to provide an additional shared teaching area. Associated external works to include construction of an external decking area and disabled access ramp

2019/01099/FUL	A	92, Millfield Drive, Cowbridge	Ground floor single storey side extension
2019/01100/FUL	A	22, Minehead Avenue, Sully	Single storey rear extension with enlargement of existing first floor rear dormer. New first floor extension onto existing front annex. Demolition of existing garage to create an attached garage to the house
2019/01110/FUL	A	7, Well Walk, Barry	Replacement of roof using fibre cement slate to match adjoining property and other houses in road
2019/01112/FUL	A	1, Church Place South, Penarth	Renew roof of garage
2019/01116/ADV	A	The Master Mariner, Skomer Road, Barry	Installation of 3 x illuminated fascia signs, 1 x illuminated hanging sign and 5 x illuminated amenity boards
2019/01117/FUL	A	9, Hickman Road, Penarth	Replacement of ground and first floor windows and front door to front elevation
2019/01122/ADV	A	Unit 3, 1, Paget Road, Barry	One fascia sign
2019/01130/OBS	N	Land South of Creigiau, Cardiff	Planning reference number for Cardiff 19/02523/MJR:- Outline planning application, with all matters reserved except for strategic access, for the development approx. 650 dwellings, including open space (including play areas and areas of informal recreation), landscaping, sustainable drainage systems, vehicular accesses, improvement works to the existing highway network,

			pedestrian and cycle accesses and related infrastructure and engineering works
2019/01134/FUL	A	Unit 1, Briscombe Trade Park, Cardiff Road, Barry	two air conditioning condenser units and two extract grilles
2019/01135/ADV	A	Unit 1, Briscombe Trade Park, Cardiff Road, Barry	Three fascia signs and one totem sign
2019/01139/OBS	P	Bwlch Pen Onn House, Llancarfan	Proposed alteration of an existing overhead line
2019/01144/FUL	A	1, Meggitt Road, Barry	Erection of a single storey conservatory on East elevation of the property. [Base walls completed, part retrospective]
2019/01146/FUL	A	5, Oyster Bend, Sully	Single storey extension squaring off the bungalow to the rear
2019/01147/FUL	A	4, Bridgewater Road, Sully	Single storey rear extension
2019/01149/FUL	A	Ross Kear, Pen-Onn, Nr Penmark	Removal of conservatory to rear. Proposed single storey extension to form dining area and family room with Juliet window/balcony to first floor
2019/01157/FUL	A	87, Pontypridd Road, Barry	Single story extension to the side of the property and loft conversion with rear flat roof dormer
2019/01170/LAW	A	25, Gelyn Y Cler, Barry	Single storey conservatory

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3. APPEALS

(a) Planning Appeals Received

LPA Reference No: 2019/00734/FUL
Appeal Method: Written Representations
Appeal Reference No: D/19/3240537
Appellant: Mr Stuart & Mrs Shereen Parr
Location: 3, Heol Y Mynydd, Welsh St Donats
Proposal: New 2 storey extension for ground floor kitchen and living/dining rooms, and first floor bedroom, and bathroom, and ensuite bathroom. New stairs to new attic room with dormer and rooflights in existing roof space
Start Date: 15 November 2019

LPA Reference No: 2019/00598/FUL
Appeal Method: Written Representations
Appeal Reference No: 19/3242200
Appellant: Mr S Williams
Location: Land at Oakwood, Llanmaes, Llantwit Major
Proposal: Proposed construction of 2 bed 2 storey dwelling accessed from new entrance onto private shared driveway
Start Date: 3 December 2019

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

LPA. Reference No: 2018/01418/FUL
Appeal Method: Written Representations
Appeal Reference No: 19/3236685
Appellant: Mr Nigel Bond
Location: Poundfield Farm, Pound Lane, Wenvoe

Proposal: The retention and completion of the existing building to provide ancillary living accommodation associated with the dwelling at Poundfield Farm

Decision: Appeal Dismissed

Date: 26 November 2019

Inspector: Richard Duggan

Council Determination: Committee

Summary

The main issue was considered to be the effect of the development on the character and appearance of the locality, with particular regard to the impact on Wenvoe Woods.

The Inspector noted that the appeal building had been constructed on the site where a previous planning permission was granted for a domestic garage and store. Whilst the appellant had contended that the land surrounding the appeal building formed part of the lawful residential curtilage of Poundfield Farm, the Inspector did not consider that there was sufficient evidence to corroborate such assertions and it was beyond his jurisdiction to determine this matter within the appeal.

The proposed ancillary accommodation / annexe related to an incomplete single storey building on the land and the appellant indicated that the annexe would eventually be used by himself and his wife and the main dwelling would be for one of their children and family. The layout of the building when completed would include a kitchen / diner, lounge, bedroom, bathroom and a large store room.

The Inspector commented that ancillary accommodation or a residential annexe should, by definition, be subordinate to its host dwelling in terms of its scale and design and also have a functional link to it. Whilst noting that the annexe would be clearly smaller in scale, it would be physically separated from the main property and outside its curtilage and have a separate means of access, parking and garden areas. The Inspector therefore concluded that the annexe would contain residential accommodation commonly found in a separate dwelling and was therefore development that was tantamount to the creation of a new dwelling.

Having regard to the countryside location and policies of the LDP which strictly control development and changes of use of buildings to residential use and national policy, which advises that new houses in the open countryside require special justification, it was concluded that there was no such justification in this case which could support a residential unit at this location.

The Inspector considered that the countryside should be protected for its intrinsic character and that the building currently appears as a relatively large, single-storey independent domestic dwelling, which has a harmful urbanising effect on the character and appearance of the area. Whilst acknowledging that planting and landscaping could provide some screening, this would not adequately mitigate the nature of the built development, which he considered

was harmful to the rural character and appearance of the area and an unjustified intrusion into the open countryside. The personal circumstances of the appellant and his family were not considered to be sufficiently exceptional to justify unsatisfactory development within open countryside.

The Inspector therefore dismissed the appeal and concluded that the creation of a dwelling would undermine the area's rural and wooded character and the development was in an inappropriate location for a dwelling and had a harmful impact on the character and appearance of the locality and on Wenvoe Woods, contrary to policies of the LDP and Planning Policy Wales (Edition 10).

Comment

Having now received confirmation from the Inspector that the use of the building as an annexe is not considered to be acceptable, officers are proceeding to issue the Enforcement Notice that was authorised by Planning Committee on 2nd May 2019, which will require the removal of the outbuilding and the cessation of the use of the land as garden.

LPA. Reference No:	2019/00702/FUL
Appeal Method:	Written Representations
Appeal Reference No:	D/19/3240164
Appellant:	Mr & Mrs JM and HW Watt
Location:	28, Plymouth Road, Penarth
Proposal:	Remove part of a front boundary wall so as to provide a turning area for a vehicle to exit in forward gear
Decision:	Appeal Dismissed
Date:	2 December 2019
Inspector:	Joanne Burston
Council Determination:	Delegated

Summary

The main issue was considered to be whether the proposed development would preserve or enhance the character or appearance of the Penarth Conservation Area (CA). The appeal site comprised a semi-detached villa located on the eastern side of Plymouth Road, which was noted to be a tree lined avenue, where the properties are united by a setback building line and front gardens enclosed by low dwarf walls and boundary hedges.

The Inspector identified that the proposal would reduce the length of the existing front boundary wall and hedgerow by some 1.35 metres and the creation of a wider opening at no. 28 would significantly disrupt a section of a wall that is one of the distinctive features of this road and would reduce the sense of enclosure and privacy that currently characterises the villa. She considered that the harm to an individual section of wall may appear not to be significant, but that the incremental and cumulative loss of these original features adversely affects the conservation area as a whole.

Whilst appreciating the appellants' concerns relating to reversing manoeuvres into and out of Plymouth Road, she considered that there was no evidence relating to vehicle collisions along the road and that good visibility along this stretch of road would allow other drivers and pedestrians to see a vehicle entering / exiting the driveway and react accordingly.

Although the Inspector acknowledged that the appellants' use of an electric vehicle was to be encouraged, it was considered that the proposed development would remain long after this personal circumstance existed. Given the strong presumption against developments which damage the character or appearance of a conservation area, she did not consider that the circumstances put forward by the appellants were exceptional or that the development would be considered desirable on public interest grounds. The Inspector commented that other similar developments along Plymouth Road either appeared to have been in place for many years or served to illustrate the visual harm that could arise from the widening of accesses.

The Inspector therefore dismissed the appeal, concluding that the proposal would fail to preserve or enhance the Penarth Conservation Area and would be contrary to policies of the LDP, Technical Advice Notes 12 (Design) and 24 (Historic Environment) as well as Planning Policy Wales (Edition 10).

(d) Enforcement Appeal Decisions

None

(e) April 2019 – March 2020 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (to measure performance)	W	13	2	15	3
	H	-	-	-	-
	PI	-	-	-	-
Planning Total		13 (87%)	2	15	3
Committee Determination		1 (33%)	2	3	-
Other Planning appeals (inc. appeal against a condition)		-	-	-	-
Enforcement Appeals	W	1	1	2	-
	H	-	-	-	-
	PI	1	-	1	-
Enforcement Total		2 (67%)	1	3	-
All Appeals	W	14	3	17	-
	H	-	-	-	-
	PI	1	-	1	-
Combined Total		15 (83%)	3	18	3

Background Papers

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

Contact Officer:

Sarah Feist - Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

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4. TREES

(a) Delegated Powers

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

Decision Codes

A - Approved

R - Refused

E Split Decision

2019/00915/TPO	A	St. Peters Church, Mill Road, Dinas Powys	Works to trees covered by TPO - No. 02, 1954
2019/00970/TPO	A	The Vale Resort, Vale Of Glamorgan Hotel and Golf Club, Lane - Junction Hensol Road at Llanerch to Tredodridge via Ty With, Hensol	Work to trees covered by TPO Nos.3 and 4 of 2003
2019/01064/TCA	A	Front garden, Greenacres, Llanbethery	Work to trees in a Conservation Area : Three trees that are in the front garden
2019/01131/TPO	A	The Manor House, Duffryn Lane, St. Nicholas	Works to trees covered by TPO - No. 04, 1952, Tree 1 - Remove, Tree 2 - intensive pruning
2019/01159/TCA	A	The Pound, Duffryn Lane, St Nicholas	Work to trees in the St. Nicholas Conservation Area: Beech tree - 25-30% reduction, Cherry tree - trim back to boundary, Poplar tree - trim back to boundary
2019/01175/TCA	A	10, Marine Parade, Penarth	Work to trees in Penarth Conservation Area

2019/01189/TCA A 23, Cardiff Road, Dinas
Powys

Work to trees in a
Conservation Area :
Sycamore trees- Boundary
at rear end of garden - Fell
stem on West side of group
and reduce height and
spread of remaining stems
by 20%

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REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. UPDATE ON ENFORCEMENT ACTION – LAND AT SITESERV RECYCLING, LLANDOW TRADING ESTATE, LLANDOW

Introduction

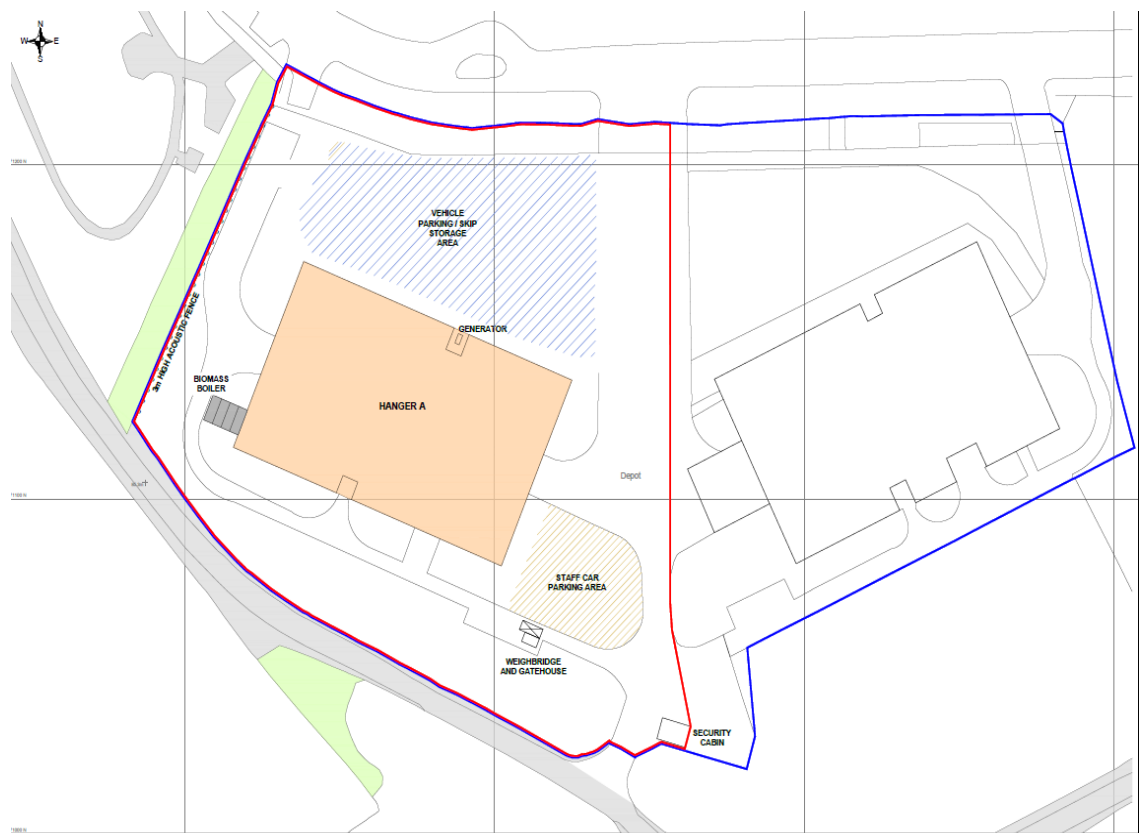
1. The purpose of this report is to update Members of the Planning Committee on previous enforcement action taken at Siteserv Recycling, Llandow following the grant of planning permission in November 2017 under application 2017/00329/FUL and the result of further investigations that have been carried out, following the receipt of recent complaints regarding the site.

Background

2. Members will be aware that the site has been the subject of an on-going enforcement investigation which was initially instigated in respect of the use of a wider site that was occupied by two hangar buildings ('Hangar A' and 'Hangar B'). The unauthorised use of the wider site as a waste transfer operation for the receipt, storage, sorting and export of waste material including paper, cardboard and plastic waste is understood to have commenced in the summer of 2015, following the grant of a Standard Rules Permit by Natural Resources Wales (NRW).
3. The Council's enforcement investigation in respect of the use of the site commenced in August 2015, at the same time as an application for planning permission was submitted for the retention of the use (2015/01464/FUL). The lawful use of the site was considered to fall within use class B8 (Storage and Distribution) of the Town and Country Planning (Use Classes) Order 1987 and as such, the use of the site as a waste transfer operation was considered to constitute a material change of use that required planning permission.
4. Following consideration of a planning application referenced 2015/01465/FUL, this was refused permission on 15th April, 2016 and an Enforcement Notice, authorised by the Planning Committee, was issued in respect of the unauthorised use of the land on 14th June, 2016. Appeals were lodged against both the refusal of planning permission and the issuing of the Enforcement Notice and were due to have been considered by the Planning Inspectorate through a public inquiry.
5. However in March 2017, as a result of a fire, Hangar B was effectively burnt to the ground and therefore, all operations on the site ceased. During the incident, NRW are understood to have suspended the permit, but shortly after, the suspension was partially lifted in order to allow the continued operation of the western part of the site not affected by the fire.
6. In May 2017, a further planning application was submitted and both the planning and enforcement appeals were held in abeyance pending the determination of the application (2017/00329/FUL). The application only related to the remaining Hangar A and the half of the wider site that this hangar occupies and following

consideration of the impact of the operations carried out, planning permission was approved on 2 November 2017 for the *'retention of a material change of use of land and warehouse known as Hangar A from a storage and distribution use (use class B8) to a materials recovery facility and ancillary offices (use class B2) and retention of a weighbridge and weighbridge office'*. The permission was granted subject to conditions, a number of which required further works to be undertaken following the submission and approval of various details by the Council. These conditions included details in relation to a fire prevention and mitigation strategy, a fire resistant acoustic fence, external lighting, the surfacing of the haul road, vehicle parking and skip storage areas and the installation of an oil, diesel and petrol interceptor and were required in order to make the use of the site acceptable from a planning perspective.

7. The location plan below show shows the application site for which planning permission was granted, effectively forming half of the wider former industrial site.



Planning History

The following planning history is relevant to the site:

- **2017/00329/1/CD:** Discharge of Conditions 9 - Fire Prevention Plan, 14 - Acoustic Fence, 15 - External Lighting and 16 - Road Surfacing. Planning Permission ref. 2017/00329/FUL: Retention of a material change of use of land and a warehouse known as Hangar A from a storage and distribution use (use class B8) to a materials recovery facility and ancillary offices (use class B2) and retention of a weighbridge and weighbridge office – Approved (conditions 9. and 15. only) 21/06/19 / Refused (conditions 14. and 16. only) 21/06/19.

- **2017/00329/2/NMA:** Non-material amendment to vary the wording of Condition 15 (of planning permission 2017/00329/FUL) to allow an extension of time for submission and to approve the details of all external lighting - Approved 21/06/19.
- **2017/00329/1/NMA:** Non-material amendment to vary the wording of Conditions 9, 14, 15, and 16 (of planning permission 2017/00329/FUL) to allow an extension of time for submission and to approve the details - Approved (conditions 9. and 15. only) 21/06/19 / Refused (conditions 14. and 16. only) 21/06/19.
- **2017/00329/FUL:** Retention of a material change of use of land and a warehouse known as Hangar A from a storage and distribution use (use class B8) to a materials recovery facility and ancillary offices (use class B2) and retention of a weighbridge and weighbridge office – Approved 02/11/2017.
- **2014/01464/FUL:** Hangars A and B, Llantwit Major Road, Llandow - Change of use of existing mixed Class B1 (Business), B2 (General Industrial), B8 (Storage and Distribution) warehouses known as Hangars A and B to a, waste transfer station, storage of municipal waste and ancillary offices (Sui Generis) and erection of a weighbridge and weighbridge office - Refused 15/04/2016.
- **2003/00985/FUL:** Unit B, Wick Road, Llantwit Major - New access doors to gable. Approved 05/09/2003.
- **1985/01015/FUL:** Wick Road, Llandow Trading Estate, Llandow - Canopy to provide covered loading/unloading area. Approved 26/11/1985.

Action taken following the Approval of Planning Permission 2017/00329/FUL

8. Following the determination of application 2017/00329/FUL, further investigations and enforcement action has been undertaken, which relate mainly to the applicant's failure to discharge and / or implement the planning conditions attached to the permission granted, in particular conditions 3. (Hours of Operation), 9. (Fire Prevention and Mitigation Strategy), 14. (Fire Resistant Acoustic Fence), 15. (External Lighting) and 16. (Surfacing of Haul Road and Skip / Vehicle Parking Area). The enforcement action that has been taken to date in relation to these conditions is detailed below.

Condition 3. - Hours of Operation

9. This condition restricts the operations undertaken on site to be carried out between 07:00 to 18:00 Monday to Friday and 07:00 to 16:00 on Saturday only with no working on Sundays or Public Holidays. In response to reports that activity at the site had started before the 7am start time, a Breach of Condition Notice (BCN) was issued on 6th November 2018 which required the applicant to comply with the approved hours of operation within one month. Following the issuing of the BCN, no further complaints have been received in respect of the hours of operations and the notice is therefore considered to have been complied with. As Members will be aware however, the notice remains binding on the land in perpetuity and therefore, further legal action could be pursued, if the breach recommenced in the future.

Condition 9. – Fire Prevention and Mitigation Strategy

10. This condition required the submission of a Fire Prevention and Mitigation Strategy for approval and the use of the site to thereafter be carried out in accordance with the approved strategy. On 24th April 2018, a discharge of

condition application was submitted to discharge a number of conditions including number 9. (2017/00329/1/CD). The details submitted seeking the discharge of this condition were not however considered acceptable and further requested details were not submitted to the Council. Therefore, a Breach of Condition Notice was issued on 6th November 2018 which required the applicant to submit revised and additional details relating to the Fire Prevention Mitigation Strategy to the Council within one month.

11. Following the submission of further information and liaison with NRW, the details were considered acceptable and were approved on 21st June 2019 in compliance with the requirement of condition 9. of application 2017/00329/FUL, as amended by a non-material amendment application (2017/00329/1/NMA). This is the standard procedure to vary the wording on a condition to allow an extension of time and the approval of acceptable details. Following the discharge of this condition, no issues have been raised in respect of the fire prevention strategy and it is therefore considered that the condition has been satisfactorily complied with, although the wording of the condition contains a continuing requirement for the use of the site to be carried out in accordance with the approved strategy at all times. It has been previously confirmed by NRW that their permit contains a condition in relation to the Fire Prevention Plan and officers from NRW are continuing to monitor the site.
12. As detailed below, a more recent investigation on the operations currently carried out on the site has identified that a paper shredding operation has recently been commenced at the site and this is considered to have implications on the approved fire prevention strategy. Consideration of the potential consequences and further proposed action is however dealt with in relation to condition 2. below.

Condition 14 – Fire Resistant Acoustic Fence

13. This condition required the submission of details of a fire resistant acoustic fence to be erected along the westernmost boundary of the site to a minimum height of 3 metres and its completion within three months following its approval. On 24th April 2018 a discharge of condition application was submitted to discharge a number of conditions including number 14. (2017/00329/1/CD). This included details of a 1.8 metre high acoustic fence which was not considered to be of a sufficient height to mitigate the impact of the development on the adjoining caravan park and although details of a 3 metre fence were requested, these were not submitted. The details were therefore refused on 21st June 2019 and a Breach of Condition Notice (BCN) was issued on 24th June 2019, requiring the submission of revised or additional details relating to a 3 metre high acoustic fence. In response, details of a 4 metre high 'Pro-acoustic fence' have been received from the applicant's agent and it has been suggested that these details are acceptable to enable the condition to be discharged.
14. Following an assessment of the information submitted, this is not however considered to be acceptable to enable the condition to be discharged as firstly, no reference has been made to the fence being 'fire resistant' as required by the condition and secondly, in the absence of a formal discharge of condition application and accompanying non-material amendment application, the Council would be unable for formally amend and discharge the condition.
15. In more recent discussions with the applicant's agent, it has been acknowledged that the fencing details have not been formally approved by the Council. It has been suggested however that the requirements of the BCN in requiring the submission of details has been fully met, as the notice did not specifically require the approval of these details through a discharge of condition application (the

normal procedure for amending and discharging conditions retrospectively). Following the receipt of legal advice, it has been recommended that in order to avoid any technical difficulties in pursuing further legal action that may be required, a further BCN is issued which includes the specific requirement for the amendment of the condition through a non-material amendment application and the approval of acceptable details through a discharge of condition application. It is therefore intended that a further BCN is issued in respect of this condition which includes these specific requirements.



Photo 1. - proposed location of fire resistant acoustic fence along the western boundary (on outside edge / right-hand site of haul road).

Condition 15 – External Lighting

16. This condition required the submission and approval of the details of all external lighting including means of operation and the provision of lighting in accordance with the approved scheme. On 24th April 2018 a discharge of condition application was submitted to discharge a number of conditions including number 15. (2017/00329/1/CD). The details were considered acceptable and were approved on 21st June 2019 in compliance with the requirement of condition 15. of application 2017/00329/FUL, as amended by a non-material amendment application (2017/00329/1/NMA). Following the discharge of this condition, no issues have been raised in respect of the lighting and it is therefore considered that the condition has been satisfactorily complied with.

Condition 16 - Surfacing of Haul Road, Vehicle Parking / Skip Storage Area and Oil, Diesel and Petrol Interceptor.

17. In dealing with the application, it was determined that various improvements to the surfacing of the haul road and vehicle parking and skip storage areas were required and this condition therefore required the submission of these details which were also to include a bound surface and the installation of an oil, diesel and petrol interceptor for the vehicle parking and storage area. On 24th April 2018 a discharge of condition application was submitted to discharge a number of

conditions including number 16. (2017/00329/1/CD). The details submitted seeking the discharge of this condition were not however considered acceptable and further requested details were not submitted to the Council. Therefore, a Breach of Condition Notice was issued on 6th November 2018 which required the applicant to submit revised and additional details relating to the haul road and vehicle parking / skip storage area to include the bound surfacing of all parts of the internal haul road and the location and details of an oil, diesel and petrol interceptor within one month.

18. In response, the applicant's agent has suggested that as vehicles are no longer parked or stored and skips are also not stored on the land, there is no longer the need to provide a bound surface or oil and petrol interceptor in the vehicle and skip storage area. Whilst this position has been acknowledged, the planning permission granted under 2017/00329/FUL allows for skip and vehicle storage. In order for the Council to agree that there is no need for this area of the site to be surfaced in a bound material with an interceptor, the omission of this use would need to be formally amended through a further application planning permission. As no further details or amended application were submitted, the details submitted under application 2017/00329/1/CD seeking the formal discharge of this condition were therefore refused on 21st June 2019 and a Breach of Condition Notice (BCN) was issued on 24th June 2019, requiring the submission of revised or additional details relating to the haul road, vehicle parking and skip storage areas and oil, diesel and petrol interceptor.



Photo 2. - existing northern boundary and haul road.

19. No further details relating to the discharge of this condition have however been submitted in response to the BCN and the only response received from the applicant's agent is to repeat the previous comments submitted relating to the lack of need for the improvements to the haul road and other surfaces.
20. The applicant's failure to provide satisfactory details in order to discharge the outstanding condition and the absence of a further planning application which removes the vehicle and skip parking and storage uses means that it may be

possible to pursue further legal proceedings at this stage. However, it is considered that the legal advice that has been provided in relation to condition 14. in relation to the BCN needing to specify the approval of appropriate details through a discharge of condition application, would also apply to this condition. Therefore, in order to avoid any technical difficulties in pursuing further legal action that may be required, it is therefore intended that a further BCN is issued in respect of this condition which includes these specific requirements.

Current Position – Including the Investigation of Recent Complaints

21. In addition to the matters detailed above, the Council has also undertaken a recent investigation in relation to new complaints received, firstly in relation to the siting of a generator near to the western boundary and the commencement of a paper shredding operation at the site. The investigation of these complaints has confirmed further breaches in relation to conditions 2. (restriction on use to receipt, sorting, storage and export of non-hazardous waste) and 13. (operational generator). The current position and proposed actions in relation to these conditions is detailed below.

Condition 13. – Location of Operational Generator

22. A recent site inspection has confirmed that the previous operational generator (which is not currently in use) has been re-located from its previously approved location within Hangar A, to an external location to the south-west of the building and a further temporary operational generator (currently in use) has also been located towards the western boundary. This is considered to be contrary to condition 13. which requires *'The number of operational generators in use on the site shall be limited to one and that generator shall be permanently housed within Hangar A in accordance with plan number 007/B – Generator.'*



Photo 3. - temporary operational generator - located to south-west of Hangar A.

23. Whilst the owner of the site has advised that this relocation is only intended for a temporary period of up to 6 months until a permanent electricity supply is installed, the use of an operational generator in this location outside the confines

of Hangar A and without any apparent noise insulation has already been reported as causing a noise nuisance for the occupiers of the caravan park. It is therefore considered that the retention of the operational unit in this location, even for a temporary period, is not acceptable. It is therefore intended that a Breach of Condition Notice is issued to require the operational generator to be permanently housed within Hangar A and removed from its current location.

Condition 2. - Operation of a New Paper Shredding Facility

24. The site inspection has also confirmed that a new paper shredding operation has commenced in Hangar A, in addition to the material recovery facility for which planning permission was previously granted (2017/00329/FUL), although this was not in operation at the time of the site visit. As condition 2. of the existing planning permission restricts the use of the site for 'the receipt, sorting, storage and export of non-hazardous waste' and the paper shredding operation does not fall within that description, this use is considered to require planning permission and to be operating in breach of that condition.
25. Whilst it is considered possible that the inclusion of a paper shredding operation could be an acceptable use within the building as this is considered to constitute a class B1 use and would therefore generally be less harmful than the existing material recovery use (class B2), it is considered that the specific nature of that process and the end product (in the form of compacted paper) may increase the risk of fire at the premises. As a result, it is considered that the review and potential revision of the existing Fire Prevention and Mitigation Plan and Strategy for the site (which was previously approved under condition 9. of application 2017/00329/FUL) would need to be undertaken and any recommendations implemented, before this use would be considered acceptable in planning terms. In this respect, consultation with both NRW and the South-Wales Fire Service has been undertaken and verbal confirmation from the South-Wales Fire Service supports this position. Therefore, in the absence of an appropriate planning application to regularise this position, it is considered that the paper shredding operation without satisfactory fire prevention controls is unacceptable. It is therefore intended that a Breach of Condition Notice is issued to require the use of the site to be restricted to the receipt, sorting, storage and export of non-hazardous waste materials and the use of the site for paper shredding to cease.

Conclusions

26. Since planning permission was granted under application 2017/00329/FUL, the Council has secured the satisfactory resolution of a number of breaches of the conditions on the consent included, details in relation to a fire prevention and mitigation strategy, external lighting and the permitted hours of operation. Whilst two conditions remain outstanding (fire resistant acoustic fence and the surfacing of the haul road, vehicle parking and skip storage areas and the installation of an oil, diesel and petrol interceptor), the issuing of a further Breach of Condition which contains specific requirements in respect of the discharge of these conditions is anticipated to secure a satisfactory resolution.
27. The two further breaches of condition identified as a result of further recent investigations undertaken at the site will also be included in the Breach of Condition Notice to ensure that the Council can maintain control over the use of the site and to prevent the risk of fire and any unacceptable harm to nearby residential uses.

Resource Implications (Financial and Employment)

28. Any costs involved in drafting and issuing Notices, attending enquiries and undertaking monitoring work can be met within the departmental budget. There are no employment issues.

Legal Implications (to include Human Rights Implications)

29. The Enforcement Action referred to is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

Equal Opportunities Implications (to include Welsh Language Issues)

30. None.

RECOMMENDATION

- (1) That the Members of the Planning Committee note the contents of this report and the action that has been taken to resolve the current breaches of planning control at Siteserv Recycling, Llandow Trading Estate, Llandow.

Reason for the Recommendation:

- (1) To inform member of the Planning Committee of the latest position in relation to enforcement matters at Siteserv Recycling, Llandow Trading Estate, Llandow.

Background Papers

Enforcement File Ref: ENF/2018/0016/CLL

Contact Officer – Sarah Feist, Tel: 01446 704690

Officers Consulted:

All relevant Chief Officers have been consulted on the contents of this report.

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **18 DECEMBER, 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.

2019/00603/FUL Received on 15 October 2019

Applicant: Pegasus Developments Ground Floor Office Suite, Ocean Buildings, Bute Crescent, Cardiff, CF10 5AY

Agent: Miss Gwen Thomas Asbri Planning Ltd., Unit 9, Oak Tree Court, Cardiff Gate Business Park, Cardiff, CF23 8RS

Land at Hayes Road, Barry

The proposed development of 23 affordable homes and associated works

REASON FOR COMMITTEE DETERMINATION

The application 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 the redevelopment of a parcel of land at Hayes Road, Barry, which sits in between the Atlantic Gate employment site and a Local Development Plan housing allocation. The proposal is for 23 affordable dwellings, comprising a mix of two and three bedroom units. Access would be directly from Hayes Road and this would lead to an internal road and parking area of 34 spaces.

The main issues relate to the principle of the development (including the relationship with adjacent employment uses), the design and visual impact, highway safety and parking, impact on residential amenity and ecology.

There have been 5 objections to the scheme, while an objection has also been raised by Barry Town Council on the grounds that the development conflicts with policy proposals for the Barry area. Having considered the above issues, the proposed development is recommended for approval, subject to conditions.

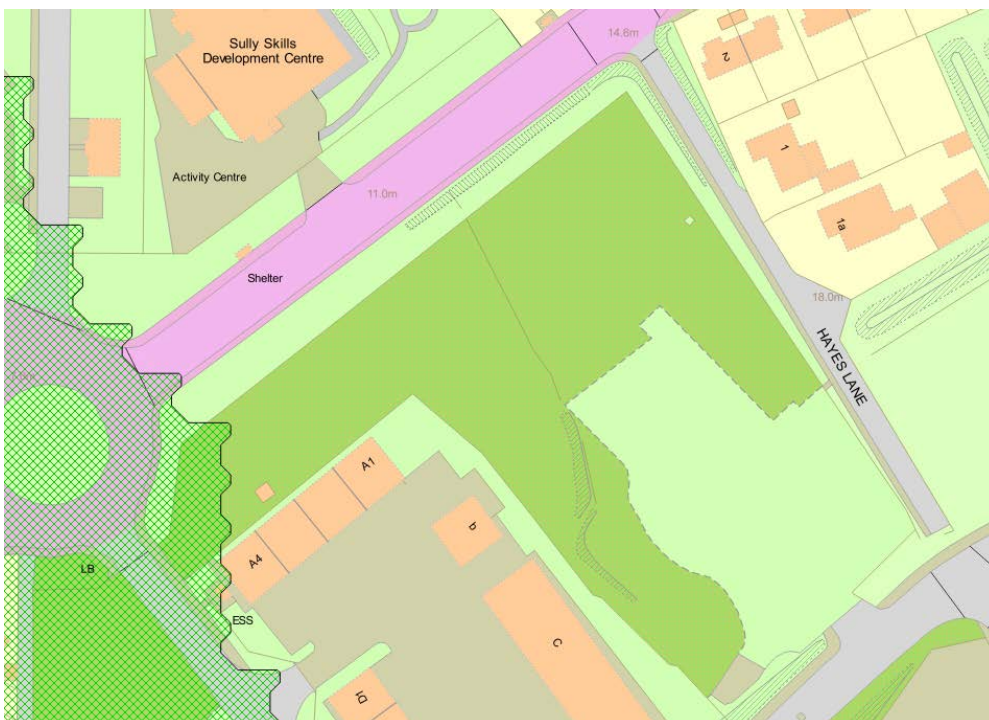
SITE AND CONTEXT

The application site is land at Hayes Road, Barry, and comprises a parcel of land located close to the junction with Bendrick Road. The site is shown in context on the plan below:



The site is adjoined to the west by a cluster of industrial units, and to the south by a highway and then allocated employment land beyond (as identified by policy MG9 (6) of the Vale of Glamorgan Adopted Local Development Plan 1996-2011). Immediately to the east of the site is Hayes Lane, and beyond that are existing houses and a residential allocation identified under Policy MG2 (16) of the Local Development Plan. Sully Skills Development Centre is located across Hayes Road to the north.

A C2 flood zone covers the western corner of the site, closest to the roundabout, as shown on the plan below:



The site measures just under one hectare in size and it has a frontage approximately 115m wide along Hayes Road. There is tree cover at the northern part of the site closest to Hayes Road, and the land slopes down from east to west.

DESCRIPTION OF DEVELOPMENT

The application is in full for 23 affordable dwellings, comprising 19 x 2 bedroom dwellings and 4 x 3 bedroom dwellings. The layout involves a terrace of 5 dwellings facing Hayes Road, a row of 12 dwellings (in two terraces of 6) facing south west perpendicular to Hayes Road, and then a terrace of 6 dwellings facing the highway to the south of the site. The layout is shown on the plan below:



The proposed dwellings are conventional in form and would be constructed in brick with concrete tiled roofs. The proposed elevations are shown below:

Elevation to Hayes Road:



Elevation into the site:



Vehicular access to the development would be from Hayes Road and this would lead to an internal road that terminates at the southern part of the site. The proposals include the widening of the existing footway along the site frontage to 3.5m wide (cycleway/footway) to the west of the entrance and to 2m wide to the east of the entrance. There would be 34 parking spaces to serve the 23 units.

The Local Development Plan identifies a cycle route that runs along Hayes Road and then along Hayes Lane, immediately to the east of the site. This development proposes diverting the cycle route through the site and a 3.5m wide cycleway would then link up with the internal road at the southern part of the site (shown on the site plan above). The western part of the site would accommodate the drainage works and an area of public open space (to include an equipped play area) would be sited to the west of that.

PLANNING HISTORY

1985/00550/OUT, Address: Atlantic Trading Estate, Barry, Proposal: Residential development, including public house, retail and community facilities, Decision: Refused

1986/00534/OUT, Address: Atlantic Trading Estate, Barry, Proposal: Residential development, including public house, retail and community facilities, Decision: Appeal Dismissed

CONSULTATIONS

Barry Town Council- *“Barry Town Council objects to the proposed development for the following reason: The proposed appear to conflict with the existing Vale of Glamorgan adopted Local Development Plan (LDP) and its policy/proposals for the Barry area. The proposed affordable housing development is laudable but on balance, appreciating the existing local planning policy and land allocations, it may be considered premature in nature until the LDP is reviewed.”*

The above comments were re-iterated in response to the amended plans.

Highway Development- Advice has been provided in respect of parking numbers, infrastructure improvements, footway widths, gradients, vehicle tracking, surfacing and the national cycle route. There is no objection raised to the proposal, and the matters summarised above are either acceptable on the proposed plans, or can be dealt with by condition.

Councils Drainage Section- Advice is provided in respect of flood risk and the SuDS Approval Body (SAB) process.

Shared Regulatory Services (Pollution)- Conditions recommended in respect of a Construction Environmental Management Plan and noise insulation to the properties numbered 18-23. Further conditions are requested in respect of contamination.

Glamorgan Gwent Archaeological Trust (GGAT)- No objection subject to a condition which requires the submission of a scheme of ‘historic environment mitigation’.

Local ward members- No representations received.

Dwr Cymru Welsh Water- No objection subject to a condition relating to the drainage of the site.

Ecology Officer- No objection subject to a condition to require compliance with the Biodiversity Strategy.

Housing Strategy- No objection is raised. The officer has stated that all units should be to DQR standards.

Natural Resources Wales (NRW) advised that they have nothing further to add from the pre-application response that they issued to the applicant. That pre-application response provided advice in respect of flood risk, ecology and contaminated land. It raised no objections and suggested conditions in respect of contaminated land. In respect of flooding the response noted that flood risk did/does not affect the part of the site where dwellings would be sited, and concluded that flood risk could be acceptably managed.

Cardiff & Vale University Health Board- No representations received.

REPRESENTATIONS

The neighbouring properties were consulted and the development has been advertised on site and in the press. Five submissions of objection have been submitted (from 4 different

individuals/companies), two from commercial operators and two from residential premises. The grounds are summarised as follows:

- The dwellings would be subject to noise from adjacent industrial units and this may lead to residents seeking to curtail commercial/industrial activities.
- The development would necessitate a re-assessment of individual site risk profiles by adjacent hazardous land uses/users.
- Populations around potentially hazardous sites should not be increased.
- Hayes Road is a transportation route for hazardous goods.
- The noise assessment should take account of the noise profile and potential light pollution from nearby major sites.
- The development may lead to security risks for the adjacent employment site.
- Subsequent uses in the nearest units may be in Class B2, which would be more harmful.
- Noise and disruption to residential neighbours during the construction phase.
- Loss of trees.
- The dwellings would be out of keeping with others in the area.

One submission of support has been received from a commercial operator on Atlantic Trading Estate.

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 MG19 – Sites and Species of European Importance
POLICY MG20 – Nationally Protected Sites and Species

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD3 - Provision for Open Space
POLICY MD4 - Community Infrastructure and Planning Obligations

POLICY MD6 - Housing Densities
POLICY MD7 - Environmental Protection
POLICY MD8 - Historic Environment
POLICY MD9 - Promoting Biodiversity
POLICY MD10 - Affordable Housing Developments outside Settlement Boundaries

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.

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 1 – Joint Housing Land Availability Study (2015)
- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)

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
- Biodiversity and Development
- Parking Standards
- Planning Obligations
- Public Art in New Development
- Residential and Householder Development
- Sustainable Development - A Developer's Guide
- Tourism and Leisure Development
- Travel Plan
- Trees, Woodlands, Hedgerows and Development

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

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 as follows:

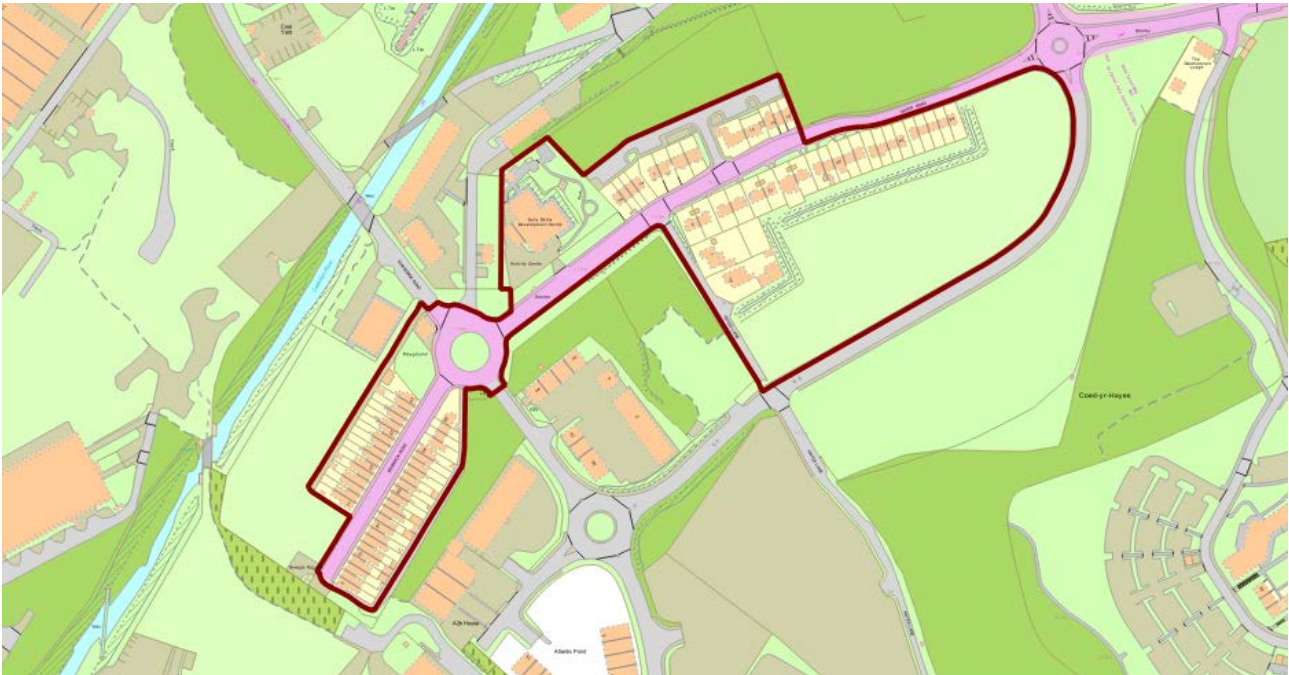
- The principle of the development
- The relationship with nearby employment uses
- Design and visual impact
- Impact on neighbours/residential amenity
- Parking and highways issues
- Ecology
- Drainage
- Section 106 issues

The principle of the development

Policy MD10 of the Local Development Plan states that small scale affordable housing developments will be permitted outside settlement boundaries where they have a distinct physical or visual relationship with an existing settlement and where it is demonstrated that:

1. The proposal meets an identified local need which cannot be satisfied within identified settlement boundaries;
2. The number of dwellings is in proportion to the size of the settlement;
3. The proposed dwelling(s) will be of a size, tenure and design which is commensurate with the affordable housing need;
4. In cases where the dwelling is to be provided by either a private landlord or the intended occupier, secure mechanisms are in place to ensure the property shall remain affordable in perpetuity; and
5. The development has reasonable access to the availability and proximity of local community services and facilities.

The site is shown in the context of the settlement boundary on the plan below:



Regarding criterion 1, local need for affordable housing within the Vale is well evidenced by the Council’s Local Housing Market Assessment which determined that 576 additional affordable housing units were required each year to meet housing need in the area, with Barry being one of the areas in highest need. There is a target for 3,252 affordable residential units to be provided over the plan period as identified by policy SP4 of the Local Development Plan. The need is further evidenced by the following figures from the Council’s Homes4U waiting list in the ward of Castleland:

CASTLELAND	
1 BED	335
2 BED	149
3 BED	50
4 BED	13
	547

While it is likely that there remain sites within Barry which could accommodate affordable housing, there is no certainty of such sites coming forward and consequently, it is considered appropriate for a site such as this, which lies directly adjacent to the settlement, to contribute towards meeting that need.

Regarding criterion 2, a development of 23 units is larger than will be appropriate in many more rural contexts, and it is noted that the supporting text to the policy in the LDP refers to a typical threshold of ten units. However, in this case the site relates to Barry (which is the largest settlement in the Vale) and it is surrounded by LDP housing and employment allocations. It is, therefore, appreciably different in character to sites adjoining the majority of Vale settlements (typically in rural locations) and the scope of services within the adjacent settlement significantly exceeds what is typically the case in smaller settlements. It is, therefore, considered that the size of the development is in proportion to the settlement.

Regarding criterion 3, the table above shows registered affordable housing need in the Castleland ward of Barry. A significant amount of new housing has been approved in Barry in the last 10 years and a number of large schemes fall within this ward, for example Arno Quay (2016/01290/RES- 20 affordable units), the former Magistrates Courts (2012/01114/FUL- 52 affordable units) and Subway Road (2018/01108/FUL- 72 affordable units). Outline permission has been granted for up to 250 dwellings on the 'East Quay' parcel of the Waterfront and that will be likely to yield up to approximately 35 affordable units.

It should also be noted that three further applications in the same ward for affordable residential developments are currently before the Council- 2019/01060/FUL (Windsor Public House- 18 units), 2019/01061/FUL (Sea View Labour Club- 28 units) and 2019/01062/FUL (Castle Hotel- 14 units). Each application should be treated on its merits and those developments have been reported separately to this, however, it is reasonable to take those into account (given the recommended approval of them) when considering affordable housing supply/demand.

Notwithstanding the developments/applications listed above, the overall number of affordable units being delivered would still not meet the need identified in the table above. Consequently it is considered that there is an identified need for these units, which would assist the Council in meeting local affordable housing demand, and the development is therefore considered compliant with criterion 3,

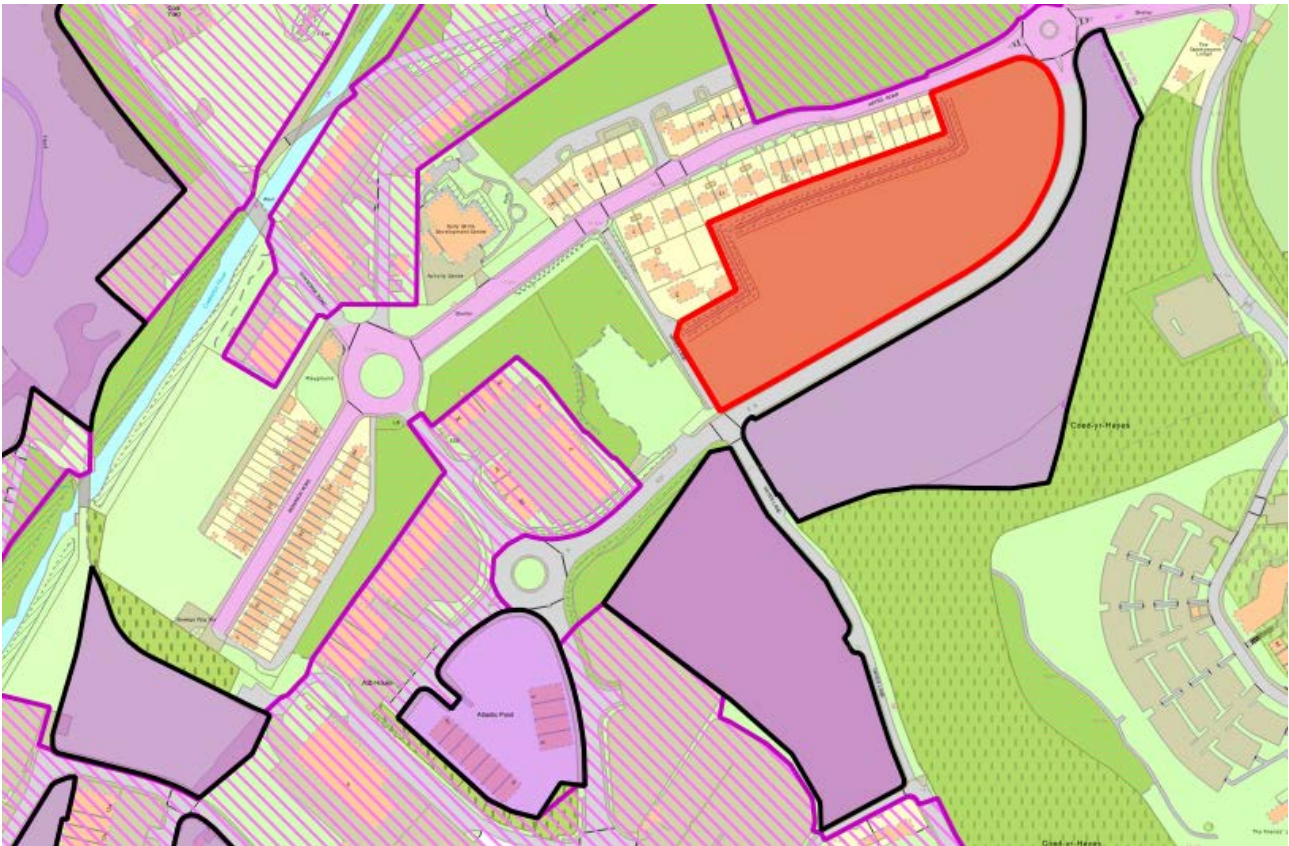
Regarding criterion 4, the development is to be delivered for the Council, and occupiers would have reasonable access to the availability and proximity of local community services and facilities (criterion 5). In particular the site is extremely close to a raft of employment opportunities. The development, therefore, complies with Policy MD10 of the LDP.

Policy MD6 of the LDP sets out what represents an acceptable housing density, in order to ensure the efficient and best use of land. Within Barry the policy requires a minimum of 30 dwellings per hectare and based on this site area of just under one hectare, the density would be 24 dwellings per hectare. However, notwithstanding that the policy relates to developments within defined settlements, much of the site is undevelopable due to constraints, including the flood zone and the amount of land required to implement a SuDS scheme. Consequently it is considered that this represents an efficient use of the site and this is evidenced by the close knit and dense form of the layout in the developable area.

The relationship with nearby employment uses

The site is adjacent to an existing employment site to the south east and it sits opposite a further employment site. The land to the south across the highway is allocated for employment uses in the LDP and the extensive Atlantic Trading Estate lies further to the south. To the east of the site are existing dwellings and an LDP housing allocation, and there are further dwellings to the west at Bendrick Road. The site therefore lies within an appreciably mixed context, comprising employment uses and other residential developments, as shown on the plan below.

The red denotes a housing allocation, hatched purple is existing employment land and block purple is employment allocations.



Planning Policy Wales (para 5.4.15) states that whilst employment and residential uses can be compatible, planning authorities should have regard to the proximity and compatibility of proposed dwellings to existing industrial and commercial uses to ensure that both residential amenity and economic development opportunities are not unduly compromised.

In this case the application is supported by a noise assessment to consider the impact of existing uses on the proposed dwellings. The noise assessment concludes that there would not be unacceptable impacts on the amenity of occupiers of the dwellings, subject to certain recommendations (including site enclosures and types of glazing). The Council's Environmental Health officer has considered the report and raises no objection subject to a CEMP and subject to measures to protect units 18-23 from road noise.

Representations have been received from neighbouring industrial users, raising concerns regarding the noise that may be generated from industrial units and the potential for occupiers to seek to curtail industrial activities. Policy MD14 states that new proposals for B1, B2 and B8 uses on allocated and existing employment sites will be supported. Other more noisy activities that do not require planning permission need not be subject to an appraisal of impact on residential amenity and any future complaints to the Council's Environmental Health Section would clearly have regard to the established and allocated nature of the land. It is, therefore, considered highly unlikely that complaints from subsequent residents about activities at existing authorised/allocated sites would have a material impact on the running of those sites.

Notwithstanding the above, the site is located in between residential and Class B employment uses. Having regard to this context, it is highly likely to be most appropriate for either residential or employment uses. If it were deemed inappropriate for residential use and should it be occupied by employment uses, those uses would have a very similar

relationship (in terms of distance) to the existing dwellings on Hayes Road and the residential allocation that the Atlantic Gate employment site has to these proposed units. It would not be reasonable for the site to have to function as a buffer between the two different uses.

The comments received in respect of nearby hazardous installations are noted, however, the representations do not raise any issues which fundamentally prejudice the running of those sites. The site lies outside of the HSE safety zones.

While it is understandable that commercial operators will want to ensure that developments do not have adverse impacts on the commercial viability of their sites, it is considered in this case that the development is not likely to have such effects, such that there would not be conflict with the above PPW advice. It is also considered that the development should not, in principle, adversely impact on the security of nearby employment sites (arguably the site being developed would improve surveillance).

Design and visual impact

The development would present active frontages to both highways that bound the site and this would (in the case of Hayes Road) continue the prevailing pattern of development. The frontage to the south will offer a frontage that can potentially be followed through the adjacent housing allocation. The linear section that lies perpendicular to the highway does not particularly replicate the surrounding pattern of development, but it is a logical layout having regard to the shape and constraints of the site. The topography is such that the western part of the site is required to accommodate surface water drainage features, and this leaves a relatively linear developable area between the two highways. Notwithstanding that, whilst the layout is not linear along the site frontage, it would not jar harmfully with the existing built environment.

The dwellings would be sited materially higher than the level of Hayes Road, but this is the case with the adjacent dwellings on Hayes Road and the relationship with number 2 is depicted on the plan below:



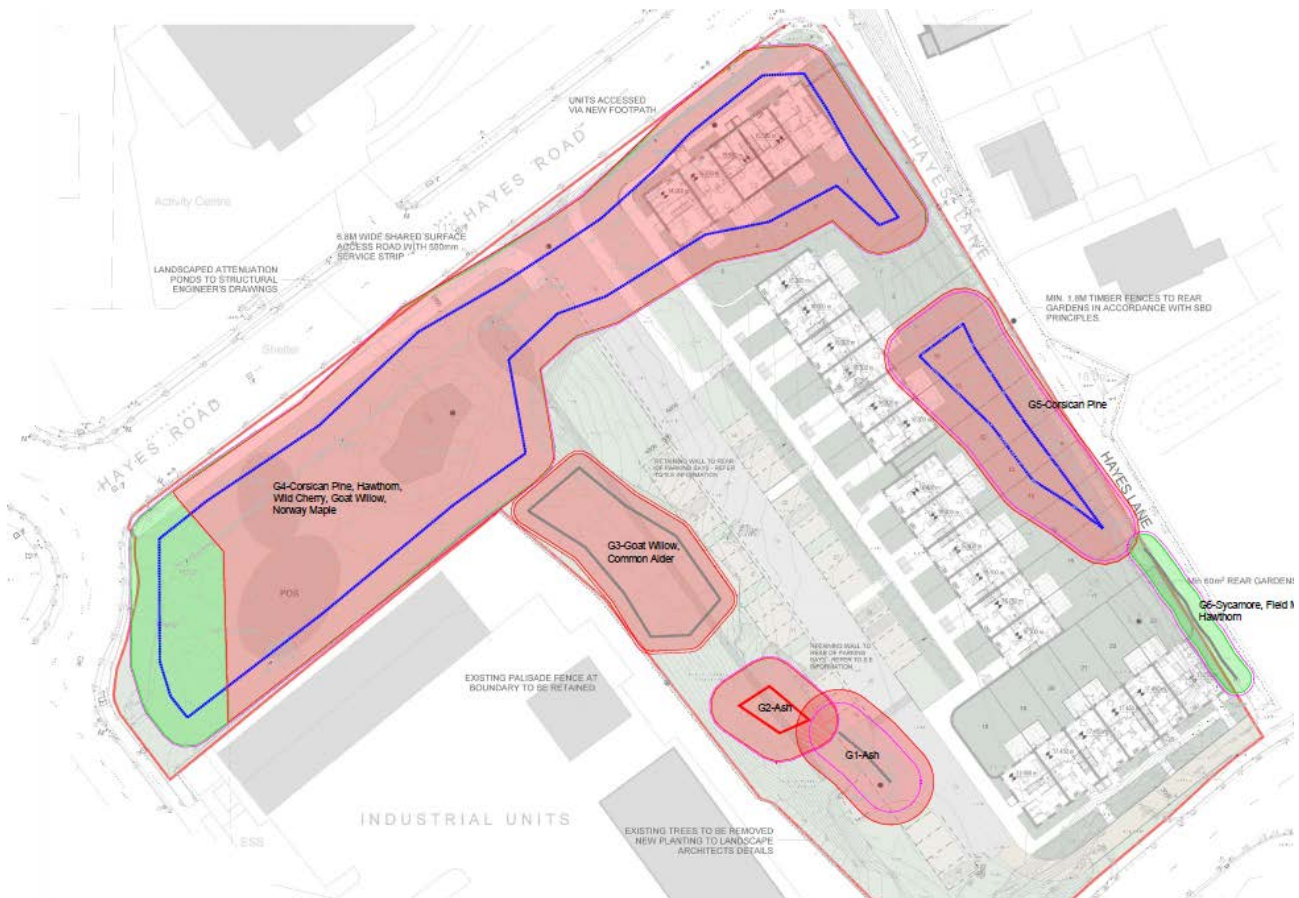
Hayes Road - part elevation

It is considered that the site levels would result in a development that is compatible with the levels and height of the adjacent dwellings (noting in particular the comparable roof lines on the plan above).

The dwellings are each relatively modest in scale and they are simple in form. Some of the houses along Hayes Road possess projecting front gables, however, many are very similar in general form and character to those proposed here. The design initially involved

the use of standing seam metal roofs and porches, however, budgetary constraints have resulted in amendments to a more conventional tiled roof with brick porches, to match the main elevations. This is somewhat disappointing, however, this is a wholly affordable development and it is accepted that design features must be balanced against viable delivery of the much needed affordable dwellings. While the designs are relatively simple, subject to the use of appropriate materials it is considered that the development would not appear at odds with the wider built environment or be detrimental to the character of the surrounding area.

The northern part of the site is occupied by a number of trees and these would be lost to the development. Officers have sought the retention of trees where possible, however, the trees largely occupy the part of the site within which the surface water features need to be accommodated. The plan below shows, in red, the groups of trees to be removed:



The trees that would be removed are judged in the submitted tree report to be either of low or moderate quality, inferring low or moderate adverse impacts from their removal. The groups have evidently been subject to little or no management over recent years (if ever) and the result is a crowded grouping where there appears to be a significant amount of self-seeded content. The result of the development would clearly be an urbanisation of the site's appearance and an appreciable loss of green features along the Hayes Road frontage in particular. However, the site sits in the middle of a very urban and industrial context and the tree groupings are not high in quality. There is a generally unstructured and unkempt appearance to the groups and while that is not uncommon in rural contexts, it does not result in an attractive landscape feature in this context.

Tree loss should be avoided where possible, however, in this instance the tree groups are not considered to be of high quality and their loss is considered to be outweighed by the

contribution 23 units would make to affordable housing need in the area. A landscaping scheme is required by condition 15 and while this is unlikely to result in a level of tree planting that would be equivalent to what is lost, it nevertheless gives scope for the visual impact of the development to be mitigated by soft planting. While a landscaping scheme has been submitted, there is scope for more, particularly in the area around the public open space, and consequently this is required by the condition.

Having regard to the above, it is considered that the proposed development would have due regard to the wider built environment and would comply with Policy MD2 of the LDP in respect of design and visual impact.

Impact on neighbours/residential amenity

The proposed dwellings would be in excess of 21m from the dwellings fronting Hayes Lane and consequently there would be no unacceptable privacy or overbearing impacts. There would be no windows on the side of unit 1 facing towards 2 Hayes Lane, and there would be a significant distance from the proposed dwellings to those opposite on Hayes Road. The dwellings would, therefore, not adversely impact upon the amenities of existing neighbouring properties. At two points in the layout there would be a gable end of a dwelling directly adjacent to the rear garden boundaries of other new dwellings, however, the gardens in question are not unduly short and they would retain a sufficient degree of openness, such that the layout would not result in unacceptable living conditions for any of the prospective occupiers.

The concerns raised by a neighbour regarding the construction process are noted, however, such impacts are temporary and are often an inevitable outcome of the development process. It would not be reasonable to withhold planning permission on these grounds, however, a Construction Environmental Management Plan (see condition 9) would minimise such impacts and would ensure that construction activities are only undertaken during appropriate hours.

Having regard to the above, it is considered that the development would not adversely impact upon residential amenity, both of existing residents around the site and of those that would occupy the development (in accordance with policies MD2 and MD7 of the LDP, and the Council's SPG).

Parking and highways issues

The development would be accessed via a new crossover from Hayes Road. This access point would afford drivers and pedestrians good visibility along Hayes Road and it is of an appropriate width and geometry. Fine detail of the site access would be controlled by a Section 278 highways agreement (the applicant has confirmed that the new road is to be offered for adoption), however, for the purposes of the planning assessment it is considered to be a safe and appropriately designed access.

The proposals include widening the footway on Hayes Road to 3.5m wide to the west of the access, and to 2m wide to the east of the access. The length to the west of the access would function as a combined cycleway/footway, while the 2m length to the other side of the access would be a footway. The Local Development Plan identifies a cycle route along the whole of the site frontage, and then along Hayes Lane to the east of the site, as shown on the plan below:



Creating a 3.5m wide cycleway/footway to the east of the site access would have required more substantial engineering operations, and the applicant is not in control of Hayes Lane. Consequently, the proposal involves diverting the cycle route through the site, then connecting up with the LDP identified route to the south of the site. The Council's Highways Section has agreed to this approach, given that the lightly trafficked nature of the internal road means it is suitable for shared use. This amendment would also give greater certainty to the delivery of the route than would be the case if it had to be delivered outside of this development along Hayes Lane. The detail of how the cycleway terminates at the site entrance (and how the carriageway through the site is treated) is required by condition 5.

Thirty four parking spaces are proposed to serve the 23 dwellings. Nineteen of the dwellings would have two bedrooms and it is considered that one space per unit is appropriate to serve these, given their size and tenure. The three bedroom dwellings can each be served by 2 spaces (8 in total) and that would leave 7 spaces for visitors/overflow demand. This is considered to be an appropriate level of parking which is commensurate to the likely need, and had regard to the affordable nature of the units and the fact that the Council's parking standards are maximums. I.e. they reflect the thrust of local and national policy to de-prioritise car use, in favour of more sustainable modes.

The site is well connected to bus routes, with bus stops directly outside the site on Hayes Road, and pedestrian links along the adjacent highways are good. The Highways Engineer initially requested a contribution towards a new bus shelter, however, this cannot be requested due to the Council's policy on Section 106 financial contributions for affordable developments under 25 units in size.

The internal road is of the appropriate width to function as a shared surface and tracking plans have shown that the required vehicles can turn within the site. The Highways Engineer has other minor requirements in respect of issues such as rumble strips, and these are also incorporated into Condition 5.

The development is likely to lead to a marginal increase in traffic within the local highway network, however, the highway is not presently subject to notable levels of congestion and the development is not of such scale that it would significantly affect traffic flows.

Having regard to the above, the proposal is considered acceptable in respect of highways/transport impacts, and it would accord with policies SP1 and MD2.

Open Space

Each of the dwellings would be served by a private rear garden, the majority of which would satisfy the aims of the Council's SPG in providing at least 20m² per person. The smallest rear gardens are approximately 55m² in size and these would serve two bedrooms properties (suitable for a maximum of three people). There would, therefore, only be a nominal deficit below the SPG aim of 20m² per person, and they are also considered to be of an acceptable size to meet the outdoor amenity needs of the occupiers.

Policy MD2 of the LDP requires open space to be provided in accordance with the Council's standards, and these are set out in the Planning Obligations SPG and policy MD3, as follows:

1. Outdoor sports provision at 1.6 hectares per 1,000 population
2. Children's equipped play space at 0.25 hectares per 1,000 population
3. Informal play space at 0.55 hectares per 1,000 population

While space for outdoor sport space cannot practically be provided on site (and would very rarely be provided on a development site of this size), there is space for a play area in the western part. This would ideally be closer to the dwellings, however, the required SuDS infrastructure means that the location identified on the layout plan above is the most practicable. While this is further from the dwellings than other parts of the site, it would still be adequately accessible to residents, and its location would encourage use by other members of the public from outside the site.

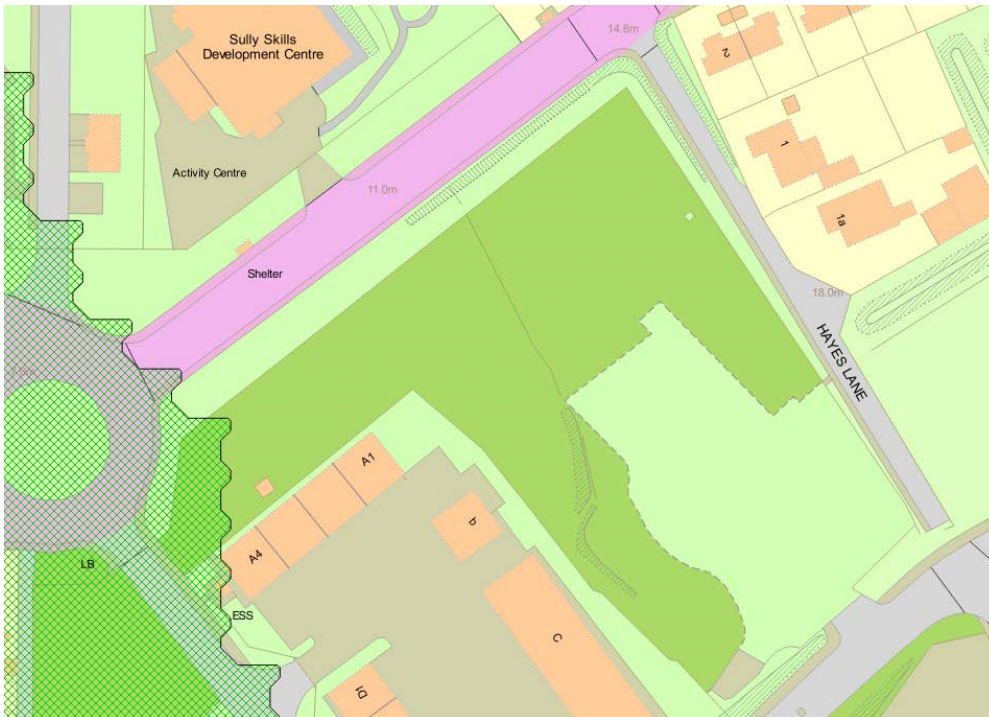
The Council's Planning Obligations SPG requires 18.56m² per dwelling, comprising 5.8m² of equipped space and 12.76m² of other play space. This totals approximately 427m² and there is sufficient space for this to be provided on site, and outside of the C2 flood area. Condition 21 requires detail of the POS layout to be agreed, and its implementation.

Ecology

The application was originally accompanied by a phase one ecology survey, which concluded that the site has low potential to support reptiles, and there was no evidence of nesting birds. The site was also considered to have low potential for foraging or roosting bats. The Council's Ecologist raised no objection, subject to the submission of a Biodiversity Strategy prior to the determination of the application. This has now been submitted and includes enhancements through the use of bat and bird boxes, hedgehog gaps under fences, native species planting and a sensitive clearance strategy. The Ecologist has requested a condition to ensure compliance with the strategy (see condition 17).

Drainage and flood risk

Part of the site lies within C2 flood zone, as defined by the Development Advice Maps associated with Technical Advice Note 15- Development and Flood Risk. This is indicated on the plan below:



None of the dwellings or their gardens would be within the flood zone, and nor would the site access, the surface water drainage features or the public open space. The application is accompanied by a 'Flood Statement' which concludes the development would not be at flood risk (or place other areas at unacceptable risk of flooding). The Natural Resources Wales (NRW) consultation response refers the Local Planning Authority to the response issued to the statutory pre-application consultation, within which NRW refer to a Flood Consequences Assessment. This pre-application response states that *'the proposals could be acceptable, subject to the developer being made aware of the potential flood risks'* and no objection is raised in this respect.

Paragraph 6.2 of TAN 15 provides a basis for assessing the acceptability of less vulnerable development in C2 flood zones, however, the C2 area lies outside of the operational development and it is not relied upon by the proposals. It is, therefore, considered that the development does not conflict with TAN 15 in respect of flood risk.

The proposed layout plan provides indicative detail of SuDS features and that is supplemented by the drainage strategy. An appraisal of the SuDs/SAB priority criteria is contained in the submitted documents (which concludes that surface water should ultimately be directed to the combined sewer), however, that is principally a matter for the SAB process. The Council's Drainage Engineer has been consulted and has not objected to the application. In respect of foul drainage, the strategy suggests connection to the Dwr Cymru Welsh Water (DCWW) foul sewer, and DCWW have offered no objection in principle to this. Condition 7 requires the detailed drainage scheme to be agreed.

Section 106 issues

At the Council's Cabinet meeting of the 5 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, there are no section 106 contributions sought for this development.

RECOMMENDATION

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 and documents (other than where they are superseded by the requirements of other conditions on this planning permission):

A-90-100 Rev B

A-90-200 Rev C

A-90-201 Rev C

A-90-102 Rev D

A-00-100 Rev B

A-00-101

A-00-102 Rev B

A-00-103 Rev B

A-90-101 Rev H

19005-SK101 Rev E

19005-SK102 Rev G

19005-SK100 Rev B

SK-001 Rev A

Ecological Services Ltd Biodiversity Strategy 13th November 2019

Hunter Acoustics Environmental Noise Assessment 5067/ENS2

Ecological Services Ltd Extended Phase 1 Ecology Survey March 2019

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 in accordance with levels shown on plans A-90-200 Rev C and A-90-201 Rev C, or an alternative set of levels, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason:

To ensure that the character of the area is 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. Prior to the beneficial occupation of any of the units, a scheme of enclosures shall be submitted to and approved in writing by the Local Planning Authority. 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, parking areas and internal site road, further details of all surface materials to be used in the parking areas, footways, cycleways and carriageways within the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of rumble strips and the junctions between the cycleways and the vehicular carriageway.

Reason:

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

6. The parking areas shall be laid out in accordance with plan A-90-101 Rev H prior to the first beneficial occupation of any of the units, and they shall be retained at all times thereafter to serve the development.

Reason:

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

7. Notwithstanding the submitted plans and details, and prior to the commencement of development, 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. The approved scheme shall be fully implemented prior to the first beneficial occupation of any of the units 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 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.

8. Notwithstanding the submitted plans/forms and prior to their use in the construction of the development hereby approved, further details and samples of the external materials to be used (including the block work to be used for any hard surfaces) 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.

9. 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) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii) hours of construction and hours of deliveries to site;
- ix) lighting;
- x) management, control and mitigation of noise and vibration;
- xi) odour management and mitigation;
- xii) diesel and oil tank storage areas and bunds (where appropriate);
- xiii) 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
- xiv) a system for the management of complaints from local residents which will incorporate a reporting system.
- xv) routes for construction vehicles accessing the site.

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

Reason:

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

10. Prior to the commencement of development 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 the Local Planning Authority for its approval. Following approval of a scheme it shall be implemented, and 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 to the Local Planning Authority. If no protection measures are required than 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 LDP.

11. Prior to the commencement of the development, a detailed contamination remediation scheme and verification plan 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.

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.

12. The remediation scheme approved by condition 11 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.

13. 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.

14. 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.

15. Notwithstanding the submitted plans and prior to the first beneficial occupation of any of the residential units, a scheme of landscaping (including details of the 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.

16. 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.

17. The development shall be carried out and thereafter maintained in accordance with the measures and recommendations contained in the Ecological Services Ltd Biodiversity Strategy 13 November 2019 the Ecological Services Ltd Extended Phase 1 Ecology Survey March 2019.

Reason:

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

18. The development shall be carried out and thereafter maintained in accordance with the measures and recommendations contained in the Hunter Acoustics Environmental Noise Assessment 5067/ENS2.

Reason:

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

19. Prior to the first beneficial occupation of the development hereby approved, a Travel Plan shall be prepared to 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 implemented 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.

20. No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation that has been submitted by the applicant and approved in writing by the local planning authority. Thereafter, the programme of work shall be fully carried out in accordance with the requirements and standards of the written scheme.

Reason:

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource, and to ensure compliance with policies SP10 and MD8 of the LDP.

21. Prior to the first beneficial occupation of any of the dwellings, a scheme for the provision and maintenance of all public open spaces (including a layout of children's play equipment, the timing of its provision and any enclosures) shall be submitted to and approved in writing by the Local Planning Authority. The public open spaces shall thereafter be provided and retained in accordance with the approved details.

Reason:

To ensure the timely provision of the public open space and to ensure compliance with Policies MD2 and MD3 of the Local Development Plan.

22. Prior to beneficial occupation of any of the dwellings, a scheme for the provision of affordable housing shall be submitted to and approved in writing by the local planning authority. The affordable housing 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 be provided in

accordance with the approved scheme and shall meet 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 scheme shall include:

- i) the arrangements for the management of the affordable housing;
- ii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iii) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason:

To ensure that the development is kept in perpetuity as an affordable housing scheme, and to ensure compliance with PPW and TAN 2.

NOTE:

- 1. You are advised that there may be species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**
- 2. 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.**
- 3. The proposed development site may be 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.**

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, MG19 – Sites and Species of European Importance, MG20 – Nationally Protected Sites and Species, MD1 - Location of New Development, MD2 - Design of New Development, MD3 - Provision for Open Space, MD4 - Community Infrastructure and Planning Obligations, MD6 - Housing Densities, MD7 - Environmental Protection, MD8 - Historic Environment, MD9 - Promoting Biodiversity and MD10 - Affordable Housing Developments outside Settlement Boundaries of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, National planning policy in the form of Planning Policy Wales (Edition 10, 2018), Technical Advice Notes 1, 2, 11, 12, 15, 16 and 18, and the Council's Supplementary Planning Guidance on Affordable Housing, Biodiversity and Development, Parking Standards, Planning Obligations, Public Art in New Development, Residential and Householder Development, Sustainable Development - A Developer's Guide, Tourism and Leisure Development, Travel Plan and Trees, Woodlands, Hedgerows and Development, the proposed development is considered acceptable in principle and in respect of design and layout, residential amenity, parking, highway safety, amenity/open space, drainage, flood risk and ecology.

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.

Drawing Note:

Proposals are based upon current OS mapping data from 'digimap' and topographical information obtained from Azimuth Land Surveys Limited in Jan 2019.

Drawings are to be read in conjunction with other design consultant information.

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Rev	Date	Check	Description
C	14.10.19	EM	Red line boundary amended to match proposed site plan.
B	11.06.19	RC	North arrow and scale bar added.
A	31.05.19	RC	Drawing Status revised for Planning.
-	14.04.19	RC	FIRST ISSUE

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Project: Residential Development
Hayes Road, Barry
Pegasus

Title: Site Location Plan

Status: Planning
Scale: at A3
As indicated

Job No	Sheet No	Revision
4430	A-90-001	C

ISO 14001 : 2004 ISO 9001 : 2000 RIBA Chartered Practice
Please consider the environment before printing this document



VISUAL SCALE 1:1250 @ A1



Site Location Plan
1 : 1250

Applicant: Vale of Glamorgan Council c/o Agent

Agent: Osian Roberts DPP Planning, Sophia House, 28, Cathedral Road, Cardiff, CF11 9LJ

Pencoedtre High School, Merthyr Dyfan Road, Barry

Construction of a replacement secondary school building at the site of the existing Pencoedtre High School, sports facilities, and associated works (including landscaping, access and engineering works) along with the demolition of the existing secondary school building

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 proposes the demolition of the existing secondary school and construction of a new high school at Pencoedtre High, which is accessed off Merthyr Dyfan Road, Barry. The application also includes new sports pitches/games areas and a new car park and coach drop off pick up zone, to be accessed from Merthyr Dyfan Road (the same site access as at present).

The main issues involved in the assessment of the application are the scale, design and visual impact of the development, impact on residential amenity, highways issues (including parking and traffic generation), sports pitch/open space provision and drainage.

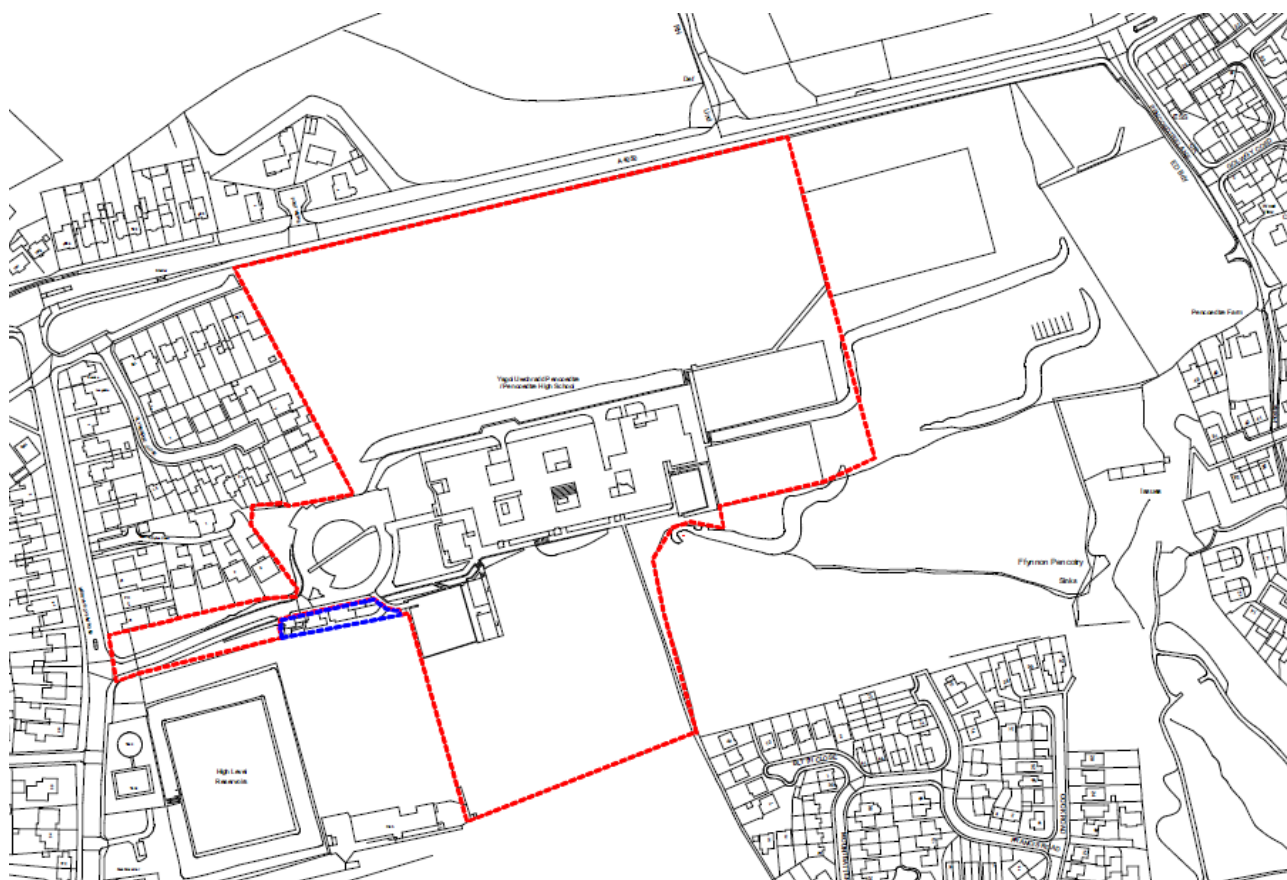
There has been one representation received from a neighbouring property, while Barry Town Council have raised no objection, subject to the development being considered acceptable in terms of design and visual impact, highway safety, traffic and landscaping. The application is recommended for approval subject to conditions and confirmation that GGAT are satisfied and delegation for officers to amend relevant conditions as appropriate.

SITE AND CONTEXT

The application site is Pencoedtre High School, Merthyr Dyfan Road, Barry. The site is located within a predominantly residential context, with dwellings immediately to the west and south east of the site. Port Road East lies directly to the north and the land to the east is allocated for housing in the Vale of Glamorgan Adopted Local Development Plan 2011-2026 (allocation MG2 (11)- Land to the West of Pencoedtre Lane). Merthyr Dyfan recreation ground is located to the south.

Vehicular access to the site is from Merthyr Dyfan Road, and this leads to an internal roundabout immediately to the west of the school (which serves the parking area to the south).

The site is shown in its context on the plan below.



DESCRIPTION OF DEVELOPMENT

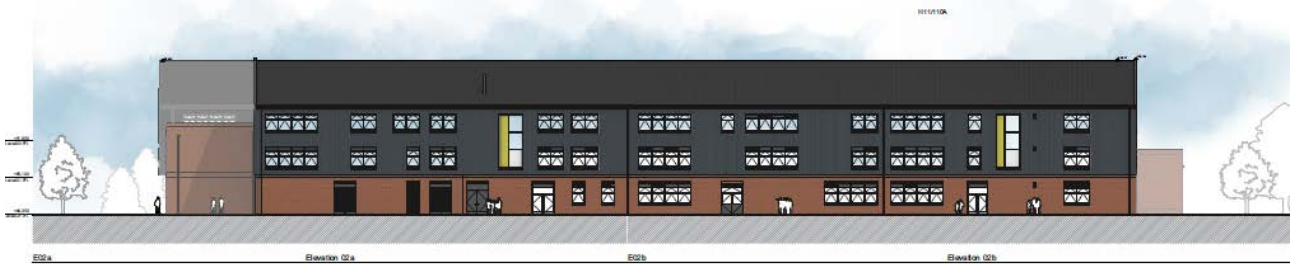
The application proposes the demolition of the existing secondary school and the construction of a new secondary school with associated sports facilities. In detail the development/layout comprises:

- A new secondary school, to be constructed to the south of the existing school. The building would be three storeys in height.
- A new car park to the north of the school, for use by teachers and sixth form pupils, with 131 standard car parking bays (including 2 electrical vehicle charging points), 8 disabled car parking bays, space for 9 motorcycles and 76 bicycles.
- An all-weather floodlit pitch in the north eastern part of the site.
- A games court comprising 4 pitches/courts.
- An under 11's / under 12's grassed football pitch in the eastern part of the site, adjacent to the all-weather pitch.
- A grassed rugby pitch in the northern part of the site.

The plan below shows the proposed layout:



The proposed school building would be three storeys in height and has broadly a 'C-shaped' form (with a two storey sports hall at the north eastern corner. It measures approximately 10.5m in height to the eaves and 15.5m in height to the ridge. It has a broadly conventional form, with a traditional pitched roof and gable ends. The building would be finished in a relatively contemporary palette of materials, comprising principally dark grey metal cladding, with brick to the ground floor and other feature elements. The building is shown on the plans below:





Vehicular access would remain from the same point on Merthyr Dyfan Road and the existing entrance road into the site would be retained. The vehicular arrangement around the roundabout would be modified to include new bus/coach bays and a turning area directly adjacent, and the removal of circulatory parking.

The proposed development would cater for mixed sex pupils between the ages of 11 – 18. The new school is expected to open with up to 1,100 pupils enrolled. Pupil numbers are expected to steadily increase until full capacity is reached in 2026, at which point the school would enrol up to 1,250 pupils, of which up to 200 will be sixth form students. It is noted that the existing school has 846 pupils, but capacity for 1331.

Staff numbers are presently only 78. The number of staff is expected to increase in accordance with pupil numbers up to 150, with 105 being teaching staff and 45 being non-teaching staff. If the current school were at its permitted capacity, the number of staff would be comparable (if not slightly more) than the 150 that would serve the new school at full capacity.

PLANNING HISTORY

2000/01040/REG3, Address: Bryn Hafren Comprehensive School, Merthyr Dyfan Road, Barry, Proposal: Temporary siting of 2 no. double demountable classrooms, Decision: Approved

2003/01105/REG3, Address: Bryn Hafren Comprehensive School, Merthyr Dyfan Road, Barry, Proposal: Permanent siting of 2 no. double demountable classrooms, each with cloaks and stores. Both units are single storeyed and are to be located behind the staff car park, Decision: Approved

2009/00798/RG3, Address: Bryn Hafren Comprehensive School, Merthyr Dyfan Road, Barry, Proposal: New entrance to main school building, Decision: Approved

2010/00829/RG3, Address: Bryn Hafren Comprehensive School, Merthyr Dyfan Road, Barry, Proposal: New entrance to main school building Amendment to application 2009/00798/RG3, Decision: Approved

CONSULTATIONS

Barry Town Council supports the proposed development subject to the following matters;

1. The Vale of Glamorgan Planning Department are satisfied with (1) the proposed external materials and finished to the new buildings and (2) the proposed landscaping scheme.
2. The Vale of Glamorgan Highways department are satisfied with the internal arrangements for the drop off with space to accommodate coaches; mini buses; cars and cycles.
3. The Vale of Glamorgan Highways Department are satisfied with the highway arrangements for access/egress into the site from the A 4226.
4. Cooperation and joint project management between all parties i.e. Vale of Glamorgan Council, Planning Consultants, Site Contractors and Developers
5. The Vale of Glamorgan Council Planning department and developers devise a landscaping scheme for the proposed new school with the aim of keeping and protecting any existing trees on site and planting additional trees to improve the visual amenity of the development.

Highway Development- Advice has been provided in respect of matters including bus/coach circulation movements, a parking management strategy, a Construction Traffic Management Plan, signage, pedestrian guard rails, cycle routes, a travel plan and the pedestrian link to Blyth Close.

Councils Drainage Section- No objection is raised. Advice is provided regarding SUDS/SAB approval.

Shared Regulatory Services (Pollution)- Conditions are requested in respect of noise, lighting, a Construction Environmental Management Plan and contamination.

Local Ward Members- No representations received.

Dwr Cymru Welsh Water have requested a condition to require foul drainage scheme to be submitted and approved. Informatives are requested regarding SUDS and the potential need to divert sewer (whose protection zone part of the development would be within).

Ecology Officer- Initially an objection was raised on the grounds that the development would result in a net biodiversity loss. Subsequently additional information has been submitted to address these concerns, and there is now no objection subject to conditions.

Natural Resources Wales- No objection subject to a condition requiring a lighting scheme to be agreed.

South Wales Police have provided advice regarding crime prevention.

Glamorgan Gwent Archaeological Trust (GGAT)- The original desk based assessment did not meet current professional standards, however, the amended assessment is considered acceptable. GGAT have requested further work in the form of a geo-physical survey.

REPRESENTATIONS

The neighbouring properties were consulted and the development has been advertised on site and in the press. One representation has been received, which reads as follows:

Please consider speed bumps as cars travel at extreme speeds up this road, potential danger to children. Also parental parking required, they park dangerously when picking up children at the end of the day, albeit only for a short time.

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

Managing Growth Policies:

POLICY MG6 – Provision of Educational Facilities

POLICY MG7 – Provision of Community Facilities

POLICY MG16 – Transport Proposals

Managing Development Policies:

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

POLICY MD7 - Environmental Protection

POLICY MD9 - Promoting Biodiversity

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

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.

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 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)

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:

- Biodiversity and Development
- Parking Standards
- Sustainable Development - A Developer's Guide
- Travel Plan
- Trees, Woodlands, Hedgerows and Development

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

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:

- Scale, design and visual impact
- Impact on residential amenity
- Highways issues
- Sports pitch/open space provision
- Drainage

Scale, design and visual impact

The existing school is beyond economical repair and consequently, the proposed development involves demolishing it and erecting a new building. The existing building does not add significant value to the local built environment and consequently, the proposed demolition is considered acceptable in principle.

The new building would be materially taller than the existing, but it would occupy a smaller overall area and represents a more efficient use of space. While taller than the existing (and materially taller than surrounding dwellings), the height would not be excessive and it is considered that the building would not appear over scaled or visually incongruous in this context.

The general form of the building is relatively conventional, with a pitched roof and gable ended elevations. The patterns of openings in the side elevations are also relatively conventional and rhythmic, other than the front elevation which is more bespoke- see plan below:



Notwithstanding the generally traditional form, the proposed materials are contemporary and they would elevate the appearance of the building. The main part of the elevations and the roof would be finished in a metal cladding and the ground floor (and other feature elements) would be brick. The plans indicate grey windows and aluminium rainwater goods. It is considered that the high quality palette of materials will add positively to the character of the building and create visual interest.

The surrounding street scene is made up of an appreciable mix of building types and designs and there is no particular design cue to follow. While the design and composition of this building are not particularly complicated, that is not objectionable in principle and subject to the use of high quality materials, it is considered that the building would contribute positively to the wider built environment. Condition 3 requires samples to be approved.

In terms of layout, the building would present a strong active frontage to the site entrance, which is in any case sited well back from the adopted highway. The school would be highly visible from Port Road East, and the side elevation facing towards that highway is similarly well relieved with window openings and detailing.

Having regard to the above, the proposed building is considered to be of an acceptable scale, form and design which would comply with the objectives of Policies SP1 and MD2 of the LDP, and the proposed layout and composition of the site is also considered acceptable.

Trees and landscaping

The application submissions state as follows in respect of landscaping:

The soft landscape strategy creates a framework to connect the school with the external context of the site and to create a cohesive landscape character within the site. Existing trees will be retained where possible to integrate the new buildings within their environment and maintain established vegetation for screening and wildlife. Native planting will be an integral part of the proposals with the potential for habitat areas to offer areas of woodland plantation, swathes of wildflower meadow and an orchard. Around the school buildings the proposed planting will become more formal in design, with species selection tailored to each space, the intended user and the desired aesthetic.

Proposed tree planting will be used to provide varying degrees of formality and informality within the site and be used to offset the height of the new buildings and filter views of the boundary and sports fencing. Key pedestrian routes will be highlighted by boulevard planting and the central courtyard will have a more urban character with feature planting. Hedge planting will be used where possible to soften fencing, direct pedestrian flow and screen views.

The development would result in the loss of a number of trees to accommodate the new building and parking areas in particular. There would be ten individual trees removed and 4 small groups. Of the ten individual trees, 4 are considered to be of moderate quality, 5 of low quality and 1 of poor quality. The four groups have all been assessed as being of low quality. None of the trees are protected and consequently consent is not required for their removal.

Notwithstanding that, while the removal of the trees would (if they were not replaced) erode the visual amenity value of the site, there is ample scope to replant and the application submissions commit to doing so. None of the trees are, in their own right, of such amenity value that they would warrant protection with a Tree Preservation Order, and there are no specimens whose removal would individually be critically harmful to the character of the site.

The application submissions do not include a re-planting plan, however, it is not uncommon for such matters to be conditioned and given that there is evidently scope to accommodate the necessary level of re-planting here, this matter is covered by Condition 4. The Council's Ecologist has requested a re-planting ratio of 2:1 to ensure that there is no net habitat loss. This requirement is incorporated into Condition 4.

It is considered that the removal of some trees (which does not require consent) and their replacement with new planting would not unacceptably impact upon visual amenity and the proposed scheme would, in principle, create an attractive natural environment within and around the school boundary, in compliance with Policy MD2.

Impact on residential amenity

The proposed building would be at least 50m away from the nearest residential property and consequently, the building would not be overbearing towards any neighbour or result in overshadowing. The distance is also sufficient to preserve the privacy of the nearest neighbours.

The number of comings and goings to the site would be no greater than those that would be associated with the existing school (at capacity) and the overall maximum capacity of pupils will be reduced. The grassed pitches and games courts are not proposed to be lit and consequently there are no concerns regarding light pollution from those areas.

The illuminated all weather pitch would be well over 150m away from the residential properties to the south and west, and over 100m away from the nearest pitch to the north. It is, therefore, considered that that it would not cause undue noise disturbance to the nearest residential properties or a nuisance as a consequence of light pollution. The pitch would be relatively close to the boundary with the residential allocation to the east and consequently a light spill plan is recommended at condition 12 to ensure that this site is not unduly affected by the floodlights. While there is likely to be scope for audible activities from the pitch (at floodlit hours) to the residential properties that will potentially occupy that allocation, prospective residents would be aware of the relationship between the two, and the proposed hours of use (until 10pm) are not considered to be excessive. Furthermore, the allocation displaces an existing floodlit pitch and it is only reasonable that a similar facility can be accommodated in the rationalised school boundary.

Consequently, it is considered that the use of the pitch at the hours proposed (0800 to 2200) are acceptable and would not cause unreasonable impacts on the amenities of surrounding residents.

The Environmental Health officer has requested conditions in respect of a noise survey, plant noise and amplified music. However, given the distances from the various elements of the school to neighbouring properties (and comparing those to the existing situation), it is considered that such conditions are not fundamentally necessary to render the development acceptable.

The location of the existing school is a constraint in terms of constructing the new school. The existing school would be in operation for the duration of the construction phase. As such, the new school would be constructed alongside the existing school building and once complete, pupils would decant into the new accommodation. The existing building would then be demolished and the remaining site landscaped. Consequently (and in order to protect residential amenity in general) a carefully conceived Construction Environmental Management Plan (CEMP) will be required to ensure that this process is managed appropriately, with regard to pupil/pedestrian safety in particular.

In light of the above, it is considered that the development as a whole will not adversely affect residential amenity when operational, in accordance with policies MD2 and MD7 of the LDP. A Construction Environmental Management Plan condition is recommended (see condition 9) to ensure that impacts during the demolition/construction phases are minimised.

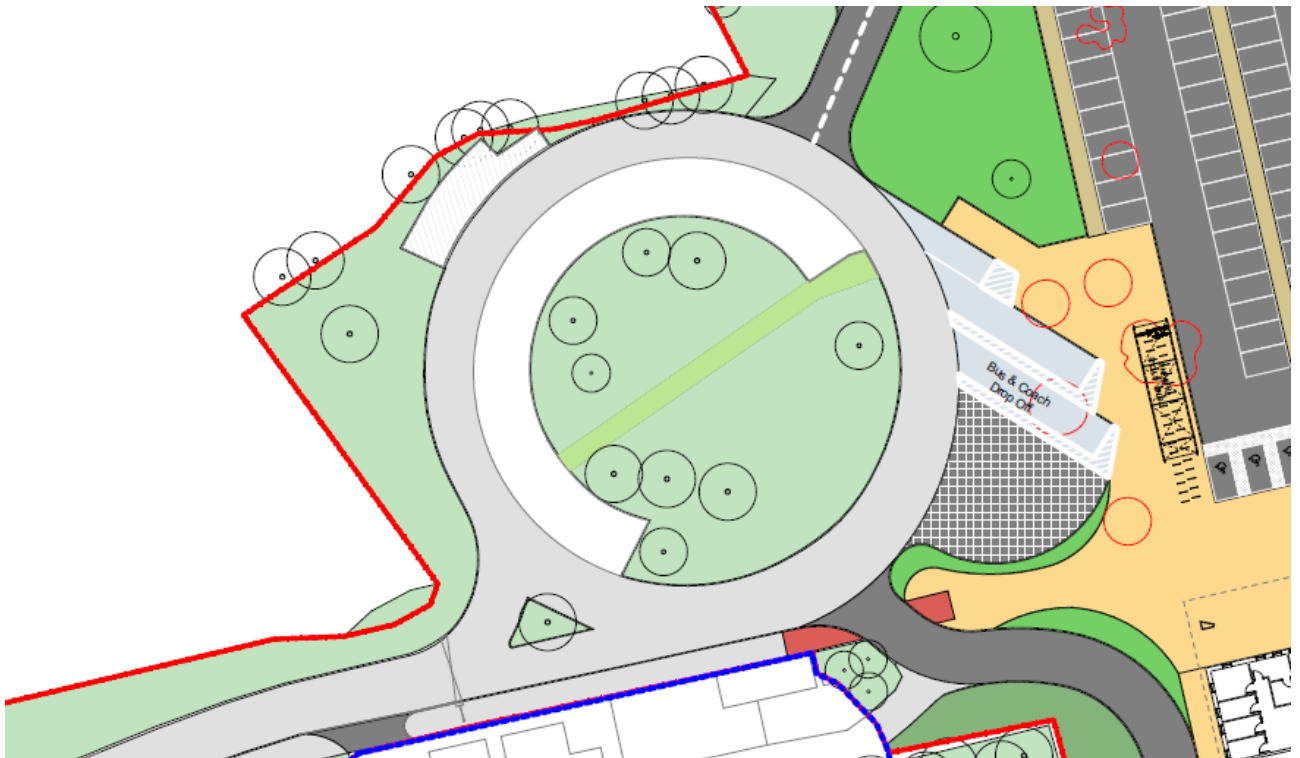
Highways Issues

Description of existing and proposed arrangements

The application is accompanied by a transport assessment (TA) and travel plan, which assess existing and proposed travel/transport arrangements and consider how the proposed development will impact upon the highway network.

At present, all on site vehicular activity associated with the school occurs via the access and egress point from/onto Merthyr Dyfan Road and this is to remain unchanged.

The existing car park is to the immediate south west of the existing school building and there is further parking directly adjacent to the roundabout. This arrangement is far from optimum has been the subject of safety assessments in the past. The new car park would be to the north of the school building (on part of the footprint of the existing school) and existing parking at the roundabout would be stopped up. Bus/coach parking would be to the east of the roundabout as shown on the plan below:



Parking

The Council's parking guidelines require a maximum of 1 space per each member of teaching staff, 1 space per 2 ancillary staff, 1 space per 20 students of age 17 (or above) and 3 visitor spaces. This would equate to a maximum of 139 spaces based on the pupil and staff numbers and consequently the proposed parking area (which comprises 139 spaces) would be sufficient to meet the needs of the new school. The car park includes the necessary space for vehicles to manoeuvre into and out of spaces, ensuring that vehicles would be able to circulate safely, without having to undertake significant reversing movements.

The bus/coach area to the right of the roundabout would accommodate 2 coaches and a mini bus, and two further mini bus spaces are located at the eastern end of the main car park. This arrangement would be sufficient to deal with need arising from the school. There were initially concerns (during pre-application discussions) that the coach parking arrangement would result in buses reversing across the entrance to the main car park. Consequently the hard surfaced area adjacent to those bays has been extended and parked buses would now be able to turn out of those spaces in a forward gear, without having to reverse.

In summary, it is considered that the proposed parking capacity is appropriate and satisfies the requirements of the Council's Supplementary Planning Guidance. It is also considered to be a safe layout which would not adversely impact upon highway or pedestrian safety.

The Highways Engineer has raised requirements regarding pedestrian guard rails, internal site signage and a parking management plan. These matters are covered by Condition 14, which requires them to be delivered prior to the first beneficial use of the new school.

Traffic impacts

While the existing school has 846 pupils, it has capacity for 1331. The proposed school would have a capacity of 1250, which would be 81 less. Staff numbers are presently only 78, however, if the school were at its permitted capacity, the number of staff would be comparable (if not slightly more) than the 150 that would serve the new school at full capacity.

Therefore, while a full capacity of 1250 may result in more traffic than a school that is operational with 846 pupils, it is material that the school has capacity for 1331 and it is on that basis that the comparison must fundamentally be made. Relative to that existing capacity, the proposed development would be likely to result in less traffic within the wider highway network, and less traffic using the entrance/exit to and from the site.

The Transport Assessment (TA) contains 'with development' and 'without development' comparisons and these show some increases in traffic at certain junctions. However, these comparisons are based on existing pupil numbers versus proposed capacity, as opposed to existing capacity versus proposed capacity.

In light of the above, it is considered that the development would not result in any additional traffic congestion around the site or intensification of the site access points (above that which would be caused by the existing school at full capacity), and the proposal is therefore considered acceptable in respect of traffic.

Highway safety

The layout would make provision for vehicles to park and turn within the site and the layout would not be likely to result in queuing that would affect the adopted highway. In light of this and the above traffic assessment, and given that the existing entrance/exit is not being altered, the proposed development will not have an adverse impact on vehicular highway safety. Pedestrian matters are considered below.

Pedestrian and cycle access/facilities

The existing school is served by a network of pedestrian and cycle routes, including a cycleway/footway along Port Road East, wide footways along Merthyr Dyfan Road (and the residential streets around the site generally) and footpaths connecting to the school site from Blyth Close and Mountbatten Road.

The site is well served by pedestrian and cycling links/infrastructure and the existing infrastructure is not considered to be prohibitive to pedestrian and cycling journeys to the school from the surrounding residential areas.

The Highways Engineer has requested the widening of the footway into the site from Merthyr Dyfan Road, and this is shown on the plans. It would be widened from 2m to 3m, and this would facilitate improved cycling access into the site. There is also scope to link a short stretch of footway from the end of the Blyth Close footway to the path network shown in the south eastern corner of the proposed site layout. These matters are covered by Condition 13. The Council's

SPG requires accommodation for 76 bicycles for a school development of this size, and those would be provided.

It is, therefore, considered that the proposed development makes appropriate provision for pedestrian and cycling access to the school, in accordance with Policies SP1 and MD2 of the LDP.

In making this assessment, regard has been given to The Active Travel (Wales) Act 2013 and in particular, Section 9, which states:

The Welsh Ministers and each local authority must, in the exercise of their functions under Parts 3, 4, 5, 9 and 12 of the Highways Act 1980 (creation, maintenance and improvement of highways, interference with highways and acquisition etc. of land), in so far as it is practicable to do so, take reasonable steps to enhance the provision made for walkers and cyclists.

Ecology

The application is accompanied by a preliminary ecology appraisal, which makes recommendations in respect of bats, breeding birds and invertebrates. The Council's Ecologist has advised that no further survey work is required at this time regarding bats and consequently Natural Resources Wales do not raise an objection to the application, subject to a condition for a lighting strategy) see condition 15). The Council's Ecologist requested a further condition regarding a site clearance strategy (to have regard to reptiles) and this is recommended at condition 16.

The hedgerows are now to be retained and consequently the Ecologist's original concerns are removed. The applicant has agreed to tree re-planting at a ratio of 2:1 and this matter is controlled at condition 4. Finally in respect of ecology, a biodiversity enhancements plan is required by condition 17. Subject to these conditions, NRW and the Council's Ecologist have no objection to the application.

Having regard to the above, the proposed development is considered acceptable in respect of ecological impacts, in accordance with Policy MD9 of the LDP.

Open Space and sports pitch provision

The development would involve the rationalisation of sports facilities into a smaller gross area, however, that would principally mean there are smaller gaps between the respective games areas. There would be less hard courts than at present, however, there would nevertheless be sufficient to meet the needs of the school and the new facilities would be significantly improved in quality. There would remain grassed pitch areas of approximately 200m x 100m and 80m x 55m. It is also noted that the school is directly adjacent to public playing fields at Merthyr Dyfan Recreation ground, however, the space within the school boundary is considered sufficient in any case.

Drainage and flood risk

This site is not located in Development Advice Map zones at risk of tidal or fluvial flooding and NRW maps indicate that there is a low to high risk of surface water flooding in areas of the site.

No specific proposed drainage plans or calculations have been provided with this application, however, that is not uncommon and the detailed drainage proposal would typically be designed following the grant of planning permission. The submitted Drainage Technical Note suggests that surface water runoff will discharge at a restricted rate to the existing surface water outfall located at the south perimeter of the site.

The Council's Drainage Engineer has raised no objection to the drainage strategy, and has advised that the development will require SuDS Approval Body (SAB) approval prior to the commencement of construction. Dwr Cymru Welsh Water have raised no objection subject to a condition requiring foul sewerage details to be approved.

Archaeology

The application is accompanied by a Heritage Desk Based Assessment, which has considered likely/potential archaeological impacts. In response, Glamorgan Gwent Archaeological Trust have advised that further geo-physical survey work is required, prior to the determination of the application. At the time of writing, the survey work is ongoing and the results are not yet known. The applicant's agent has advised that the archaeologists are of the view that a significant find is unlikely, in which case, a watching brief condition would be the most likely outcome (Condition 19 refers).

At this point in time, Members are advised that an update will be provided either as a 'matters arising' note or as a verbal update at the Committee meeting. Consequently, the recommendation below is caveated in respect of this matter, which will need to be resolved before the application is finally determined.

RECOMMENDATION

That the application be APPROVED, subject to Glamorgan Gwent Archaeological Trust confirming they are satisfied with the additional information, with delegation for the Head of Regeneration and Planning and/or the Operational Manager for Planning and Building Control to amend / add / delete conditions as appropriate.

Deemed planning consent be GRANTED 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:

- PHS-HLM-SW-ZZ-GA-L-0002 Rev P11
- PHS-HLM-SW-ZZ-SE-L-0002 Rev P02
- PHS-HLM-XX-01-GA-A-0010 Rev P17
- PHS-HLM-XX-02-GA-A-0010 Rev P18
- PHS-HLM-XX-GF-GA-A-0010 Rev P18
- PHS-HLM-XX-LG-GA-A-0010 Rev P16
- PHS-HLM-XX-RF-GA-A-0001 Rev P09
- PHS-HLM-XX-XX-EE-A-0001 Rev P08
- PHS-HLM-XX-XX-EE-A-0002 Rev P08
- PHS-HLM-XX-ZZ-SE-A-0010 Rev P07
- PHS-HLM-XX-ZZ-SE-A-0011 Rev P04
- PHS-HLM-SW-ZZ-GA-L-0003 Rev P02

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 plans and prior to their use, a schedule of materials (including samples) 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 thereafter be completed and maintained in accordance with the approved details.

Reason:

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

4. Notwithstanding the submitted plans, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority, prior to the occupation of any element of the development hereby approved. 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. The scheme shall make provision for at least 2 trees to be re-planted for every tree to be removed.

Reason:

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

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

Reason:

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

6. No part of the development hereby approved shall be brought into beneficial use (and no new hard surfaces shall be laid), until 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 use of the development and 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 MD2 of the Local Development Plan.

7. The development shall be carried out at all times in accordance with the Aecom Travel Plan (Project number: 60610283): September 2019.

Reason:

In the interests of sustainable travel and to ensure compliance with Policies MD2 and MD5 of the LDP.

8. Prior to the first beneficial use of the development hereby approved, the new parking and drop off areas (shown on plan PHS-HLM-SW-ZZ-GA-L-0002 Rev P11) shall be constructed and laid out in full, and they shall be retained at all times thereafter to serve the school.

Reason:

In the interests of highway safety and to ensure compliance with Policies SP1, MS2 and MD5 of the LDP.

9. 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) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding;
- v) wheel washing facilities;
- vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii) hours of construction and demolition;
- ix) lighting;
- x) management, control and mitigation of noise and vibration;
- xi) odour management and mitigation;

- xii) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development; and
- xiii) a system for the management of complaints from local residents which will incorporate a reporting system.
- xiv) specific provisions/measures for maintaining pupil safety during the course of the works

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

Reason:

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

10. 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.

11. 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.

12. Prior to the first beneficial use of the new all weather pitch (shown yellow on plan PHS-HLM-SW-ZZ-GA-L-0002 Rev P11, a light spill plan shall be submitted to and approved in writing by the Local Planning Authority, to include details of the types of flood lights, their heights, any necessary mechanisms to control the spill of light, and the spill/spread of light that would occur from them. The development shall thereafter be carried out in accordance with the approved details and any mechanisms required to control light spill shall be implemented prior to the first use of the lights and so retained at all times thereafter.

Reason:

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

13. Prior to the first beneficial use of the new school, a pedestrian/cycling access plan shall be submitted to and approved in writing by the Local Planning Authority, which shall include the widening of the existing 2m wide footpath into the site from Merthyr Dyfan Road to a 3m wide combined cycleway/footway, the location of all cycle routes and footpaths within the site, cycle storage location(s) (to accommodate at least 76 bicycles) and a new pedestrian link from the footpath that runs between 10 and 15 Blyth Close to the school. The cycling and pedestrian routes (and cycle storage facilities) as shown on the approved details shall be provided prior to the first beneficial use of the new school, and shall be so retained at all times thereafter.

Reason:

In order to ensure that the site is served by appropriate cycling and pedestrian facilities and to ensure compliance with Policy MD2 of the LDP.

14. Prior to the first beneficial use of the new school, a parking management plan shall be submitted to and approved in writing by the Local Planning Authority, which shall include details of drop off and pick up areas, the stopping up of parking on the existing roundabout, taxi parking, site signage and pedestrian guardrails. The operation of the site shall thereafter be carried out and maintained in accordance with the approved details.

Reason:

In order to ensure that the site is served by a safe internal parking and circulatory layout and to ensure compliance with Policy MD2 of the LDP.

15. Prior to the installation of any external lighting, full details of all external site lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- Details of the siting and type of external lighting to be used
- Drawings setting out light spillage in key sensitive areas
- Details of lighting to be used both during construction and/or operation

The lighting of the site shall thereafter only be in accordance with the approved details.

Reason:

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

16. Prior to any site clearance taking place a site clearance strategy shall be submitted to and approved in writing by the Local Planning Authority, to have regard to any reptiles that may be within the site. Subsequent site clearance shall only be undertaken in accordance with the approved strategy.

Reason:

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

17. Prior to the first beneficial occupation/use of the school, a biodiversity enhancements plan shall be submitted to and approved in writing by the Local Planning Authority. The measures in the plan as approved shall be implemented in full prior to the first beneficial occupation of the school and those measures shall be retained at all times thereafter.

Reason:

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

18. The all weather pitch (shown coloured yellow on plan PHS-HLM-SW-ZZ-GA-L-0002 Rev P11) and the associated flood lights shall only be in use between the hours of 0800 and 2200 on any day.

Reason:

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

19. No development or site clearance shall commence until the Local Planning Authority have been informed in writing of the name of a professionally qualified archaeologist who is to be present during the undertaking of any excavations in the development area so that a watching brief can be conducted. No work shall commence until the Local Planning Authority has confirmed in writing that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the archaeological fieldwork being completed.

Reason:

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource, and to ensure compliance with Policies SP1 (Delivering the Strategy) / SP10 (Built and Natural Environment) and MD8 (Historic Environment) 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, MG6 – Provision of Educational Facilities, MG7 – Provision of Community Facilities, MG16 – Transport Proposals, MD2 - Design of New Development, MD5 - Development within Settlement Boundaries, MD7 - Environmental Protection and MD9 - Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Planning Policy Wales (Edition 10, 2018) (PPW), Technical Advice Notes 11, 12, 16 and 18 and the Council's Supplementary Planning Guidance on Biodiversity and Development, Parking Standards, Sustainable Development - A Developer's Guide, Travel Plans and Trees, Woodlands, Hedgerows and Development, the proposed development is considered acceptable in terms of design, impact on residential amenity, highway safety, traffic, parking, drainage, play/sport space and ecology.

NOTE:

- 1. New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.**

Further information of the SAB process can be found at our website or by contacting our SAB team: sab@valeofglamorgan.gov.uk

- 2. 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.**

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Vale of Glamorgan Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new

sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

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

Notes
 Check all references on site. Do not scale from this drawing.
 Report any discrepancies and omissions to HLM Architects.
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Pencodtre High School
 Application Boundary

Land Within
 Applicant's Ownership

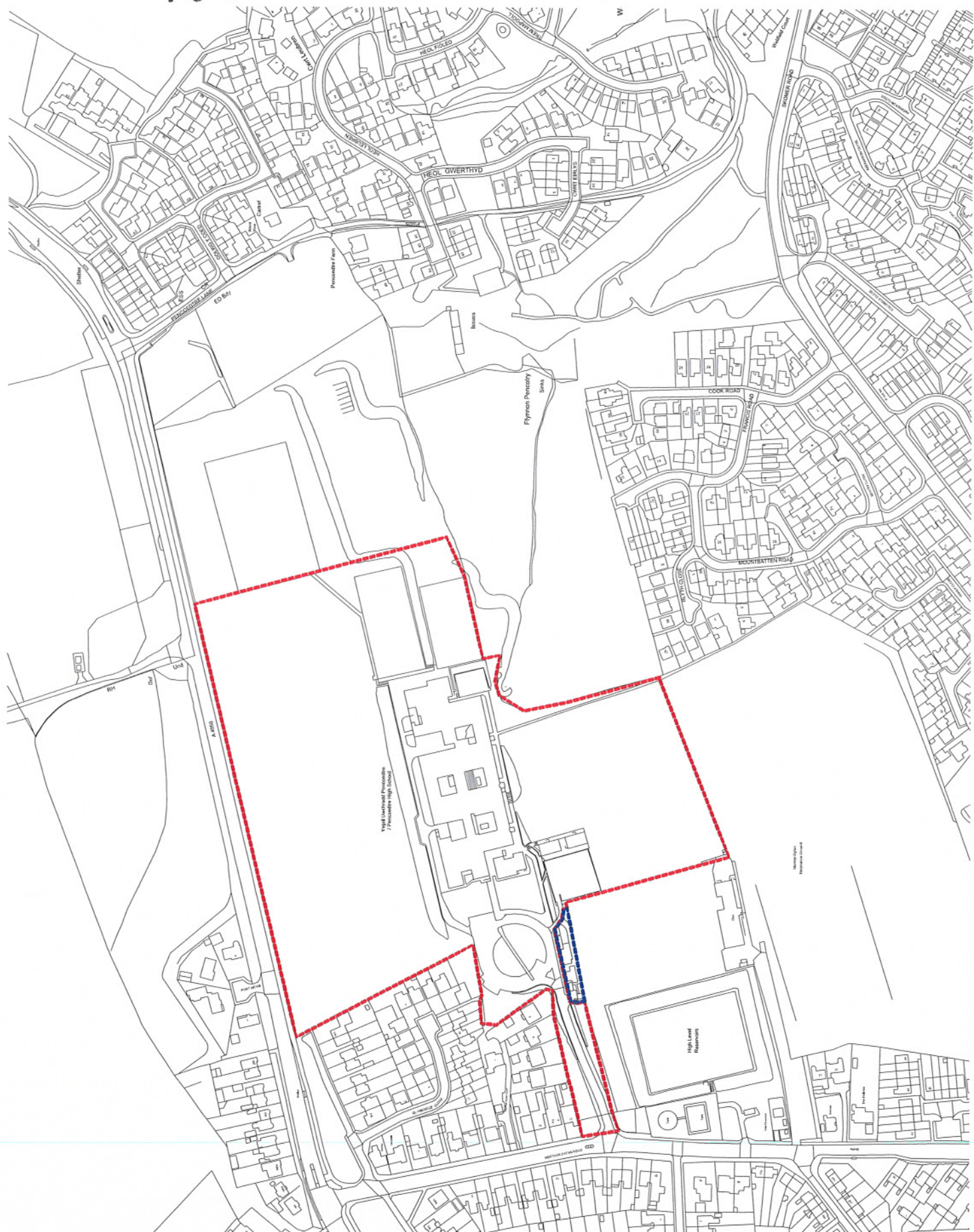
1901041 RC3

Project: 15-1050-01
 Client: PENCODTRE HIGH SCHOOL
 Date: 19.09.2019
 Scale: 1:1250
 Drawing No.: PHS-HLM-SW-ZZ-GA-L-0003

PL - FOR PLANNING
 VALE & GLAMORGAN
 BRO MORGANNING
 ROUTES OF
 Site Boundary

Drawing No.: PHS-HLM-SW-ZZ-GA-L-0003
 Revision: P02
 Scale: 1:1250
 Date: 19.09.2019
 Author: AMS
 Checker: MT

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Applicant: Newydd Housing Association, c/o Agent

Agent: Mr. Owain Griffiths Avison Young, One Kingsway, Cardiff, CF10 3AN

The Windsor, 166-170, Holton Road, Barry

Demolition of existing single storey rear extensions; the refurbishment and change of use of the former public house (Use Class A3) to provide 18 no. affordable apartments (Use Class C3); together with access to car parking spaces, bin store, cycle store, amenity area, ancillary works and uses

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 the conversion and extension of the Windsor Public House at the corner of Holton Road and St. Mary's Avenue, Barry. The proposal is for 18 affordable residential units, comprising a mix of one and two bedroom apartments. Access to two parking spaces would be directly from St. Mary's Avenue.

The main issues relate to the principle of the development (having regard to the nature of the site's location in a District Retail Centre), the design and visual impact of the extension and external alterations, highway safety and parking, impact on residential amenity and ecology.

There have been 3 objections to the scheme, while Barry Town Council have submitted a caveated 'no objection'. Having considered the above issues, the proposed development is recommended for approval, subject to conditions.

SITE AND CONTEXT

The application site is Windsor public house, 166-170 Holton Road, Barry. The public house is now vacant and it is estimated that it has been so since early 2015. The plan below shows the location of the site in the wider context:



The site is located at the corner of Holton Road and St. Mary's Avenue, within the Holton Road District Retail Centre. The District Centre is sub-divided into primary and secondary frontages, and this site lies within a secondary frontage. The immediate context on Holton Road is predominantly commercial, with a range of mainly A1, A2 and A3 uses in close proximity. Directly opposite is a church and the associated hall has been converted to a children's play centre. The end of St. Mary's Avenue closest to the site is partially commercial in character, and then the remainder is residential.

DESCRIPTION OF DEVELOPMENT

The application proposes the conversion and extension of the existing former public house to accommodate 18 affordable apartments. In planning terms this comprises a change of use from A3 to C3. The schedule of accommodation would comprise 6 x two bed apartments and 12 x one bed apartments.

The extension (measuring approximately 8.5m x 6m) would be above an existing ground floor section and would facilitate additional accommodation at first and second floors. It would have a flat roof and would be finished in a dark grey, modern cladding. Other than the extension, the development would involve little in the way of external alterations, with existing doorway and windows openings being re-used.

The proposed elevations are shown below:



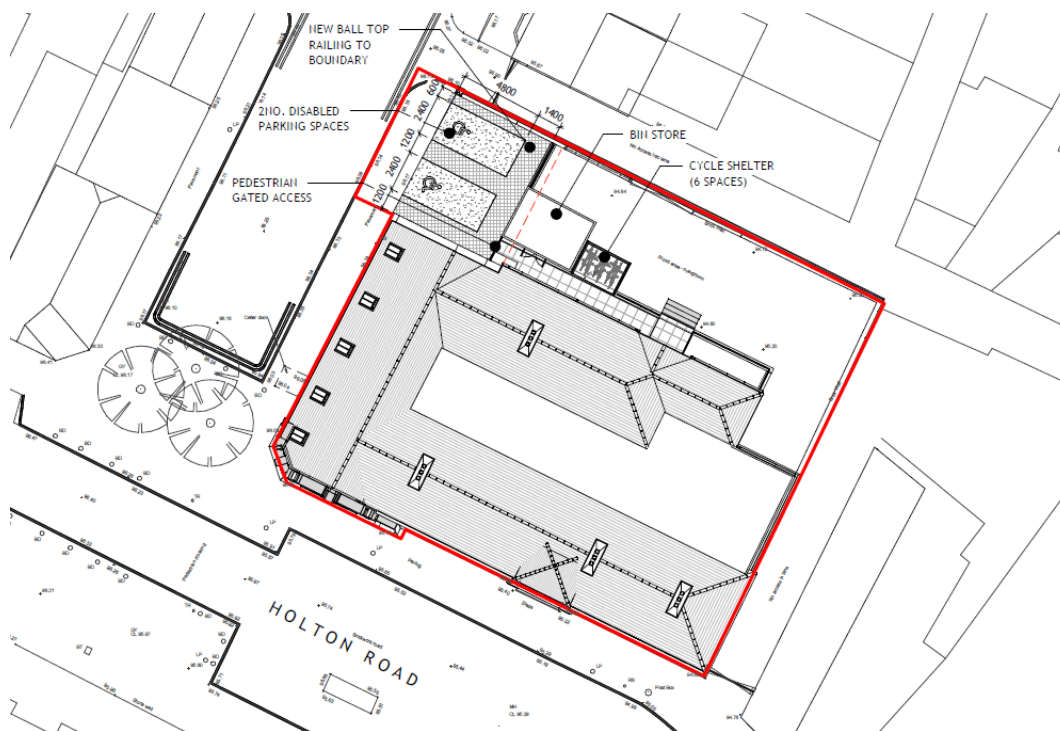
01 PROPOSED FRONT ELEVATION
1:100



01 PROPOSED REAR ELEVATION
1:100



The proposed site layout is shown below:



The layout includes 2 disabled parking bays to be accessed from St. Mary's Avenue, a bin store and a shared area of open space adjacent to the rear/side lane. An existing red brick, ancillary building would be demolished to create space for the parking area.

PLANNING HISTORY

1986/00280/FUL, Address: Old Off Licence, Windsor Hotel, St. Mary's Avenue, Barry Dock, Barry, Proposal: Taxi office, Decision: Approved

1987/00499/FUL, Address: Windsor Hotel, Old Off Licence Bar, St. Mary Avenue, Barry Dock, Barry, Proposal: Taxi office (old off licence), Decision: Refused

1988/01063/FUL, Address: The Windsor Hotel, Holton Road, Barry, Proposal: Change of use of disused off licence to new female toilets, Decision: Approved

1989/00359/ADV, Address: The Windsor Hotel, Holton Road, Barry, Proposal: Public House name, brewery and amenity boards, Decision: Approved

2007/01075/FUL, Address: Windsor Hotel, 170, Holton Road, Barry, Proposal: Covered smoking area/shelter, Decision: Approved

CONSULTATIONS

Barry Town Council- No objection subject to the following; 1. The existing rear picnic area be redeveloped as an amenity space for the benefit of residents and details of such a scheme be submitted to and approved in writing by the Vale of Glamorgan Planning Department prior to the commencement of development on site 2. The proposed finishes and materials used on site shall be to the satisfaction of the Vale of Glamorgan Planning Department 3. The developer

must make photographic records of the internal features of The Windsor prior to refurbishment of the building 4. The area marked picnic area on the submitted proposed site layout should remain as open space/green space for the residents and this must be retained in perpetuity.

Highway Development- No objection to the level of parking to be provided. Further advice has been provided in respect of vision splays, parking bay dimensions and a Traffic Regulation Order

Councils Drainage Section- A condition is requested relating to the comprehensive drainage of the site.

Shared Regulatory Services (Pollution)- A condition is requested relating to construction hours.

Glamorgan Gwent Archaeological Trust- Conditions are requested to secure a programme of building recording.

Local ward members- Councillor Drake has stated *As much as I am disappointed that this building and business was curtailed a number of years ago, but recognise that this building was built in a different era and business has changed, however I welcome that this iconic building is being brought back into use albeit different from what it was originally built for, but it will be providing much needed accommodation and retain the original facade of the building.*

Dwr Cymru Welsh Water- A condition is requested to ensure that no additional surface water is allowed to connect to the public system.

Ecology Officer- No representations received to date.

Housing Strategy- The application is supported and the units should be to DQR standards. Further information is provided on affordable housing need in the ward (discussed further below).

Natural Resources Wales (NRW)- No objection, subject to the bat survey work being referenced in the approved plans/documents condition. NRW have stated that they do not consider the development is likely to be detrimental to the maintenance of the populations of the species concerned (Common Pipistrelle bats) at a favourable conservation status in their natural range.

REPRESENTATIONS

The neighbouring properties were consulted and the development has been advertised on site. Three objections have been received, and the issues raised are summarised as follows:

- Insufficient parking in the area and the development will unacceptably add to parking pressures.
- The area needs more commercial space, as opposed to more affordable units.
- The development will lead to crime and anti-social behaviour.
- There are too many units proposed for the building.

- There are too many affordable units in the area.

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 MG14 – Non A1 Retail Uses within Town and District Retail Centres
POLICY MG19 – Sites and Species of European Importance
POLICY MG20 – Nationally Protected Sites and Species

Managing Development Policies:

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

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.

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 1 – Joint Housing Land Availability Study (2015)
- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 24 – The Historic Environment (2017)

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
- Biodiversity and Development
- Parking Standards
- Planning Obligations
- 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

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 as follows:

- The principle of the use
- Design and visual impact
- Impact on neighbours/residential amenity

- Parking and highways issues
- Open space
- Ecology
- Drainage
- Section 106 issues
- Bin storage

The principle of the development

The site is located within a mixed commercial/residential context, within the settlement boundary of Barry. The proposed residential use is wholly compatible in principle with the adjoining residential areas, however, it remains necessary to consider the appropriateness of the residential use within the LDP defined District Centre.

Policy MG 14 of the LDP relates to non-retail uses in District Centres and states as follows:

Proposals for non-A1 retail uses at ground floor level within the town and the district centres will be permitted where:

- 1. They would not result in more than 35% of non-A1 retail uses within the primary shopping frontage;*
- 2. They would not result in more than 50% of non-A1 retail uses within the secondary shopping frontage;*
- 3. They would not create an over concentration of non-A1 retail uses within the centre;*
- 4. They complement the character of the existing centre, benefit the daytime economy and maintain an attractive shop frontage; and*
- 5. They would not prevent the beneficial use or reuse of upper floors.*

Within the town and district retail centre boundaries, proposals for the conversion of a ground floor existing A1 unit to a non-A1 use will only be permitted where it can be demonstrated that the unit has been appropriately marketed and that the proposed use would have no unacceptable impact on the role and function of the retail centre.

In this case the development would not result in the loss of A1 floor space and consequently the proposal does not conflict with criteria 1 or 2. While parts of Holton Road are subject to relatively high incidences of vacancies, the commercial activity is relatively strong in this part of the commercial centre with a high proportion of A1 uses. It is, therefore, considered that the proposed use would not create an overconcentration of non-A1 uses and it would not adversely impact upon the retail function of the area. The proposed use would not in itself contribute commercial floor space to the centre, however, the building has been vacant for well over three years and it has been marketed in that time to try and

engage a new commercial user. This has regrettably proved unsuccessful and the disused building now has an appreciably negative impact upon the appearance and character of the street. Consequently, it appears that there is not a commercial market for the building and it is considered that the proposed development, which would secure its beneficial re-use, is acceptable in this context. Finally in respect of Policy MG14, the development would positively secure the re-use of upper floors, as opposed to preventing it.

Policy MD5 states that new developments should not result in the unacceptable loss of public open space, community or tourism buildings or facilities. While this would result in the loss of a community facility, marketing has proved unsuccessful and there are ample other public houses in the area to meet local need.

Policy MD6 of the LDP sets out what represents an acceptable housing density, in order to ensure the efficient and best use of land. Within Barry the policy requires a minimum of 30 dwellings per hectare and based on this site area of 0.067 hectares, the density would be 268 dwellings per hectare, which complies with the policy. The development would represent particularly efficient use of land in a highly sustainable location and it would make a meaningful and positive contribution towards addressing affordable housing need.

The proposal is for 100% affordable housing, to be delivered by Newydd Housing Association, one of the Council's partner RSLs. The need for affordable housing within the Vale is well evidenced by the Council's Local Housing Market Assessment which determined that 576 additional affordable housing units were required each year to meet housing need in the area, with Barry being one of the areas in highest need. There is a target for 3,252 affordable residential units to be provided over the plan period as identified by policy SP4 of the Local Development Plan. The need is further evidenced by the following figures from the Council's Homes4U waiting list in the ward of Castleland:

CASTLELAND	
1 BED	335
2 BED	149
3 BED	50
4 BED	13
	547

As noted above the application would make a positive contribution towards meeting the established need for affordable accommodation within this area and this represents a material consideration in favour of the proposed development. A significant amount of new housing has been approved in Barry in the last 10 years and a number of large schemes fall within this ward, for example Arno Quay (2016/01290/RES- 20 affordable units), the former Magistrates Courts (2012/01114/FUL- 52 affordable units) and Subway Road (2018/01108/FUL- 72 affordable units). Outline permission has been granted for up to 250 dwellings on the 'East Quay' parcel of the Waterfront and that will be likely to yield up to approximately 35 affordable units.

It should also be noted that three further applications in the same ward for affordable residential developments are currently before the Council- 2019/00603/FUL (land at Hayes Road- 23 units), 2019/01061/FUL (Sea View Labour Club- 28 units) and 2019/01062/FUL (Castle Hotel- 14 units). Each application should be treated on its merits and those developments have been reported separately to this, however, it is reasonable to take those into account (given the recommended approval of them) when considering affordable housing supply/demand.

Notwithstanding the developments/applications listed above, the overall number of affordable units being delivered would still not meet the need identified in the table above. Consequently it is considered that there is an identified need for these units, which would assist the Council in meeting local affordable housing demand, and the development is therefore considered acceptable in principle.

Design and visual impact

The development does not involve a significant amount of external alteration to the building, save for the first/second floor extension to the rear. That extension would be visible (but not prominent) from part of Merthyr Street, but it would be screened from views along St. Mary's Avenue by other parts of the building. The extension would contrast with the traditional character and materials of the existing building, and it would appear as a clearly more contemporary addition. The extension would not be highly detailed and it would be quite simple in composition, however, proportionally it would form a minor part of the rear elevation and it would not be visually intrusive within the wider street scene. It is considered that a modern cladding system would be an appropriate approach to materials and would enable the extension to be read separately from the more traditional, red brick form of the existing building.

The development would otherwise involve the conversion of the building and the residential units would be served by the existing arrangement of openings. Five new roof lights would be inserted low on the roof plane facing St. Mary's Avenue, however, these would occupy a minimal proportion of the roof and would not impact significantly on the appearance of the building.

The single storey building to be demolished is characterful, however, it does not benefit from statutory protection and it is considered that its loss would not be unduly harmful to the character of the wider built environment. The bin store is set well back from the pavement edge and would not have an appreciable visual impact.

Finally in respect of visual impact, the development would be likely to significantly improve the overall condition and outward facing appearance of the building. As noted above the building has slipped into disrepair during the three-four years that it has been vacant, and the conversion (with associated new windows and doors) would result in a building which contributes much more positively to Holton Road and St. Mary's Avenue.

Impact on neighbours/residential amenity

The extension would be separated from the neighbouring property at 160 Holton Road by a gated alley access and it would not project past the rear of that building. I.e. the extension would not have an overbearing impact on the space to the rear of the building. There are four openings on the side of number 160, which serve a bathroom and landings. While the extension would be visible from these windows, it would not unreasonably impinge upon living conditions in the residential space above the post office, given the separation and the nature of the neighbouring rooms.

The side of the Windsor facing the side of number 160 Holton Road would contain a living area window at ground floor, and a single bedroom window at each of the first and second floors. However, these openings would not unreasonably impact upon the privacy of number 160, given that they do not directly oppose the bathroom and the other openings serve non habitable spaces.

The windows on the front would not directly overlook any residential spaces and while the windows on St. Mary's Avenue would directly oppose windows on the other side of the street, this type of relationship prevails along the street and views would be across a public highway. It is, therefore, considered that the development would not be harmful to any residential spaces across St. Mary's Avenue.

The converted building contains a number of windows across three floors on the rear elevation and these face directly towards the rear garden of number 2 St. Mary's Avenue, and habitable room windows on the side of this property's rear annexe. While these are existing openings, the new internal layout would involve a material increase in the amount of habitable space that has windows facing the neighbour. Consequently the applicant proposes to obscure the habitable room windows facing this neighbour (at first and second floors), and fix them using restrictors. In many cases a condition will specify that the window should be fixed up to 1.7m in height above the room's floor level, however, in this case the proportions and heights of the windows would mean that essentially the whole of the window areas would be fixed. Therefore, and in order to allow some natural ventilation, the condition requires obscure glazing and fixing with a robust mechanism that will allow partial opening only.

Subject to these requirements (see condition 6) it is considered that the development would not result in an unacceptable loss of privacy to this neighbour and those further along the row. The development would, therefore, comply with policies MD2 and MD5, and the Council's Residential and Householder Development SPG in respect of residential amenity and privacy.

An objection has been raised by a member of the public on the grounds that the development would lead to crime. However, it is considered that the proposed development and the re-use of the building will reduce the likelihood of crime and anti-social behaviour, relative to the existing situation.

Parking and highways issues

The development would be served by two parking spaces, accessed from St. Mary's Avenue. These spaces can be accessed safely and users of the spaces would benefit from sufficient visibility along the road regarding both vehicles and pedestrians. Consequently, the principal highways related issue is the level of parking being provided, and whether this is adequate to deal with demand arising from the development.

The applicant has investigated likely parking demand as a consequence of the location and the tenure type. 2011 census data suggests that 54% of social rented households in the Vale of Glamorgan have no access to a car and that there are typically 0.3-0.4 cars per social rented unit (1 and 2 bedrooms).

While each case must be treated on its merits, other applications for affordable housing schemes in Barry have recently been accompanied by survey data of parking space use in social rented developments. These found that an average of 0.43 parking spaces per unit were being used, and this generally tallies with the census data.

This would equate to approximately 7 parking spaces for the 18 units, in addition to visitor parking (an additional 4 spaces).

Notwithstanding the above, this is a site where occupants could realistically exist without a car, given the very close proximity to bus and train links, and a very wide range of day to day services on Holton Road. Furthermore the level of parking proposed supports the aims of PPW to reduce over-reliance on the private car and encourage more sustainable modes of travel. In line with that advice, the Council's parking standards are 'maximums' and this is designed to encourage lower car use and less reliance on the car. The SPG recognises that there will be some circumstances where higher levels of parking will be more appropriate, however, sustainable town centre locations such as this are examples of where lower parking levels can and should be accepted, particularly for this tenure type.

The applicant has carried out a snapshot parking survey which sampled parking take up on the surrounding streets between 0600 and 0630 on a Wednesday morning in June this year. The survey recorded that approximately 62% of the available parking spaces on St. Mary's Avenue were occupied, with the four spaces at the street's northern end, adjacent to the site, being unoccupied. It should be noted that the parking along St. Mary's Avenue is generally restricted to resident permit parking and two hour parking between 0800 and 1800, Mondays to Saturdays. That parking would be available for general use up until 1000 and after 1600 on weekdays and it is likely that occupants who work in the day would not require parking outside of those hours. Sunday parking would be unrestricted. The time of highest demand when restrictions still apply is likely to be Saturday day time, however, there is likely to be elements of spare parking in the surrounding streets at those times.

While the pub is vacant, the authorised use of the site is likely to have a parking demand associated with it and it is considered that the demand from the proposed use is unlikely to be significantly higher (particularly at the car

ownership rates projected, in light of the evidence cited above). It is considered reasonable for visitors to rely on street parking and it would not be unreasonable for visitors to have to walk further to the site from the location that they park.

In summary, it is likely that the development will result in some pressure for parking on street, however, while the immediate highway is largely restricted by permit holder and two hour bays, these bays would be able to service occupiers of the development during much of the week (mornings, evenings, overnight and Sundays) and the snapshot survey suggests that there is scope for parking in the immediate highway network. It is recognised that on-street parking is often a cause for concern for existing residents close to such developments, however, it is considered in this case that the development has extremely high sustainability credentials which warrant a relaxation in parking levels. It should further be noted that the site cannot realistically provide materially more parking and there are unlikely to be alternative viable uses for the building. Therefore, balancing the need to secure re-use of the building, the positive benefits of affordable housing provision, the sustainable location and the availability of parking in the vicinity, the proposed two spaces are considered adequate. Finally, it should be noted that the Highways Engineer has not objected on parking grounds.

Access to be parking bays would be across part of a parking bay and a set of double yellow lines. Consequently a Traffic Regulation Order (TRO) would be required to amend the lining and restrictions on street. While the Highways Engineer has made further minor comment with the technical detail of the works in the highway, this matter is nevertheless covered by Condition 4.

The cycle store meets the Council's SPG requirements in terms of capacity, and this must be provided prior to occupation of any of the units (condition 5).

Open space

The flats would not be served by private amenity space, given the physical constraints of the site, and it is often the case that flatted developments cannot practically be served by private amenity space. However, there would be a shared area at the back of the building, approximately 135m² in size. The Council's Supplementary Planning Guidance aspires to 20m² per person and while this area would fall below that, it would nevertheless represent a useable and practical space that can meet the functional and relaxation needs of the occupiers. In densely developed, urban locations such as this it will often be necessary for the Council to adopt a pragmatic stance to open space provision, given that failure to do so would be likely to jeopardise the efficient use of such sustainable land. In such locations occupiers will usually be partially reliant at least on larger more strategic areas of public open space outside of the site itself.

The site is very well located for access to public open space, in particular Central Park and the play areas/open space off Belvedere Crescent. It is also within easy walking distance of open space on the Waterfront. The relatively limited on site space (which is essentially useable and would be of value) must be weighed against the positive impacts of the development; in this case principally the provision of much needed affordable units. In light of this and given the close relationship the site has with nearby public open space, it is considered that the

outdoor amenity needs of the occupiers can be met through the proposed amenity area and the nearby public open space.

The Council would typically seek on site public open space where practicable (in line with Policy MD3 of the LDP) or a financial contribution where this cannot be provided. However, given the Council's stance in respect of not seeking financial contributions on wholly affordable developments under 25 units, a contribution is not sought in this case.

A condition (number 10) is recommended which requires details of the open space area to be provided. This could, for example, include details of seating, hard landscaping, nominal play equipment and planting, to ensure that this is an attractive area that would encourage use by residents.

There is a refuse store on the ground floor which can be readily accessed from the pavement. It is considered that this represents an appropriate means of waste storage.

Ecology

The application is accompanied by a Bat Activity Survey Report and a Preliminary Roost Assessment. This ecology work has established that the building hosts a Common Pipistrelle day roost and consequently, a European Protected Species licence is required from Natural Resources Wales (NRW).

The Bat Activity Survey Report states that a detailed mitigation and compensation strategy is to be devised in the form of a method statement which will include, but not be limited to, mitigation including a qualified bat ecologist being retained throughout the project, an interim bat box being sited on the exterior of the building near the flat roof section to the west of the building, ridge access being provided along newly reinstated rooflines in the centre of the building at two positions, and the interim bat box being retained post development.

NRW have considered this and have advised that they *'do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range'*.

Nevertheless, as a competent authority under the Conservation of Habitats and Species Regulations 2010 ('habitat regulations'), the Local Planning Authority must have regard to the Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, 6.3.6). The three tests are:

- Test i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

- Test ii) There is no satisfactory alternative.

Test iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

If the tests cannot be satisfied, then refusal of planning permission may be justified. A proportional approach can adapt the application of the tests, i.e. the severity of any of the tests will increase with the severity of the impact of derogation on a species / population.

In terms of Test 1, it is considered that the proposed development is in the public interest, due to the contribution it would make towards meeting affordable housing need and given that it would result in a large, long term vacant building being brought back into use.

In terms of Test 2, there is considered to be no satisfactory alternative which would not cause greater disturbance to the bat (i.e. it is viewed as preferable that the building is being retained rather than demolished).

In terms of Test 3, NRW have advised that with the proposed mitigation measures, the development would not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

During site surveys, blackbird and house sparrow were observed flying over the site and the submitted documents recommend bird boxes as ecological enhancements. Condition 12 requires the submission of an ecological enhancements plan (which will be likely to include the provision of bird boxes) to ensure that the development accords with the aims of the Council's SPG on Biodiversity and Development.

On this basis, there is no ecological objection to the development and it is considered that the proposal satisfied the requirements of Policy MD9 of the LDP.

Drainage

The application is accompanied by a drainage strategy, which sets out the principles for how site drainage can be dealt with.

The existing foul discharge from the development is a piped system to the immediate rear of the building and discharges from the site at the south western corner of the building.

The existing surface water discharge from the development discharges in two ways. Firstly the front and side elevations discharge via rainwater pipes with shoes, directly onto the back of footpath of Holton Road and St Marys Avenue, and into highway gullies. Secondly discharge is via rainwater pipes into gullies adjacent to the building rear elevation and into the DCWW combined sewer (so stated in the applicant's drainage strategy).

The applicant proposes to continue a connection to the Dwr Cymru Welsh Water (DCWW) system for foul discharge. For surface water, the applicant proposes that flows will fundamentally remain unchanged, discharging directly onto the

back of footpath of Holton Road and St Marys Avenue and into gullies adjacent to the building rear elevation and into the DCWW combined sewer.

The Council's Drainage Engineer has raised no objection in principle, subject to a condition which requires the detail of the drainage scheme to be agreed. DCWW have requested a condition to limit surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall being allowed to drain directly or indirectly to the public sewerage system. A comprehensive drainage condition is recommended at condition 7.

The Council's Drainage Engineer's comments contain an informative relating to SAB approval. The applicant has stated that they do not consider SAB approval is required. This matter is currently being considered, however, it is not fundamental to the planning merits of the application.

Section 106 issues

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, there are no section 106 contributions sought for this development.

RECOMMENDATION

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 and documents:

Plans A100, A106 Rev B, A107 Rev A, A108, A109, A110, A111 and A114
Wildwood Ecology Preliminary Roost Assessment Report WWE 18010 PRA Rev B (9/4/18)
Wildwood Ecology Bat Activity Survey Report WWE 18010 BAS Rev B (24/8/18)

Reason:

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

3. The site enclosures shall be in accordance with a schedule that shall be submitted to and approved in writing prior to their erection. 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.

4. Prior to the first beneficial occupation of any of the units, the site access and parking areas shall be laid out in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority (and in accordance with any TROs as necessary), and the access and parking spaces shall be retained at all times thereafter to serve the development.

Reason:

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

5. The cycle storage area shown on plan A106 Rev B shall be provided prior to the first beneficial occupation of any of the units and shall be so retained at all times thereafter.

Reason:

In order to ensure that adequate cycle storage is provided and to ensure compliance with Policy MD2 of the LDP.

6. Any parts of the first and second floor windows on the south facing elevation of the building (facing towards number 2 St. Mary's Avenue and indicated as being obscurely glazed on plan A114) that are below 1.7m in height above the level of the floor in the rooms that they serve shall be obscurely glazed to a minimum of level 3 of the "Pilkington" scale of obscuration at the time of installation, and so retained at all times thereafter. Prior to the first beneficial use of the apartment that they serve, those windows shall also be fitted with restrictors, details of which shall be submitted to and approved in writing by the Local Planning Authority, prior to the first beneficial use of that apartment.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

7. Notwithstanding the submitted plans and details, and prior to the commencement of development, a scheme for foul and surface water drainage (including details of the perpetual management of the drainage system and a justification for the proposed means of surface water disposal) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the first beneficial occupation of any of the units and maintained at all times thereafter in accordance with the approved details.

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.

8. Notwithstanding the submitted plans/forms and prior to their use in the construction of the development hereby approved, further details and samples of any new 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.

9. 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) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - viii) hours of construction and hours of deliveries to site;
 - ix) lighting;
 - x) management, control and mitigation of noise and vibration;
 - xi) odour management and mitigation;
 - xii) diesel and oil tank storage areas and bunds (where appropriate);
 - xiii) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development; and
 - xiv) a system for the management of complaints from local residents which will incorporate a reporting system.
- xiv) routes for construction vehicles accessing the site.

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

Reason:

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

10. Prior to the first beneficial occupation of any of the residential units, a scheme for the laying out of the outdoor amenity area shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of external seating, soft and hard landscaping (and details of the management and maintenance of the landscaped areas). The area shall be laid out in accordance with the approved details prior to the first beneficial occupation of any of the units and it shall be so retained/maintained at all times thereafter.

Reason:

To ensure an adequate outdoor space is provided to serve the occupiers, 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.

11. 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.

12. Prior to the first beneficial occupation of any of the apartments, a biodiversity enhancements plan shall be submitted to and approved in writing by the Local Planning Authority. The measures in the plan as approved shall be implemented in full either prior to the first beneficial occupation of any of the apartments, or in accordance with a schedule of timings that shall be contained in the enhancements plan. Those measures shall be retained at all times thereafter.

Reason:

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

13. The development shall at all times where applicable be carried out in accordance with the measures and recommendations contained within the Wildwood Ecology Preliminary Roost Assessment Report WWE 18010 PRA Rev B (9/4/18) and the Wildwood Ecology Bat Activity Survey Report WWE 18010 BAS Rev B (24/8/18).

Reason:

In the interests of ecology and to ensure compliance with policies MD2 and MD9 of the LDP.

14. Prior to the commencement of development, the local planning authority shall be provided with a copy of the licence issued by Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 (as amended) authorising the specified activity/development to go ahead.

Reason:

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

15. Prior to the first beneficial occupation of the development hereby approved, a Travel Plan shall be prepared to 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 implemented 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.

16. No development approved by this permission shall commence until an appropriate programme of historic building recording and analysis has been secured and completed in accordance with a written scheme of investigation which shall first have been submitted to and approved in writing by the Local Planning Authority. The final report on such recording shall be deposited with 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:

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

17. Prior to beneficial occupation of any of the dwellings, a scheme for the provision of affordable housing shall be submitted to and approved in writing by the local planning authority. The affordable housing 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 be provided in accordance with the approved scheme and shall meet 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 scheme shall include:

i) the arrangements for the management of the affordable housing;

ii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

iii) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason:

To ensure that the development is kept in perpetuity as an affordable housing scheme, and to ensure compliance with PPW and TAN 2.

NOTE:

1. **You are advised that there may be species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**

2. **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.**
3. **The proposed development site may be 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.**
4. **Warning: An European protected species (EPS) Licence is required for this development.
This planning permission does not provide consent to undertake works that require an EPS licence.
It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.
To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>**

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.

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, MG14 – Non A1 Retail Uses within Town and District Retail Centres, MG19 – Sites and Species of European Importance, MG20 – Nationally Protected Sites and Species, 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, national planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW), Technical Advice Notes 1, 2, 12, 16 and 24 and the Council's Supplementary Planning Guidance on Affordable Housing, Biodiversity and Development, Parking Standards, Planning Obligations, Residential and Householder Development, Sustainable Development and Travel Plans, the proposed development is considered acceptable in principle and in terms of

visual impact, residential amenity, parking, highway safety, open space, drainage and ecology.

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).

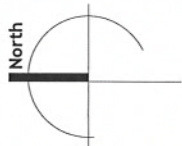
The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised 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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Notes:
Do not scale this drawing. Check all dimensions on site drawings to be reported back to the Architect for clarity.

North



Site Location



Client:
Project:
FORMER WINDSOR PUB,
HOLTON ROAD, BARRY

Job Number: L807

Date: 20.09.19

Drawn by: PC

Dwg No: A100

SITE LOCATION PLAN

Revisions:

Scale: 1 : 1250 @ A3

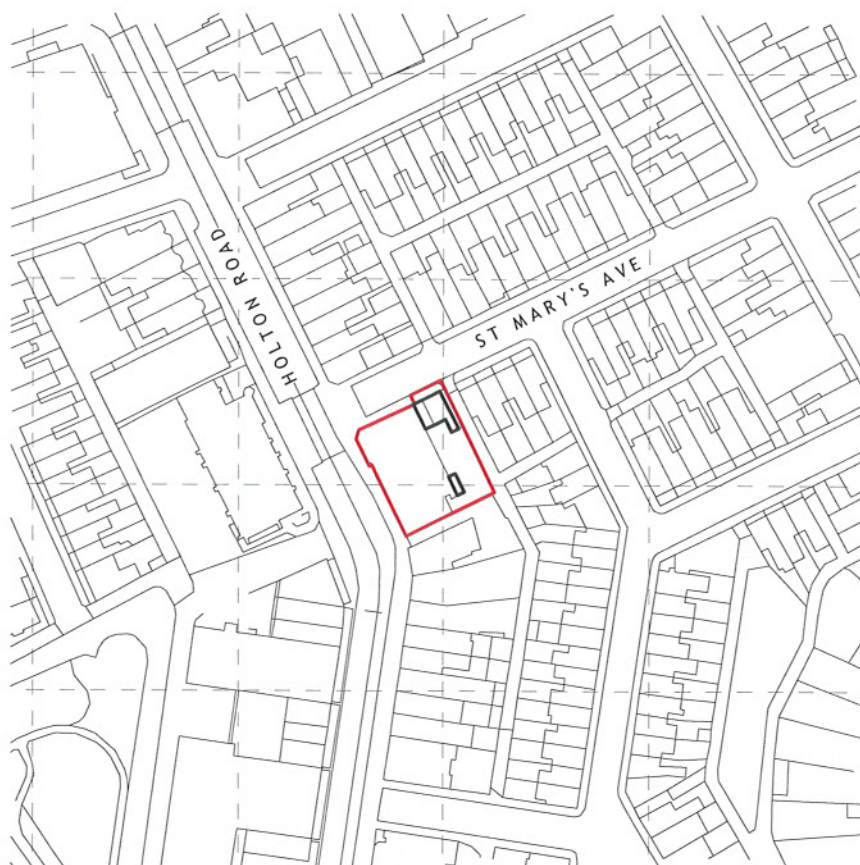
Drawing Status:

PLANNING



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T: 02920 306400
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1901060 FUL



01 SITE LOCATION PLAN
1 : 1250



Applicant: Newydd Housing Association, C/o Agent

Agent: Mr Owain Griffiths Avison Young, One Kingsway, Cardiff, CF10 3AN

Sea View Labour Club, Dock View Road, Barry

Demolition of existing single storey rear extensions; the refurbishment and change of use of the former public house (Use Class A3) to provide 20 no. affordable apartments and the erection of a new detached 2-storey apartment building to the rear to provide 8 no. affordable apartments (Use Class C3), together with a widened existing vehicular access to car parking spaces, cycle store, bin store, ancillary works and uses.

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 the conversion and extension of the Sea View Labour Club at the corner of George Street and Dock View Road, Barry, and the construction of a new, two-storey building facing Jewel Street and George Street. The proposal is for 28 affordable residential units in total, comprising a mix of one and two bedroom apartments (20 units in the converted/extended building and 8 units in the new building). Access to 15 parking spaces would be directly from George Street.

The main issues relate to the principle of the development, the design and visual impact of the extension and new building, highway safety and parking, impact on residential amenity and ecology.

There have been 3 objections to the scheme from neighbours and a strong objection from Barry Town Council on grounds relating to the number of units, design, amenity space and parking. Having considered the above issues, the proposed development is recommended for approval, subject to conditions.

SITE AND CONTEXT

The application site is the Sea View Labour Club, which is located at the junction of Dock View Road and George Street. The site is rectangular in shape and measures approximately 0.15 hectares in size. It is currently occupied by a large, three storey, red-brick building at the front (facing onto Dock View Road), with an open area to the rear, adjacent to Jewel Street. There is a vehicular access into the site from George Street, serving a hard surfaced yard that has previously been used as a car park. The plan below shows the site in context:



The building was used as a public house/social club until approximately February 2019, and it has been vacant since that time.

DESCRIPTION OF DEVELOPMENT

The application is in full and proposes the conversion, extension and refurbishment of the building to create 20 affordable apartments. This conversion involves a change of use from Class A3 to Class C3. The development also involves the construction of 8 further affordable apartments in the northern part of the site.

The apartments in the converted/extended building comprise 14 x one beds and 6 x two beds and the new-build apartments are 6 x one beds and 2 x two beds. In total the accommodation comprises 20 x one beds and 8 x two beds.

The extension to the existing building would measure approximately 9.5m x 12m and it would sit in between the two rear gable sections on the rear elevation. It would have a flat roof and would be finished in brick on ground and first floors, with a more modern cladding system at second floor. The existing and proposed rear elevations are shown below:

Existing rear elevation:



Proposed rear elevation:



The new build apartments have an L-shaped footprint and wrap around the corner of the site adjacent to George Street and Jewel Street. The elevations of these are shown on the plans below:

Elevation to Jewel Street:



01 WALK UP FLATS - FRONT ELEVATION
1 : 100

Elevation to George Street:



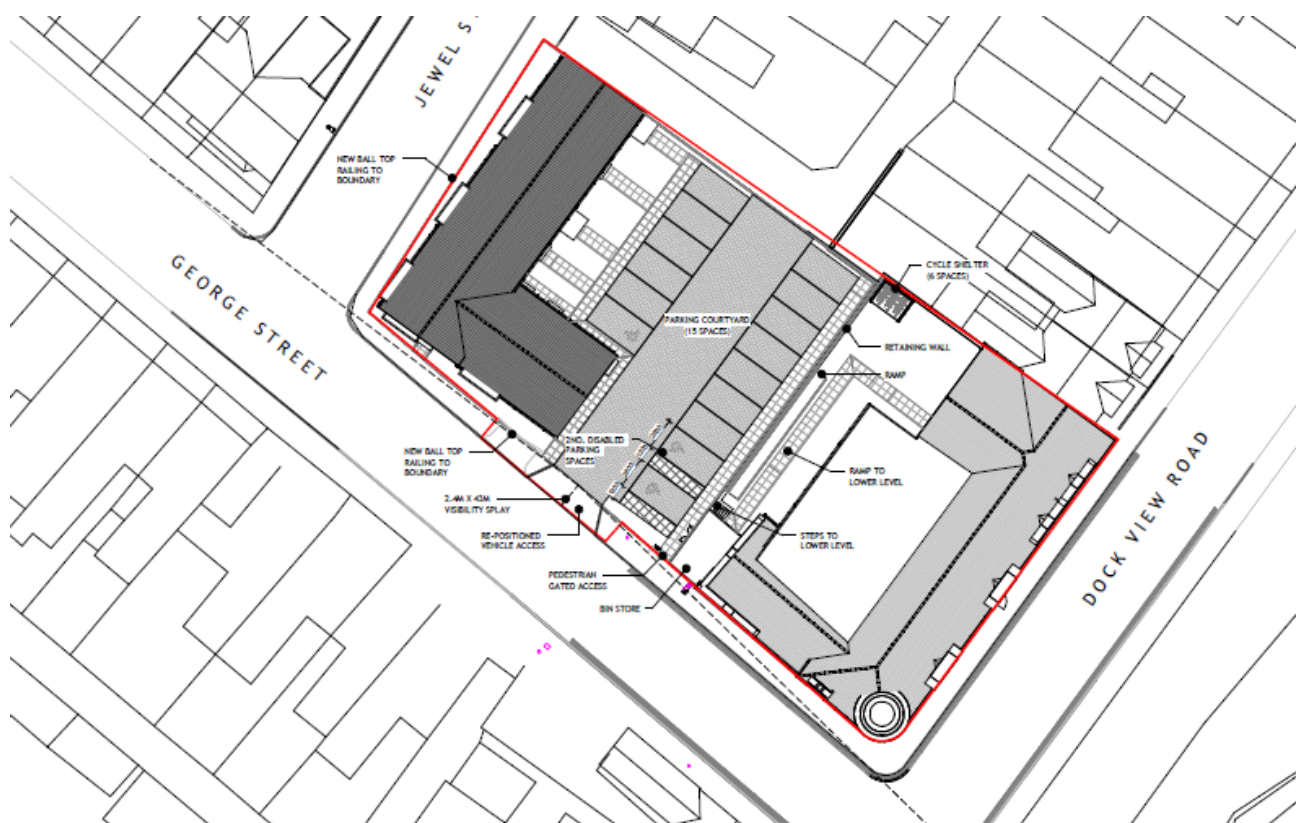
02 WALK UP FLATS - SIDE ELEVATION
1:100

The images below are 3D perspectives of the proposed development:





The proposed site layout is shown below:



The layout includes a re-positioned and widened access into the site, which leads to a court of 15 parking spaces. A cycle store for 6 bicycles and a bin store are proposed adjacent to the parking area.

PLANNING HISTORY

1984/00668/ADV, Address: Seaview Labour Club, Dock View Road, Barry,
Proposal: 3 signs, all as shown on drawing 783/23/1, Decision: Approved

1997/00479/FUL, Address: Sea View Labour Club, Dock View Road, Barry,
Proposal: Alteration of front entrance doorway and canopy, Decision: Approved

2012/00494/OUT, Address: Car park to the rear of the Seaview Labour Club, on
the corn, Proposal: Outline planning application for the redevelopment of Seaview
Labour Club Car Park to four residential units, Decision: Approved

CONSULTATIONS

Barry Town Council- *Strong objection to the proposed development for the following reasons; (1) The proposed development is an overdevelopment of the application site. (2) The proposed design and scale of the new residential block on George Street / Jewel Street is totally unacceptable and an incongruous feature in the street scene. (3) The proposed development fails to provide adequate amenity space which is contrary to the Vale of Glamorgan SPG Residential and Householder Development.. (4) The proposed development fails to provide adequate car parking provision on site which is contrary to the Vale of Glamorgan SPG. Parking Standards.*

Highway Development- No objection to the level of parking to be provided. Further advice has been provided in respect of vision splays, parking bay dimensions and the required crossover.

Councils Drainage Section- A SAB (Suds Approval Body) informative is provided.

Shared Regulatory Services (Pollution)- A condition is requested regarding noise and construction hours.

Glamorgan Gwent Archaeological Trust- Conditions are requested to secure a programme of building recording.

Local ward members- Councillor Drake has commented as follows: *My comments on this application are much the same as those I have put forward for the application for the Windsor Hotel.*

For clarity, Councillor Drake's comments in respect of the Windsor (application 2016/01060/FUL) are as follows: *As much as I am disappointed that this building and business was curtailed a number of years ago, but recognise that this building was built in a different era and business has changed, however I welcome that this iconic building is being brought back into use albeit different from what it was originally built for, but it will be providing much needed accommodation and retain the original facade of the building.*

Dwr Cymru Welsh Water- A condition is requested as follows:

No development shall commence until a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water flows and thereafter implemented in accordance with the approved details prior to the occupation of the development.

Ecology Officer- No representations received.

Housing Strategy- The application is supported and the units should be to DQR standards. Further information is provided on affordable housing need in the ward (discussed further below).

Natural Resources Wales- No objection, subject to the bat survey work being referenced in the approved plans/documents condition. NRW have stated that they do not consider the development is likely to be detrimental to the maintenance of the populations of the species concerned (Common Pipistrelle bats) at a favourable conservation status in their natural range.

REPRESENTATIONS

The neighbouring properties were consulted and a site notice was displayed. Three objections have been received, and the grounds are summarised as follows:

- Noise and disturbance during the construction period.
- Inadequate parking, leading to more pressure on street.
- Increase in traffic.
- Crime and social issues resulting from this kind of composition of development.
- Over saturation of affordable housing in the area and a subsequent adverse impact on the area's demographics.

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 MG19 – Sites and Species of European Importance

POLICY MG20 – Nationally Protected Sites and Species

Managing Development Policies:

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

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.

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 1 – Joint Housing Land Availability Study (2015)
- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 24 – The Historic Environment (2017)

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
- Biodiversity and Development
- Parking Standards

- Planning Obligations
- 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

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 as follows:

- The principle of the use
- Design and visual impact
- Impact on neighbours/residential amenity
- Parking and highways issues
- Ecology
- Drainage
- Section 106 issues
- Bin storage

The principle of the development

The site is located within a predominantly residential context, within the settlement boundary of Barry, and the proposed residential use is wholly compatible in principle with the adjoining residential areas.

Policy MD5 states that new developments should not result in the unacceptable loss of public open space, community or tourism buildings or facilities. While this would result in the loss of a community facility, the premises has been vacant and unused since February 2019 and it appears that there is not sufficient demand for it. The Castle Hotel (the subject of planning application 2019/01062/FUL) is approximately 120m away from this site and that proposal involves the retention of a public house. It is considered that there are ample other public houses in the area to meet local need, including the Castle Hotel which is in very close proximity. Consequently, the development would not result in an unacceptable loss of community facilities in the wider context.

Policy MD6 of the LDP sets out what represents an acceptable housing density, in order to ensure the efficient and best use of land. Within Barry the policy requires a minimum of 30 dwellings per hectare and based on this site area of 0.15 hectares, the density would be 186 dwellings per hectare, which complies with the policy. The development would represent particularly efficient use of land in a highly sustainable location and it would make a meaningful and positive contribution towards addressing affordable housing need.

The proposal is for 100% affordable housing, to be delivered by Newydd Housing Association, one of the Council's partner RSLs. The need for affordable housing within the Vale is well evidenced by the Council's Local Housing Market Assessment which determined that 576 additional affordable housing units were required each year to meet housing need in the area, with Barry being one of the areas in highest need. There is a target for 3,252 affordable residential units to be provided over the plan period as identified by policy SP4 of the Local Development Plan. The need is further evidenced by the following figures from the Council's Homes4U waiting list in the ward of Castleland:

CASTLELAND	
1 BED	335
2 BED	149
3 BED	50
4 BED	13
	547

As noted above the application would make a positive contribution towards meeting the established need for affordable accommodation within this area and this represents a material consideration in favour of the proposed development. A significant amount of new housing has been approved in Barry in the last 10 years and a number of large schemes fall within this ward, for example Arno Quay (2016/01290/RES- 20 affordable units), the former Magistrates Courts (2012/01114/FUL- 52 affordable units) and Subway Road (2018/01108/FUL- 72 affordable units). Outline permission has been granted for up to 250 dwellings on the 'East Quay' parcel of the Waterfront and that will be likely to yield up to approximately 35 affordable units.

It should also be noted that three further applications in the same ward for affordable residential developments are currently before the Council- 2019/00603/FUL (land at Hayes Road- 23 units), 2019/01062/FUL (Castle Hotel- 14 units) and 2019/01060/FUL (Windsor public house- 18 units). Each application should be treated on its merits and those developments have been reported separately to this, however, it is reasonable to take those into account (given the recommended approval of them) when considering affordable housing supply/demand.

Notwithstanding the developments/applications listed above, the overall number of affordable units being delivered would still not meet the need identified in the table above. Consequently it is considered that there is an identified need for these units, which would assist the Council in meeting local affordable housing demand, and the development is therefore considered acceptable in principle.

Design and visual impact

During pre-application discussions the applicant suggested the potential demolition of the building and its replacement with a wholly new building. Following this pre-application process and a community engagement exercise, the applicant has elected to retain the building and work with the existing structure. This is a fundamental positive to the scheme, given that it would secure the long term retention of a characterful building which contributes significantly to the local built environment. The building is in a relatively tired condition, and the conversion/refurbishment of it (including new windows and doors throughout) would appreciably improve its appearance.

The proposed extension to the rear elevation would not be particularly prominent, given that it would be largely screened from view by the rear wing and the new build apartments. Notwithstanding that, it would be subservient to the main building, with the flat roof sitting well below the main ridge.

The extension would contrast with the traditional character of the existing building, and it would appear as a more contemporary addition (mainly as a consequence of the second floor clad section). The extension would not be as highly detailed as the existing building and it would be quite simple in composition, however, proportionally it would form a relatively minor part of the overall building and it would not be visually intrusive within the wider street scene. It is considered that a modern cladding system would be an appropriate approach to materials and would enable the extension to be read separately from the more traditional, red brick form of the existing building. Consequently, it is considered that the extension would not unacceptably impact upon the character of the building or the wider street scene. The bin store is modest in size and would have very limited impact on the character of the wider area.

The new structure in the northern part of the site would have a generally conventional pitched roof form, similar in principle to the terraces of dwellings that run along the adjacent streets. The frontage of the terrace on the southern side of Jewel Street is simpler in composition, whereas most of the more traditional terraces in the area are more highly detailed, with two storey bays and/or quoins.

The proposed building would be sited close to the site boundary and would give a strong frontage to Jewel Street and George Street. In this respect, it would continue the general pattern of development that is prevalent through the surrounding streets. The height, depth and massing of the building is comparable with the adjacent terraces and it would appear markedly subservient to the principal building, which is considered appropriate.

The elevational treatment would be different to the more traditional terraces, while the two-storey projecting window surrounds would represent a modern interpretation of the more traditional two-storey bay windows.



While it noted that Barry Town Council object to the application, it is considered that the design is positive and the building would add interest to the street scene. The use of a modern cladding (and the dark grey windows) would tie the development in visually with the existing building and its rear extension.

Therefore, subject to the use of an appropriate brick in particular, it is considered that the development would comply with policies MD2 and MD5 of the LDP in respect of design and visual impact.

Impact on neighbours/residential amenity

The extension would be sited well away from the boundary with number 75 Dock View Road and it would not appear overbearing from this neighbouring property. It would also not be located in close proximity to any other neighbour. The new building would be visible from the surrounding properties but it is of a size which, separated by the highway, would not have an adverse impact on neighbours' amenity. There is a lane which would separate the new building and the side of number 83 Jewel Street, however, the windows on the side of that property serve a bathroom, landing and porch area and consequently the new building would not unreasonably impact upon living conditions inside.

The cycle store would be sited adjacent to the boundary with number 75 Dock View Road, however, this is unlikely to be of a size that is unneighbourly. Condition 5 requires further details of the cycle store prior to its construction.

The windows on the front of the existing building do not overlook residential properties and most of the side elevation windows facing George Street would look onto the blank side elevation of number 74 Dock View Road. Some windows are situated opposite the rear garden of this property, however, the distance of over 12m is sufficient to ensure that privacy would not be adversely affected.

There are no windows on the side elevation of the extension to the main building and the windows on the rear of it would be in excess of 21m from the rear elevation of the new build apartments. There would be approximately 19m between the rear of the extension and the side elevation of the new block, however, those views are across the site access and parking area (i.e. not wholly private) and the distance is not significantly less than 21m. The relationship between these two elements of development is therefore considered acceptable on balance.

Windows in the elevations of the new building facing onto George Street and Jewel Street would face properties across the respective highways at a distance of approximately 15m. While this is less than 21m (specified in the Council's SPG) it is not dissimilar to the relationship between opposing terraces all along Jewel Street and George Street and is materially more than exists between other opposing terraces in the immediate area. Consequently, and given that these are views across a public highway, it is considered on balance that there would not be unacceptable impacts on privacy.

It is likely that the construction period would bring with it a degree of noise and disturbance to the closest neighbouring properties, however, that is regrettably unavoidable in most cases during the course of construction works. Nevertheless, the impacts would be temporary and can be reasonably minimised through an effective Construction Environmental Management Plan (see condition 8).

An objection has been raised on the grounds that the development would be likely to lead to an increase in crime and anti-social behaviour. There has been no evidence submitted to support this assertion and while anti-social behaviour cannot be ruled out in any flatted development, this one would be managed by a responsible Registered Social Landlord (RSL) (Newydd Housing Association). It is, therefore, considered that the RSL would be likely to effectively deal with any issues that arise.

In summary, it is considered that the proposed development would comply with policies MD2 and MD5 of the LDP and the aims of the Council's SPG.

Parking and highways issues

The development would be served by fifteen parking spaces, accessed from George Street. These spaces can be accessed safely and there is sufficient space between the two banks to enable vehicles to reverse out (or in) and leave the site in a forward gear. The access road into the site is 5m wide so that vehicles can pass each other, and the access would benefit from sufficient visibility along the road regarding both vehicles and pedestrians.

The development would be likely to lead to a modest increase in traffic within the immediate highway network, however, the development is not of a significant size and it is unlikely that the development would fundamentally affect traffic flows or cause additional localised congestion.

The principal highways related issue is, therefore, the level of parking being provided, and whether this is adequate to deal with demand arising from the development.

The applicant has investigated likely parking demand as a consequence of the location and the tenure type. 2011 census data suggests that 54% of social rented households in the Vale of Glamorgan have no access to a car and that there are typically 0.3-0.4 cars per social rented unit (1 and 2 bedrooms).

While each case must be treated on its merits, other applications for affordable housing schemes in Barry have recently been accompanied by survey data of parking space use in social rented developments. These found that an average of 0.43 parking spaces per unit were being used, and this generally tallies with the census data.

The above would equate to approximately 11 parking spaces for the 28 units, in addition to visitor parking (an additional 5 spaces).

The proposed 15 spaces would fall 1 short of the 16 theoretically required to meet the resident and visitor demand. However, notwithstanding the above, this is a site where occupants could realistically exist without a car, given the very close proximity to bus and train links, and a very wide range of day to day services on Holton Road. Furthermore the level of parking proposed supports the aims of PPW to reduce over-reliance on the private car and encourage more sustainable modes of travel. In line with that advice, the Council's parking standards are 'maximums' and this is designed to encourage lower car use and less reliance on the car. The SPG recognises that there will be some circumstances where higher levels of parking will be more appropriate, however, sustainable edge of town centre locations such as this are examples of where lower parking levels can and should be accepted, particularly for this tenure type.

The applicant has carried out a snapshot parking survey which sampled parking take up on the surrounding streets between 0600 and 0630 on a Wednesday morning in June this year. The survey recorded that approximately 34% of the available parking spaces on Dock view Road (south of its junction with Lower Pyke Street) were occupied. The survey concluded that parking levels along this street are relatively low due to there being properties along one side only. Around 65% of available parking space was occupied on George Street and 63% on Jewel Street (south of Lower Pyke Road). The survey therefore indicates that there is spare car parking capacity in the area, particularly along Lower Dock Road.

Based on the rationale above, it is considered likely that there would be very little overspill parking demand from the development that cannot be accommodated within the site. The parking survey and officer site visits suggest that there is ample capacity within the surrounding streets to cater for this nominal demand.

Notwithstanding that, while the pub/social club is vacant, the authorised use of the site is likely to have a parking demand associated with it and it is considered that the demand from the proposed use is unlikely to be significantly higher (particularly at the car ownership rates projected, in light of the evidence cited above).

It is recognised that on-street parking is often a cause for concern for existing residents close to such developments, however, it is considered in this case that the development has extremely high sustainability credentials which warrant a relaxation in parking levels (below what *may* be required for a market development of the same composition). Finally, it should be noted that the Highways Engineer has not objected on parking grounds. Having regard to the above, the development is considered acceptable in respect of parking, traffic and highway safety.

The plans show a cycle store capable of accommodating 6 bicycles. The Council's SPG requires one stand per 5 bedrooms and consequently, storage for 8 would be required for this development. There is space for this to be provided and details of such are required by condition 5).

Open space

The flats would not be served by individual areas of private amenity space, given the physical constraints of the site, and it is often the case that flatted developments cannot practically be served by private amenity space. However, there would be a shared area at the back of the building, approximately 45m²-50m² in size. The Council's Supplementary Planning Guidance aspires to 20m² per person and while this area would fall below that, it would nevertheless represent a small useable and practical space that can meet some functional and relaxation needs of the occupiers. In densely developed, urban locations such as this it will often be necessary for the Council to adopt a pragmatic stance to open space provision, given that failure to do so would be likely to jeopardise the efficient use of such sustainable land. In such locations occupiers will usually be partially reliant at least on larger more strategic areas of public open space outside of the site itself.

The site is very well located for access to public open space, in particular the play area between Morgan Street and Coigne Terrace, the play area off Digby Street and Central Park. It is also within easy walking distance of open space on the Waterfront. The lack of on-site space must be weighed against the positive impacts of the development; in this case principally the provision of much needed affordable units. In light of this and given the close relationship the site has with nearby public open space, it is considered that the outdoor amenity needs of the occupiers can be met through the nearby public open space and the modest area provided on site.

The Council would typically seek on site public open space where practicable (in line with Policy MD3 of the LDP) or a financial contribution where this cannot be provided. Given the Council's stance in respect of not seeking financial contributions on wholly affordable developments under 25 units, a contribution cannot be sought in respect of the whole development. Rather a contribution can be sought in respect of the number of units over and above 25; three in this case. The applicant has agreed to a financial contribution of £8,004 to upgrade open space in the area, and this amount is commensurate with the size of the development (having regard to the Council's position regarding affordable housing developments of over 25 units and the Planning Obligations SPG).

A condition (number 9) is recommended which requires details of the open space area to be provided. This could, for example, include details of seating, hard landscaping and planting, to ensure that this is an attractive area that would encourage use by residents.

There is a refuse store on the ground floor which can be readily accessed from the pavement. It is considered that this represents an appropriate means of waste storage.

Ecology

The application is accompanied by a Bat Activity Survey Report and a Preliminary Roost Assessment. This ecology work has established that there is likely to be a bat roost for a single common pipistrelle near the turret at the south western corner of the building. Consequently, a European Protected Species licence is required from Natural Resources Wales (NRW).

The Bat Activity Survey Report states that a detailed mitigation and compensation strategy is to be devised in the form of a method statement which will include, but not be limited to, mitigation including a qualified bat ecologist being retained throughout the project, an interim bat box being sited on part of the retained façade as close as possible to the turret structure (to be retained post development) and ridge access being provided along newly reinstated rooflines close to the turret at two positions.

NRW have considered this and have advised that they *'do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range'*.

Nevertheless, as a competent authority under the Conservation of Habitats and Species Regulations 2010 ('habitat regulations'), the Local Planning Authority must have regard to the Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, 6.3.6). The three tests are:

- Test i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- Test ii) There is no satisfactory alternative.
- Test iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

If the tests cannot be satisfied, then refusal of planning permission may be justified. A proportional approach can adapt the application of the tests, i.e. the severity of any of the tests will increase with the severity of the impact of derogation on a species / population.

In terms of Test 1, it is considered that the proposed development is in the public interest, due to the contribution it would make towards meeting affordable housing need.

In terms of Test 2, there is considered to be no satisfactory alternative which would not cause greater disturbance to the bat (i.e. it is viewed as preferable that the building is being retained rather than demolished).

In terms of Test 3, NRW have advised that with the proposed mitigation measures, the development would not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

During site surveys blackbird and house sparrow were observed in the bramble scrub around the carpark to the north west of the site. Condition 11 requires the submission of an ecological enhancements plan (which will be likely to include the provision of bird boxes), to ensure that the development accords with the aims of the Council's SPG on Biodiversity and Development.

On this basis, there is no ecological objection to the development and it is considered that the proposal satisfied the requirements of Policy MD9 of the LDP.

Drainage

The application is accompanied by a drainage strategy, which sets out the principles for how site drainage can be dealt with.

The Dwr Cymru Welsh Water (DCWW) apparatus plan shows the proximity of adopted sewers. There are existing combined sewers in the highways of Jewel Street and George Street which connect, (discharging in south westerly direction beyond the houses towards Castleland Street), and a combined sewer in Dock View Road (that discharges in south westerly direction). Finally there are combined sewers in rear lane and rear gardens of the houses on Dock View Road (discharging in a north easterly direction towards Lower Pyke Street). The existing foul discharge from the site/building discharges to the combined sewer in the rear gardens of the houses on Dock View Road.

The existing surface water from the site discharges in two ways. Firstly the front and side elevation discharge via rainwater pipes with shoes, directly onto the back of pavements on George Street and Dock View Road, and into highway gullies. Secondly surface water discharge via rainwater pipes into gullies adjacent to the building's rear elevation and into the DCWW combined sewer.

The drainage strategy states that discharge of foul flows can be accommodated by the existing DCWW infrastructure (which DCWW has confirmed). The existing foul discharge from the redeveloped club building would remain fundamentally unchanged and the new build apartments are proposed to connect to the sewer network in Jewel Street

DCWW have raised no objection, subject to a condition to approve the detail of the foul sewerage scheme.

For surface water, the drainage strategy has considered the various priority levels and suggests that connection to the combined sewer is justified. The Council's Drainage Engineer and DCWW have not confirmed definitively that such an approach will be acceptable, however, no objection is raised subject to a condition requiring a detailed drainage scheme to be submitted (see condition 6). The development of the new flats in the extension is likely to also require SAB (SUDS Approval Body) approval.

Section 106 issues (excluding public open space and affordable housing, which are covered above)

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. 3 units.

Sustainable Transport

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

While the site is in a sustainable location, residents would be reliant on local transport facilities and consequently, a sustainable transport contribution is considered reasonable and proportionate to the need arising from the development. The applicant has agreed to a request of £6,900, which accords with the rationale set out in the Council's SPG for 7 units. This money can be spent on improving access to and from the site and local services/facilities by sustainable modes, cycle provision in the town centre, etc.

Community facilities

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

The Council has developed a formula to calculate reasonable levels of contributions for community facilities, which has been derived from an analysis of the costs associated with providing such facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals. The formula set out in the Planning Obligations SPG ensures a fair and consistent

approach to development proposals throughout the Vale of Glamorgan. The applicant has agreed to an amount of £3,780, which reflects the need that results from the development (based on 7 units) and accords with the guidance in the Council's SPG.

Public Art

The Council's SPG requires developers to set aside a minimum of 1% of their project budget specifically for the commissioning of art and the public art should be provided on site integral to the development where possible. The applicant has agreed to this requirement.

RECOMMENDATION

Subject to the applicant first entering into a Section 106 Agreement to secure the following:

- The retention of the units as affordable in perpetuity.
- £8,004 towards enhancements of public open space in the local area that would be used by residents.
- £6,900 towards upgrading sustainable transport facilities in the vicinity of the site.
- £3,780 towards community facilities provision in the local area.
- 1% of the build costs towards public art (that being 1% of 3/28 units, which equates to 1% of 11% of build costs)

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 and documents:

Plans A10, A108, A109, A110, A111, A112, A113, A114, A115 and A116
Wildwood Ecology Preliminary Roost Assessment Report WWE 18009 PRA Rev B (9/4/18)
Wildwood Ecology Bat Activity Survey Report WWE 18009 BAS Rev B (24/8/18)

Reason:

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

3. The site enclosures shall be in accordance with a schedule that shall be submitted to and approved in writing prior to their erection. 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.

4. The site access and parking areas shall be laid out in accordance with plan A106 Rev B (and in accordance with any TROs as necessary), prior to the first beneficial occupation of any of the units, and the access and parking spaces shall be retained at all times thereafter to serve the development.

Reason:

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

5. Prior to the first beneficial occupation of any of the units, further details (including elevations) of a cycle store capable of accommodating at least 8 bicycles shall be submitted to and approved in writing by the Local Planning Authority. The cycle store shall be provided in accordance with the approved details prior to the first beneficial occupation of any of the units and it shall be so retained at all times thereafter.

Reason:

In order to ensure that adequate cycle storage is provided and to ensure compliance with Policy MD2 of the LDP.

6. Notwithstanding the submitted plans and details, and prior to the commencement of development, a scheme for foul and surface water drainage (including details of the perpetual management of the drainage system and a justification for the proposed means of surface water disposal) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the first beneficial occupation of any of the units and maintained at all times thereafter in accordance with the approved details.

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/forms and prior to their use in the construction of the development hereby approved, further details and samples of any new 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 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) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii) hours of construction and hours of deliveries to site;
- ix) lighting;
- x) management, control and mitigation of noise and vibration;
- xi) odour management and mitigation;
- xi) diesel and oil tank storage areas and bunds (where appropriate);
- xii) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development; and
- xiii) a system for the management of complaints from local residents which will incorporate a reporting system.
- xiv) routes for construction vehicles accessing the site.

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

Reason:

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

9. Prior to the first beneficial occupation of any of the residential units, a scheme for the laying out of an outdoor amenity area to the rear of the existing Labour Club building shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of external seating, soft and hard landscaping (and details of the management and maintenance of the landscaped areas). The area shall be laid out in accordance with the approved details prior to the first beneficial occupation of any of the units and it shall be so retained/maintained at all times thereafter.

Reason:

To ensure an adequate outdoor space is provided to serve the occupiers, 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.

10. 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.

11. Prior to the first beneficial occupation of any of the apartments, a biodiversity enhancements plan shall be submitted to and approved in writing by the Local Planning Authority. The measures in the plan as approved shall be implemented in full either prior to the first beneficial occupation of any of the apartments, or in accordance with a schedule of timings that shall be contained in the enhancements plan. Those measures shall be retained at all times thereafter.

Reason:

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

12. The development shall at all times where applicable be carried out in accordance with the measures and recommendations contained within the Wildwood Ecology Preliminary Roost Assessment Report WWE 18009 PRA Rev B (9/4/18) and the Wildwood Ecology Bat Activity Survey Report WWE 18009 BAS Rev B (24/8/18).

Reason:

In the interests of ecology and to ensure compliance with policies MD2 and MD9 of the LDP.

13. Prior to the commencement of development, the local planning authority shall be provided with a copy of the licence issued by Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 (as amended) authorising the specified activity/development to go ahead.

Reason:

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

14. Prior to the first beneficial occupation of the development hereby approved, a Travel Plan shall be prepared to 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 implemented 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.

15. No development approved by this permission shall commence until an appropriate programme of historic building recording and analysis has been secured and completed in accordance with a written scheme of investigation which shall first have been submitted to and approved in writing by the Local Planning Authority. The final report on such recording shall be deposited with 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:

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

16. Prior to beneficial occupation of any of the dwellings, a scheme for the provision of affordable housing shall be submitted to and approved in writing by the local planning authority. The affordable housing 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 be provided in accordance with the approved scheme and shall meet 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 scheme shall include:

- i) the arrangements for the management of the affordable housing;
- ii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iii) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason:

To ensure that the development is kept in perpetuity as an affordable housing scheme, and to ensure compliance with PPW and TAN 2.

NOTE:

1. **You are advised that there may be species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**
2. **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.**
3. **The proposed development site may be 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.**
4. **Warning: An European protected species (EPS) Licence is required for this development.**

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

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

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

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.

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, MG19 – Sites and Species of European Importance, MG20 – Nationally Protected Sites and Species, 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, national planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW), Technical Advice Notes 1, 2, 12, 16 and 24 and the Council's Supplementary Planning Guidance on Affordable Housing, Biodiversity and Development, Parking Standards, Planning Obligations, Residential and Householder Development, Sustainable Development and Travel Plans, the proposed development is considered acceptable in principle and in terms of visual impact, residential amenity, parking, highway safety, open space, drainage and ecology.

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

North



By: Date:



Client:
Project: FORMER SEAVIEW LABOUR CLUB, DOCK VIEW ROAD, BARRY

Job Number: L806

Date: 20.09.19

Drawn by: PC

Dwg No: A100

Revision:

Scale: 1 : 1250 @ A3

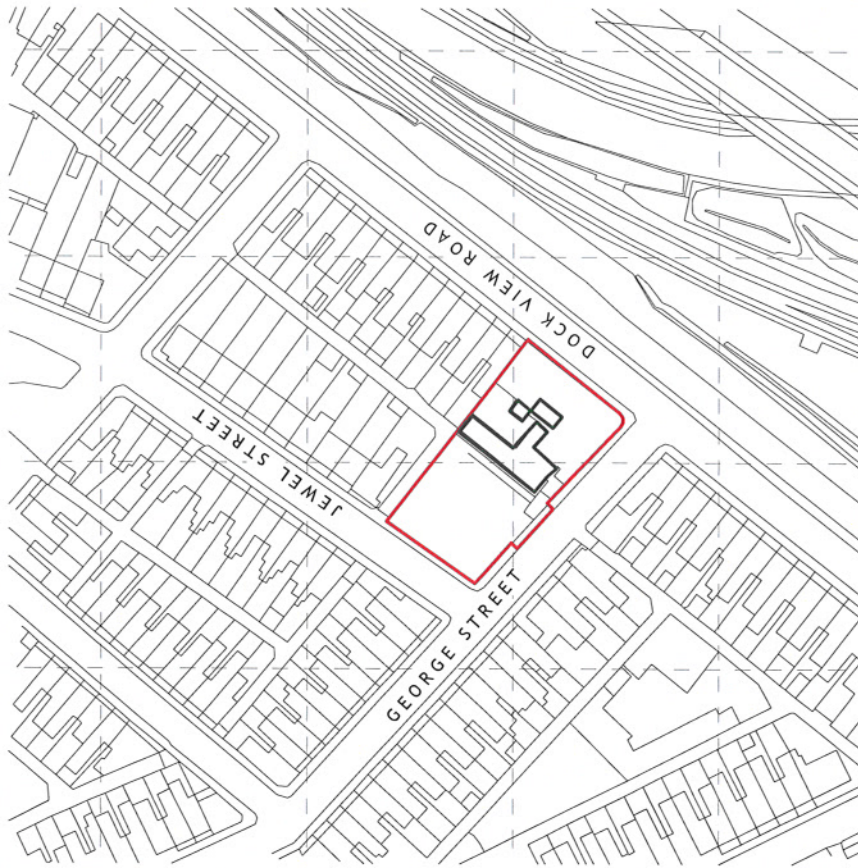
Drawing Status:

PLANNING

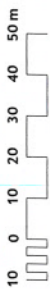


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1901061 FUL



01 SITE LOCATION PLAN
1 : 1250



1:1250

Applicant: Newydd Housing Association C/O Agent

Agent: Mr Owain Griffiths Avison Young, One Kingsway, Cardiff, CF10 3AN

Castle Hotel, 44, Jewel Street, Barry

Demolition of existing outbuildings and single storey side extension; the refurbishment, reconfiguration and re-use of the existing public house (Use Class A3)/community facility; the provision of 14 no. affordable apartments (Use Class C3) through change of use and a new build 2-storey side extension; together with the repositioning and widening of the existing vehicular access to car parking spaces, new paving to beer garden and play area, bin store, cycle store, ancillary works and uses

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

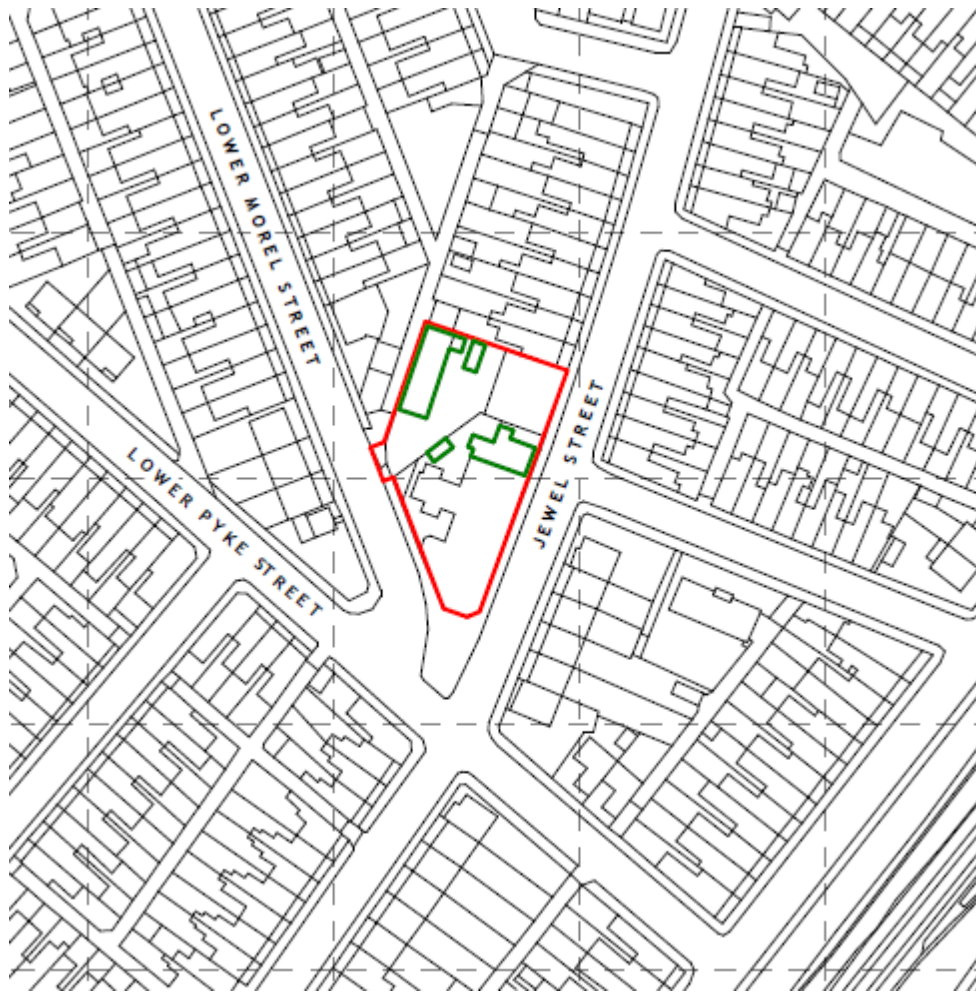
The application is for the conversion and extension of the Castle Public House at the corner of Jewel Street and Lower Morel Street, Barry. The proposal is for 14 affordable residential units, comprising a mix of one and two bedroom apartments, and a retained/renewed public house. Access to 15 parking spaces would be directly from Lower Morel Street.

The main issues relate to the principle of the development, the design and visual impact of the extension and external alterations, highway safety and parking, impact on residential amenity and ecology.

There have been 2 objections to the scheme, while Barry Town Council have submitted a caveated 'no objection'. Having considered the above issues, the proposed development is recommended for approval, subject to conditions.

SITE AND CONTEXT

The application site is the Castle Hotel, 44 Jewel Street, Barry. The site lies within a predominantly residential context at the junction of Jewel Street, Lower Pyke Street and Lower Morel Street. The site occupies an area of approximately 1300m² and slopes up nominally from west to east. It is shown in context on the plan below:



The existing building has three levels of accommodation- two full storeys and a partial third storey within the roof. There is a single storey annexe to the side adjacent to Jewel Street and a two-storey outbuilding adjacent to the rear boundary and the boundary with number 42 Jewel Street.

There is an existing vehicular access point into the site from Lower Morel Street and the remainder of that boundary is enclosed with traditional stone walling.

DESCRIPTION OF DEVELOPMENT

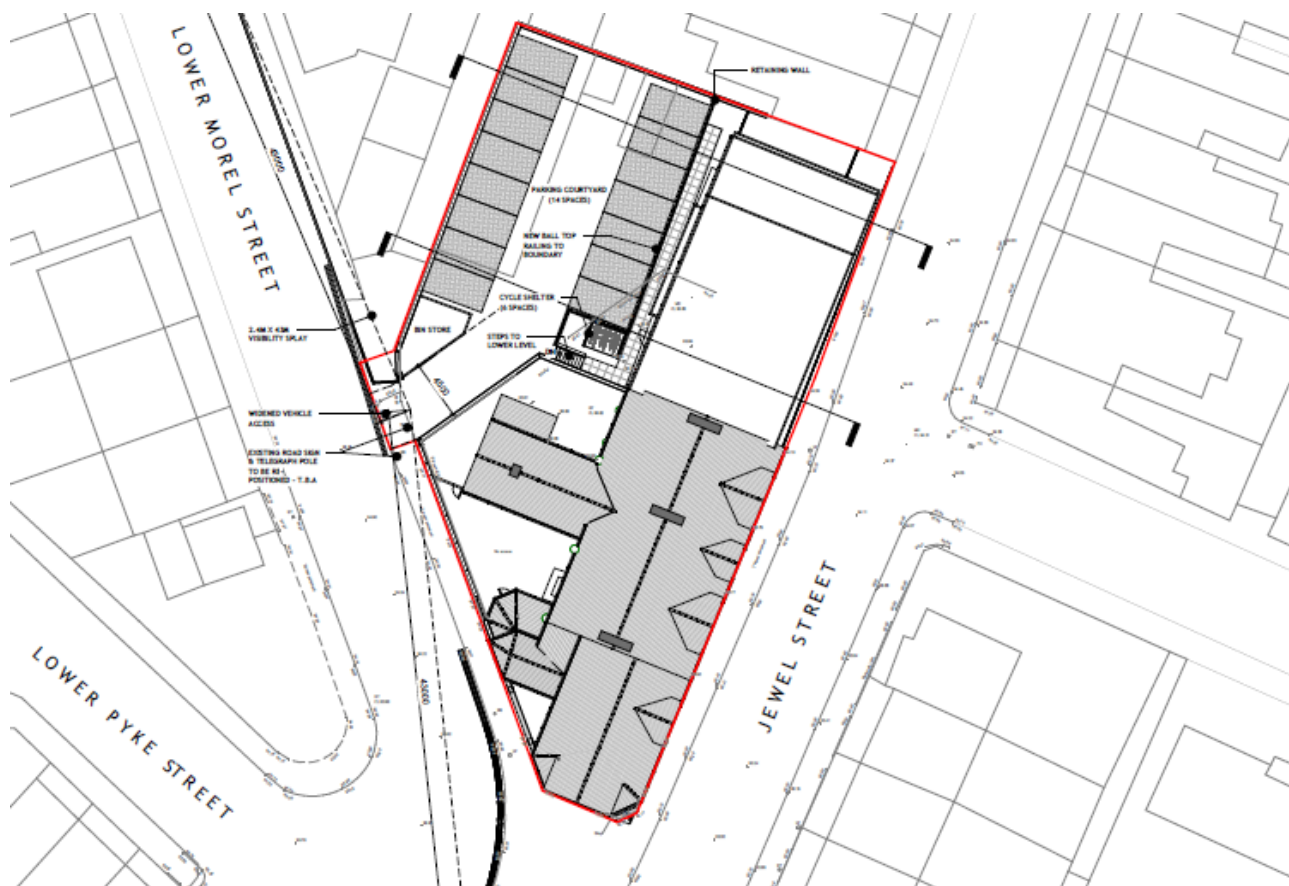
The application is in full and proposes the demolition of outbuildings and the single storey wing, the conversion, re-arrangement and refurbishment of the building and the erection of a two and three storey extension to provide 14 affordable apartments and a new public house.

The ground floor would be retained as a public house and the basement would be re-furbished to be a skittle room. The first floor of the existing building would accommodate a bar, function room and ancillary office and one apartment, and two apartments would be located at second floor of the existing building. The extension would accommodate four apartments at ground floor, four apartments at first floor and three apartments at third floor. The overall composition of the residential accommodation would be 12 x one bed flats and 2 x two bed flats.

The proposed elevations are shown below as 3D perspectives:



The proposed site layout is shown below:



The layout includes a re-positioned and widened access into the site, which leads to a court of 15 parking spaces. A cycle store for 6 bicycles and a bin store would be sited adjacent to the parking area. The pub would be served by a new beer garden and play area.

PLANNING HISTORY

1990/00136/FUL, Address: The Castle Hotel, 44, Jewel Street, Barry, Proposal: Proposed alterations and improvements to existing public house, Decision: Approved

1993/00791/ADV, Address: The Castle, Jewel Street, Barry, Proposal: 2 off double sided illuminated projecting signs, Decision: Refused

2012/00685/FUL, Address: The Castle Hotel, Jewel Street, Barry, Proposal: Partial demolition and conversion of The Castle Hotel for 5 No. 2 bed residential apartments and retention of Class A3 use in part of ground floor., Decision: Approved

CONSULTATIONS

Barry Town Council- *No objections subject to the following; 1. The proposed development i.e. the proposed flats and community/public areas shall be soundproofed to the satisfaction of the vale of Glamorgan Planning , Building Control and Environmental Health Departments 2. The proposed finishes and*

materials used on site shall be to the satisfaction of the Vale of Glamorgan Planning Department 3. The developer must make photographic records of the internal features of The Castle prior to refurbishment of the building

Highway Development- No objection to the level of parking to be provided. Further advice has been provided in respect of vision splays, parking bay dimensions and the width of the access.

Councils Drainage Section- A condition is requested relating to the comprehensive drainage of the site.

Shared Regulatory Services (Pollution)- No representations received to date.

Glamorgan Gwent Archaeological Trust- Conditions are requested to secure a programme of building recording.

Local ward members- Councillor Drake has commented as follows: *This is another iconic building that I am pleased will be refurbished, but retaining the public community facility which is needed in this area and also provide further needed accommodation. I have no objections to this planning application.*

Dwr Cymru Welsh Water- A condition is requested to ensure that no additional surface water is allowed to connect to the public system.

Ecology Officer- No representations received.

Housing Strategy- The application is supported and the units should be to DQR standards. Further information is provided on affordable housing need in the ward (discussed further below).

Natural Resources Wales- No objection, subject to the bat survey work being referenced in the approved plans/documents condition. NRW have stated that they do not consider the development is likely to be detrimental to the maintenance of the populations of the species concerned (Common Pipistrelle bats) at a favourable conservation status in their natural range.

REPRESENTATIONS

The neighbouring properties were consulted and a site notice was displayed. Two letters of objection have been received, and the grounds are summarised as follows:

- Noise pollution (including from the pub)
- Parking problems
- Increase in traffic
- Impact of construction work on shared boundary with 42 Jewel Street
- Noise and dust from construction work

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 MG19 – Sites and Species of European Importance
POLICY MG20 – Nationally Protected Sites and Species

Managing Development Policies:

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

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.

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 1 – Joint Housing Land Availability Study (2015)
- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 24 – The Historic Environment (2017)

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
- Biodiversity and Development
- Parking Standards
- Planning Obligations
- 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

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 as follows:

- The principle of the use
- Design and visual impact
- Impact on neighbours/residential amenity
- Parking and highways issues
- Ecology
- Drainage
- Section 106 issues
- Bin storage

The principle of the development

The site is located within a predominantly residential context, within the settlement boundary of Barry. The proposed residential use is wholly compatible in principle with the adjoining residential areas, and the pub use (Class A3) exists at present. Consequently it is considered that the retention of a public house with additional residential units is acceptable in principle. An objection has been raised by a member of the public which refers to noise from the pub, however, the application does not seek to introduce a new use of this type to the area (rather it is just the retention, refurbishment and re-configuration of the use).

Policy MD5 states that new developments should not result in the unacceptable loss of public open space, community or tourism buildings or facilities. Critically the proposal seeks to retain a public house, which would be an improved/renewed facility for the benefit of the community.

Policy MD6 of the LDP sets out what represents an acceptable housing density, in order to ensure the efficient and best use of land. Within Barry the policy requires a minimum of 30 dwellings per hectare and based on this site area of 0.13 hectares, the density would be 107 dwellings per hectare, which complies with the policy. The development would represent particularly efficient use of land in a highly sustainable location and it would make a meaningful and positive contribution towards addressing affordable housing need.

The proposal is for 100% affordable housing, to be delivered by Newydd Housing Association, one of the Council's partner RSLs. The need for affordable housing within the Vale is well evidenced by the Council's Local Housing Market Assessment which determined that 576 additional affordable housing units were required each year to meet housing need in the area, with Barry being one of the areas in highest need. There is a target for 3,252 affordable residential units to be provided over the plan period as identified by policy SP4 of the Local Development Plan. The need is further evidenced by the following figures from the Council's Homes4U waiting list in the ward of Castleland:

CASTLELAND	
1 BED	335
2 BED	149
3 BED	50
4 BED	13
	547

As noted above the application would make a positive contribution towards meeting the established need for affordable accommodation within this area and this represents a material consideration in favour of the proposed development. A significant amount of new housing has been approved in Barry in the last 10 years and a number of large schemes fall within this ward, for example Arno Quay (2016/01290/RES- 20 affordable units), the former Magistrates Courts (2012/01114/FUL- 52 affordable units) and Subway Road (2018/01108/FUL- 72 affordable units). Outline permission has been granted for up to 250 dwellings on the 'East Quay' parcel of the Waterfront and that will be likely to yield up to approximately 35 affordable units.

It should also be noted that three further applications in the same ward for affordable residential developments are currently before the Council- 2019/00603/FUL (land at Hayes Road- 23 units), 2019/01061/FUL (Sea View Labour Club- 28 units) and 2019/01060/FUL (Windsor public house Hotel- 18 units). Each application should be treated on its merits and those developments have been reported separately to this, however, it is reasonable to take those into account (given the recommended approval of them) when considering affordable housing supply/demand.

Notwithstanding the developments/applications listed above, the overall number of affordable units being delivered would still not meet the need identified in the table above. Consequently it is considered that there is an identified need for these units, which would assist the Council in meeting local affordable housing demand, and the development is therefore considered acceptable in principle.

Design and visual impact

The development does not involve a significant amount of external/elevation alteration to the existing building, save for the extension to the side. That extension would be highly visible and prominent from Jewel Street, and also clearly visible across the site from Lower Morel Street.

While the existing building is very traditional in character, the proposed extension is markedly more contemporary, with a more angular form and flat roof. The applicant has discounted a more traditional approach on the grounds that it would have resulted in a much larger and bulkier form of development which would not have the same degree of subservience as this proposal. The applicant also expressed concerns as to the likelihood of successfully replicating traditional detailing of the kind found on the Castle, particularly given that the project budget could not accommodate natural stone in these quantities.

It is often appropriate to extend traditional buildings with more contemporary additions, however, much will depend on the transition between the two elements. Given that this is a wholly affordable development the project budget could not accommodate a lightweight glazed link, however, there were nevertheless concerns with the original proposals, within which the new element related poorly to the existing building. In particular, there was not an appreciable subservient section to assist the transition between the two elements (an alternative approach instead of a glazed link) and the flat roof projected over/past the adjacent pitched roof- see below:



The design has now been amended to set back the section closest to the existing building, which means that there is now a more appreciable visual break between the new and the old, and there is no conflict at the roof level- see below:



From the majority of viewpoints along the street the recessed section will not be visible and, therefore, the design will largely create the impression of a visual break between the two elements. The design is relatively simple but provided it is detailed to a high standard with appropriate materials, it is considered that this will prove an effective approach that will add positively to the street scene. The use of reconstituted stone will give a degree of continuity with the existing building (appropriately separated from the existing building by the clad, recessed section) and the pattern/size of windows similarly reflect the existing. The modern cladding system and dark grey windows are integral to the contemporary approach, and the clad second floor (recessed slightly from the stonework) would give further depth and interest to the elevation.

The extension would appear appropriately subservient to the main building and the 'step down' from three storeys to two would result preserve a greater sense of space between the development and the adjacent terrace of dwellings. The development would therefore not appear cramped within the street and while more contemporary in form, it would continue the prevailing pattern of development and the active frontage to the street.

The rear elevation would hold a less prominent position in the street and, subject to appropriate materials and high quality detailing, it is also considered to be of an acceptable design and composition that would preserve the character of the wider street scene.

In summary, it is considered that the amended proposal is of an interesting design and represents an acceptable way to extend the building, such that it would comply with policies MD2 and MD5 of the LDP.

The development would otherwise involve the conversion of the building and the residential units and pub would be served by the existing arrangement of openings. The single storey wing and outbuilding to be demolished are characterful, however, they do not benefit from statutory protection and it is considered that their loss would not be unduly harmful to the character of the wider built environment. The bin store is set well back from the pavement edge and would not have an appreciable visual impact.

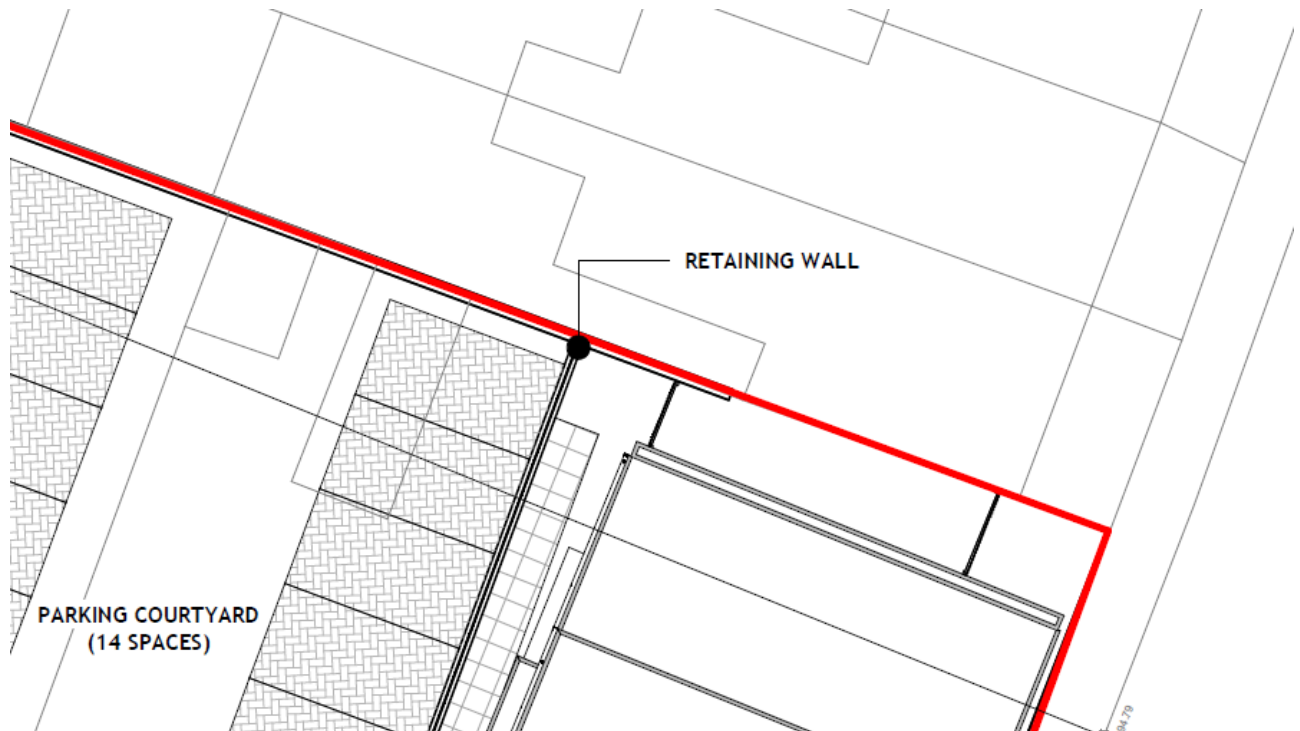
Finally in respect of visual impact, the development would be likely to improve the overall condition and outward facing appearance of the building. While the building has not slipped into disrepair in the same way as arguably the Windsor public house has (see application 2019/01060/FUL) it nevertheless has a tired appearance that would be elevated by the redevelopment, which would include new windows and doors, and areas of re-painting.

Impact on neighbours/residential amenity

The extension would be separated from the neighbouring property at 44 Jewel Street by approximately 2.5m. This neighbour has a single window on the side elevation which serves a living area, however, it is a secondary opening which appears to have been inserted since the construction of the house, presumably to allow more light into the room. The development would be likely to affect the amount of light reaching that window, however, the window sits on the site boundary and it is essentially reliant on 'borrowed light', i.e. it would not be

reasonable to require adjoining land to be kept open and free of obstruction in order to benefit a side facing neighbouring window at the boundary. Therefore, and given that it is not the original/principal opening, it is considered that the impact on this window would not be unreasonable.

There are further windows on this property from which the extension would be visible at close range. The plan and photograph below highlight the relationship between the extension and the neighbouring house:



This property has a first floor bedroom window on its main rear elevation, however, the proposed development would not project significantly past that window and coupled with the distance it would be sited away from the boundary, the impacts on that window would not be significant. There are two further windows at first floor on the side of the rear annexe (bedroom on the left and bathroom on the right when viewed in the photograph above), however, again it is considered that their siting and the distance to the extension are such that the outlook would not be unreasonably enclosed by the development.

The development would not overbear the rear garden of this property and while some rear windows on the extension would have angled views towards the rear garden, the level of overlooking would not be dissimilar to the mutual levels of overlooking that exist from bedrooms to gardens along the terrace (i.e. levels of overlooking that are common in residential contexts).

Other habitable room windows on the rear elevation (existing building and extension) would be in excess of 21m from neighbouring windows and gardens and windows on the south facing side elevation would similarly not overlook any neighbouring property.

Windows in the front elevation would face properties across Jewel Street at a distance of approximately 14m-15m. While this is less than 21m (specified in the Council's SPG) it is not dissimilar to the relationship between opposing terraces along Jewel Street and is materially more than exists between other opposing terraces in the immediate area. Consequently, and given that these are views across a public highway, it is considered on balance that there would not be unacceptable impacts on privacy.

It is likely that the construction period would bring with it a degree of noise and disturbance to the closest neighbouring properties, however, that is regrettably unavoidable in most cases during the course of construction works. Nevertheless, the impacts would be temporary and can be reasonably minimised through an effective Construction Environmental Management Plan (see condition 8).

The neighbour at number 42 Jewel Street is understandably concerned to ensure that the works at the boundary do not unacceptably impact upon their property. In particular it was noted on site that the outbuilding to be demolished forms the side wall to the neighbour's outbuilding, and consequently the developer would need to ensure that the neighbour's rights/property are not unreasonably impacted upon. The developer will have to ensure that any requirements under the Party Wall Act 1996 are complied with, however, that legislation is generally separate to the planning process and does not affect the merits of this proposed development. Furthermore the grant of planning permission would not confer legal rights to affect another party's property.

In summary, it is considered that the proposed development would comply with policies MD2 and MD5 of the LDP and the aims of the Council's SPG.

Parking and highways issues

The development would be served by fifteen parking spaces, accessed from Lower Morel Street. These spaces can be accessed safely and there is sufficient

space between the two banks to enable vehicles to reverse out (or in) and leave the site in a forward gear. The access road into the site has been widened to 4.5m at the Highways Engineer's request (so that vehicles can pass each other) and the access would benefit from sufficient visibility along the road regarding both vehicles and pedestrians.

An existing telegraph pole and parking sign would need to be re-located to accommodate the widened access, however, there is evidently scope within the highway for this to happen. This is a matter for the Highways Authority and their consent would be required for the re-location. Consequently there is no need for a condition requiring this.

The development would be likely to lead to a modest increase in traffic within the immediate highway network, however, the development is not of a significant size and it is unlikely that the development would fundamentally affect traffic flows or cause additional localised congestion.

The principal highways related issue is, therefore, the level of parking being provided, and whether this is adequate to deal with demand arising from the development.

The applicant has investigated likely parking demand as a consequence of the location and the tenure type. 2011 census data suggests that 54% of social rented households in the Vale of Glamorgan have no access to a car and that there are typically 0.3-0.4 cars per social rented unit (1 and 2 bedrooms).

While each case must be treated on its merits, other applications for affordable housing schemes in Barry have recently been accompanied by survey data of parking space use in social rented developments. These found that an average of 0.43 parking spaces per unit were being used, and this generally tallies with the census data.

The above rationale would equate to approximately 6 parking spaces for the 14 units, in addition to visitor parking (an additional 3 spaces).

The proposed 15 spaces would exceed the 9 spaces that are considered likely to be required (based on the rationale above) and that would indicate that the development will not add to pressure for on street parking in the surrounding streets. The parking level may be greater than what will fundamentally be required, however, it is not necessarily inappropriate for them to be provided. Should it be the case following the occupation of the units that a number of spaces remain un-used (as is considered likely), it may be that a limited number of spaces can be set aside for use by pub staff or patrons. This would be a matter for the site operators and it is not required to render this development acceptable, given that there is an existing public house which does not benefit from such (i.e. parking impacts from the proposed public house are not likely to be greater than the existing situation).

Notwithstanding the above, this is a site where occupants could realistically exist without a car, given the very close proximity to bus and train links, and a very wide range of day to day services on Holton Road. Furthermore the level of parking proposed supports the aims of PPW to reduce over-reliance on the

private car and encourage more sustainable modes of travel. In line with that advice, the Council's parking standards are 'maximums' and this is designed to encourage lower car use and less reliance on the car. The SPG recognises that there will be some circumstances where higher levels of parking will be more appropriate, however, sustainable edge of town centre locations such as this are examples of where lower parking levels can and should be accepted, particularly for this tenure type.

Notwithstanding the above, the applicant has carried out a snapshot parking survey which sampled parking take up on the surrounding streets between 0600 and 0630 on a Wednesday morning in June this year.

The survey recorded that approximately 74% of the available parking spaces on Jewel Street (north of its junction with Lower Pyke Street) were occupied. A similar occupancy rate of 71% was recorded on Morgan Street. Some 48% of spaces were occupied on Cyril Street and Dock View Road. Only some 23% of spaces were occupied on Lower Pyke Street, most likely due to the limited number of properties that front onto this section of highway. While this suggests that there is capacity for parking in the surrounding streets, the assessment above concludes that the development would in any case be supported by adequate parking on site.

It is recognised that on-street parking is often a cause for concern for existing residents close to such developments, however, it is considered in this case that the development has extremely high sustainability credentials which warrant a relaxation in parking levels (below what *may* be required for a market development of the same composition). Finally, it should be noted that the Highways Engineer has not objected on parking grounds. Having regard to the above, the development is considered acceptable in respect of parking, traffic and highway safety.

The cycle store meets the size requirements of the Council's SPG and condition 5 requires it to be provided prior to occupation of the apartments.

Open space

The flats would not be served by private amenity space, given the physical constraints of the site, and it is often the case that flatted developments cannot practically be served by private amenity space. Residents would, therefore, mainly be reliant upon nearby public open space to meet their amenity needs. The Council's Supplementary Planning Guidance aspires to 20m² per person, however, in densely developed, urban locations such as this it will often be necessary for the Council to adopt a pragmatic stance to open space provision, given that failure to do so would be likely to jeopardise the efficient use of such sustainable land. In such locations occupiers will usually be partially reliant at least on larger more strategic areas of public open space outside of the site itself.

The site is very well located for access to public open space, in particular the play area between Morgan Street and Coigne Terrace, the play area off Digby Street and Central Park. It is also within easy walking distance of open space on the Waterfront. The lack of on-site space must be weighed against the positive impacts of the development; in this case principally the provision of much needed affordable units, but also the provision of a renewed public house. In light of this and given the close relationship the site has with nearby public open space, it is considered that the outdoor amenity needs of the occupiers can be met through the nearby public open space.

The Council would typically seek on site public open space where practicable (in line with Policy MD3 of the LDP) or a financial contribution where this cannot be provided. However, given the Council's stance in respect of not seeking financial contributions on wholly affordable developments under 25 units, a contribution is not sought in this case.

There is a refuse store on the ground floor which can be readily accessed from the pavement. It is considered that this represents an appropriate means of waste storage.

Ecology

The application is accompanied by a Bat Activity Survey Report and a Preliminary Roost Assessment. This ecology work has established that there is likely to be a bat roost for a single unidentified pipistrelle within the yard outbuilding, at the northern gable end under a slipped roof tile. Consequently, a European Protected Species licence is required from Natural Resources Wales (NRW).

The Bat Activity Survey Report states that a detailed mitigation and compensation strategy is to be devised in the form of a method statement which will include, but not be limited to, mitigation including a qualified bat ecologist being retained throughout the project and two interim bat boxes being sited on the exterior of the main pub building. The interim bat boxes would be retained post development as compensation.

NRW have considered this and have advised that they *'do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range'*.

Nevertheless, as a competent authority under the Conservation of Habitats and Species Regulations 2010 ('habitat regulations'), the Local Planning Authority must have regard to the Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, 6.3.6). The three tests are:

- Test i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- Test ii) There is no satisfactory alternative.

Test iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

If the tests cannot be satisfied, then refusal of planning permission may be justified. A proportional approach can adapt the application of the tests, i.e. the severity of any of the tests will increase with the severity of the impact of derogation on a species / population.

In terms of Test 1, it is considered that the proposed development is in the public interest, due to the contribution it would make towards meeting affordable housing need.

In terms of Test 2, there is considered to be no satisfactory alternative which would not cause greater disturbance to the bat, given that building needs to be demolished to allow parking to be provided.

In terms of Test 3, NRW have advised that with the proposed mitigation measures, the development would not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

During site surveys swifts and other birds were observed flying over the site and the submitted documents recommend bird boxes as ecological enhancements. Condition XXX requires the submission of an ecological enhancements plan (which will be likely to include the provision of bird boxes, to ensure that the development accords with the aims of the Council's SPG on Biodiversity and Development.

On this basis, there is no ecological objection to the development and it is considered that the proposal satisfied the requirements of Policy MD9 of the LDP.

Drainage

The application is accompanied by a drainage strategy, which sets out the principles for how site drainage can be dealt with.

The Dwr Cymru Welsh Water (DCWW) apparatus record plan shows the proximity of adopted sewers. There are existing combined sewers in the highways of Jewel Street and Lower Morel Street which connect, (both discharging in south westerly direction along Jewel Street), and there is also a combined sewer in Jewel Street that discharges in south easterly direction along Cyril Street.

The existing foul discharge from the development is thought by the applicant to be connected into the combined sewer in Lower Morel Street. The existing surface water from the development site discharges in two ways. Firstly the front elevations discharge via rainwater pipes with shoes, directly onto the back of footpath of Jewel Street, and into highway gullies. Secondly there is discharge via rainwater pipes into gullies adjacent to the side and rear elevations and into the DCWW combined sewer.

The drainage strategy states that discharge of foul flows can be accommodated by the existing DCWW infrastructure. The existing foul discharge from the retained Public House would remain fundamentally unchanged, with localised alterations to suit any reconfiguration of facilities. The proposed foul discharge from the proposed residential flats element of the scheme would have a new dedicated foul drain to the rear of the flats, with a new dedicated lateral foul drain connected to the DCWW combined sewer in Jewel Street. DCWW have raised no objection, subject to a condition to limit surface water connection to the public system.

For surface water, the drainage strategy has considered the various priority levels and suggests that connection to the combined sewer is justified. The Council's Drainage Engineer and DCWW have not confirmed definitively that such an approach will be acceptable, however, no objection is raised subject to a condition requiring a detailed drainage scheme to be submitted (see condition 6). The development of the new flats in the extension is likely to also require SAB (SUDS Approval Body) approval.

Section 106 issues

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, there are no section 106 contributions sought for this development.

RECOMMENDATION

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 and documents:

Plans A120, A125 Rev C, A126 Rev A, A127 Rev A, A128 Rev A, A129 Rev B, A130 and A133 Rev B
Wildwood Ecology Preliminary Roost Assessment Report WWE 18008 PRA Rev B (9/4/18)
Wildwood Ecology Bat Activity Survey Report WWE 18008 BAS Rev B (24/8/18)

Reason:

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

3. The site enclosures shall be in accordance with a schedule that shall be submitted to and approved in writing prior to their erection. 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.

4. Prior to the first beneficial occupation of any of the units, the site access and parking areas shall be laid out in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority, and the access and parking spaces shall be retained at all times thereafter to serve the development.

Reason:

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

5. The cycle storage area shown on plan A125 Rev C shall be provided prior to the first beneficial occupation of any of the units and shall be so retained at all times thereafter.

Reason:

In order to ensure that adequate cycle storage is provided and to ensure compliance with Policy MD2 of the LDP.

6. Notwithstanding the submitted plans and details, and prior to the commencement of development, a scheme for foul and surface water drainage (including details of the perpetual management of the drainage system and a justification for the proposed means of surface water disposal) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the first beneficial occupation of any of the units and maintained at all times thereafter in accordance with the approved details.

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/forms and prior to their use in the construction of the development hereby approved, further details and samples of any new 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 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) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - viii) hours of construction and hours of deliveries to site;
 - ix) lighting;
 - x) management, control and mitigation of noise and vibration;
 - xi) odour management and mitigation;
 - xi) diesel and oil tank storage areas and bunds (where appropriate);
 - xii) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development; and
 - xiii) a system for the management of complaints from local residents which will incorporate a reporting system.
 - xiv) routes for construction vehicles accessing the site.

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

Reason:

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

9. Prior to the first beneficial use of the new public house, a scheme for the laying out of the outdoor area around the public house shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of external seating, soft and hard landscaping (and details of the management and maintenance of the landscaped areas). The area shall be laid out in accordance with the approved details prior to the first beneficial occupation of any of the units and it shall be so retained/maintained at all times thereafter.

Reason:

To ensure an adequate outdoor space is provided to serve the occupiers, 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.

10. 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.

11. Prior to the first beneficial occupation of any of the apartments, a biodiversity enhancements plan shall be submitted to and approved in writing by the Local Planning Authority. The measures in the plan as approved shall be implemented in full either prior to the first beneficial occupation of any of the apartments, or in accordance with a schedule of timings that shall be contained in the enhancements plan. Those measures shall be retained at all times thereafter.

Reason:

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

12. The development shall at all times where applicable be carried out in accordance with the measures and recommendations contained within the Wildwood Ecology Preliminary Roost Assessment Report WWE 18008 PRA Rev B (9/4/18) and the Wildwood Ecology Bat Activity Survey Report WWE 18008 BAS Rev B (24/8/18).

Reason:

In the interests of ecology and to ensure compliance with policies MD2 and MD9 of the LDP.

13. Prior to the commencement of development, the local planning authority shall be provided with a copy of the licence issued by Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 (as amended) authorising the specified activity/development to go ahead.

Reason:

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

14. Prior to the first beneficial occupation of the development hereby approved, a Travel Plan shall be prepared to 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 implemented 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.

15. The cycle store shall be provided prior to the first beneficial occupation of any of the units and it shall be so retained at all times thereafter.

Reason:

In order to ensure that adequate cycle storage facilities are provided and to ensure compliance with policies SP1 and MD2 of the LDP.

16. No development approved by this permission shall commence until an appropriate programme of historic building recording and analysis has been secured and completed in accordance with a written scheme of investigation which shall first have been submitted to and approved in writing by the Local Planning Authority. The final report on such recording shall be deposited with 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:

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

17. Prior to beneficial occupation of any of the dwellings, a scheme for the provision of affordable housing shall be submitted to and approved in writing by the local planning authority. The affordable housing 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 be provided in accordance with the approved scheme and shall meet 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 scheme shall include:

i) the arrangements for the management of the affordable housing;

ii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

iii) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason:

To ensure that the development is kept in perpetuity as an affordable housing scheme, and to ensure compliance with PPW and TAN 2.

NOTE:

1. **You are advised that there may be species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**

- 2. 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.**
- 3. The proposed development site may be 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.**
- 4. Warning: An European protected species (EPS) Licence is required for this development.
This planning permission does not provide consent to undertake works that require an EPS licence.
It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.
To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>**

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.

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, MG19 – Sites and Species of European Importance, MG20 – Nationally Protected Sites and Species, 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, national planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW), Technical Advice Notes 1, 2, 12, 16 and 24 and the Council's Supplementary Planning Guidance on Affordable Housing, Biodiversity and Development, Parking Standards, Planning Obligations, Residential and Householder Development, Sustainable Development and Travel Plans, the proposed development is considered acceptable in principle and in terms of visual impact, residential amenity, parking, highway safety, open space, drainage and ecology.

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).

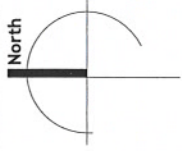
The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised 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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Notes:
Do not scale this drawing. Check all dimensions on site. Any discrepancies to be reported back to the Architect for clarity.

North



Drawn by: Date: Dwg No: Job Number: Project: Client: newydd



Project: CASTLE HOTEL, JEWEL STREET, BARRY

Job Number: L805

Date: 20.09.19

Drawn by: PC

Dwg No: A120

SITE LOCATION PLAN

Revision:

Scale: 1 : 1250 @ A3

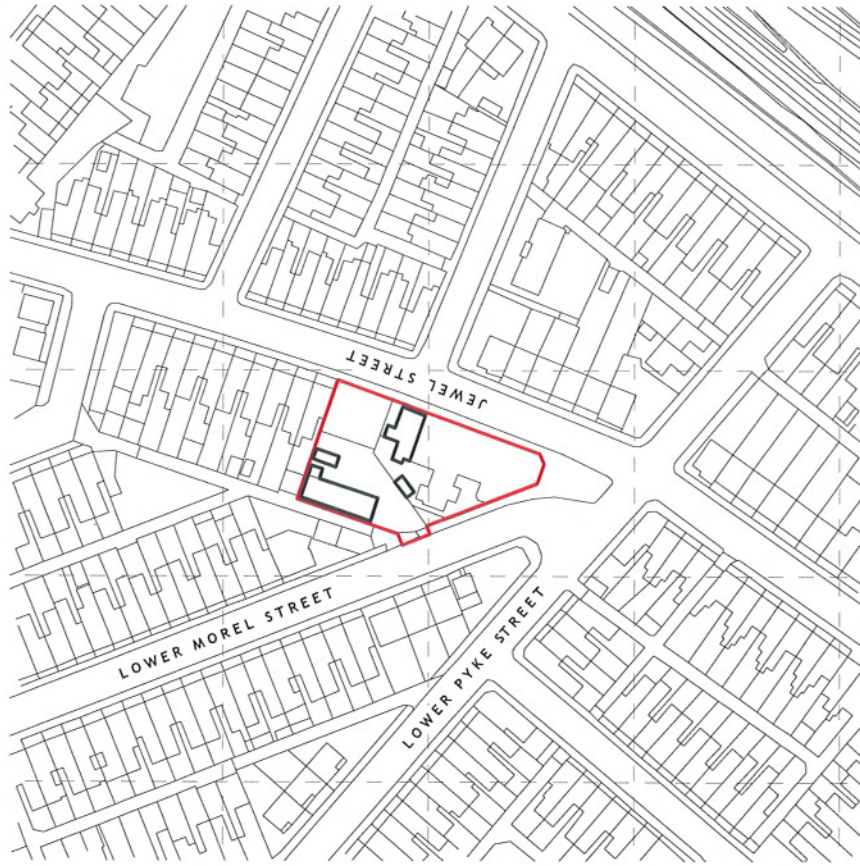
Drawing Status:

PLANNING



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01 SITE LOCATION PLAN
1 : 1250



1:1250