

**REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT**  
**TO BE HELD ON 5 SEPTEMBER 2024**

1. PLANNING APPLICATIONS

2024/00306/FUL      Land to the South of Hood Road, Barry

**2024/00306/FUL** Received on 3 April 2024

**APPLICANT:** Welsh Education Partnership (WEPCo) and Cardiff an C/O Agent , -, - , -  
**AGENT:** Mr Tobias Robinson Helmont House, Churchill Way, Cardiff, CF10 2HE

### **Land to the South of Hood Road, Barry**

Proposed redevelopment of vacant brownfield site at Barry Waterfront for a new educational campus for Cardiff and Vale College including landscaping, related infrastructure and engineering works

### **REASON FOR COMMITTEE DETERMINATION**

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

### **EXECUTIVE SUMMARY**

The proposal is a full planning application submitted by Welsh Education Partnership (WEPCo) and Cardiff and Vale College (CAVC) for the redevelopment of the site to provide a new general learning campus. The campus, together with the proposed campus at the Cardiff Airport and Gateway Development Zone (subject to a separate planning application ref. 2024/00329/FUL) is intended to replace CAVC's existing campus at Colcot Road. The new facility, subject of this application, would provide circa 6,000 sqm (gross internal) of floorspace and would cater for 855 students with 79 full time equivalent staff.

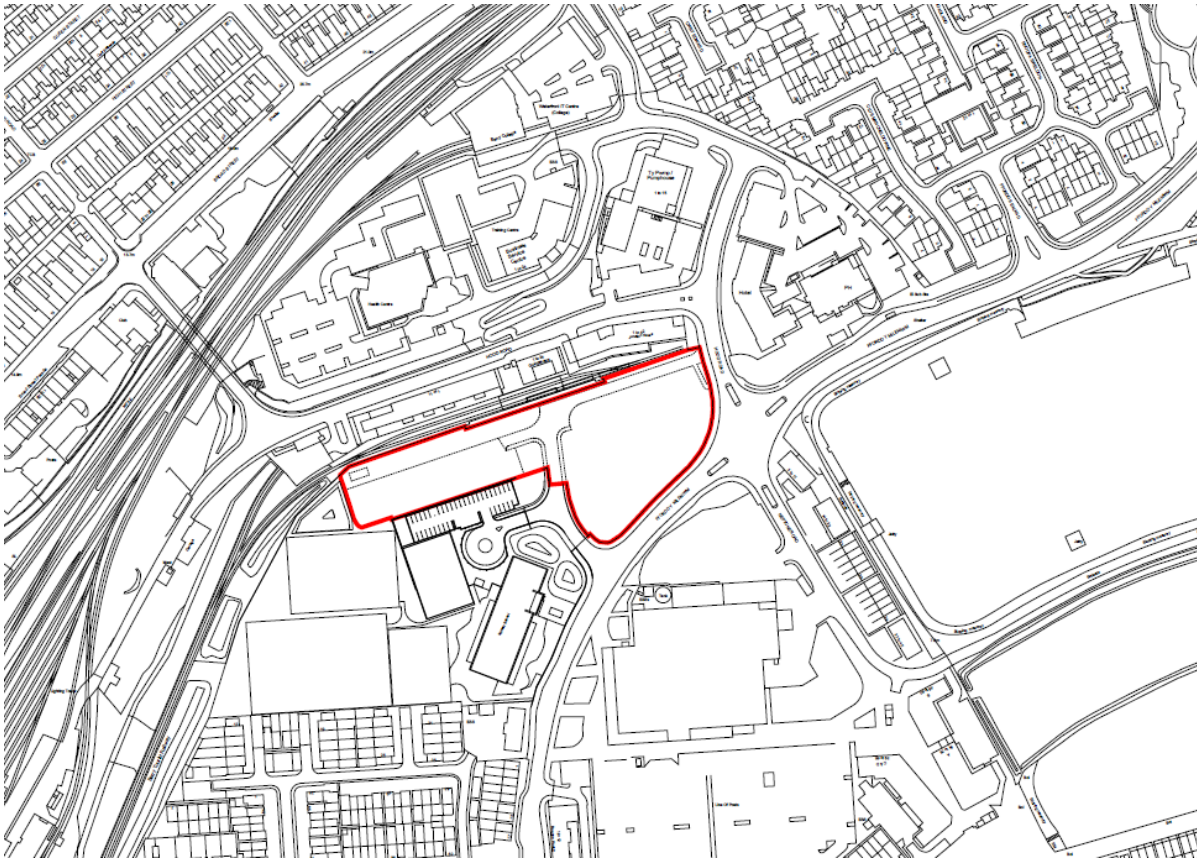
The application site consists of circa 1.1ha of brownfield land located at the junction of Ffordd Y Mileniwm, Hood Road and Neptune Road. The proposal would introduce a three storey 'L' shaped building adjacent to the junction, with an entrance plaza to the front and open space, car park and ancillary buildings to the rear. Landscaping is incorporated throughout the layout. Access to the site is proposed from Ffordd Y Mileniwm via the existing access road serving the adjacent primary school, with a secondary access (providing access in to the site only) from Hood Road for refuse, maintenance and delivery vehicles.

No representations from interested parties have been received at the time of writing this report.

The site is unallocated in the Local Development Plan, but is located within Barry settlement boundary in an area of mixed uses, and therefore the fundamental principle of development is considered acceptable. The application is recommended for approval subject to conditions.

### **SITE AND CONTEXT**

The application site consists of circa 1.1ha of brownfield land located at the junction of Ffordd Y Mileniwm, Hood Road and Neptune Road, as shown on the plan below:



The site is currently vacant and predominately comprise a mix of hardstanding and overgrown grass/scrub. The site is enclosed by metal fencing and is accessed from Ffordd Y Mileniwm by a T-junction which also serves Ysgol Gymraeg Sant Baruc, located adjacent to the southwest of the site.

The wider context to the site is characterised by a mix of residential and commercial land uses. Immediately to the north of the site is Junction House, a residential apartment block, and the Goodsheds, which offers a mix of independent food and drink and retail outlets as well as self-catering accommodation and work/living spaces. To the north-east is the Premier Inn Hotel, to the south-east on Neptune Way are residential apartment blocks with retail units at ground floor, to the south-west is Ysgol Gymraeg Sant Baruc and to the south is Asda superstore.

In policy terms, the site is located within the settlement boundary of Barry as defined on the adopted Local Development Plan 2016-2026 (2017) Proposals Map. The site is unallocated albeit it is located immediately adjacent to the north of the strategic mixed use allocation at Barry Waterfront.

### DESCRIPTION OF DEVELOPMENT

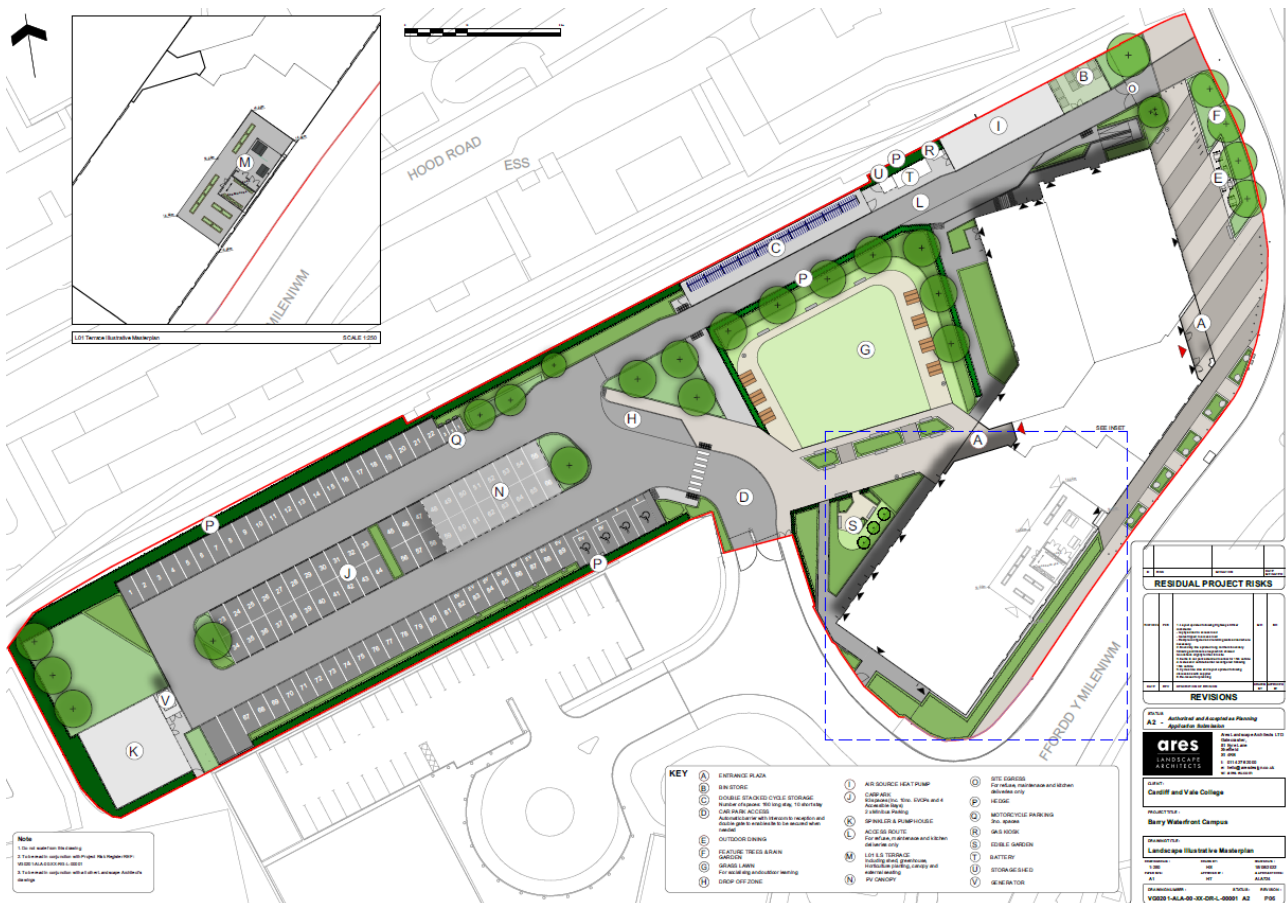
The proposal is a full planning application submitted by Welsh Education Partnership (WEPCo) and Cardiff and Vale College (CAVC) for the redevelopment of the site to provide a new college campus.

The application details that the campus will be a 'state of the art' further education facility and community college, which along with the proposed campus at the Cardiff Airport and Gateway Development Zone (this is subject to a separate planning application ref. 2024/00329/FUL) is intended to replace CAVC's existing campus at Colcot Road. The new facility would provide circa 6,000 sqm (gross internal) of floorspace and would cater for 855 students (at any one time) and 79 full time equivalent staff. Further details of the operations of the college and breakdown of students have been provided by CAVC. This details that of the total 1,029 students which would attend the campus, only 62% of students are expected to be full time, with this requiring attendance at college three days a week and part time courses requiring lesser and varied patterns of attendance. Consequently there is an anticipated maximum of 855 on site at any one time.

The proposal would introduce a new 'L' shaped building located at the front of the site where Ffordd Y Mileniwm intersects with Hood Road. To the front of the building, adjacent to Hood Road and Ffordd Y Mileniwm would be an entrance plaza and outdoor dining area with canopy. To the rear would be a courtyard with grass lawn and seating area for socialising and outdoor learning, an 'edible' garden, car park and ancillary buildings, including but not limited to cycle and refuse stores, air source heat pump, and sprinkler and pumphouse. Landscaping is incorporated across the layout.

The principal means of access to the site is proposed from Ffordd Y Mileniwm via the existing access road serving the adjacent school. A footway would be provided within the site to link with the existing footway on the access road and provide pedestrian access to the rear entrance plaza and courtyard. The access from Hood Road at the north east corner of the site would be reinstated to provide access only into the site for refuse, maintenance and kitchen deliveries.

The proposed masterplan is shown below:



The building would be three storeys in height, with a central atrium extending the full height of the building. The main roof would be approx. 14.8m tall (with slight variation to each elevation) whilst the two taller additions to the roof containing the air handling units would have a maximum height of 18.9m. The facility would contain the following facilities at each level:

- Ground floor – atrium including a coffee shop and general store, dining area, kitchen, bakery, in addition to Hair and Beauty Therapy and Hospitality and Catering departments with active street frontages open to the public.
- First floor – Care and Independent Living Skills departments, wellbeing gym, Learning and Skills Centre with external garden terrace.
- Second Floor – general classrooms, IT rooms, Art and Design department.

The proposed materials palette includes red brick to the facades with anthracite grey metal elements.

The proposed elevations are shown below, along with illustrative CGIs of the building:



2 South East Elevation\_Rendered  
1:200



1 East Elevation\_Rendered  
1:200



6 North Elevation\_Rendered  
1:200



3 West Elevation\_Rendered  
1:200



4 North West Elevation\_Rendered  
1:200



5 South West Elevation\_Rendered  
1:200



Perspective view of campus building from south-east from at junction of Ffordd Y Mileniwm, Hood Road and Neptune Road.



Perspective view from rear

## PLANNING HISTORY

The site has a lengthy planning history and the most relevant applications are listed below.

1986/01113/OUT, Address: Dock No. 1, Barry Dock, Barry, Proposal: Complete redevelopment, Decision: Appeal Allowed.

1991/00496/OUT, Address: No. 1 Dock, Barry, Proposal: Renewal of consent for comprehensive redevelopment, Decision: Approved.

1994/00144/OUT, Address: No. 1 Dock, Barry, Proposal: Comprehensive redevelopment, Decision: Approved.

1994/00207/FUL, Address: No. 1 Dock, Barry, Proposal: Infrastructure to comprehensive redevelopment, Decision: Approved.

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

2000/00265/FUL, Address: Barry Waterfront, Proposal: Variation of Condition 3 of planning permission 94/00144/OUT to extend time period for approval of reserved matters from three years to seven years, Decision: Approved.

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

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

2007/00172/RG3, Address: Site W3, The Waterfront, Barry Docks, Proposal: Outline planning application for the site to be used for an education facility, Decision: Approved.

2007/00212/FUL, Address: Hood Road goods shed site, The Waterfront, Barry, Proposal: Change of use to allow Circus and associated events, Decision: Approved.

2009/00946/1/CD, Address: Hood Road, Barry, Proposal: Discharge of Condition 24 - Biodiversity Management and Monitoring Plan (phase 2), Condition 25 - Habitat Mitigation Scheme (phase 2), Condition 31 - Badger Survey (phase 2) and Condition 49 - Archaeological Works. 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). 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, Decision: Approved.

2009/00946/OUT, Address: Land at Barry Waterfront adjacent to Dock No. 1, Barry, Proposal: 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). 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, Decision: Approved.



2009/00947/OUT, Address: Land at Barry Waterfront adjacent to Dock No. 1, Barry, Proposal: 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). 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, Decision: Approved.

2010/00397/SC1, Address: Land at Barry Waterfront adjacent to Dock No. 1, Barry, Proposal: Regrading of site and remediation of contamination, Decision: Environmental Impact Assessment (Screening) - Not Required.

2010/00696/FUL, Address: Land at Barry Waterfront adjacent to Dock No. 1, Barry, Proposal: Re-grading of site, remediation of contamination and construction of link road to Barry Island, Decision: Approved.

2012/01004/FUL, Address: Land at Barry Waterfront , adjacent to Dock No. 1, Goods Shed, Access Road, Barry, Proposal: Creation of new vehicular access including 3.5m footway / cycle way and associated engineering works. Re-alignment of access approved by 2010/00696/FUL, Decision: Approved.

2014/00229/EAO, Address: Barry Waterfront, Proposal: Deletion of Conditions 1 and 2, Variation of Conditions 3, 5, 19 and 20 of 2009/00946/OUT for the 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). 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 at Land at Barry Waterfront adjacent to Dock No. 1, Barry at Land at Barry Waterfront, adjacent to Dock No. 1, Barry. Decision: Approved.

2020/00717/FUL, Address: Land at Barry Waterfront, adjacent to Dock No. 1, Proposal: Vary Conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 22, and 23 of planning permission 2010/00696/FUL , Decision: Approved.

2020/00852/FUL, Address: Barry Waterfront 2FE school enabling works on Council owned land, Proposal: Proposed enabling works in preparation for the Barry School site development. This includes topsoil strip, removal of obstructions and existing structures and foundations, installation of wick drains, placement and monitoring surcharge, removal of surcharge and monitoring for rebound and ground raise to proposed levels. , Decision: Approved.

2021/00379/FUL, Address: Land at Barry Waterfront, Proposal: The construction of a new primary school, access, car parking, landscaping and associated works, Decision: Approved.

2022/00661/SC1, Address: Land to the South of Hood Road, Barry, Proposal: Screening Opinion on the requirement of an Environmental Impact Assessment for the proposed development of the CaVC Barry Waterfront Campus (BWC) , Decision: Environmental Impact Assessment (Screening) - Not Required.

## CONSULTATIONS

**Barry Town Council** responded to comment no objection.

**The Council's Highway Development Section** were consulted on the application and have noted that the submitted Transport Assessment has been independently reviewed with no significant issues raised. It is stated that while the parking provision falls short of the maximum provision, consideration should be given to the sustainable location of the site and it is also noted that the site frontage is already protected by Traffic Regulation Orders. A number of conditions are recommended in the response relating to a Construction Traffic Management Plan, revised Travel Plan, signage strategy and delivery management plan.

**The Council's Education Section** was consulted although no comments have been received at the time of writing this report.

**The Chief Fire Officer** responded to advise that the following examination of the site plan, the Fire Authority has no objection to the proposed development and refers the LPA to any current standing advice.

**The Council's Drainage Section** responded to advise that the site is mostly located within Flood Zone B and is likely to have flooded in the past as evidenced by sedimentary deposits. NRW flood maps indicate that the western half of the site is at a high risk of surface water flooding. In addition, it is noted that the application is subject to SAB approval prior to commencement of work which will require a detailed design of the surface water drainage.

**Shared Regulatory Services (Pollution Control)** responded to advise that the noise assessment methodology and conclusions are accepted, however a post-development noise assessment would need to be carried out within 3 months of completion which can be subject to a planning condition. In addition, a Construction Environmental Management Plan (CEMP) is required by condition and it is noted that the development works should be subject to restricted hours of operation.

The applicant has subsequently submitted a CEMP with the application, and whilst SRS have been consulted on this document, no further comments have been received at the time of writing this report.

**Heneb, The Trust for Welsh Archaeology (formerly GGAT)** responded to advise that the archaeological potential of the site is considered low and it is considered unlikely that significant archaeological remains would be encountered during the proposed development, with no adverse impact on the setting of designated assets. Consequently, there are no objections to the application.

**Cadw (Ancient Monuments)** was consulted although no comments have been received at the time of writing this report.

**Baruc Ward Members** were consulted although no comments have been received at the time of writing this report.

**Dwr Cymru Welsh Water** responded to confirm that the public sewer has capacity to accommodate the proposed development. It is noted that the existing public sewer which runs through the plot is proposed to be diverted to facilitate the development, and therefore a condition is requested requiring details of a scheme to divert the public sewer to be submitted and approved.

**The Council's Ecology Officer** responded to recommend approval of the application, subject to further detail of hibernacula nest box provision and additional native trees and shrub planting.

**The Council's Landscape Section** was consulted although no comments have been received at the time of writing this report.

**The Council's Strategic Property/Estates Section** were consulted although no comments have been received at the time of writing this report.

**Cadw (Historic Gardens)** were consulted although no comments have been received at the time of writing this report.

**Wales and West Utilities** responded with a plan showing the location of WWU pipes at the site and in the surrounding area. Therefore the developer is required to contact WWU prior to commencement of any works to discuss necessary requirements.

**The Council's Transport and Road Safety Section** was consulted although no comments have been received at the time of writing this report.

**Natural Resources Wales** responded to advise that whilst there are concerns with the application is submitted (NRW standard wording where conditions are required), NRW are satisfied that these can be overcome by attaching a condition requiring a CEMP and a condition relating to unforeseen contamination.

It is noted within the response that the site is situated within approx. 7.7k of the Severn Estuary Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site, and therefore it is advised that the proposal needs to be considered under Regulations 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) for the potential impact pathways of contaminated surface water run-off during construction and operation, and the potential for pollution incidents during construction.

The response also details that NRW concur with the findings of the submitted Flood Consequences Assessment, and recommend that advice is sought from the Council's Ecologist with regard to European and fully Protected Species including protected birds.

The LPA has subsequently completed a Habitats Regulations Assessment (HRA) and the applicant has also submitted a CEMP up front with the application which includes details of pollution prevention measures. A further response from NRW outlines that whilst the CEMP is noted, it should be updated to include measures to prevent the introduction/spread of Invasive Non-Native Species. As such the request for a CEMP condition is maintained. NRW also continue to advise that the proposal be considered under Regulations 63 as noted above.

**Western Power Distribution** responded to advise that National Grid have underground cables present on the site and therefore if the developer wishes to undertake a service alteration or a new connection, they will need to make a separate application to national grid. In addition, the developer is advised that they must follow health and safety legislation for close proximity of working to power lines.

**Shared Regulatory Services (Contaminated Land, Air & Water Quality)** responded to state that the submitted 'Geotechnical and Geo-Environmental Desk Study Addendum' and 'Land Contamination Assessment' identify contaminants of potential concern requiring remediation. This would require a detailed remediation strategy and verification plan to be submitted. It is considered by SRS that this could be secured by condition, along with conditions relating to the undertaking of the remediation and verification measures in accordance with the approved details, unforeseen contamination, imported soil, imported aggregates and use of site won materials.

The applicant subsequently submitted a remediation strategy and verification plan as part of the application, and following receipt of this further information, SRS recommend amended conditions, specifically a condition requiring submission of the final report to the LPA following completion of the remediation measures and a condition relating to unforeseen contamination

## REPRESENTATIONS

The neighbouring properties were consulted on 17 April 2024.

Site notices were also displayed on 18 April 2024.

The application was also advertised in the press on 2 May 2024.

No letters of representation have been received at the time of writing this report.

## REPORT

### Planning Policies and Guidance

#### **Local Development Plan:**

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

#### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy  
POLICY SP2 – Strategic Sites  
POLICY SP10 – Built and Natural Environment

#### **Managing Growth Policies:**

POLICY MG3 – Strategic Site at Barry Waterfront

### **Managing Development Policies:**

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD4 - Community Infrastructure and Planning Obligations

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.

### **Future Wales: The National Plan 2040:**

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

#### Chapter 3: Setting and achieving our ambitions

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

#### Chapter 4: Strategic and Spatial Choices: Future Wales’ Spatial Strategy

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

#### Chapter 5 – The Regions

- The Vale of Glamorgan falls within the South East region.
- Regional policies provide a framework for national growth, for regional growth, for managing growth and supporting growth.
- In the absence of SDPs, development management process needs to demonstrate how Future Wales’ regional policies have been taken into account.

#### Policy 1 – Where Wales will grow

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

#### Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

- Based on strategic placemaking principles.

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

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

#### Policy 8 – Flooding

- Focus on nature-based schemes and enhancing existing defences to improve protection to developed areas.
- Maximise opportunities for social, economic and environmental benefits when investing in flood risk management infrastructure.

#### Policy 9 – Resilient Ecological Networks and Green Infrastructure

- Action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.

#### **Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 12, 2024) (PPW) is of relevance to the determination of this application.

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

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

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

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

#### Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Accessibility
- Previously Developed Land
- Supporting Infrastructure

#### Chapter 4 - Active and Social Places

- Transport
- Community Facilities
- Recreational Spaces

#### Chapter 5 - Productive and Enterprising Places

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

## Chapter 6 - Distinctive and Natural Places

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

### **Technical Advice Notes:**

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

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- 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)

### **Welsh National Marine Plan:**

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

### **Supplementary Planning Guidance:**

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

- Barry Development Guidelines
- Biodiversity and Development (2018)
- Parking Standards (2019)
- Sustainable Development - A Developer's Guide
- Travel Plan

### **Other relevant evidence or policy guidance:**

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

## **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 application is for the development of brownfield land at Barry Docks for a college campus. As such the issues to be considered are as the principle of development; layout, design and visual impact; historic environment; impact upon neighbouring amenity; highways, access and parking; biodiversity and green infrastructure; land contamination; flood risk; drainage; and planning obligations.

### **Principle of Development**

The site is located within the settlement boundary of Barry and therefore Policy MD5 – 'Development within Settlement Boundaries' is of relevance. The Policy permits development within settlements subject to the following criteria being met:

1. *Makes efficient use of land or buildings;*
2. *Would not prejudice the delivery of an allocated development site;*
3. *Is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality;*
4. *The proposal would not result in the loss of natural or built features that individually or cumulatively contribute to the character of the settlement or its setting;*
5. *Would not result in the unacceptable loss of public open space, community or tourism buildings or facilities;*
6. *Has no unacceptable impact on the amenity and character of the locality by way of noise, traffic congestion and parking; and*
7. *Makes appropriate provision for community infrastructure to meet the needs of future occupiers.*



In consideration of criterion 2, the site is unallocated and whilst it is located adjacent to the strategic mixed use allocation at Barry Waterfront (Policy MG3), it is not considered that development of the site would prejudice the delivery of this site or conflict with those uses.

The land at Barry Waterfront is allocated for a range of uses including new dwellings, retail floorspace, a hotel, café, bars and restaurants, offices, community, leisure and education facilities. The proposal for a college campus would therefore be wholly compatible and complementary in principle with regards to the proposed use. Moreover it is likely to strengthen the viability and function of those neighbouring commercial uses, and the vibrancy and vitality of the area generally, as a consequence of the additional football and activity.

Noting this, it is considered that the fundamental principle of development is acceptable.

### **Layout, Design and Visual Impact**

In addition to criterion 3 of Policy MD5 referenced above, Policy MD2 (Design of new Development) states that development proposals should:

- 1. Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest;*
- 2. Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix, and density*

The site occupies a prominent corner location at the junction of Ffordd Y Mileniwm, Hood Road and Neptune Road and therefore is highly visible in the streetscene. The proposed 'L' shaped building is considered to be appropriately sited and would offer a dual aspect frontage with the public domain. The provision of a three storey building in this location is considered appropriate, noting the scale of surrounding buildings, and would provide a strong frontage to Ffordd Y Mileniwm and Hood Road. It would present a strong urban edge to the street and would engage positively with the surrounding public realm.

The form and overall appearance of the building is contemporary with nods to the character and industrial history of the area. The atrium to the corner of the front façade has tall glazing features and the recessed design to the atrium and windows, as well as the introduction of a stepped back element with roof terrace at first floor level, adds interest to and assists in breaking up the mass of the building. The use of high levels of glazing at ground level would encourage an active frontage, as this is where the accessible Hair and Beauty Therapy and Hospitality and Catering departments would be located.

The proposed materials palette comprises brick with metal cladding work and cladding detail. The original submission showed a grey/buff brick with yellow metal detailing, however Officers considered this to not be suitably reflective of the materials found in the wider area, which predominately comprise darker red/brown tones. Therefore, revised plans were sought and subsequently submitted showing a red brick and anthracite grey metal palette, along with samples of red brick options. The amended materials are considered to be more in keeping and appropriate in principle, subject to a condition requiring further samples, in addition to details of other external materials (prior to their use in the building- **Condition 3**).

The area to the front of the building would be occupied by a hard landscaped plaza, which would contain an area of seating covered by a canopy, as well as trees and other planting which would green the area. The Fencing General Arrangement plan details the boundary treatments to be provided to the perimeter of the site. The front plaza would not be enclosed and would instead remain open, allowing the development to integrate with the public realm. A short length of weldmesh fencing would be provided along the access road with a double leaf gate at the site entrance, which would tie in with the existing fence line of the school, and this would serve to secure the site when not in use, if required. The other enclosures include metal ball top railing fence and double leaf gate to the access on Hood Road, which would not be dissimilar to the existing fencing, and the same fencing style would be used along most of the northern boundary. In addition, close boarded timber fencing would be used to enclose the sprinkler and pump house, however due to this being located to the western side of the site, it would not be highly visible from the public realm. With the final appearance of the boundary treatments to be secured via the materials condition, the proposal is considered acceptable in this regard.

Internally the site layout makes best use of a somewhat awkward shaped plot, with a car park provided in the narrower part of the site to its west. A lawn enclosed by seating and tree and hedgerow planting is shown to the rear of the building, which would provide a pleasant outdoor space for students to utilise during breaks. Elevations have been provided of the ancillary elements to the northern boundary, which illustrate that they would be suitably screened, subject to samples/further details to be required by condition, with timber enclosures and green roofs for the cycle shelter and refuse store, and a louvered elevation for the air source heat pump enclosure.

In view of the proximity of the site to the listed Pumping House, the Council's Conservation office has been consulted on the application. Whilst initially having concerns with the proposed materials and requesting further information in relation to the ancillary buildings and boundary treatments, the latest submission detailing a red brick and additional elevation drawings has overcome these concerns, subject to condition requiring samples of the materials.

The submitted Energy Statement outlines that the Applicant has an aspirational net zero carbon in operation target, whereby all operational energy consumed on the site shall be offset through a combination of energy generated by roof mounted solar photovoltaic arrays (PV), PV canopy in the car park and additional offsetting measures which are being developed. The incorporation of renewable energy generation into the scheme supports the aims of national and local planning policies, specifically criterion 12 of Policy MD2. As the building has a flat roof with a parapet height of 1.1m and the car park is located to the rear of the building, the PV provision would not have an unacceptable visual impact. However, nevertheless, further details of the specific siting and design of this provision are required by condition (**Condition 4**).

Overall it is considered that the proposed development is of an acceptable form, scale and massing, and that the design positively responds to and is appropriate within the context. The development would appear as a well-designed and visually interesting building of scale at a key junction, and it would sit comfortably with the recent neighbouring developments and the family of more historic buildings to the rear. As such the proposal is considered to comply with criterion 3 of Policy MD5 as well as criteria 1 and 2 of Policy MD2.

## **Historic Environment**

Policy SP10 – ‘Built and Natural Environment’ seeks to preserve and enhance the rich and diverse built and natural environment and heritage of the Vale of Glamorgan. Furthermore, Policy MD8 – ‘Historic Environment’ criterion 4 states that for sites of archaeological interest, development proposals must preserve or enhance archaeological remains and where appropriate their settings.

A Desk Based Assessment has been submitted with the application. The Council’s archaeological advisors, Heneb, The Trust for Welsh Archaeology, have noted within their consultation response that the archaeological potential of the site is considered low. This is because there are no designated, or non-designated archaeological assets within the site, nor is the site within any Archaeological Sensitive Area. It is considered unlikely that significant archaeological remains would be encountered during the proposed development and consequently, no objection is raised.

The proposal is therefore considered to comply with Policies SP10 and MD8 in regard to archaeological impacts.

## **Impact upon Neighbouring Amenity**

Criterion 8 of Policy MD2 – ‘Design of New Development’ requires development proposals to safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.

The closest residential properties to the site are those at Junction House, which is located to the north. The apartments have windows facing south across the application site, and it is acknowledged the proposals would provide an altered outlook as a result of the development. However, the proposed building would be offset from the site boundary by a minimum of 14m, with a minimum separation of 26m from the elevation of Junction House with the southern element set significantly further from the boundary. It is also noted that the apartment block contains 5no. storeys (including the parking at ground floor) and that the proposed building would only be 70cm taller than Junction House itself. As a result of the separation distance between the two buildings and the marginal height difference, it is considered that whilst views from the apartments within Junction House would be altered, the proposed building would not be overbearing or have a harmful enclosing effect.

With regards to light, the proposed building would be located in a southerly position relative to Junction House and as a result may have a degree of impact on light or cause some overshadowing. However, noting the offset of the building itself from the northern boundary, and resulting physical separation from Junction House, as well as the respective building heights, it is considered that any impact would not be significant such that it would be harmful to amenity.

The elevations show that windows would be introduced on the north facing elevation of the proposed building at first and second floor, which would serve classrooms and other office/admin spaces. However, noting that the separation distance above is in excess of the 21m required by the Residential and Householder Development SPG, it is not considered that this would result in a harmful loss of any privacy for the occupants of Junction House.

It is considered unlikely that the proposal would have an adverse impact, by way of overbearing, overshadowing or overlooking impacts, on the residential development to the south east of the site on Neptune Road, as this is separated from the site by the junction. Similarly, it is considered unlikely that the development would impact on the amenity of residents at Mariner's Walk to the south as Ysgol Gymraeg Sant Baruc is located between the dwellings and the development site.

The development of the site is naturally going to result in an increase in noise and activity from the current situation whereby the site is vacant, including from increased movements within the site. However, educational establishments are not considered to be inherently noisy (especially outside of daytime hours) and therefore the proposal is considered in principle to be compatible with residential uses. The proposal would introduce a plaza area in close proximity to Junction House which would contain an outdoor dining area. It is acknowledged that this would likely result in a degree of noise breakout, however noting the mixed uses in the area, it is not considered that any resultant noise would be to a level which would warrant refusal of the application. To the north of the building would be a gated access lane, although this would only be used by refuse, maintenance and kitchen delivery vehicles accessing the site from Hood Road. All other vehicles would be required to use the main access to the south from Ffordd Y Mileniwm and the car park and circulation space is located to the western part of the site, away from Junction House. To this end, it is considered the access arrangements would not give rise to unacceptable amenity impacts, including with regard to noise and disturbance.

Adjacent to the northern boundary to the eastern side would be ancillary buildings associated with the development, including the cycle and refuse stores, and air source heat pump enclosure. A Noise Assessment has been provided which assesses the impacts of the building services (air source heat pump and roof mounted air handling unit) on Junction House, as well as Mariner's Walk to the south. This concludes that based on the design, the building services noise emissions are capable of satisfying the limits established for the project, which would result in no harmful impact at the nearest sensitive receptors. Shared Regulatory Services (Pollution) have reviewed this assessment and concur with the conclusion and methodology. However, given that the specific building services are to be selected and given the proximity to Junction House, it is considered that a post development Noise Survey and Assessment should be carried out within 3 months of the development, to be submitted with any corrective actions necessary, to the LPA, and this can be secured by condition (**Condition 5**).

With regards to lighting, an External Lighting Report (Arup) forms part of the application submission. This document provides a design strategy for lighting at the development and notes that this has been designed with regard to the nearby residential receptors. It also details that a lighting control system will be adopted to ensure that the level/amount of light meets the usage and requirements of the public realm at that time. SRS have consulted the Lighting Report and not raised any concerns in this regard within their response.

It is acknowledged that there will be some impacts arising during the construction period. Therefore, a Construction Environmental Management Plan (CEMP) is required and this has been provided with the application, authored by Bouygues UK. The CEMP document deals with issues including, but not limited to, working hours, public safety, and controlling noise, dust and vibration. The CEMP has been considered by SRS and whilst no further comments have been received to date, as further detailed under the 'Biodiversity and Green Infrastructure' section of this report, the latest consultation response from NRW requires the CEMP to include additional information. Therefore the submission of the document is still required by condition (**Condition 6**).

## **Highway, Access and Parking**

Policy MD2 – 'Design of New Development' criterion 6, states that development proposals should have no unacceptable impact on highway safety nor cause or exacerbate existing traffic congestion to an unacceptable degree. Furthermore, criterion 9 requires car parking to be provided in accordance with the Council's standards.

The submitted Transport Assessment (and subsequent Addendum) and vehicle tracking drawings by SLR have been reviewed by an independent consultant and the Highways Authority. The geometry and design of the existing access from Ffordd Y Mileniwm, shared with adjacent school, is considered to be adequate and the vehicle tracking provided for the internal layout has been checked and confirmed as acceptable by the Highways Authority. The layout also provides for pedestrian access along a footway from Ffordd Y Mileniwm to the car park and rear entrance plaza.

The original plans showed that the access from Hood Road would be used by refuse, delivery and maintenance vehicles as both an access and egress point, however, concerns were raised by Highway Officers with regard to vehicles potentially blocking the highway when leaving the site due to the traffic lights at the junction. This has subsequently been amended so that it is an 'in access' point only, and Highways Officers are satisfied with this revised arrangement.

The car park would provide 93no. parking spaces including EV and disabled spaces. It is acknowledged that the overall parking provision is below the maximum quantity set out in the Parking Standards SPG, however the site is located within a highly sustainable location with access to public transport and good links with the Waterfront, Barry town Centre and East Docks area. It is also noted that not all students would be on site at any one time, as there would be a mix of full and part time students with varied timetables, and some students would be 16 and therefore not able to drive. These factors are considered to be material in accepting a reduction in parking provision below the maximum standards identified within the SPG.

A submission made by the applicant details that the College provides travel passes (rail and bus) free of charge to all 16-19 full time students who live more than 3 miles from their chosen College campus. All 16-21 year old students are also eligible for a Welsh Government 'my travel pass' that provides a 30% discount on bus travel at any time. In addition, the College operates a 'rider' bus which is a service operating between the College campuses within Cardiff and the Vale. A Travel Plan prepared by SLR has also been submitted with the application and this outlines measures to encourage and staff to access the site by sustainable modes of transport, such as those identified above.

Furthermore, as detailed within the Highways Authority response, the site frontage has already been protected by new Traffic Regulation Orders which should alleviate any concerns of picking up and dropping of in the area. It is also noted that the site layout incorporates a designated drop of zone.

The scheme incorporates a large, secure cycle store with 170no. total spaces, which complies with the Council's Parking Standards SPG on the basis that not all students and staff would necessarily be on site at any one time.

Noting the above, it is considered that there are realistic and readily useable alternative modes of travel to the private car and therefore that the proposed level of parking is acceptable to serve the development, such that it would not lead to any highway safety issues. The parking spaces are also noted to be of a size which accords with the Council's standards.

In addition, the scheme would provide 4no. disabled spaces and these would be positioned closest to the campus building and are designed with movement space to three sides. A total of 10no. EV spaces are identified, which complies with the minimum 10% required by Policy 12 of Future Wales for non-residential developments. Provision for 3no. motorcycle spaces is also provided and although this falls slightly short of the 5% suggested by the Parking Standards SPG, it is considered appropriate in this case noting the age range of future students and availability of cycle parking. In addition, 2no. designated minibus spaces are provided for in the car park.

In terms of the impact of the development on the local highway network, full junction modelling has been undertaken by SLR and this is reported within the Transport Assessment and Addendum. The assessment has been undertaken for AM and PM peak hours, taking into account the adjacent school. Specifically, the modelling has found that the development will have a minimal impact on the overall performance of the Ffordd Y Mileniwm / Hood Road / Neptune Road junction during peak periods. With regards to the Ffordd Y Mileniwm / site access junction, the modelling has found that the junction is forecast to operate within capacity even when the college is operating at 100% capacity. It is also noted that the assessment has been undertaken based on a worst case scenario i.e. college at full capacity. As such whilst the development will result in additional vehicular movements in the area, the modelling has shown that the highway network has capacity to accommodate these additional movements. The third party review concludes that the trip forecasting, distribution, and assignment methodology is logical and robust and the Highway Authority are satisfied with the Transport Assessment.

Conditions are requested by Highways for a Construction Traffic Management Plan, revised Travel Plan, signage strategy and delivery management plan (**Conditions 7-10**). A condition has also been added requiring the access, circulation and parking areas to be laid out in accordance with the plans to ensure satisfactory provision prior to the first beneficial use of the development (**Condition 11**). With these conditions, it is considered that the proposal complies with Policy MD2 criteria 6 and 9 and the highways impacts of the proposals would be acceptable.

## **Biodiversity and Green Infrastructure**

Policy MD9 (Promoting Biodiversity) states that *'New development proposals will be required to conserve and where appropriate enhance biodiversity interest unless it can be demonstrated that:*

1. *The need for the development clearly outweighs the biodiversity value of the site; and*
2. *The impacts of the development can be satisfactorily mitigated and acceptably managed through appropriate future management regimes.'*

Planning Policy Wales Edition 12 (PPW12) Chapter 6 places increased emphasis on the need to preserve and enhance the natural environment. One of the requirements is for a Green Infrastructure Statement to be submitted with all planning applications, which will describe how green infrastructure has been incorporated into the proposal.

An Ecological Appraisal (EDP), which was informed by an Extended Phase 1 Habitat Survey, has been submitted with the application.

In terms of habitats, the survey work has found that the site comprises a mix of bare ground and hardstanding, with unmanaged, poor semi-improved grassland dominant across the eastern half of the site and dense scrub present along the eastern margins. There is also noted to be some other habitats present including ephemeral/short perennial vegetation and two small areas of outgrown amenity planting comprising stands of young semi-mature trees. However, it is important to note that no part of the site is covered by any statutory designations. Whilst the development will result in the loss of all the semi-natural habitat present within the site, the Appraisal concludes that such losses are not considered significant, given the extent and distribution of habitats present combined with their low distinctiveness and/or botanical diversity.

With regards to protected species, the site is likely to support a small assemblage of largely common and widespread species due to limited suitable nesting and foraging habitat within the site. The site, as a result of the urban context, is considered to be of limited suitability for foraging and commuting bats and no trees with suitable features for roosting bats were identified during the preliminary ground level assessment of trees. In terms of other mammal species, the site is considered to offer suitable albeit limited habitat for European hedgehog, however it is noted that this is isolated by road infrastructure. Additionally, the site offers suitable, albeit limited terrestrial habitat for common and widespread reptiles and amphibians such as toad and slow-worm.

A scheme of mitigation and enhancement has been set out within Chapter 5 of the Ecological Appraisal. This includes, but is not necessarily limited to, the creation of new habitats, timing of works to avoid the main bird breeding season and main hedgerow and common reptiles/amphibians hibernation period, the implementation of a sensitive lighting strategy and the installation of sparrow terraces. With the mitigation measures detailed within the Ecological Appraisal it is considered, following consultation with relevant consultees, that any potential impacts upon habitats and protected species occurring / potentially occurring within the site will be adequately mitigated and compensated. The implementation of the mitigation and enhancement measures is secured by condition **(Condition 12)**.

With regards to lighting, an External Lighting Report (Arup) forms part of the application submission. This document provides a design strategy for lighting at the development and notes that this has been designed having regards to bats.

NRW have been consulted and responded to advise that whilst they have concerns, these concerns can be overcome by attaching two conditions requiring a Construction Environment Management Plan (CEMP) and relating to unforeseen contamination. The issue of contamination is discussed further below under 'Land Contamination'. With regards to protected species, NRW have highlighted that the submitted Ecological Appraisal states there is the potential for some level of surface / ground hydrological connection between the application site and Severn Estuary. This is relevant as the site is situated within approx. 7.7km of the Severn Estuary Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site. As such there are potential impact pathways of contaminated surface water-run off during construction and operation, and potential for pollution incidents during construction.

A Habitats Regulation Assessment (HRA) has therefore been completed by the LPA and this concludes that with avoidance measures implemented, to include the submission of a CEMP detailing pollution prevention measures, and the incorporation of SuDS into the scheme to manage surface water on site, that there would not be a significant effect on the designated sites. A CEMP has subsequently been submitted by the Applicant and further comments received from NRW which state that whilst the document is noted, further information is required relating to measures to prevent introduction/spread of Non-Native Species, such as ensuring all vehicles, equipment and PPE and thoroughly cleaned and dried prior to arrival on site. As such a condition requiring submission of CEMP remains necessary (**Condition 6**).

In accordance with the recent requirements of PPW12, a Green Infrastructure Statement prepared by EDP has been submitted with the application, which considers the impact of the development on existing Green Infrastructure and describes how Green Infrastructure has been incorporated into the proposal.

There are a number of trees on the site which will be removed to facilitate the development. A Tree Survey, Arboricultural Implications Assessment & Method Statement undertaken by Indigo Surveys identified that 9no. trees (including a tree group of 4no. specimens) would need to be removed to facilitate the development, with the rest retained and protected throughout. The submitted Planting Strategy illustrates that replacement tree planting would be provided across the site to include a total of 24no. trees (with a mix of native and other species), in addition to 3no. Cherry trees within the edible garden area. The mix of trees will provide biodiversity enhancement as well as benefitting visual amenity. The ratio of replacement tree planting is considered acceptable to compensate for the trees lost and in view of the requirements of PPW12.

The Planting Strategy also includes wildflower, native hedgerow, and amenity planting across the site, as well as multi-functional Green Infrastructure such as rain gardens which would be planted with species tolerant to waterlogging and would also serve as sustainable surface water drainage features. Green Infrastructure has also been incorporated into the building design, with a green roof to the cycle and refuse stores. Whilst species of tree planting are indicated in the Planting Strategy, a condition is required for a detailed landscaping scheme to agree the species that will make up the other planting, in addition to a condition to secure the implementation of the agreed landscaping scheme (**Conditions 13 and 14**).



The Council's Ecologist has considered the application and responded with a recommendation of approval. However, it is noted within their response that the development should incorporate 2 significant hibernacula for Slow Worm, Common Lizard and European Hedgehog, in addition the planting of more native trees and shrubs, and details of nesting box installation. It is noted that the amended submission does not address these matters, however it is considered that they can be suitably provided for by way of conditions requiring a scheme of biodiversity enhancements and a detailed soft landscaping scheme (as noted above) comprising additional native planting (**Conditions 13 and 15**).

Overall, and with the noted conditions, it is considered that the scheme would not have significant or unacceptable ecological impacts and that the proposed planting would provide an overall long term benefit to biodiversity and Green Infrastructure, in accordance with Policy MD9 and PPW12.

### **Land Contamination**

Criterion 2 of Policy MD7 – 'Environmental Protection' requires development proposals to demonstrate that they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from land contamination.

It is understood that the majority of the site is located on an artificially created area of land that was introduced during the 1880s construction of Barry Docks. Some of the site appears to comprise spoil heap/deposited material that has become overgrown. As such it is considered that there is potential for contamination on the site. An intrusive site investigation has been undertaken and reported by HSP Consulting. This has identified contaminants on the site requiring remediation to ensure the land is made suitable for use.

SRS (Environment Team – Land Quality) have reviewed the submitted documentation and advised within their initial consultation response that a detailed remediation strategy and verification plan would be required by condition. However, this document was subsequently submitted as part of the planning application. Following further consultation with SRS, it is considered that the remediation strategy and verification plan is acceptable, and therefore a condition to secure the implementation of this strategy is required, with the final report to be submitted and approved by the Council (**Condition 16**).

A condition has also been requested by SRS and NRW in relation to unforeseen contamination (**Condition 17**).

With the noted conditions, it is considered that the proposal complies with criterion 2 of Policy MD7.

### **Flood Risk**

Criterion 5 of Policy MD7 – 'Environmental Protection' requires development proposals to demonstrate that they will not result in an unacceptable impact from flood risk and consequences.

Natural Resources Wales Development Advice Map shows that the site is located within Flood Zone B. TAN 15 (2004) states that development should be directed towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. Flood Consequences Assessment prepared by JBA Consulting has been submitted which demonstrates that the acceptability criteria set out in TAN 15 are satisfied. Consequently, it is concluded that on the grounds of flood risk, the proposed development meets the principles and requirements set out in TAN 15 and the aims of PPW12.

Natural Resources Wales have been confirmed within their response that they concur with the findings of the FCA and that the development is shown to comply with the requirements of TAN15. Within the response from the Council's Drainage Section it is noted that the western half of the site is at high risk of surface water flooding and the issue of surface water drainage is discussed in the section below.

Noting the above and that no objection has been raised by the relevant consultees, the proposal is considered acceptable with regards to flood risk and therefore complies with criterion 5 outlined above.

## **Drainage**

The application has been supported by a Foul and Surface Water Drainage Strategy prepared by Arup.

Within their consultation response, Dwr Cymru Welsh Water have confirmed that the public sewer has capacity to accommodate the proposed development. It is also noted that there is an existing public sewer which runs through the plot which is proposed to be diverted to facilitate the development. A condition is therefore requested by Welsh Water to require a public sewer diversion scheme to be submitted and approved by the LPA. The recommended condition wording required the scheme to be submitted prior to any development, however this has subsequently been amended, with agreement from Welsh Water, to enable works to take place outside of the sewer easement prior to the scheme having to be submitted, in order to facilitate works on site commencing (**Condition 18**).

As noted further above, part of the site is at high risk of surface water flooding. The Surface Water Drainage strategy incorporates SuDS features into the layout, including rain gardens in some of the green areas and a green roof to the cycle store. The Council's Drainage Section have not raised any concerns with the proposed development and have advised that SAB (SuDS Approving Body) pre-application advice has been sought to date, and the development would be subject to full SAB approval to agree specific details of the SuDS features which would deal with surface water on the site.

Noting the above, the proposal is considered to be acceptable in regard to drainage.

## **Planning Obligations**

Policy MD4 – ‘Community Infrastructure and Planning Obligations’ states what where appropriate and having regard to development viability, the Council will seek to secure new and improved community infrastructure, facilities and services appropriate to the scale, type and location of proposed development through the use of planning obligations. The Council’s Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements. It sets thresholds for when obligations will be sought, including for major development such as this application.

It is noted that the types of development where obligations are sought relate to residential and commercial development. In this case the proposal is for an education development and the applicant has suggested that the proposal does not strictly fall into either of these development categories, and this has been taken into consideration in assessing what planning obligations will be sought. In this regard it is acknowledged that the SPG states the following at Para. 1.3: ‘*The Council does not propose a blanket approach to planning obligations, as each planning application will be considered on its own merits...*’

### *Public Art*

All major developments are required to provide a contribution to public art. The Community Infrastructure and Planning Obligations SPG outlines that the preferred approach is for public art to be provided on site and that it should be an integral part of the design of major developments. Further guidance is set out in the Public Art in New Development SPG. Given the prominent location of the site, it is considered that the development represents an opportunity for the incorporation of public art into the scheme.

A Public Art Strategy has been submitted by the Applicant, which outlines the proposed strategy to providing public art on the site. Specifically, the document details that a Project Steering Group will be established in Q4 2024 (October-December 2024) in order to develop the public art and that the intention is to involve creative students of the college in development of designs and installation. As part of this a thematic brief will be set and whilst this is to be confirmed, it is envisaged that the public art could be a response to the specific local industrial heritage, coal/docks/railways and the transformation from industry to a place for people to live and learn. Some examples of possible scope of the public art have also been provided, including pieces incorporated into the façade of the building.

The proposed approach to the public art, as detailed within the submitted strategy, is considered to be acceptable and in line with the SPGs, and it is considered that specific details and provision of the public art can be suitably secured by condition (**Condition 19**).

### *Training and Development*

It is recognised that the development would inherently provide a training and development function and as such it is considered that a requirement for on-site provision would be suitably provided such a financial contribution in lieu would not be required.

### *Sustainable Transport*

The Planning Obligations SPG seeks for sustainable transport contributions and the starting point for considering requirements for sustainable transport facilities will be an assessment of existing facilities in light of the likely needs arising from the proposal. The site is considered to be in a highly sustainable location, within Barry, and in proximity to sustainable transport links, including bus stops along Ffordd Y Mileniwn, Barry train station and pedestrian footways.

As detailed earlier in this report, a submission made by the Applicant details that the College provides travel passes (rail and bus) free of charge to all 16-19 full time students who live more than 3 miles from their chosen College campus. All 16-21 students are also eligible for a Welsh Government 'my travel pass' that provides a 30% discount on bus travel at any time. In addition, the College operates a 'rider' bus which is a service operating between the College campuses within Cardiff and the Vale.

A Travel Plan prepared by SLR has been submitted with the application and this outlines measures to encourage and staff to access the site by sustainable modes of transport, such as those identified above. As noted earlier in this report, following consultation with the Highway Authority, an updated travel plan is required by condition which shall include, but not necessarily be limited to, a travel survey, active travel audit and annual review report to be submitted to the Council.

Noting all of the above, it is considered that the site would be readily and realistically accessed by sustainable transport and therefore, on balance, a contribution in this regard is not considered to be required in order to render the application acceptable.

### *Public Open Space*

Open space offers vital opportunities for sport, recreation and tourism, and can also act as a visual amenity, and may have conservation and biodiversity importance. Provision of public open space is important for people's health and well-being. The SPG outlines that public open space contributions are sought for retail or employment developments where floorspace to be created exceeds 1000sqm or the site is 1 hectare or more. Whilst the proposal is for an education development, it would nevertheless still generate a demand for public open space to serve the needs of students and staff.

The development incorporates areas of public open space within the site, including a large grassed lawn with seating to the rear of the building and outdoor seating in the front plaza. In addition, the atria within the building will provide a multi-functional space for use by students and staff. The Applicant has also provided clarification of the breakdown of full and part time students, and as such it is acknowledged that not all students would be on site at any one time. It is therefore considered that the 'in kind' provision of spaces on the site are sufficient to serve the needs of users, such that a financial contribution would not be required in this instance.

In summary, with a condition requiring details of the public art strategy, it is considered that the development will comply with Policy MD4 as well as the Planning Obligations SPG.

## RECOMMENDATION

### APPROVE subject to the following condition(s):

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

Reason:

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

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

Received 3 April 2024:

Vg0201 Sra Zz Zz Dr A 02000 Location Plan C02  
Vg0201 Sra Zz 01 Dr A 02101 General Arrangement First Floor Plan C02  
Vg0201 Sra Zz 02 Dr A 02102 General Arrangement Second Floor Plan C02  
Vg0201 Sra Zz Rf Dr A 02103 General Arrangement Roof Plan C02  
Vg0201 Sra Zz Rf Dr A 02104 General Arrangement Upper Roof Plan C02  
Vg0201 Arp Xx Xx Rp Y 00011 Building Services Noise Assessment P02  
Bwc Stage 3 Energy Statement Report P01  
Vg0201 Arp Xx Xx Rp Ol 00001 External Lighting Report Compressed Issue P02  
Edp8159 R001 F Ecological Appraisal Compressed  
20386.S1/23/AIA/A2 Tree Survey, Arboricultural Implications Assessment & Method  
Statement January 2024

Received 29 July 2024:

Vg0201 Ala 00 Xx Dr L 00002 Landscape General Arrangement GF P09  
Vg0201 Ala 00 Xx Dr L 00003 Landscape General Arrangement L01 P07  
Vg0201 Ala 00 Xx Dr L 00004 Fencing General Arrangement P07  
Vg0201 Ala 00 Xx Dr L 00005 Secure Line P06  
Vg0201 Ala 00 Xx Dr L 00006 Access & Circulation P06  
Vg0201 Ala 00 Xx Dr L 00008 Outline Levels P06  
Vg0201 Ala 00 Xx Dr L 00010 Detailed General Arrangement 1 of 2 P07  
Vg0201 Ala 00 Xx Dr L 00011 Detailed General Arrangement 2 Of 2 A2 P08  
Vg0201 Ala 00 Xx Dr L 00012 Site Sections 1 Of 2 P05  
Vg0201 Ala 00 Xx Dr L 00013 Site Sections 2 Of 2 P05  
Vg0201 Ala Zz Zz D L 10021 External Enclosure Elevation 1 of 2 P02  
Vg0201 Ala Zz Zz D L 10022 External Enclosure Elevation 2 of 2 P02  
Vg0201 Sra Zz 00 Dr A 02100 General Arrangement Ground Floor Plan C03  
Vg0201 Sra Zz Xx Dr A 02201 General Arrangement Elevations (Rendered) C03  
Vg0201 Sra Zz Xx Dr A 02250 Site Elevation Hood Road C01  
Vg0201 Sra Zz Xx Dr A 02400 Bay Studies C03  
Construction and Environment Management Plan (CEMP) S2  
Remediation Strategy, and Implementation and Verification Plan P02

Received 16 August 2024:

Vg0201 Ala 00 Xx Dr L 00001 Illustrative Landscape Masterplan P07  
Public Art Strategy - V2

Reason:

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

3. Notwithstanding the submitted details, a schedule and samples, where appropriate, of all external materials to be used in the construction of the development hereby approved (including but not necessarily limited to, the brick, metal cladding, windows, doors, rainwater goods, enclosures, canopies, fencing/railings, paving, street furniture) shall be submitted to and approved in writing by the Local Planning Authority prior to their use in the development hereby approved. The development shall be completed in accordance with the approved details prior to first beneficial use.

Reason:

To safeguard local visual amenities, as required by Policies SP1 (Delivering the Strategy), Policy MD2 (Design of New Development), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

4. Details of the Photo Voltaic provision, including siting and design, shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall be completed in accordance with the approved details prior to first beneficial use of the development hereby approved.

Reason:

To safeguard local visual amenities, as required by Policies SP1 (Delivering the Strategy), Policy MD2 (Design of New Development), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan

5. Within 3 months of completion of the development, a post development Noise Survey and Assessment shall be carried out and the results and any corrective actions necessary (if the predicted noise levels identified in the approved Building Services Noise Assessment (Arup, 11 March 2024, ref. VG0201-ARP-XX-XX-RP-Y-00011 P02) are exceeded) submitted to the Local Planning Authority for written approval within 28 days of the completion of the survey. In the event any corrective actions are necessary, these shall be completed in accordance with the details and timescales agreed by the Local Planning Authority and a further Noise Survey and Assessment carried out and submitted to the Local Planning Authority for written approval. The development shall thereafter be retained in accordance with the approved details.

Reason:

In the interests of residential amenity and to ensure compliance with the terms of Policy MD2 (Design of New Development) of the Local Development Plan.

6. No development, including any site clearance, shall commence 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;
  - 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;
  - xiii) how the developer proposes to accord with the Considerate Constructors Scheme ([www.considerateconstructorsscheme.org.uk](http://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.
  - xv) measures to prevent introduction/spread of Invasive Non-Native Species
  - xvi) all pollution prevention measures

The construction of the development shall thereafter 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.

7. No development, including any site clearance, shall commence until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The CTMP shall include the following details:
- Incorporating delivery outside AM & PM school pick / drop off times.
  - Access/haulage Route.
  - Compound layout including parking for construction vehicles.
  - Loading and unloading areas for plant and materials on site.

- Measures to control water, mud and debris entering the highway.
- Suitable boundary treatments to protect pupils and staff.
- Any signage or traffic management required as part of the development.
- Measures to control, manage and monitor the CTMP requirements.

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

Reason:

In the interests of maintaining highway efficiency and safety and to ensure compliance with Policies SP1 (Delivering the Strategy), MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

8. Prior to first beneficial occupation of the development, a revised travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall include but not be limited to details of the following:

- Measures to encourage and educate a modal shift away from the private car to travel to college not only for staff but for all pupils.
- A travel survey to be undertaken not more than 12 months upon opening of the new College and the results to be provided to the Council's transport/highways departments. This should then be carried out on an annual basis.
- An Active Travel audit to be undertaken to determine reasons for any shortfall or missed targets in usage by active travel modes.
- A report should be provided to the Council annually reviewing the effectiveness of the travel plan and shall include any necessary amendments to the travel plan or additional measures to be implemented.
- Regular monitoring should be undertaken of any congestion, conflict issues, indiscriminate parking and any other safety issues on the highway in and around the site and in the pick up and drop off area and in consultation with the Local Highway

Any measures/actions, further surveys and monitoring set out in the approved Travel Plan shall thereafter be undertaken in accordance with the approved details.

Reason:

To encourage the use of more sustainable modes of transport and aide in the delivery of sustainable transport objectives, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

9. Prior to first beneficial occupation of the development, a robust signage strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include new signage to be installed along the access roads to the site to inform of the college location and also signage for the proposed servicing access. The costs for the design and installation of the proposed signage will be provided by the developer. The signage shall be fully installed in accordance with the approved details prior to first beneficial use of the development and thereafter retained in accordance with the approved details whilst the development remains in existence.



Reason:

In the interests of highway safety and to ensure compliance with Policies SP1 (Delivering the Strategy), MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

10. Prior to first beneficial occupation of the development, a delivery management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include proposed measures to control deliveries to/from the site, prevention of larger vehicles above 11.2m long accessing the site, and ensuring deliveries to the site are kept out of school peak times in the morning and afternoon. The development will thereafter be carried out in accordance with the approved delivery management plan.

Reason:

In the interests of highway safety and free flow of traffic along the highway network and to ensure compliance with Policies SP1 (Delivering the Strategy), MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

11. The site access, circulation and parking as shown on drawing no. Vg0201 Ala 00 Xx Dr L 00001 Illustrative Landscape Masterplan P07 shall be laid out prior to first beneficial use of the development and thereafter retained whilst the development remains in existence.

Reason:

To ensure that the development is served by satisfactory access, circulation and parking and to ensure compliance with Policies SP1 (Delivering the Strategy), MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

12. The Mitigation and Enhancement Strategy in Chapter 5 of the Ecological Appraisal (EDP, March 2024, ref. edp8159\_r001f) shall be adhered to in full, including during site clearance and construction.

Reason:

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

13. Notwithstanding the submitted details, prior to the first beneficial occupation of the development, a detailed scheme of soft landscaping, which shall include more native tree species, shall be submitted to and approved by the Local Planning Authority.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD2 (Design of New Developments), MD8 (Historic Environment) and MD9 (Promoting Biodiversity) of the Local Development Plan.

14. All planting, seeding or turfing comprised in the details of landscaping approved by Condition 13 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD2 (Design of New Developments) and MD8 (Historic Environment) of the Local Development Plan.

15. Prior to the first beneficial use of the development, a Biodiversity Enhancement Strategy addressing enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved strategy and timings set out within and thereafter retained in accordance with the approved details whilst the development remains in existence. The Strategy shall include, but not strictly be limited to, the following:

- a) Details of 2no. hibernacula at the western end of the site
- b) Details (numbers and locations) of sparrow and swift nest boxes and bat tubes

Reason:

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

16. The approved Remediation Strategy, and Implementation and Verification Plan (Arup, 20 May 2024, ref. VG0201-ARP-ZZ-ZZ-RP-G-00004 P02) must be fully undertaken in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

On the completion of the measures identified in the approved remediation scheme and prior to the first beneficial occupation of any part of the development, unless otherwise agreed in writing by the Local Planning Authority, 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 the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2023) 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 in accordance with Policy MD7 of the Vale of Glamorgan Local Development Plan.

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

Reason:

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

18. No development within the easement of the existing public sewer crossing the site shall take place until details of a scheme to divert the public sewer have been submitted to and approved in writing by the local planning authority. The scheme shall include a detailed design, construction method statement and risk assessment outlining the measures taken to secure and protect the structural condition and ongoing access of the public sewer. No development within the easement of the existing public sewer shall be carried out until the approved diversion scheme has been implemented and completed. The approved scheme shall be adhered to throughout the lifetime of the development and the protection measures shall be retained in perpetuity.

Reason:

To protect the integrity of the public sewer and avoid damage thereto and to ensure compliance with Policy MD7 of the Local Development Plan.

19. Prior to work commencing on the construction of the principal college building, further details of the public art to be provided on site and integrated within the development, shall be submitted to and approved in writing by the local planning authority. The approved Strategy shall thereafter be implemented in accordance with its agreed implementation plan.

Reason:

To ensure that public art is provided as integral part of the development in accordance with Policy MD2 (Design of New Development) of the Local Development Plan and the advice contained in the Public Art Supplementary Planning Guidance.

## REASON FOR RECOMMENDATION

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

Having regard to Policies SP1 'Delivering the Strategy', SP2 'Strategic Sites', SP10 'Built and Natural Environment', MG3 'Strategic Site at Barry Waterfront', , MD1 'Location of New Development', MD2 'Design of New Development', MD4 'Community Infrastructure and Planning Obligations', MD5 'Development within Settlement Boundaries', MD7 'Environmental Protection' and MD9 'Promoting Biodiversity' of the Vale of Glamorgan Adopted Development Plan 2011-2026; Planning Policy Wales Edition 12; Future Wales: The National Plan 2040; Technical Advice Notes 5 'Nature Conservation and Planning', 11 'Noise', 12 'Design', 15 'Development and Flood Risk', and 16 Sport, Recreation and Open Space'; the Council's Supplementary Planning Guidance on Barry Development Guidelines, Biodiversity and Development, Parking Standards, Sustainable Development – a Developer's Guide and Travel Plan; the proposal would make beneficial reuse of brownfield land within a sustainable location in the settlement boundary of Barry and is considered acceptable, subject to condition, having regard to the layout, design and visual impact; historic environment; impact upon neighbouring amenity; highway, access and parking; biodiversity and green infrastructure; contamination; flood risk; drainage; and planning obligations.

Having regard to the Council's duties under the Equality Act 2010 the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

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.

The appropriate marine policy documents have been considered in the determination of this application in accordance with Section 59 of the Marine and Coastal Access Act 2009

**NOTE:**

- 1. Bats must not be disturbed or destroyed during tree work. A full visual inspection of the trees to be worked on must be carried out prior to intended work to check for the presence of bats. Advice on bats and trees may be obtained from the Natural Resources Wales (Countryside Council for Wales as was). Bats may be present in cracks, cavities, under flaps of bark, in dense ivy and so forth. Should bats be identified, please contact either Natural Resources Wales on 0845 1306229 or the Council's Ecology Section on 01446 704627.**
  
- 2. The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for**
  - (i) determining the extent and effects of such constraints;**
  - (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;**
    - Unprocessed / unsorted demolition wastes.**
    - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.**
    - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and**
  - (iii) the safe development and secure occupancy of the site rests with the developer.**

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

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

### **3. Permits**

**Environmental Permits from NRW may be required (during construction and operation) and we recommend early consultation with the relevant permitting teams to ensure all permits are in place prior to commencement of development. Further information may be found here: [Natural Resources Wales / Environmental permits](#)**

#### **Waste**

**The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit. Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.**

**Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.**

- 4. 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](mailto:sab@valeofglamorgan.gov.uk)**

- 5. In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.**

**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](http://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 on 0800 085 3968 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.**

**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.**