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Planning Design Economics

Barry Waterfront

Planning Statement

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Contents

1.0	Introduction	1
2.0	The Site and its Context	2
	Site Location and Surroundings	2
	Site Description	2
	Accessibility	3
3.0	The Proposal	4
	Scope of the Planning Application	4
	Ground Strategy & Drainage	7
	Construction and Phasing Considerations	8
4.0	Planning History	10
5.0	Planning Policy Context	11
	National Planning Policy	11
	Development Plan	12
	Consultation	13
	Key Policy Considerations	15
6.0	Development Principles Appraisal and Policy Analysis	17
	Introduction	17
	Key Theme 1: The Principle of the Development	17
	Key Theme 2: Regeneration of Derelict Land	18
	Key Theme 3: The level of housing provision & affordable housing delivery	19
	Key Theme 4: The Provision of a District Centre	21
	Key Theme 5: The Social and Economic Benefits of the Proposal	23
	Key Theme 6: Public Realm and Open Space	24
	Key Theme 7: Transport and Accessibility	25
	Key Theme 8: Flooding	26
	Key Theme 9: Ecology	26
	Key Theme 10: Community Facilities	27
	Key Theme 11: Sustainability and Energy Efficiency	28
7.0	Section 106 Contributions and Viability	30
8.0	Conclusions	32

Tables

Table 1	Dwelling Locations & Mix	6
Table 2	Summary of Commercial Floorspace Thresholds	6

1.0 Introduction

1.1 This Planning Statement has been prepared by Nathaniel Lichfield and Partners (NLP) on behalf of Persimmon Homes, Barratt Homes and Taylor Wimpey (The Consortium). The planning statement relates to an outline planning application submitted to the Vale of Glamorgan Council for the regeneration of vacant and derelict land at Barry Waterfront.

1.2 The document assesses the planning considerations associated with the scheme and considers the development in the context of national, regional and local planning policy and guidance.

1.3 The Planning Statement is one of a suite of documents submitted to accompany the formal outline planning application and should be read in conjunction with these documents which are listed below:

- Parameter Plans
- Design and Access Statement;
- Transport Assessment;
- Environmental Statement;
- Sustainability and Energy Statement;
- Retail Impact Assessment;
- Consultation Report.

1.4 The purpose of this Planning Statement is to describe the application site and the proposed development, to identify the planning history and planning policy framework and to assess the elements of the proposal against the policy framework. Conclusions on the merits of the scheme are then set out.

2.0 The Site and its Context

Site Location and Surroundings

- 2.1 The Barry Waterfront site is located to the south-west of Barry town centre and is strategically positioned between the town centre, Barry Island and the Old Harbour. The site area within the red line is approximately 43 hectares. The site is bordered by the Cardiff-Barry Island railway line and a mix of residential, commercial and industrial property.
- 2.2 The application site is derelict land with two vacant buildings in the southern part of the site where remnants of the former tank farm and dock related activities are also visible.
- 2.3 Adjacent to the application area is the existing waterfront development comprises some 690 residential units together with a retail area incorporating a Morrisons food store and non-food retail units as well as a medical centre. To the north of the application site, is the Innovation Quarter which comprises a range of office and business starter units.

Site Description

- 2.4 The majority of the site itself is relatively flat. The topography of the wider area is varied with a slope down towards the waterfront from the town centre and a steep rise up along the southern boundary of the site adjacent to Barry Island.
- 2.5 The site is divided into four distinct areas West Pond, South Quay, Arno Quay and East Quay.

West Pond

- 2.6 The West Pond is contained by railway lines to the north, west and south. Dock No. 1 forms the other boundary. Vehicular access to this part of the site is currently via Ffordd y Mileniwm Road to the north east. From the north-west, access is gained to the site from Barry Town via the Island Road leading to Hood Road which connects to the western-most roundabout of Ffordd y Mileniwm. Vehicular access into the south-east corner is from the southern Harbour Road which links into Paget Road.

South Quay

- 2.7 South Quay site is bounded by Dock no. 1 to the north and east, the cliff of Barry Island to the south and the West Pond site to the west. Vehicular access from the north is via the western roundabout of Ffordd y Mileniwm and then Powell Duffryn Way running along the west edge of the dock. From Barry Island, Dock Road enters the site at the south east, linking to Charles Darwin Way, which runs along the dock edge and meets Powell Duffryn Way in the west.

East Quay

- 2.8 East Quay is separated from the rest of Waterfront Barry at the eastern end of Dock No 1 adjacent to the Council Dock Office.

Arno Quay

- 2.9 Arno Quay lies on the north side of Dock No.1 contained by the existing Barry Waterfront development. It is to the south of and 4-5m below the level of Ffordd y Mileniwm.

Accessibility

- 2.10 The wider Barry Waterfront site is contained by railway lines with three railway stations, namely Barry Dock, Barry Town and Barry Island within close proximity to the site.
- 2.11 The site is accessible from the A4055 that runs almost parallel to the railway line and connects with Gladstone Bridge into the site. Ffordd y Mileniwm provides the main access into the site from the east, which runs through the northern part of the site serving the Waterfront. Clive Road runs to the southern edge of the site with Hood Road enabling access from the north-west.
- 2.12 Pedestrian access from the town centre to the Waterfront is currently obtained via Holton Road, Gladstone Bridge and Subway Road. A set of galvanised steel steps provide access from the cliff top of Barry Island down to the South Quay and West Pond sites. A further access via a footbridge located adjoining the Waterfront Medical Centre, rising over the railway line and landing on Dock View Road is currently under construction (July 2009).

3.0 The Proposal

Scope of the Planning Application

3.1 The Consortium proposes the comprehensive regeneration of derelict Barry Waterfront site in line with local and national planning policy.

3.2 The description of the proposed development at Barry Waterfront is as follows:

Development of vacant land at Barry Waterfront for residential (C3), retail (A1), cafés, bars and restaurants (A3), hotel (C1) and, offices (B1). 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.

3.3 In addition to the red line plan four parameter plans have been submitted as part of the planning application:

- 1 Location and mix of uses
- 2 Height of buildings
- 3 Movement corridors
- 4 Public open space and public realm

3.4 These plans identify the location, mix, scale and height of the uses proposed at Barry Waterfront within defined parameters. The production of parameter plans is required as a result of changes to General Development Procedures Order (GDPO) for outline planning applications introduced in October 2008.

3.5 All matters are reserved. The Council's Validation Checklist has been updated in response to the amendments to articles 1 and 3 of the GDPO enacted on 6th October 2008. The updated checklist sets out the information to be submitted with an outline application. As a minimum it states that applications should include information on:

- **Use:** the use or uses proposed for the development and any distinct development zones within the site identified.
- **Amount of development:** the amount of development proposed for each use.
- **Indicative layout:** an indicative layout with separate development zones proposed within the site boundary where appropriate.
- **Scale parameters:** an indication of the upper and lower limits for height, width and length of each building within the site boundary.
- **Indicative access points:** an area or areas in which the access points to the site will be situated.

3.6 The parameter plans provide the necessary level of detail in relation to each of these requirements.

- 3.7 It should be noted that whilst the Mole is referred to within the Design and Access Statement and is shown on the illustrative masterplan it does not fall within the boundary of the planning application. The design approach recognises the future development potential of the Mole and its relationship to the wider Barry Waterfront with provision made for its proper servicing. Ownership of the Mole is being retained by ABP and its development is therefore not under the control of the consortium. Despite this the consortium share the Council's aspiration for the future development of the Mole for a mix of uses including a marina and leisure uses and will seek to ensure that it is not prejudiced as result of the proposals within this outline application.
- 3.8 Planning permission exists for education uses on 1ha of land within the northern part of West Pond. The parameter plans and illustrative masterplan reflect the need to safeguard land for this use in this part of the site, which is also referred to in the Design and Access Statement. Development of a new school does not form part of this outline planning application although the environmental impacts arising from this future use have been tested within the Environmental Statement.

Development Vision and Key Elements

- 3.9 The development will aim to deliver the Council's vision for the area and will therefore seek to create a "sustainable new urban quarter with distinctive neighbourhoods, attractive places and community facilities that complement, integrate and link with Barry Town and Barry Island, whilst taking full advantage of the maritime setting of the No.1 Dock".
- 3.10 A description of the individual elements of the proposal is set out in more detail in the Design and Access Statement including an illustrative masterplan. The purpose of the illustrative masterplan is to demonstrate how the development could be brought forward within the parameters defined and in accordance with the design principles contained within the Design and Access Statement. The illustrative masterplan does not form part of the formal planning application plans for approval.
- 3.11 A summary of key elements of the proposed scheme are provided below.

Residential Use

- 3.12 The scheme proposes to provide up to 2,000 residential units with the proposed schedule in terms of location and dwelling mix as follows:

Character Area	No. of Dwellings		Apartments (%)		2 Bed House (%)		3 Bed House (%)		4 Bed House (%)	
	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max
West Pond	500	700	20%	30%	20%	30%	20%	30%	10%	20%
South Quay	650	900	20%	30%	20%	30%	20%	30%	10%	20%
East Quay	100	250	20%	30%	20%	30%	20%	30%	10%	20%
Arno Quay	75	200	50%	100%	0%	0%	0%	50%	0%	40%

Table 1 Dwelling Locations & Mix

3.13 There is a target to deliver approximately 20% affordable housing dependent upon the availability of housing grant and scheme viability. Any affordable housing will be distributed between the residential areas of West Pond, District Centre, South Quay, Arno Quay and East Quay. The affordable housing will be formed by a mix of residential types and will be integrated into the scheme layout using the same design approaches as the open market housing. An appropriate mix of social rented and intermediate housing will be provided with the agreed provision.

3.14 All residential units will be of a high quality and will be designed to Eco-Homes 'Excellent' standard. This will mean that the proposed dwellings will be assessed under eight categories: management, energy, water, pollution, material, transport, land use and ecology and health and wellbeing. This will ensure a balance is reached between environmental performance and the development of high quality homes in an attractive environment. This is set out in more detail in the Sustainability Statement and Low Carbon Strategy.

Commercial, Leisure and Retail Use

3.15 The scheme will provide up to 18,300 sq. m (gross) of commercial uses on the site which will be predominantly located within the proposed District Centre. The commercial floorspace schedule is summarised as follows:

Use Class	Floorspace
A1 Retail Use	up to 8,825 sq. m (including petrol filling station)
A3 Café/Restaurant/Bar Use	750 sq. m - 1,820 sq. m
B1 Business Use	up to 3,450 sq. m
C1 Hotel Use	up to 3,500 sq. m

Table 2 Summary of Commercial Floorspace Thresholds

3.16 It is intended that the A1 retail use will comprise a foodstore and a number of separate non-food retail units. It is proposed that the foodstore would be approximately 6,500 sq. m (gross) selling both food and non-food goods and the non food retail units will have a combined floorspace of approximately

2,300 sq. m (gross) for the sale of comparison goods. This is set out in more detail in the Retail Assessment.

- 3.17 The A3 uses will total approximately 750 sq. m - 1,820 sq. m (gross) and will provide a mix of café, restaurant and bar uses. It is also proposed that the scheme will provide up to 3,450 sq. m (gross) of B1 office space and up to 3,500 sq. m (gross) hotel complex. No specific operators are proposed for any of the commercial uses at this stage.

Community Use

- 3.18 Under the terms of an existing s106 agreement from the original Barry Waterfront development an area of 1ha in West Pond is to be transferred to the Vale of Glamorgan Council for education use. The extent of additional community facilities will be a matter for negotiation with the Council in the light of identified need and scheme viability.

Public Realm and Open Space

- 3.19 The scheme proposes to provide up to 6 hectares of high quality public realm and public open space throughout the site. This will include the provision of Children's play areas and one senior playing pitch.

Transport and Access

- 3.20 The development will incorporate new safe and integrated pedestrian, cycle path and public transport links through the site connecting Barry town and Barry Island. In particular emphasis is placed on creating safe access from the site to the existing train stations to capitalise on the sustainable location of the site.
- 3.21 A key priority for the Council has been the creation of a new highway through the site connecting Barry town centre and Barry Island. This will be delivered at an early stage of the scheme in accordance with phasing to be agreed with the Council.

Ground Strategy & Drainage

- 3.22 To provide flood protection across East Quay, West Pond and South Quay ground levels will need to be revised, typically by 0.5 metres – 1.0 metres in accordance with the requirements of TAN15.
- 3.23 Ground conditions across the site contain highly compressible Estuarine Alluvium that will consolidate when loaded. To pre-consolidate the alluvium surcharging is proposed across much of the site, which will require the importation of additional volumes of material.
- 3.24 In total it is estimated that some 40,000 m³ of suitable material will need to be brought onto site to raise site levels and surcharge. The majority of this

material will need to be imported during the first few months. Full details are contained within the Environmental Statement.

- 3.25 It has been found that the site has hydrocarbon contamination. In order to overcome this constraint mitigation measures are proposed to minimise risk during construction and after use through implementing best practice and adhering to industry Regulations. This issue is set out in more detail in the Environmental Statement.

Construction and Phasing Considerations

- 3.26 The overall construction period for the proposals is estimated to be approximately 10 years from 2010 to 2020. The phasing and rate of development will be influenced by market conditions. Details of the phasing of development are set out more fully in the Environmental Statement but are likely to follow the sequence set out below:

Phase 1: West Pond (part), District Centre & South Quay Parkside (part)

- 3.27 This phase includes the construction of approximately 240 dwellings and the supermarket / non food retail unit.

Phase 2: District Centre (remainder), West Pond (part), Arno Quay

- 3.28 This phase includes approximately 300 dwellings, hotel, offices, A3 uses, public open space and public realm.

Phase 3: West Pond (part)

- 3.29 Approximately 250 dwellings

Phase 4: South Quay Parkside (part)

- 3.30 Approximately 225 dwellings and public open space.

Phase 5: South Quay Parkside (part)

- 3.31 Approximately 150 dwellings, public open space and public realm

Phase 6: South Quay Waterside (part)

- 3.32 Approximately 175 dwellings, public open space and public realm

Phase 7: South Quay Waterside (part)

- 3.33 Approximately 150 dwellings and public realm

Phase 8: South Quay Waterside (part)

- 3.34 Approximately 260 dwellings and public realm

Phase 9: East Quay

3.35

Approximately 250 dwellings, public realm and public open space.

4.0 Planning History

- 4.1 The main relevant planning history of the site is provided in Appendix 1. However, a summary of the history relating key applications relevant to the proposed scheme is provided below.
- 4.2 Outline planning permission was originally granted for the comprehensive redevelopment of Barry Waterfront, excluding South Quay, in July 1988. The consented scheme included the following uses: residential, commercial, retail, business, leisure and open space.
- 4.3 This consent was renewed in September 1991 and expired in 1994. In October 1994 the Council resolved to grant outline permission for redevelopment, subject to a Section 106 agreement. This was signed in May 1997. The development description did not specify particular uses although an illustrative land use plan accompanying the s106 sets out a distribution of residential, commercial, leisure, education and retail uses. Conditions attached to the planning permission place limits on the scale and type of retailing that would be permitted.
- 4.4 Reserved Matters applications were only submitted across part of the 1994 outline application area. These reserved matters applications together with some full planning applications include the delivery of approximately 690 dwellings, supermarket, retail units, community facilities and public realm improvements.
- 4.5 The time period for submission of any further reserved matters applications against the 1994 outline permission has now lapsed. As the outline application was implemented the Section 106 agreement is live.
- 4.6 The appropriate level of planning gain associated with the current planning application must take account of the s106 attached to the 1997 permission, but also of the fact that the permission was only half built out. There must be a proportionate reduction in the contributions now sought by the Council to reflect the amount by which the requirements of the 1997 Agreement exceeded the requirements of what has been constructed. Any other approach would not be a reasonable one and would be in conflict, therefore, with the guidance in Circular 13/1997. This is particularly relevant in relation to the open space at East Quay.

5.0 Planning Policy Context

5.1 The planning application for Barry Waterfront will be considered against national planning policy and the local planning policy framework for the area, which comprises:

- Planning Policy Wales and MIPPS;
- Wales Spatial Plan;
- Technical Advice Notes;
- Vale of Glamorgan Unitary Development Plan 1996 – 2011 (adopted 2005);
- The Vale of Glamorgan Local Development Plan Preferred Strategy 2008;
- The Barry Waterfront Development Principles Documents;
- Supplementary Planning Guidance.

National Planning Policy

5.2 National planning guidance is provided by Planning Policy Wales (2002) and the Wales Spatial Plan (2008 Update) which are further supplemented by a series of Technical Advice Notes (TANs) and MIPPS.

Planning Policy Wales (2002)

5.3 Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Assembly Government. Its central objective is to promote and provide a framework for sustainable development within Wales.

5.4 PPW outlines that planning can help to reduce the need to travel, especially by private car, and enhance the access to new development locations by public transport, bicycle and foot. PPW also encourages the creation of sustainable residential environments and encourages local authorities to promote:

- Mixed tenure communities;
- Easily accessible developments;
- Mixed use developments;
- Attractive landscapes around dwellings;
- An emphasis upon quality and designing places for people;
- An efficient use of land; and
- The creation of well designed residential environments at an appropriate density.

Ministerial Interim Planning Policy Statements (MIPPS)

5.5 Planning Policy Wales is continuously monitored and reviewed in relation to the Assembly's objectives for Wales. Therefore, any changes to policy which are agreed prior to the full revision of PPW are notified by Ministerial Statements. As such, several sections of PPW have been updated by MIPPS and those which are relevant to this proposal are listed below:

- MIPPS 01/2009 – Planning for Sustainable Buildings (new section 2.12 of PPW);
- MIPPS 01/2008 – on Good Design (updates section 2.9 of PPW)
- MIPPS 01/2006 – Housing (revises chapter 9 of PPW);
- MIPPS 01/2005 – Planning for Renewable Energy (updates 12.8-12.10 of PPW);
- MIPPS 02/2005 – Planning for Retailing and Town Centres (updates 10.1-10.3 of PPW).

Wales Spatial Plan

- 5.6 The Wales Spatial Plan sets out the Welsh Assembly Government’s vision for spatial planning within Wales and sets out a strategic framework to guide future development and policy interventions.
- 5.7 The plan identifies five key themes under which the key issues and challenges facing Wales are investigated. These are: building sustainable communities, promoting a sustainable economy, valuing our environment, achieving sustainable accessibility and respecting distinctiveness.
- 5.8 The plan divides Wales into six spatial plan strategy areas of which Barry is incorporated within the South East Wales Capital Network. Barry is identified as a key settlement which should be successful in its own right with a focus on creating “*affordable and attractive places to live, work and visit*” (p. 128) where a wider range of facilities and services, which add to employment opportunities, should be delivered to reduce the overall need to travel.

Technical Advice Notes

- 5.9 TANs outline the Government’s strategic policy on different aspects of planning to which local policies across the country should conform.
- 5.10 Those TANs which are considered relevant to the proposal and should therefore be given weight are:
- TAN 1 – Joint Housing Land Availability Studies
 - TAN 2 – Affordable Housing;
 - TAN 4 – Retail and Town Centres;
 - TAN 8 – Renewable Energy;
 - TAN 11 – Noise;
 - TAN 12 – Design;
 - TAN 15 – Flood Risk;
 - TAN 16 – Sport and Recreation;
 - TAN 18 – Transport.

Development Plan

- 5.11 The Development Plan is the Vale of Glamorgan Unitary Development Plan (1996 – 2011) which was adopted in 2005. This planning application should be

determined in accordance with the policies in the adopted UDP unless significant material considerations indicate otherwise.

5.12 A detailed review of the relevant UDP policies which form the starting point for the consideration of this planning application are set out in the next section.

5.13 As the Local Development Plan is very early stage in its production it can only be afforded very limited weight.

Supplementary Planning Guidance (SPG)

5.14 The Council has produced and adopted the Barry Waterfront Development Principles Document (June 2009) which has direct relevance to the proposals on this site.

5.15 Whilst the key elements of this Development Principles document are supported by the developer consortium it objected at several stages to the level of detail and prescription set out in the document, particularly in relation to s106 contributions in the document. Whilst some of this detail was removed by the Council from the final version much of it was transferred to another SPG document on planning obligations.

5.16 A Development Brief for the site is in the process of preparation and it is anticipated that it will be reported to Committee in early autumn 2009 as a basis for consultation. This should allow the document to be adopted as SPG prior to determination of the outline planning application.

5.17 It will also be necessary to consider the Council's other supplementary planning guidance documents and a number of studies produced to inform the LDP's evidence base. These include:

- Affordable Housing SPG (2006);
- Amenity Standards SPG (2006);
- Sustainable Development SPG (2006);
- Public Art SPG (2005);
- Model Design Guide for Wales SPG;
- Planning Obligations SPG (2009);
- Retail Planning Study (May 2009); and
- Barry Development Guidelines (2006).

Consultation

5.18 At the outset of the project in Oct 2007 a stakeholder group was identified consisting of the development consortium, Welsh Assembly Government (WAG), Associated British Ports (ABP) and the Vale of Glamorgan. The purpose of the meetings was to provide an update of progress, an overview of strategy and agree respective stakeholders requirements and aspirations.

- 5.19 The stakeholder group generally met on a monthly basis and these meetings were supplemented by additional task related meetings as required. The consortium met with Officers and Members of the Council on a number of occasions to discuss details relating to the emerging Development Brief and potential s106 viability issues.
- 5.20 The design approach has also been scrutinised by the Design Commission for Wales (DCW) on four occasions which has led to a regular dialogue on scheme evolution leading to the final parameter plans contained in this planning application and associated illustrative masterplan layout.
- 5.21 Following the latest Design Review meeting with DCW in July 2009 the Design Review Report stated that the Panel was encouraged by the current discussion and the ongoing dialogue with members of the design team over the previous year. A number of detailed issues were identified including:
- The need for the consortium and the Council to work together to facilitate a link to the main railway station to the west of the site;
 - Relocation of the proposed petrol filling station behind the main street (this has been done);
 - Acceptance of an exclusively pedestrian waterfront and support for the principle of using level changes to create defensible private space for waterside blocks;
 - Public space at the western end of the Mole should be enclosed by active frontages and size of the kiosk reduced, potentially wrapping the apartment building around the corner;
 - Location and type of active frontages should be shown clearly on the masterplan drawing (this has been done);
 - Planning application should include some indication of future proposals for the Mole and temporary uses encouraged (this is now included in the Design and Access Statement);
 - Ensure public art is fully integrated with the public realm strategy (include in Design and Access Statement);
 - Development of the different character areas was broadly supported and DCW agreed with the desire to build in flexibility;
 - Sketches to illustrate the character areas would be helpful (these have now been included in the Design and Access Statement);
 - Include a phasing plan within the Design and Access Statement (now done);
 - The sustainable energy strategy should be determined at this stage and used to inform site layout (a Sustainability Strategy and Low Carbon Strategy now prepared)
 - Level of affordable housing needs to be resolved.
- 5.22 The Barry Waterfront Development Principles document prepared by the Vale of Glamorgan was issued for consultation by the Council prior to adoption as Supplementary Planning Guidance. It should be noted that whilst the

consortium support the vision contained within that document there are some areas of difference with the Council on which representations were submitted.

5.23 Formal consultation events were held during July 2009 in Barry and the findings of these is set out in more detail in the accompanying Public Consultation Statement. There was general support for the redevelopment of the site and the positive contribution that it would make to the long term prosperity of the town. Key Issues raised:

- Support for a new link road between Barry Town and Barry Island
- Support for the new leisure facilities that are being proposed, particularly the café quarter. However, many local residents would also like to see the inclusion of a cinema and bowling alley, as well as more youth facilities.
- Support for the inclusion of open spaces in the development. However, some respondents would like to see more parks included in the proposals.
- Concern over the increased traffic levels that may occur as a result of the development, as well as the level of parking that will be available on the site.
- Requests for the inclusion of cultural facilities within the development, such as a museum, art gallery or exhibition centre.
- Concern over the inclusion of a supermarket as part of the proposals.
- Preference to see detached family homes being built rather than terrace houses or flats.
- A number of people expressed concern about the high level of affordable housing proposed.

5.24 The scope and design approach contained within the planning application, Design and Access Statement have been informed by consultation over a significant period of time with a variety of key stakeholders.

Key Policy Considerations

5.25 A thorough review of all the national and local planning policies has identified key themes that need to be considered in determining this outline planning application. These are:

- The principle of development;
- Regeneration of derelict land
- The level of housing provision and affordable housing delivery;
- The provision of a district centre and retail need;
- The social and economic benefit of the proposal;
- Public realm and open space;
- Transport and Accessibility;
- Flooding;
- Ecology; and
- Community facilities
- Sustainability and Energy Efficiency.

- 5.26 Whilst these themes do not cover the full range of factors which will be of relevance to this proposal, they do comprise all the key issues which should be reviewed to establish the principle of the proposal.
- 5.27 The additional factors which are relevant to the determination of this application but deal less with the principle of development and more with the details of the proposal, include amongst others design, landscaping and recycling. Full details of each of the elements can be found within the other documents submitted with this application such as the Environmental Statement, Design and Access Statement and Sustainability Statement. Relevant policy analysis is included within each of these other documents.

6.0 Development Principles Appraisal and Policy Analysis

Introduction

6.1 This section analyses the key themes identified in Section 5. These are the principle factors which need to be considered in determining this application.

Key Theme 1: The Principle of the Development

6.2 MIPPS 01/2006 Housing sets out under paragraph 9.1.1 the Assembly's objectives for housing that includes prioritising the use of previously developed land in preference to greenfield sites. In paragraph 9.1.2 guidance is given to local planning authorities on the forms of new development that should be promoted including: sites easily accessible by public transport; has a mix of uses and tenures; more efficient use of land and; places a greater emphasis on quality, good design and the creation of places.

6.3 The existing Barry Waterfront site is allocated on the Vale of Glamorgan UDP proposals map as a 'Comprehensive Development Area' (CDA). No specific policy allocates the site as a CDA area although the redevelopment of Barry Waterfront (and the later addition of the South Quay area) is given significant weight throughout the document and different elements of development are allocated within a number of policies and the supporting text. The key policies within the UDP which pay regard to Barry Waterfront are summarised as follows:

- **Policy HOUS1** of the UDP allocates the site for significant residential development with the supporting text indicating capacity for 1,600 dwellings.
- **Policy EMP1** allocates 3.4 hectares of the site for B1/B8 employment uses.
- **Policy SHOP2** states that new and improved retailing facilities within the area of comprehensive redevelopment at Barry Waterfront will be permitted as long as it does not result have an unacceptable effect on amenity, traffic flow/road safety and provides a high standard of design, car parking, services, utilities and access for all.
- **Policy SHOP3** allocates part of the Barry waterfront site for retail development and states that it is intended to be complementary to the town centre.
- **Policy SHOP4** states that proposals for retail warehousing within the comprehensive redevelopment area of Barry Waterfront will be permitted as long as it does not have an unacceptable effect the vitality or viability of Barry town centre, traffic flow or the environment and can be adequately accessed, serviced and designed to a high standard.

- **Policy ENV6** relates to the East Vale Coast and states that development within the undeveloped coastal zone will be permitted as long as it does not have any unacceptable environmental effects with regards to noise, air pollution, flooding etc.
- **Policy ENV25** states that measures to improve the environmental quality of the urban fabric with particular attention to the regeneration of derelict or degraded land especially within the former dockland of Barry or Penarth.
- **Policy COMM3** states that land is reserved for the development of a school at Barry Waterfront (1ha),

6.4 The UDP describes the Council's aspirations for a mixed use scheme on the Barry Waterfront site including a significant amount of residential as well as commercial, business, retail, leisure and open space uses (Paragraph 4.4.1). The principle of the proposed development and the mix of uses proposed are therefore in accordance with the adopted UDP.

6.5 It is important to note that the UDP policies relate to the existing element of the Barry waterfront scheme subject of the 1997 permission as well as the remaining land subject of the current outline planning application. Some of the policy requirements e.g. COMM3 relating to the reservation of 1ha of land for a school is already addressed through the current s106 on the land and subsequent 2007 outline planning application.

6.6 Each of the above policy areas is considered in more detail either within this planning statement or within one of the other documents accompanying the application as indicated in Section 1.

6.7 The principle for a residential led mixed use development is established in the adopted UDP. The Planning and Compulsory Purchase Act 2004 s38(6) states that:

"If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise."

6.8 A detailed consideration of the planning merits of the proposed development has not identified any material considerations of such significance as to outweigh the policy approach and allocation set out in the adopted UDP.

Key Theme 2: Regeneration of Derelict Land

6.9 The use of previously developed land is strongly encouraged by the Welsh Assembly Government and the Vale of Glamorgan Council. PPW states that brownfield land should be used in preference to greenfield sites (Paragraph 2.7.1) with its reuse promoting sustainability objectives (Paragraph 2.7.2). MIPPS 01/2008 reinforces this approach by stating that the design process should promote the efficient use of land resource (Paragraph 2.9.4). The Vale

of Glamorgan UDP sets out a list of guiding plan principles one of which states that urban regeneration should be promoted through the re-use of brownfield land (Paragraph 1.7.2).

- 6.10 Policy ENV 25 of the UDP seeks to regenerate derelict and degraded land within the former dockland of Barry to deliver an urban area which is healthy, viable and a pleasing environment (Paragraph 3.4.91). Policy 2 of the UDP states that the Council will encourage sustainable practices which encourage the reclamation of derelict and degraded land for appropriate and beneficial use. The development of the Barry Waterfront site will provide the Vale of Glamorgan with a significant urban regeneration opportunity with a large number of resultant social, economic and physical benefits. More specifically, the application proposal will enable the remediation and regeneration of this large site which would otherwise remain derelict. Furthermore, this proposal will facilitate the removal of an existing eyesore as sought through Paragraph 3.4.7.
- 6.11 Reflecting Paragraph 13.6.3 of PPW, Policy ENV26 of the UDP requires that where contaminated sites are redeveloped there must be no unacceptable risk to the health and safety neither of those living and working on or nearby the site nor to the environment. Chapter I of the Environmental Statement provides a detailed assessment of the existing contamination and this ground remediation chapter states that the historic use of the site for dockside development has resulted in areas of contamination. The ES explains that mitigation of the contamination is proposed which includes the remediation of the site. Measures include bioremediation of soils, the removal of grossly contaminated soils from the site together with a minimum cover of 600mm across much of the site.
- 6.12 Following mitigation measures no significant environmental effects are envisaged and therefore substantial environmental benefits can be realised as a result of this proposed development. The proposal therefore accords with national and local policy aspirations prioritising regeneration of brownfield land and reclamation of contaminated sites.

Key Theme 3: The level of housing provision & affordable housing delivery

- 6.13 The UDP in paragraph 4.4.1 refers to the 1997 outline planning permission and anticipates a yield of some 1400 units. It also refers to Barry Waterfront providing:
- “...A range of residential building types and tenure is proposed including 20% of the total number of residential units for affordable housing”.*
- 6.14 In addition the UDP anticipates a further 200 dwellings at South Quay. To date approximately 690 dwellings have been completed on the original Barry Waterfront scheme.

- 6.15 The outline planning application subject of this planning statement promotes up to 2,000 dwellings. Whilst this is considerably in excess of the numbers originally anticipated in the adopted UDP it reflects government guidance in MIPPS 01/2006 to promote more efficient use of land. It also reflects the consortiums view on the density and residential mix likely to be attractive in this location.
- 6.16 Existing housing supply is monitored through the annual Joint Housing Land Availability Studies (JHLAS) chaired by the Welsh Assembly Government. In the 2008 study Barry Waterfront was identified as contributing 496 dwellings, approximately 21% of the five year land supply. In total Barry Waterfront is identified as contributing 1,115 dwellings approximately 40% of the total housing land supply in the district.
- 6.17 In the 2008 JHLAS the first completions at Barry Waterfront are anticipated in 2011. It is clear that the delivery of this site is critical to the provision of an adequate supply of housing within the Vale of Glamorgan.
- 6.18 Policy HOUS 12 – Affordable Housing does not set an affordable housing target across the Vale of Glamorgan, although in supporting paragraph 4.4.87 it is stated that:
- “...The Council will continue to work closely with Associated British Ports, the Welsh Assembly Government, registered social landlords and private sector developers to ensure that at least 20% of the total number of residential units are affordable housing in the Barry Waterfront Redevelopment Scheme.”*
- 6.19 The adopted Barry Waterfront Development Principles document refers to the provision of:
- “... up to 30% affordable housing provision...”*
- 6.20 As a result of the changing market conditions and affordable housing aspirations of the Council since the developer consortium successfully bid for the site it is not possible to state the level of affordable housing to be provided on the site in isolation from other viability considerations.
- 6.21 The scale of affordable housing provision at Barry Waterfront will be determined through the s106 negotiation process and will be informed by availability of housing grant and site viability issues. The priority that the Welsh Assembly Government place on affordable housing delivery is understood and this will be reflected in prioritising s106 contributions following the viability assessment.
- 6.22 In summary a range and mix of housing is proposed across Barry Waterfront including smaller starter homes. The provision of up 2,000 dwellings will make a significant contribution to overall housing provision in the Vale of Glamorgan in line with local and national planning policy objectives on housing delivery.

Key Theme 4: The Provision of a District Centre

- 6.23 The scheme is proposing to provide a new district centre providing a mix of uses including a foodstore, non-food retail units, car parking, petrol filling station, hotel, cafes, bars and restaurants, B1 commercial uses and an element of residential.
- 6.24 The Vale of Glamorgan UDP discusses the acceptability of retail, employment and residential development at Barry Waterfront and the Development Principles Document acknowledges that the Barry Waterfront scheme “*will deliver ...a range of appropriate retail uses such as public houses, cafes, restaurants, and shops; leisure uses as well as local business uses*”.
- 6.25 On this basis, we consider that there is policy support for the proposed district centre.

Proposed A1 Retail Floorspace

- 6.26 Despite the fact that the proposed retail floorspace will be located within a district centre, for the purposes of this application the proposed floorspace is treated as being out of centre. As such full regard has been given to MIPPS 02/2005, TAN4 and UDP Policy SHOP12 regarding the need for the proposed retail floorspace and the accompanying Retail Impact Assessment (RIA) fully considers the need, scale, sequential sites, impact, accessibility and other material considerations associated with the development.
- 6.27 The RIA analyses existing convenience and comparison expenditure data as well as existing shopping patterns and ascertained that there is both quantitative and qualitative need for the proposed retail floorspace.
- 6.28 The key qualitative argument is a need to prevent the further leakage of convenience and comparison expenditure to other larger stores and centre (such as Culverhouse Cross, Cardiff city centre, Cardiff Bay, Bridgend etc) which currently impacts on sustainable shopping patterns within the area.
- 6.29 The sequential site search identified one site within Barry town centre which could physically accommodate one of the proposed comparison retail units if they were disaggregated. However, no sites were identified which were capable of accommodating all the proposed retail floorspace.
- 6.30 In terms of impact the majority of proposed trade diversion will come from existing out of centre foodstores as well as shopping destinations located outside the designated retail Catchment Area and as such will have limited impact on Barry town centre. Therefore the RIA concluded that there will be no unacceptable impact on the vitality, viability or attractiveness of Barry town centre as a result of the proposed development.

Proposed A3 Retail Floorspace

- 6.31 UDP Policy SHOP10 discusses A3 retail uses and states that they will be permitted where the proposal:
- Does not have an unacceptable effect on residential amenities by virtue of increased traffic generation, noise, smell or other amenity considerations;
 - Provides car parking and servicing facilities in accordance with Council guidelines;
 - Does not have an unacceptable effect on any conservation area or listed building.
- 6.32 The above issues are dealt with within the accompanying documents. However, it is considered that the proposed A3 uses at Barry Waterfront will be high quality units which will be fully integrated into the scheme in order to overcome any problems associated with noise, smell etc.
- 6.33 It is considered that the provision of A3 uses will provide a high quality leisure attraction making the scheme attractive to both visitors and residents and provide a night time economy. It is not considered that the proposed A3 floorspace will have an unacceptable impact on Barry town centre.

Proposed Hotel

- 6.34 The UDP provides policy advice relating to new hotels in urban areas within Policy TOUR2. This policy states that proposals for new hotels in urban areas will be permitted if:
- The scale is in keeping with surrounding areas;
 - The proposal does not unacceptably affect the amenity and character of existing or neighbouring environments by virtue of noise, traffic congestion, parking or visual intrusion;
 - The proposal meets high standards of layout, landscaping and design;
 - Adequate utility and infrastructure services exist, are reasonably accessible or can be readily provided;
 - Suitable access is provided for disabled persons;
 - Parking is provided in accordance with the Council's standards.
- 6.35 The above issues are dealt with within the accompanying documents. MIPPS 02/2005 does not advocate a requirement to demonstrate need for town centre uses such as hotels and as such it has not been considered necessary to provide detailed analysis in this regard. However, it is considered that the proposed hotel is an appropriate development at Barry Waterfront as it will be accessible by car and public transport, provide a number of jobs and make Barry more appealing as a visitor destination. It is therefore considered that the development will not have an unacceptable impact on Barry town centre.

Proposed B1 Uses

- 6.36 As stated above, the principle for employment uses within the Barry Waterfront site is set in Policy EMP1 of the UDP which allocates approximately 3.4 hectares of land for B1 and B8 uses. The proposed scheme is looking to provide up to 3,400 sq. m of B1 office space which will be provided primarily within the district centre.
- 6.37 Regard must also be had to UDP Policy EMP2 which sets out the criteria for consideration of new employment proposals, these issues will be dealt with in the accompanying documents to this application. However, it is considered that B1 office uses are acceptable in this location as it is accessible by a number of transport modes and the proposed offices will provide jobs which will in turn boost the local economy. Barry does not have a large supply of purpose built modern office accommodation and therefore the provision of such accommodation will heighten the town's appeal to many businesses.
- 6.38 Provision of a new district centre is consistent with the policies set out in the adopted UDP and can be justified in terms of the policy tests contained in national planning guidance. Creation of an attractive district centre will be central to the success of the Barry Waterfront proposal and will provide a new destination bringing vitality as well as retaining spending within the town.

Key Theme 5: The Social and Economic Benefits of the Proposal

- 6.39 The application proposal will bring a significant level of social and economic benefits to both Barry and the Vale of Glamorgan. The social-economic chapter of the ES and Sustainability Statement set out in detail the extent of valuable impacts that the Barry Waterfront scheme will bring. However, to summarise, the headline figures which the development will bring are as follows:
- A capital investment of approximately £150 million;
 - An increase of 720 direct jobs based on the site, all of which would be additional to the area;
 - 830 net additional direct and indirect jobs spread across the local area;
 - 950 net additional direct and indirect jobs spread across the South East Wales region (including those in the local area);
 - Up to 1,990 temporary construction jobs spread over a 10 year period;
 - Up to 2,000 additional dwellings;
 - An increase in the resident population of Barry Waterfront of approximately 4,600 people; and
 - A stronger and more attractive retail centre.
- 6.40 The anticipated population growth will over the 10 years of the development lead to increased demand for key services and community facilities, it will also result in a substantial increase in the population within walking distance of the town centre.

6.41 The headline factors set out above demonstrate that the full economic and social benefits from the proposed development over the extent of the scheme's life will be substantial.

Key Theme 6: Public Realm and Open Space

6.42 A key element of the proposed Barry Waterfront scheme will be the provision of a high quality public realm and public open space. The design strategy for these elements of the scheme has been led by an overarching aim to maximise the benefits of the site's context and waterfront aspect.

6.43 The proposed public spaces are conceived as community spaces and corridors, facilitating pedestrian accessibility and linkage through the site. They provide recreational amenity space in the form of green recreation space and urban public realm capitalising on the waterfront aspect.

6.44 Green open space and areas of public realm are located throughout the scheme with the largest areas located at East Quay Park and Linear Park, West Pond. The scheme will include formal and informal children's play opportunities, green corridors and waterfront public realm.

6.45 The need for green open space and children's play facilities within new residential developments is discussed in Policy REC3 and Policy REC6 which state that open space standards of 2.43 hectares per 1,000 projected population will be sought in accordance with the Council's approved minimum standards for outdoor play space.

6.46 The Barry Waterfront scheme proposes to provide a minimum of 6.16 ha of public open space and 1.42 ha of public realm of which 0.58 hectares will be children's play area.

6.47 There is further land between the western boundary of the site and the railway line that the Council is proposing as a public open space, this would be additional to the provision already referred to above.

6.48 In pre-application discussions with the Council it has been acknowledged that as this an urban waterfront scheme the UDP public open space would not necessarily have to be met in full on site provided that there is a proper focus on creating quality public realm within the scheme.

6.49 In terms of public art the Council's Planning Obligations SPG seeks for 1% of a scheme's project budget to be set aside for public art. It is proposed that provision will be made for public art through the public realm strategy although the precise scale and form will be a matter of negotiation with the Council.

6.50 The details of the public open space and public realm strategy (including public art) are set out in more detail in the Design and Access Statement. This demonstrates that the development will provide an attractive environment for

residents and visitors through a combination of quality integrated green open spaces and public squares.

Key Theme 7: Transport and Accessibility

- 6.51 TAN18 (2007), PPW and the Wales Transport Plan all aim to secure the provision of transport infrastructure and services which improve accessibility, build a stronger economy, improve road safety and foster more sustainable communities.
- 6.52 The proposed site is well located in terms of public transport provision, benefiting from three railway stations, with Barry Town railway the closest station to the west of the site which provides a regular service to Cardiff. The proposal aims to provide safe access from the site to the train station.
- 6.53 The proposal also includes the development of a new direct road link from Barry town centre to Barry Island which will continue from the end of the Ffordd y Mileniwm through the West Pond site and to the Paget Road/Cosy Corner junction. This connection has been identified as a key priority by the Council which is requesting that it is in place at a very early stage of the development
- 6.54 There will be an increase in the level of traffic generated as a result of the development. This has been tested as part of the Transport Assessment and subsequent road improvements are suggested to ensure that the additional traffic will not have a significant impact on the efficiency of the road network.
- 6.55 Since the need for mitigation measures arises to a large extent as a result of significant base traffic growth to 2020 it is not appropriate for the consortium to propose mitigation in isolation. The implementation of these measures and where appropriate contributions towards them will be subject of negotiation with the Vale of Glamorgan Council.
- 6.56 The need for an inclusive and accessible design is fundamental to the approach highlighted in the Design and Access Statement. The level nature of the site combined with direct pedestrian and cycle routes ensures that walking and cycling will be encouraged within the development particularly to local facilities at the district centre.
- 6.57 Ground levels increase gradually northwards towards the town centre and westwards to Barry railway station, however this still allows for inclusive accessibility along those routes beyond the site. To the south the Barry Island cliff creates more of a barrier to inclusive accessibility towards Barry Island. Currently pedestrian access is provided by steps to Clive Road, these will need to be replaced as part of the development proposals but it is unlikely that disabled access could be facilitated via this route. Instead the alternative access to Barry Island will be adjacent the proposed South Quay road towards Cosy Corner and beyond.

6.58 A full review of movement and transportation issues is set out in the Transport Assessment that demonstrates compliance of the proposals with local and national policy objectives. The Design and Access Statement provides further details on how the design proposals have addressed issues such as movement within and beyond the site and inclusive accessibility.

Key Theme 8: Flooding

6.59 TAN15: Development and Flood Risk (2004) sets out the Welsh Assembly Government's requirements for Local Authorities in their approach to flooding with TAN15's key aim to advise caution in respect of new development in areas at high risk of flooding by setting out a precautionary framework to guide planning decisions.

6.60 The site is on the coastline and has the potential for tidal inundation during an extreme event. The TAN15 Development Advice Map shows that the majority of the sites are within Zone B. Some areas of Arno Quay, East Quay and South Quay are in Zone A, other areas of East Quay and land along the dock walls at Arno Quay, West Pond and South Quay are shown within Zone C2.

6.61 The appropriate flood and development levels, taking into account a 100 year design life and projected sea level rises during that period has been discussed and agreed with the Environment Agency. The design level of the development to provide protection for a 0.5% tidal (1 in 200 year) event is 8.868m AOD. To provide such flood protection across East Quay, West Pond and South Quay, ground levels will need to be revised, typically by 0.5 – 1.0m.

6.62 The principle of raising the site to or above this extreme flood level has been discussed and agreed with the Environment Agency, this applies to the finished floor levels of building and new roads. A secondary flow-path from the west of the site could be influenced by a surge event from Barry Harbour. To prevent a possible surge being transmitted into the western area of West Pond; it has been agreed that ground levels immediately to the east of the viaduct structure is raised to 9.34m AOD, the Environment Agency require this to be a general ground level raise rather than to a local bund.

6.63 The Environmental Statement demonstrates how the issue of flood risk and water resources more generally have been fully considered and properly mitigated in line with local and national planning guidance.

Key Theme 9: Ecology

6.64 In terms of ecology, the Barry Waterfront site is not covered by, or located in close proximity to, any feature or site designated for its nature conservation interest although two geological Sites of Special Scientific Interest (SSSI) lie to the south beyond the existing urban settlement of Barry Island. However, the proposed development site does currently support a limited number of habitat types which were found to support nesting and passage (migratory) birds, a

population of Slow-worm (South Quay only), foraging bats and a range of terrestrial invertebrates (e.g. butterflies, beetles, dragonflies etc).

- 6.65 As discussed within Chapter F of the ES mitigation measures are proposed to avoid or minimise the impacts of the development on the existing flora and fauna during construction and operation (i.e. post construction). Nevertheless, overall the development of the site is likely to result in a significant adverse impact for the existing site habitats.
- 6.66 The development site is brownfield and suffers from significant contamination. It is also allocated within the Local Authority's UDP as a 'Comprehensive Development Area' and the Council have produced a Development Principles Document specifying a desire for the site to be redeveloped to provide a mixed use scheme including up to 2,000 dwellings.
- 6.67 Therefore, it is not considered that mitigation to replace the habitats likely to be affected on a like-for-like basis would be practicable in this circumstance. As such a balanced approach needs to be taken in the assessment of this application from an ecological viewpoint as it is considered that the regeneration, social and economic benefits associated with the scheme clearly outweigh the adverse ecological impacts which would occur as a result of development.

Key Theme 10: Community Facilities

- 6.68 New residential developments can place pressure on existing community facilities. As such the Council's Planning Obligations SPG states that:
- "...on sites of 200 dwellings or more, there will be a requirement to provide a community facility on site with appropriate parking and landscaping. The type of facility provided will be subject to negotiation with the Council depending upon consideration of local needs and site specific requirements".*
- 6.69 However, the SPG also states that:
- "whilst it may not be reasonable to expect a developer to readily provide such facilities in full, it may be appropriate to seek enabling provision from the developer, such as land or infrastructure provision".*
- 6.70 In terms of community facilities, a medical centre was provided in the first phase of development at Barry Waterfront to the benefit of existing and future residents of this site. This together with other existing medical facilities has capacity to serve the proposed development
- 6.71 Outline planning permission was granted in 2007 for a new school on 1ha of land within the current planning application boundary. The provision of land for this school was a required as part of the s106 agreement attached to the 1997 outline planning permission. The parameter plans make provision for this

education land within the proposed development as part of the district centre although the location of the proposed site differs from that in the s106 agreement. If this education land is to be relocated this will need to be done in agreement with the Vale of Glamorgan Council.

- 6.72 The Environmental Statement sets out the scale of pupil generation arising from the proposed development and the anticipated capacity within the schools in Barry. The analysis demonstrates that there is sufficient capacity with secondary schools and that there is potentially capacity within primary schools dependent upon a review of school catchment areas.
- 6.73 A new leisure destination will be created at Barry Waterfront with the potential to provide a range of new café, bars and restaurants. It is anticipated that this will become an attractive new meeting point for both existing and new residents within the town.
- 6.74 A more detailed review of community facility provision is set out within the Sustainability Statement and the Socio-economic section of the Environmental Statement.

Key Theme 11: Sustainability and Energy Efficiency

- 6.75 Sustainability is now the fundamental goal for every aspect of Government policy and the Welsh Assembly Government prioritises the need to deliver sustainable development as part of its One Wales: One Planet consultation document (2008). Through this document, the Welsh Assembly Government proposes to reduce the use of carbon based energy by 80-90%, make all new buildings zero carbon and to maximise production of renewable electricity sources and to achieve 70% recycling levels by 2025. It also seeks to reduce travel by car, create stronger local economies and communities. These goals are emphasised within the recently published TAN 12 which promotes sustainability through good design.
- 6.76 The Vale of Glamorgan Council also includes policies within its UDP which encourages sustainable practices through all development proposals (Policy 2). In particular it focuses on the need to reduce the use of resources, to protect biodiversity, and to control levels of pollution. The Policy also seeks to minimise the need to travel and to enable high quality design. The 2006 SPG on sustainable Development adopted by the Council provides considerable detail on its requirements for development within the Vale.
- 6.77 The Barry Waterfront proposal includes a significant number of ways towards which these targets and policies can be met. Measures include energy efficient designs, minimisation and reduction in the use of resources, protection and enhancement of the landscape and archaeological features and, where necessary, the mitigation of any impacts which will result in the scheme achieving sustainable development. For the residential element of the scheme all homes will meet the Eco-homes Excellent standard.

- 6.78 The Low Carbon Strategy for Barry Waterfront focuses on using the energy hierarchy and will first concentrate on reducing the demand for energy. After this, the application proposal then will look to apply low or zero carbon sources to deliver the residual energy requirement. The detailed design of the scheme will take advantage of passive design and orientation techniques and ensure that high quality materials and low energy appliances will be used to reduce energy wastage. To meet residual energy requirements low and zero carbon technologies will be used. It has been assessed that solar thermal, photovoltaic and community heating may provide the most appropriate forms of low carbon technologies for Barry Waterfront. This will be considered in further detail at the reserved matters stage.
- 6.79 The Design and Access Statement and the Sustainability and Energy Statements provide full details about how this application adopts a wide range of measures to ensure that the proposals will deliver a sustainable development for the Vale of Glamorgan.

7.0 Section 106 Contributions and Viability

7.1 Circular 13/97 Planning obligations sets out the basis for negotiating planning gain in Wales. General principles include:

- *“...they should only be sought where they are necessary to make a proposal acceptable in land use-use planning terms...” (B2)*
- *“The test to apply for their use are that they should be necessary, relevant to planning, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.” (B2)*
- *“Acceptable development should never be refused because an applicant is unwilling or unable to offer benefits...”(B3)*
- *“...local authorities and developers should place more emphasis on the overall quality of a development proposal than on the number and nature (or value) of planning benefits they can obtain or offer...”(B4)*
- *“... necessary from a planning point of view and is so directly related to the proposed development and to the use of the land after its completion that the development ought not be permitted without it.” (B9ii)*
- *“...Planning authorities should, however, be aware of the financial consequences for developers of entering into an agreement. For example, an agreement which requires the payment of substantial sums of money before the development gets underway could prejudice the viability of a project. In such circumstances phasing of payments in relation to the phasing of development should be considered.” (B13)*

7.2 These principles will inform the negotiations with the Vale of Glamorgan on the scale and form of planning gain benefits to be incorporated into the Barry Waterfront scheme. The developer consortium has prioritised the creation of a quality development based on best practice sustainability and design principles.

7.3 The consortium entered into a contract to purchase the site from ABP and the Welsh Assembly Government subject to planning in 2007. The UDP policies, previous planning permission and requirements of Circular 13/97 were taken into account when the consortium bid for the site. Since that date there has been a significant change in market conditions and the Council has issued additional supplementary planning guidance on planning gain contributions. These combined have resulted in viability concerns arising regarding the scale of contributions that the development proposal can and should reasonably bear.

- 7.4 The Vale of Glamorgan Council issued a Planning Obligations SPG in 2009 which sets out the Council's approach to seeking and implementing Section 106 contributions. The consortium submitted objections to the level of prescription set out within the proposed SPG.
- 7.5 Within the SPG regard is had to the issue of viability and it is stated that:
- “...where a developer contends that the s106 requirements are too onerous and will potentially make the scheme unviable, they will be expected to submit a breakdown of the development costs and anticipated profits...any subsequent reduction on this basis is only likely to be justified where there is planning merit and/or public interest in the site being developed”.*
- 7.6 This viability issue has been the subject of discussion with officers and members of the Council and it has been agreed that this issue will be discussed in more detail in the light of viability evidence to be produced by the consortium. As part of this application, a confidential viability assessment will be submitted in order to inform negotiations with the Council regarding an appropriate level of planning gain contributions.
- 7.7 It is recognised that the Council and Welsh Assembly Government place a high priority on the delivery of affordable housing. This will therefore be a priority as part of the s106 negotiations. The scale of affordable housing provided will be influenced by the availability of housing grant and site viability issues.

8.0 Conclusions

8.1 Barry Waterfront occupies a strategically important location between Barry Town Centre and Barry Island adjacent to Dock No.1. Whilst the application site is currently derelict, contaminated land within a coastal flood risk area the development potential is obvious and this is recognised through the site's allocation for redevelopment within the adopted UDP.

8.2 The Barry Waterfront planning application will deliver the following major benefits:

- A flagship mixed use development based on sustainable design principles;
- a capital investment in Barry of approximately £150 million;
- the reclamation and regeneration of 43ha of derelict and contaminated land;
- provision of up to 2,000 new homes built to Ecohomes Excellent standards;
- an increase of 720 direct jobs based on the site, a further 830 net additional direct and indirect jobs spread across the local area;
- up to 1,990 temporary construction jobs spread over a 10 year period;
- an increase in the resident population of Barry Waterfront of approximately 4,600 people; and
- creation of a new quality waterside destination within the heart of Barry;
- new pedestrian, cycle and vehicular links between Barry Town Centre and Barry Island;
- new quality public realm and public open space facilities;
- a new district centre with necessary new retail provision.

8.3 The site is allocated for residential led comprehensive development in the adopted UDP. The principle of development has also been established through a previous grant of planning permission across most of the site (excluding South Quay).

8.4 National Planning Policy Guidance favours the regeneration of brownfield sites in preference to greenfield development. The proposed development approach is consistent with the Assembly's Housing Objectives as set out in MIPPS 01/2006 Housing.

8.5 Delivery of this site essential to maintaining a five year supply of housing land within the Vale of Glamorgan as required by MIPPS 01/2006 Housing.

8.6 The consortium believes that the planning application as proposed has properly considered all significant adverse impacts as identified in the Environmental Statement. The requirement for additional planning gain or mitigation beyond

that already identified within the development proposals will require detailed consideration and negotiation with the Council in terms of site viability.

- 8.7 The Consortium has worked with the Council to develop a shared vision for regeneration of this site and joint planning policy context through the Barry Waterfront Development Principles Document and emerging Barry Waterfront Development Brief.
- 8.8 It has been demonstrated in the Design & Access Statement that an attractive mixed use development can be delivered based upon inclusive design principles and consideration of national and local policy objectives. Where the proposed approach varies from the requirements set out in adopted policy documents this is identified and justified within the Design and Access Statement or this Planning Statement.
- 8.9 It is considered that the parameter plans and masterplanning principles set out as part of this planning application provide certainty to the Council, public and future developers regarding the form, scale, mix and quality of development proposed for Barry Waterfront. As such the outline planning application should be granted.

Appendix 1 Planning History

The planning history for the development of Barry Waterfront to date primarily relates to the following applications:

94/00144/OUT - Comprehensive redevelopment of No. 1 Dock. Approved 29th May 1997 subject to a Section 106 Legal Agreement;

94/00207/FUL - Infrastructure to comprehensive redevelopment. Approved 21st June 1994.

94/00208/FUL - To infill 2 graving docks of No.1 Dock Barry to provide disposal area for unsuitable waste materials produced by dock regeneration. Approved 26th July 1994.

97/01321/RES - Area W1 (David's Locke) (Barratt South Wales). Construction of 125 residential dwellings and associated works. Approved 26th March 1998.

98/01290/FUL - Site N1 (Morrisons). Variation of part of Condition Nos. 13 and 14 of planning permission 94/00144/OUT to allow a food store of up to 6041 sq. m. gross selling predominantly convenience goods. Approved 12th November 1999.

99/00363/FUL - Area W1B (David's Locke) (Westbury). Development of 106 No. dwellings consisting of 2, 3 and 4 bedroom homes, flats and town houses. Approved 2nd September 1999.

00/00265/FUL - Variation of Condition No. 3 of planning permission 94/00144/OUT to extend time period for approval of reserved matters from three to seven years. Approved 28 April 2000.

01/00352/RES - Area N2b (Brunel Gardens) (Persimmon). Residential development. Approved 25th July 2001.

00/00537/RES - Site N1 (Morrisons). Erection of new food superstore with associated car parking. Approved 5th October 2000.

00/00538/FUL - Site N1 (Morrisons). Erection of petrol filling station with associated staff parking, drive through car wash and car vac. bays, petrol, diesel and LPG tanks. Approved 5th October 2000.

00/00677/FUL - Site E8 (Waterside) (Barratt South Wales). Apartment development comprising 92 No. units. Approved 8th September 2000.

01/00132/REG3 - Skills Training Centre. Extension of existing Skills Training Centre/Workshop for an Information Technology Training Facility (Cabinet Minute No. 240(2)). Approved 1st November 2001.

01/01055/RES - Site N1b. New fast food restaurant and drive thru' takeaway with parking facilities. Approved 18th April 2002.

01/01056/RES - Site N1b. New non-food retail units with associated car parking. Approved 18th April 2002.

01/01057/FUL - Site N1b (Argos). Variation of Condition 14 of planning permission 94/00144/OUT to allow the unrestricted sale of goods from a catalogue shop. Approved 23rd May 2002.

01/01438/FUL - Castleland Quay. Residential development comprising 28 no. 3 storey crescent houses with 28 no. car spaces, 113 no. apartments (4, 6 and 7 storeys) with 158 no. car spaces. Refused 10th January 2002.

01/01573/REG3 - Land adjacent to the Pumphouse, Proposed Entrepreneurship Centre, comprising of office accommodation for business support agencies plus B1 workspace for small businesses. Approved 28th February 2002.

02/00140/FUL - Sites E10 & E11 (Castleland Quay) (Westbury). Residential development comprising 136 no. apartments 2/3/4 and 5 storeys with associated car parking and landscaping. Approved 10th October 2002.

04/00508/FUL - Site N2a (Holton Reach) (Redrow). Development comprising - Residential housing and apartments, affordable housing and apartments, community centre/place of worship, doctor's surgery and all associated works. Approved 17th December 2004.

05/00073/REG3 - Entrepreneurship Centre Site. New build consisting of workshops and offices for young and new businesses. Approved 12th April 2005.

05/00570/FUL - Site E7 (Jackson's Quay) (Charles Church). 96 residential units. Approved subject to Section 106 agreement.

05/01001/REG3 - Entrepreneurship Centre Site. New building consisting of workshops and offices for young and new businesses. Approved 25th July 2005.

05/01197/FUL - Site N2 (Holton Reach). Proposed surgery and associated car parking, pharmacy and infrastructure. Approved 21st October 2005.

05/01372/REG3 - Footbridge. Approved 14th November 2005.

07/00172/REG3 - Site W3. Outline planning application for the site to be used for an education facility. Approved 30th March 2007.

07/01682/SC2 - Sites C and D. Mixed use development including residential, leisure, education, community facilities, employment, hotel and retail use. Non Standard Approval.

07/01712/SC1 - Site B (Taylor Wimpey, Persimmon and Barratt). Proposed mixed use development (residential, open space, A3 use) - Request for formal screening opinion. Non Standard Approval.

08/00864/FUL - Site E7 (Jacksons Quay) (Newydd Housing Association) Construction of 70 no. residential units (51 no. apartments and 19 no. houses), landscaping and associated works. Approved 29th February 2009.