

**THE VALE OF GLAMORGAN COUNCIL**

Town and Country Planning Act 1990  
Town and Country Planning (General Development Procedure) Order 1995  
Article 3

Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended)

**OUTLINE PLANNING PERMISSION**

Agent:  
Mr. Gareth Williams,  
Nathaniel Lichfield & Partners,  
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Churchill Way,  
Cardiff  
CF10 2HE

Applicant:  
Taylor Wimpey UK Ltd, Persimmon  
Homes Ltd, and BDW  
C/O Agent

**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**

The Council in pursuance of its powers under the above mentioned Act and Order and having taken all the environmental information into consideration as required by Section 3(2) of the above regulations, hereby **GRANTS OUTLINE PERMISSION** for the carrying out of the proposed development as described above and in accordance with the application and plans registered by the Council on 11 September 2009 subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of two years from the date of this permission.

Reason:

To ensure that the development is implemented and progresses in a timely manner with specific regard to the current economic circumstances and state of the housing market which have been important material considerations in the determination of this application and the related legal agreement and in accordance with Welsh Assembly Government advice contained in Delivering Affordable Housing Using Section 106 Agreements: A Guidance Update (2009).

2. At least 150 dwellings constructed as part of the development hereby approved shall be substantially completed (to a point that would enable beneficial occupation) within 5 years of the date of this planning permission.

Reason:

To ensure that the development is implemented and progresses in a timely manner with specific regard to the current economic circumstances and state of the housing market which have been important material considerations in the determination of this application and the related legal agreement and in accordance with Welsh Assembly Government advice contained in Delivering Affordable Housing Using Section 106 Agreements: A Guidance Update (2009).

3. Notwithstanding Condition Nos. 1 and 2 above, the development to which this permission relates must be begun not later than whichever is the later of the following dates:
  - (a) The expiration of two years from the date of this permission.
  - (b) The expiration of two years from the date of the final approval of the reserved matters in respect of that phase.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4. Approval of the details of the layout, scale, appearance, access and landscaping of the development (hereinafter called `the reserved matters`) for each phase of the development, shall be submitted to and approved by the Local Planning Authority before the relevant part of that development is commenced.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

5. Application for approval of the reserved matters for each phase of the development (as set out in the application details), hereinbefore referred to must be made not later than the expiration of the following, unless agreed in writing with the Local Planning Authority:
  - Two years in respect of Phase 1 (District Centre , West Pond Part 1 and Arno Quay).
  - Four years in respect of Phase 2 (West Pond Part 2).

- Six years in respect of Phase 3 (South Quay Parkside).
- Eight years in respect of Phase 4 (South Quay Waterside).
- Ten years in respect of Phase 5 (East Quay).

All of the above beginning with the date of this permission.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and recognising the phased and longer term nature of the development proposed.

6. Details submitted in compliance with Condition No. 4 above shall be in substantial accordance with the parameter plans (references SK202 Rev F; SK203 Rev F; SK204 Rev F; SK205 Rev G received on 10 June 2011 and 27 June) accompanying the planning application, save in respect of the Arno Quay part of the development.

Reason:

In the interests of clarity and in order to comply with Policy ENV27 of the Adopted Unitary Development Plan. The details submitted in respect of Arno Quay are not considered satisfactory due to the size and scale of the buildings in the context of the wider water front.

7. The approval hereby granted does not relate to the Barry Waterfront Development Brief & Strategic Masterplan submitted with the application.

Reason:

For the avoidance of doubt (this document was not requested and whilst it providing useful information in respect of the context for the master planning process, it conflicts with the submitted Design and Access Statement).

8. With the exception of the site remediation, land surcharging, related utility works, and Barry Island Link Road, as approved under application 2010/00696/FUL, no development shall commence until a phasing plan has been submitted to and approved in writing by the Local Planning Authority, which plan shall fully detail the timescale for implementation of the development. The plan shall have particular regard to the timing of the construction of the Barry Island Link Road and the linkage to Barry Island car park and other highway works, the delivery of public realm and retail units during Phase 1; the development shall thereafter be carried out in accordance with the phasing plan, unless a revised phasing plan is otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure the satisfactory timing of the development of the site and having regard to the principle of sustainable development and the need to limit impact on the surrounding communities, to comply with the requirements of strategic Policies 2 and ENV27 of the Unitary Development Plan and the Vale of Glamorgan Supplementary Planning Guidance on Sustainable Development.

9. Notwithstanding Condition No. 8 above, the link road shall be provided in its entirety, including the required connections to Barry Island, prior to the first beneficial occupation of any dwellings or other buildings within the area defined as South Quay Parkside.

Reason:

To ensure the satisfactory development of the site and having regard to the principle of sustainable development and the need to limit impact on the surrounding communities, to comply with the requirements of strategic Policies 2 and ENV27 of the Unitary Development Plan and the Vale of Glamorgan Supplementary Planning Guidance on Sustainable Development.

10. The development shall be undertaken in substantial accordance with the submitted Sustainability Statement and Carbon Reduction Strategy, and each Reserved Matters Submission required by Condition No. 4, shall be accompanied by a statement demonstrating how each element of the development accords with the approved Sustainability Statement and having regard to the relevant legislative requirements at that time.

Reason:

To ensure that the development represents an exemplar sustainable development, and to accord with the requirements of Strategic Policies 2 and Policy ENV27 of the Adopted Unitary Development Plan.

11. Each residential unit hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 in accordance with the requirements of Code for Sustainable Homes: Technical Guide November 2010. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason:

To ensure the residential development attains a suitable level of sustainable building design and to comply with the requirements of strategic Policies 2 and ENV27 of the Unitary Development Plan and the Vale of Glamorgan Supplementary Planning Guidance on Sustainable Development.

12. Unless otherwise agreed in writing with the Local Planning Authority each new non-residential building hereby permitted shall be constructed to achieve a minimum Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme) overall 'Excellent' in accordance with the requirements of BREEAM 2008. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason:

To ensure the development attains the sustainable building standards required by Planning Policy Wales and TAN22 - Planning for Sustainable Buildings, and to comply with the requirements of strategic Policies 2 and ENV27 of the Unitary Development Plan and the Vale of Glamorgan Supplementary Planning Guidance on Sustainable Development.

13. The details required in connection with Condition No. 4 above shall include full details of parking on site for bicycles throughout the development, including facilities within the residential areas, and such approved scheme of bicycle parking shall be fully implemented on site prior to the first beneficial occupation of the part of the development to which that facility relates.

Reason:

To ensure that satisfactory parking for bicycles is provided on site to serve the development, in the interests of encouraging sustainable transport, and to ensure compliance with the terms of Policies ENV27 - Design of New Developments; and TRAN9 - Cycling of the Unitary Development Plan.

14. The retail provision hereby approved shall have a maximum net floorspace of 6,400 square metres. The proposed foodstore shall have a maximum net floorspace of 4,600 square metres and shall not be subdivided, unless agreed in writing with the Local Planning Authority.

Reason:

To control the scale and nature of the use in the interests of safeguarding the vitality and viability of the nearby town and district shopping centres in accordance with Policy SHOP12 - New Retail Development Outside District Shopping Centres and Strategic Policies 9 and 10 - Retailing of the Unitary Development Plan, along with TAN4 - Retailing and Town Centres.

15. The area of the foodstore premises hereby permitted which shall be used for the sale and display of non-food goods shall not exceed 40% of the total net floor area and shall not provide dry cleaning or dispensing pharmacy facilities unless any variation is agreed in writing with the Local Planning Authority and this restriction shall be maintained in perpetuity.

Reason:

To control the scale and nature of the use in the interests of safeguarding the vitality and viability of the nearby town and district shopping centres in accordance with Policy SHOP12 - New Retail Development Outside District Shopping Centres and Strategic Policies 9 and 10 - Retailing of the Unitary Development Plan, along with TAN4 - Retailing and Town Centres.

16. The area of the foodstore premises hereby permitted which shall be used for the sale and display of clothing and footwear shall not exceed 10% of the total net floor area unless any variation is agreed in writing with the Local Planning Authority and this restriction shall be maintained in perpetuity.

Reason:

To control the scale and nature of the use in the interests of safeguarding the vitality and viability of the nearby town and district shopping centres in accordance with Policy SHOP12 - New Retail Development Outside District Shopping Centres and Strategic Policies 9 and 10 - Retailing of the Unitary Development Plan, along with TAN4 - Retailing and Town Centres.

17. Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 (as amended), the proposed A1 comparison floorspace to be provided outside of the foodstore shall have a maximum net floorspace of 1,800 square metres and shall not be subdivided into more than 2 units, except with the express written permission of the Local Planning Authority.

Reason:

To control the scale and nature of the use in the interests of safeguarding the vitality and viability of the nearby town and district shopping centres in accordance with Policy SHOP12 - New Retail Development Outside District Shopping Centres and Strategic Policies 9 and 10 - Retailing of the Unitary Development Plan, along with TAN4 - Retailing and Town Centres.

18. The Class A1 non-food retail unit(s) hereby permitted shall not be used for the sale of :(a) Clothing or footwear (including sportswear); (b) Fashion accessories; (c) Jewellery; (d) Cosmetics and toiletries; (e) Pharmaceutical products; unless any variation is agreed in writing with the Local Planning Authority.

Reason:

To control the nature of the use in the interests of safeguarding the vitality and viability of the nearby town and district shopping centres in accordance with Policy SHOP12 - New Retail Development Outside District Shopping Centres and Strategic Policies 9 and 10 - Retailing of the Unitary Development Plan, along with TAN4 - Retailing and Town Centres.

19. The proposed District Centre A3 units hereby permitted shall be built, fitted out to a shell and core specification, to be agreed in writing with the Local Planning Authority, and made available for rent / sale prior to the first occupation of dwellings in the area identified as South Quay Parkside in the Design and Access Statement and these units shall thereafter be marketed for a minimum of two years from such date (or until sold or leased), in accordance with a marketing plan (which will detail tenure, rental levels and types of operator) said plan to first be submitted to and agreed in writing by the Local Planning Authority.

Reason:

To ensure a comprehensive and mixed use development of the site in accordance with Policy HOUS 1 and the Barry Waterfront Development Principles Document.

20. Unless otherwise agreed in writing the remainder of the A3 units within South Quay, East Quay and Arno Quay, hereby permitted shall be built, fitted out to a shell and core specification to be agreed in writing with the Local Planning Authority and made available for rent / sale prior to the first occupation of dwellings in the respective relevant character areas identified in the Design and Access Statement and these units shall thereafter be marketed for a minimum of two years from such date (or until sold or leased), in accordance with a marketing plan (which will detail tenure, rental levels and types of operator) said plan to first be submitted to and agreed in writing by the Local Planning Authority.

Reason:

To ensure a comprehensive and mixed use development of the site in accordance with Policy HOUS 1 and the Barry Waterfront Development Principles Document.

21. Details of hours of operation and ventilation and extraction equipment for A3 uses shall be submitted to and approved by the Local Planning Authority prior to the first use of any such A3 unit. The premises shall thereafter not be opened outside of the approved hours of operation and the ventilation and extraction equipment shall be installed in accordance with the approved details and thereafter maintained as such.

Reason:

To safeguard the amenities of adjoining occupiers, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

22. Prior to or in conjunction with the first submission of Reserved Matters in respect of the residential part of the development hereby approved, a water use strategy (including an implementation plan) as indicated in the Design and Access Statement, shall be provided and thereafter implemented in full accordance with the agreed strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that a water use strategy is provided as integral part of the development in accordance with Policy ENV27 of the Unitary Development Plan.

23. Prior to or in conjunction with the first submission of Reserved Matters in respect of the residential part of the development hereby approved, a strategy(s) to include full indicative details of the public realm (including soft landscaping) and public art (including an implementation plan) for the whole of the application site, shall be submitted to the Local Planning Authority for written approval, and the approved public realm and public art shall thereafter be provided in full accordance with the agreed implementation plan and the areas of public realm shall thereafter be maintained with open public access in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure a comprehensive public realm and public art strategy(s) is provided for the whole development with public access at all times, in accordance with Policy ENV27 of the Unitary Development Plan and the Public Art Supplementary Planning Guidance and the Barry Waterfront Development Principles.

24. Before the commencement of development a detailed and costed whole-site management plan and monitoring scheme for the biodiversity interests across the site, shall be submitted to and agreed in writing with the Local Planning Authority and this strategy shall be followed by a detailed and costed management plan for each phase of the development, prior to the commencement of any work on that phase. These phased plans shall provide for management responsibilities for a 20 year period and a monitoring scheme to include submission of a monitoring report and management review to the Local Planning Authority in years 2, 5, 10 and 20, and the agreed plans shall be implemented thereafter unless any variations are agreed in writing with the Local Planning Authority.



Reason:

To ensure adequate compensation and mitigation measures for biodiversity across a site that is considered to be of SINC status in accordance with Policy ENV15 - Local Sites of Nature Conservation Significance of the Unitary Development Plan, Supplementary Planning Guidance on Biodiversity and Development and TAN5 - Nature Conservation and Planning.

25. Before the commencement of any construction works on the first of any building approved in each phase of the development site, a detailed scheme for the provision of the proposed habitat mitigation / creation relating to that phase, shall be submitted to and approved in writing with the Local Planning Authority and the development shall be implemented thereafter in accordance with the approved scheme

Reason:

To ensure adequate compensation and mitigation measures for biodiversity across a site that is considered to be of SINC status in accordance with Policy ENV15 - Local Sites of Nature Conservation Significance of the Unitary Development Plan, Supplementary Planning Guidance on Biodiversity and Development and TAN5 - Nature Conservation and Planning.

26. Before the commencement of works on site full details of a scheme for the provision of artificial bird nesting sites, which shall equate to a minimum of one fifth of the total number of residential units to be developed across South Quay, shall be submitted to and approved in writing with the Local Planning Authority, and the development shall be implemented thereafter in accordance with the approved scheme, unless any variations are agreed in writing with the Local Planning Authority.

Reason:

To ensure adequate compensation and mitigation measures for biodiversity across a site that is considered to be of SINC status in accordance with Policy ENV15 - Local Sites of Nature Conservation Significance of the Unitary Development Plan, Supplementary Planning Guidance on Biodiversity and Development and TAN5 - Nature Conservation and Planning.

27. No development shall commence until full details of a clearance methodology and mitigation strategy for terrestrial invertebrates shall be submitted to and approved in writing with the Local Planning Authority and the development shall be implemented thereafter in accordance with the approved scheme, unless any variations are agreed in writing with the Local Planning Authority.

Reason:

To ensure adequate compensation and mitigation measures for biodiversity across a site that is considered to be of SINC status in accordance with Policy ENV15 - Local Sites of Nature Conservation Significance of the Unitary Development Plan, Supplementary Planning Guidance on Biodiversity and Development and TAN5 - Nature Conservation and Planning.

28. No development shall commence, on the relevant phases of development, until full details of a translocation method and management and monitoring scheme for *Oenanthe pimpinelloides* and *Petroselinum segetum* and protection of *Petrorhagia nanteuilim* shall be submitted to and approved in writing with the Local Planning Authority and the development shall be implemented thereafter in accordance with the approved scheme, unless any variations are agreed in writing with the Local Planning Authority.

Reason

To ensure adequate compensation and mitigation measures for biodiversity across a site that is considered to be of SINC status in accordance with Policy ENV15-Local Sites of Nature Conservation Significance of the Unitary Development Plan, Supplementary Planning Guidance on Biodiversity and Development and TAN5-Nature Conservation and Planning.

29. No development shall commence until a detailed mitigation statement and translocation methodology for protected species of reptiles (including assessment of any proposed receptor site and measures to increase carrying capacity) shall be submitted to and approved in writing with the Local Planning Authority and the development shall be implemented thereafter in accordance with the approved scheme, unless any variations are agreed in writing with the Local Planning Authority.

Reason:

To ensure adequate compensation and mitigation measures for biodiversity across a site that is considered to be of SINC status in accordance with Policy ENV15 - Local Sites of Nature Conservation Significance of the Unitary Development Plan, Supplementary Planning Guidance on Biodiversity and Development and TAN5 - Nature Conservation and Planning.

30. Prior to the construction of any buildings on site, full details of a scheme to provide bat roosting locations across the site shall be submitted to and approved in writing with the by the Local Planning Authority and the development shall be implemented thereafter in accordance with the approved scheme, unless any variations are agreed in writing with the Local Planning Authority.

Reason:

To ensure adequate compensation and mitigation measures for biodiversity across a site that is considered to be of SINC status in accordance with Policy ENV15 - Local Sites of Nature Conservation Significance of the Unitary Development Plan, Supplementary Planning Guidance on Biodiversity and Development and TAN5 - Nature Conservation and Planning.

31. Before the commencement of each phase of the development as agreed in regard of Condition No. 8 above, a survey of the site for badgers shall be undertaken and prepared by competent persons with suitable qualifications, licenses and experience, and a report submitted to and approved in writing with the Local Planning Authority. The timing of the survey shall be appropriate to confirm the absence of badgers from the site immediately prior to work commencing and to ensure that it is undertaken using nationally recognised survey guidelines / methods where available and working to best practice standards.

Reason:

To safeguard protected species in accordance with Policy ENV16 - Protected Species of the Unitary Development Plan, Supplementary Planning Guidance on Biodiversity and Development and TAN5 - Nature Conservation and Planning.

32. Any vegetation clearance across the site shall be undertaken outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be demonstrated through submission to the Local Planning Authority of an appropriate survey immediately prior to works commencing that nesting birds are absent or a method statement for works is agreed in writing with the Local Planning Authority and fully implemented prior to works commencing.

Reason:

To ensure adequate compensation and mitigation measures for biodiversity across a site that is considered to be of SINC status in accordance with Policy ENV15 - Local Sites of Nature Conservation Significance of the Unitary Development Plan, Supplementary Planning Guidance on Biodiversity and Development and TAN5 - Nature Conservation and Planning.

33. Notwithstanding the submitted details, the following development levels shall apply across the site, unless otherwise agreed in writing by the Local Planning Authority:

- The finished floor levels of buildings and new roads must be set to a minimum level of 8.868 metres AOD.
- Ground levels immediately to the east of the railway viaduct at the western area of West Pond shall be raised to 9.34m AOD.
- Ground levels across East Quay, West Pond and South Quay shall be raised to between 0.5m to 1.0m.
- During construction works temporary flood bunds shall be provided to the dock and the western edge.

Any variation shall be agreed in writing with the Local Planning Authority.

Reason:

To reduce the risk of flooding in accordance with Policy ENV7 - Water Resources of the Unitary Development Plan and TAN15 - Development and Flood Risk.

34. With the exception of the site remediation, land surcharging, related utility works, and Barry Island Link Road, the development hereby permitted shall not be commenced on each phase until such time as a scheme to dispose of foul and surface water for that phase has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason:

To prevent pollution of the environment in accordance with Policy ENV29 - Protection of Environmental Quality of the Unitary Development Plan.

35. Foul water and surface water discharges shall be drained separately from the site and no surface water (including land drainage discharges) shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

Reason:

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment in accordance with Policy ENV29 - Protection of Environmental Quality of the Unitary Development Plan.

36. The developer shall provide a suitable grease trap for non residential uses to prevent entry into the public sewerage system of matter likely to interfere with the free flow of the sewer contents, or which prejudicially affect the treatment and disposal of such contents.

Reason:

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment in accordance with Policy ENV29 - Protection of Environmental Quality of the Unitary Development Plan.

37. Prior to the commencement of the development a comprehensive scheme for the design of new on-site and off-site watermains to service the development shall be submitted to and agreed with the Local Planning Authority. The agreed scheme for each phase shall be implemented prior to the first beneficial occupation of any development in that phase and implemented without detriment to the existing water supply system and any scheme submitted for approval shall include the provision of a booster pumping arrangement unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure a satisfactory water supply system, to protect the health and safety of existing residents and ensure no detriment to the environment in accordance with Policy ENV29 - Protection of Environmental Quality of the Unitary Development Plan.

38. Foul flows from the proposed development shall connect to the 450mm public foul sewer, or its proposed diversion between Barry Docks Sewage pumping station (asset no. 32944) and manhole ref. ST11672432 as shown on the statutory sewer plan unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To prevent hydraulic overloading of the public combined system, to protect the health and safety of existing residents and ensure no detriment to the environment in accordance with Policy ENV29 - Protection of Environmental Quality of the Unitary Development Plan.

39. Prior to the commencement of each phase of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), full details of a scheme for the installation of oil and petrol interceptors shall be submitted to and approved in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the approved details.

Reason:

To prevent pollution of the environment in accordance with Policy ENV29 - Protection of Environmental Quality of the Unitary Development Plan.

40. Prior to the commencement of each phase of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority:
1. A preliminary risk assessment which has identified:
    - (a) All previous uses.
    - (b) Potential contaminants associated with those uses.
    - (c) A conceptual model of the site indicating sources, pathways and receptors.
    - (d) Potentially unacceptable risks arising from contamination at the site.
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason:

In the interests of protecting controlled waters against pollution in accordance with Policies ENV7 - Water Resources; ENV26 - Contaminated Land and Unstable Land; and ENV29 - Protection of Environmental Quality of the Unitary Development Plan.

41. Prior to the first occupation of each phase of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason:

To demonstrate that the remediation criteria has been met in the interests of protecting controlled waters against pollution in accordance with Policies ENV7 - Water Resources; ENV26 - Contaminated Land and Unstable Land; and ENV29 - Protection of Environmental Quality of the Unitary Development Plan.

42. Reports relating to monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in the agreed plan. On completion of the monitoring a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that longer term remediation criteria have been met in the interests of protecting controlled waters against pollution in accordance with Policies ENV7 - Water Resources; ENV26 - Contaminated Land and Unstable Land; and ENV29 - Protection of Environmental Quality of the Unitary Development Plan.

43. If, during development of each phase as agreed under condition 8, contamination not previously identified is found to be present at the site then no further development of that phase (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to, and obtained written approval from, the Local Planning Authority, an amendment to the remediation strategy detailing how the previously unidentified contamination shall be dealt with.

Reason:

Given the size / complexity of the site it is considered possible that there may be unidentified areas of contamination and in the interests of protecting controlled waters against pollution in accordance with Policies ENV7 - Water Resources; ENV26 - Contaminated Land and Unstable Land; and ENV29 - Protection of Environmental Quality of the Unitary Development Plan.

44. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason:

Inappropriate piling carries an increased risk of pollution and in the interests of protecting controlled waters against pollution in accordance with Policies ENV7 - Water Resources; ENV26 - Contaminated Land and Unstable Land; and ENV29 - Protection of Environmental Quality of the Unitary Development Plan.

45. Prior to the commencement of the phase which includes the area defined as West Pond, an odour control Management Plan in relation to the existing sewerage pumping station, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the measures contained within the submitted plan unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of the prevention of pollution and impact on neighbouring amenity in accordance with Policies ENV27 - Design of New Development; ENV29 - Protection of Environmental Quality of the Unitary Development Plan.

46. Prior to any construction works commencing on each phase of the development hereby approved, a Construction Environmental Management Plan (CEMP) for that phase shall have been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include methods for the control of:

1. Hours of construction.



2. Noise and its mitigation (also where appropriate reference to BS5228), including locations, frequency and methodology of routine noise monitoring which would be required to be undertaken by the developer throughout the construction period.
3. Vibration and its mitigation.
4. Specific requirements for the mitigation of any piling operations.
5. Dust control and list of permitted mobile crushers and screens.
6. Agreed hours for the undertaking of 'noisy' works (the definition of such works to be agreed through the CEMP).
7. Illumination / lighting of development sites during winter months.
8. The parking of vehicles of site operatives and visitors.
9. The erection and maintenance of security hoardings; and
10. Wheel washing facilities.

The CEMP shall be implemented prior to any works commencing in respect of a relevant phase and all development shall be carried out in accordance with the agreed details. The CEMP shall be reviewed on an annual basis (commencing with the date on which the CEMP is formally approved or other such date as may otherwise be agreed in writing by the Local Planning Authority) and a report provided to the Local Planning Authority within one month of the review date, detailing the results of agreed monitoring of construction activities and their impacts, and including recommendations for any amendments to the approved CEMP to reflect changing circumstances arising from the development.

Reason:

In the interests of ensuring the satisfactory development of the site, flood risk, prevention of pollution and impact on neighbouring amenity in accordance with Policies ENV7 - Water Resources; ENV26 - Contaminated Land and Unstable Land; and ENV29 - Protection of Environmental Quality of the Unitary Development Plan, along with TAN11 - Noise and TAN15 - Development and Flood Risk.

47. Prior to the commencement of development a Site Waste Management Plan in relation to the ongoing construction, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the measures contained within the submitted SWP unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of flood risk, prevention of pollution and impact on neighbouring amenity in accordance with Policies ENV7 - Water Resources; ENV26 - Contaminated Land and Unstable Land; and ENV29 - Protection of Environmental Quality of the Unitary Development Plan, along with TAN11 - Noise and TAN15 - Development and Flood Risk.

48. The Reserved Matters application in respect of the Character Areas known as the District Centre, West Pond, and South Quay Parkside shall include details of the means of providing and maintaining public pedestrian access through the development site from Barry Island. The construction of these Character Areas shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure that public pedestrian access for the residents of Barry Island is retained and maintained in accordance with Policies REC12, ENV27 and Strategic Policy 2 of the Unitary Development Plan.

49. No development shall take place within each phase agreed in regard of Condition No. 8, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work for that phase in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied and to ensure compliance with Policies ENV18 and ENV19 of the Unitary Development Plan.

50. Prior to the first beneficial occupation of any part of the development hereby approved, a Travel Plan (or range of Travel Plans appropriate to each specific development / use) shall be prepared to include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use (this should include, identifying typical journeys to be made to / from the site, suggesting targets based on the number of expected residents / users and outlining the rough number and types of locations for the proposed car share bays). The Travel Plan shall thereafter be implemented in accordance with the approved details.

Reason:

To ensure the development accords with sustainability principles and that site is accessible by a range of modes of transport in accordance with Policies 2, 8 and ENV27 - Design of New Developments of the Unitary Development Plan.

51. The construction of each development phase (as agreed via Condition No. 8) shall not commence until details of the provision of parking for construction traffic and the routes for heavy construction vehicles, and means of defining and controlling such traffic routes, have been submitted to and approved in writing by the Local Planning Authority and the construction works and deliveries shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interest of highway safety and to maintain the effective operation of the local highway network, in accordance with Policy TRAN11 - Road Freight of the Unitary Development Plan.

52. Full details of the planned junction improvements to connect Barry Island to the new Link Road (as shown on figure 7.13 of the June 2010 Transport Assessment) shall be submitted to and approved in writing by the Local Planning Authority (and be subject to a highway agreement between the developer(s) and the Council as Highway Authority under Section 278 of the Highway Act 1980), and such approved improvement works shall be completed no later than the date of occupation of the first dwelling in Phase 3 (South Quay Parkside).

Reason:

To provide adequate means of access to the site and in the interest of highway safety, in accordance with Policy ENV27 - Design of New Developments of the Unitary Development Plan.

53. A scheme detailing the availability, charging regime and use of the car park to be provided in association with the provision of a superstore in association with Phase 1 of the development by visitors to the waterfront and the associated district centre shall be submitted to and agreed in writing by the Local Planning Authority prior to the beneficial use of the car park. The use of the car park shall thereafter be in full accordance with the agreed scheme unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To provide adequate car parking for visitors to the waterfront and in the interest of highway safety, in accordance with Policies ENV27 and TRAN10 of the Unitary Development Plan.

#### Reason for Granting Planning Permission

The decision to recommend planning permission has been taken with full consideration given to all the environmental information submitted and in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV6 - East Vale Coast, ENV7 - Water Resources, ENV15 - Local Sites of Nature Conservation Significance, ENV16 - Protected Species, ENV17 - Protection of Built and Historic Environment, ENV18 - Archaeological Field Evaluation, ENV19 - Preservation of Archaeological Remains, ENV20 - Development in Conservation Areas, ENV25 - Regeneration of Urban Areas, ENV26 - Contaminated Land and Unstable Land, ENV27 - Design of New Developments, ENV28 - Access for Disabled People, ENV29 - Protection of Environmental Quality, HOUS1 - Residential Allocations, HOUS2 - Additional Residential Development, HOUS8 - Residential Development Criteria, HOUS12 - Affordable Housing, EMP1 - Land for Employment Uses, EMP2 - New Business and Industrial Development, TOUR2 - New Hotels in Urban Areas, TOUR5 - Non-Residential Tourist Attractions, TRAN1 - Strategic Highways, TRAN3 - Rail Development, TRAN4 - Interchange at Rail Stations, TRAN7 - Strategic Public Transport, TRAN9 - Cycling Development, TRAN10 - Parking, SHOP2 - New and Improved Shopping Facilities, SHOP3 - Retail Development, SHOP4 - Retail Warehousing in Barry Waterfront, SHOP12 - New Retail Development Outside District Shopping Centres, REC3 - Provision of Open Space within New Residential Development, REC4-Provision for the Disabled and Elderly, REC6 - Children's Playing Facilities, REC7 - Sport and Leisure Facilities, REC12 - Public Rights of Way and Recreational Routes, REC13 - Sailing, COMM3-Provision of Schools, and Strategic Policies 1 & 2-The Environment, 3-Housing, 4, 5 & 6-Economic Development & Tourism, 7 & 8-Transportation, 9 & 10-Retailing, 11-Sport & Recreation, Policy 14-Community and Utility Services of the Vale of Glamorgan Adopted Unitary Development Plan; Supplementary Planning Guidance, including SPGs on Amenity Standards, the Barry Development Guidelines, Biodiversity and Development, Design in the Landscape, Model Design Guide for Wales, Planning Obligations, Public Art, Sustainable Development, Affordable Housing (contained within The Vale of Glamorgan Affordable Housing Delivery Statement); the Barry Waterfront Development Principles development brief; and national guidance contained in Planning Policy Wales and TAN2-Planning and Affordable Housing, TAN4-Retailing and Town Centres, TAN5-Nature Conservation and Planning, TAN11-Noise, TAN12-Design, TAN13-Tourism, TAN14-Coastal Planning, TAN15-

Development and Flood Risk, TAN16-Sport, Recreation and Open Space, TAN18-Transport, and TAN22-Sustainable Buildings; Manual for Streets; the Wales Spatial Plan; and the Natural Environment and Rural Communities Act; the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999; it is considered that the development of this strategic site is significant in its contribution to the regeneration of Barry. In this respect, the site is an extensive area of previously developed land in a highly sustainable location, which is also a key strategic site allocated for development in the adopted UDP, and which will be significant in contributing to a range and choice of housing to meet the Vale of Glamorgan requirement.

**NOTE:**

- 1. In accordance with the advice of the National Assembly for Wales regarding development of contaminated land I am giving you notice that the responsibility for safe development and secure occupancy of a site rests with the developer. Whilst the Council has determined the application on the information available to it, this does not necessarily mean that the land is free from contamination.**
- 2. The attention of the applicant is drawn to the fact that a public sewer runs through the site and may be affected by the development.**
- 3. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff; telephone number 02920 772400.**
- 4. In accordance with Regulation 3(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the Local Planning Authority took into account all environmental information submitted with this application.**
- 5. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
- 6. The applicants are reminded of the requirement for compliance in full with the conditions imposed upon the outline planning permission.**
- 7. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5**

**6AA. Telephone 02920 673051.**

- 8. Surface water run-off from the proposed development must not connect either directly or indirectly (i.e. via any existing or proposed private drainage system) to the public foul sewer under any circumstances.**
- 9. The proposed development site is crossed by a public sewer. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Dwr Cymru Welsh Water's Network Development Consultants on 0800 9172652.**
- 10. Where any species listed under Schedules 2 or 5 of the Conservation of Habitats and Species Regulations 2010 is present on the site, or other identified area, in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place unless a licence to disturb any such species has been granted by the Welsh Assembly Government in accordance with the aforementioned Regulations.**

**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.**

Dated: 2 March 2012

A handwritten signature in black ink, appearing to read "D. B. Thorne", written over a horizontal line.

Head of Planning and Transportation

**IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES  
ATTACHED TO THIS FORM.**