

# BAY 5

## Planning, Design and Access Statement



August 2014

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# 1 Introduction

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## 1.1 Background

This Planning, Design and Access Statement (DAS) accompanies an application for **the change of use of Bay 5, Barry Island Promenade, from sui-generis to a mixed A1/A3 coffee shop use, with associated internal layout changes to the building, and minor works to align the external appearance and access of Bay 5 to a coffee shop function.**

The DAS has been prepared in accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 and the guidance on the preparation of DAS set out in Technical Advice Note (TAN) 12 on Design.

For ease of reference the planning statement has been combined with the design and access statement in this document, whilst it also sets out the environmental aspects. This statement describes the existing conditions at the site, the nature of the proposed development, the principles of its design and the environmental aspects of the scheme.

## 1.2 Need for development

The existing Bay 5 unit, situated off the promenade of Barry Island, is currently vacant following a diverse range of formal and informal uses in recent history.

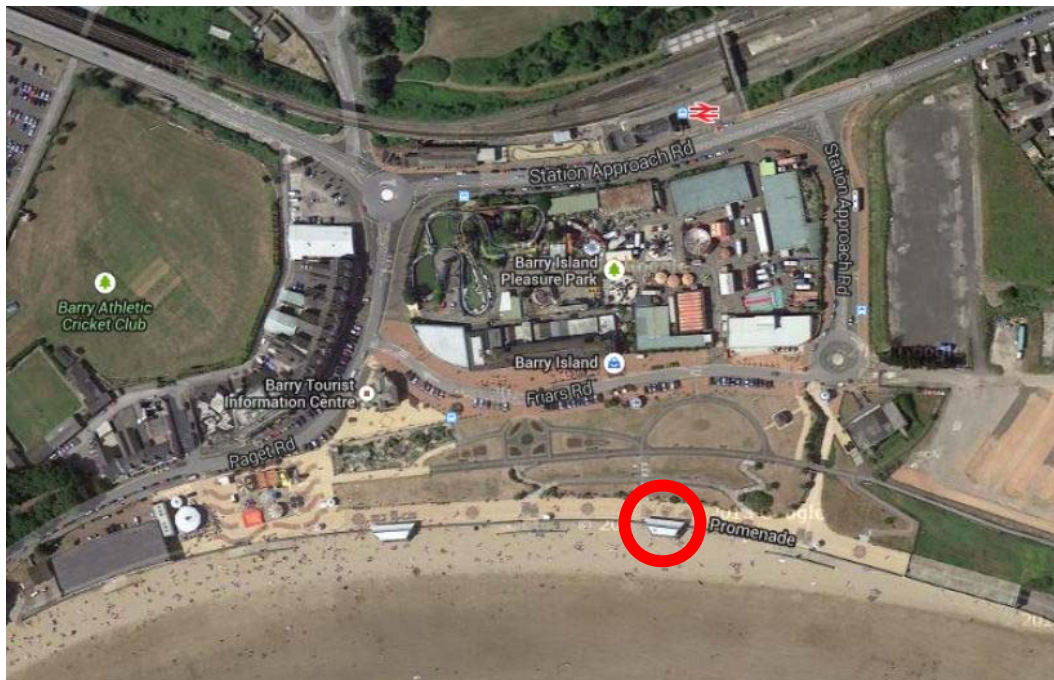
This proposal comes forward following positive engagement with the Vale of Glamorgan Council, where the applicant aims to make use of the unit to provide an attractive coffee shop facility to complement the surrounding uses and environs.

## 2 Context

### 2.1 Site description

Bay 5 is situated off Barry Island promenade, to the south of Barry Island. It is bordered to the south by Whitmore Bay, and Barry Island and Pleasure Park to the north, separated by Friars Road.

A site location plan accompanies this application, whilst the site is identified in red, at Figure 2.1 below:



**Figure 2.1: Site location**

### 2.2 Site character

The site is situated with Barry Island, a seaside resort, and is therefore surrounded by a mix of retail and recreational facilities and services. The area is focused on tourism and is considered as an important tourist destination within the Vale of Glamorgan.

Whilst the area has suffered from decline in the past, exacerbated by the economic recession from 2008, the Pleasure Park and its surrounding complementary retail uses continue to attract many thousands of visitors every year. Recent investments have helped to stimulate a recovery, such as the 2012 Wales Coast Path opening, which includes a minor detour in which the path loops around Barry Island. Most relevant to this application is the regeneration work that continues to be implemented to the eastern end of the promenade, where significant investment seeks to enhance the public realm and regenerate the area for tourism uses. The change of use and associated works at Bay 5 form part of the wider regeneration efforts in this location, where the vision is for Bay 5 to support the efforts for economic and social development at Barry Island.

## 2.3 Building character

An image of Bay 5 is provided in Figure 2.2.

The existing unit comprises WC toilet, kitchen and treatment rooms (see 'Existing/Proposed Plans Ground', which accompanies this application).

The external appearance comprises traditional seaside architecture (see existing elevations, which accompany this application).

The building is not listed but does lie within the Barry Marine Conservation Area. The Vale of Glamorgan Local Planning Authority has confirmed during pre-application discussions that Conservation Area Consent is not required for the proposed works, which would not in any case affect its setting.



**Figure 2.2:** Bay 5 from the south, looking north



## 3 The Proposed Development

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This planning application is for the change of use of Bay 5 from sui-generis to allow a mixed A1/A3 coffee shop, with associated internal layout and access changes, and minor works to the external appearance of the building only, to align to its proposed use as a coffee shop.

### 3.1 Proposal

This planning application seeks to make changes the internal layout of the unit, and make minor alternations to the external appearance of the building, to better accommodate the proposed A1/A3 coffee shop use.

This will involve providing an increased kitchen area, in the same (east) location, and relocating the existing WC to a new area to accommodate a DDA compliant WC (to the north east of the unit). The central and eastern internal space will be used for seating, with associated tables and chairs.

The entrance would be on the north east of the building, whilst a take-away serverly would be situated to the north west. Replacing existing hard panels with windows, in addition to the access to the south of the building, would allow customers to enjoy Whitmore Bay from the promenade terrace.

Please refer to 'Existing and Proposed Plans Ground' which accompany this application, for details of the proposed works.

Further details, including existing/proposed materials are outlined on the elevation drawings, which accompany this application. In summary, existing materials will be cleaned, with power coated aluminium windows and menu blackboards to improve the function and character of the unit.

### 3.2 Proposed Use

The intended occupier would sell hot and cold drinks for consumption on and off the premises, along with sandwiches, other cold food and confectionary. The operation does not include any hot food production for either eat-in or takeaway. A small element of sales consists of Panini or toasted sandwiches. This does not require any kitchen facilities or specialist extraction facilities.

A customer toilet, including disabled use, is provided to replace the existing WC toilet, in a new location (relocated from a central position to the north east area of the layout, as illustrated on the layout plan that accompanies this application). Furthermore, the 'back of house area', which provides for storage, washing up and staff facilities is located within the kitchen, in the western part of the building.

The applicant proposes to place up to 10 tables with chairs (and associated parasol's) as part of an outdoor seating area immediately adjacent to the building. The tables and chairs (and associated parasols) will remain outside throughout the working day and brought into the unit to be secured when the coffee shop is closed.

Typically, coffee shops trade as Class A1 retail uses on the basis that the stores primarily serve hot and cold drinks and cold food for takeaway. Where levels of seating and eating-in sales take up a significant proportion of the use, it has been established that a mixed A1/A3 use takes place.

The proposed coffee shop would not sell any hot food for either eat-in or takeaway purposes. The only warm food which would be sold on the premises is Panini, but this typically comprises of only a small percentage of all sales. The preparation of the Panini does not require a separate kitchen for preparation or any extractor equipment to discharge odour and fumes. It is simply warmed on a griddle behind the main servery.

A further contribution to the Class A1 element of the use is the sale of merchandise within the premises. The sale of consumable and comparison goods assists in providing an A1 presence, therefore contributing to the vitality and viability of shopping frontages.

### 3.3 Use Class Issues

As this retail outlet would not sell any hot food (other than Panini) and a significant proportion of the sales of sandwiches, confectionary and drinks are typically for takeaway purposes, there is a significant element of the use which would ordinarily fall within Class A1. The unit would also have an element of seating whereby customers can consume food and drink on the premises. This provides an element of Class A3 use.

Consequently, establishing whether the proposed development use falls within either Class A1 or A3, or is in fact a mixed use, is determined by the proportion of different uses which make up the whole. The concept of mixed A1/A3 use for coffee shops has been established through a number of appeal decisions. A number of appeal decisions have considered the primary uses of the coffee shop. The appeals have established that primary uses of coffee shops are influenced by a number of factors. Principally:

- The proportion of takeaway food/drink sales from the premises compared with eat in/drink in sales; and
- The proportion of floorspace taken up by customer seating areas.

An appeal decision (ref. T/APP/C/97/X5210/648273 & T/APP/X5210/A/97/289584/P6) for one of the original Costa Coffee units where the Local Planning Authority had alleged that a change of use had taken place from Class A1 to Class A3, outlines how it is important to note that, as the Inspector considers, the “primary purpose of these premises is the sale of cold food and hot drinks for the consumption on and off the premises, together with the sale of dried goods notably coffee beans and to a lesser extent wrapped food stuffs and home coffee making equipment”. The Inspector goes on to state that “I do not consider that the sale of this item for hot food for consumption on and off the premises takes the premises out of a Class A1, nor do I look upon the presence of tables and chairs in significant numbers for occupation by customers consuming food and drinks sold on the premises as constituting a café use...The primary purposes of these premises remains a Class A1 use.”

Consequently, this appeal decision demonstrates that coffee shops can fall into the Class A1 use, even when significant numbers of tables and chairs exist.

A number of other early appeal decisions in relation to coffee shop uses concluded that even though significant elements of food and drink were sold for consumption on the premises, they would remain in Class A1 use. In this case, take away and merchandise sales would be more than incidental to the A3 use.

Even when adopted planning policies would not allow any further loss of Class A1 uses, Inspectors have been comfortable in allowing mixed A1/A3 coffee shop because of their characteristics and positive impact that they can have on retail frontages.

## **3.4 Opening Hours**

The opening hours of the premises would remain closed from 20.00 to 08.00 unless otherwise agreed in writing with the Local Planning Authority, in order to take full advantage of trade throughout the normal working / shopping day.

## **3.5 The design process**

### **3.5.1 Scale and appearance**

The proposed change of use involves changes to the internal layout.

In terms of external works, the appearance of Bay 5 will be subject to minor amendments only, to align with a coffee shop use. These changes will include minor alternations to provide windows, provision of a take-away server, provision of blackboard menus, and associated signage. These elements of the proposed works are identified and illustrated on the elevation drawings that accompany this application.

The design process has focused on maximising the use of existing features and materials. The applicant aspires to ensure that the character of the building is maintained, whilst enhancing the suitability of Bay 5 for a coffee shop use, whilst being sympathetic to its environs.

### **3.5.2 Landscape and character**

The proposed use is likely to improve the contribution that the unit currently makes to the vitality and viability of the promenade and Barry Island frontage and would not harm the overall character of the location.

By making use of the existing features and by cleaning the existing materials of the building, the character of Bay 5 will be enhanced, whilst protecting the established features of the local landscape.



### 3.6 Community safety and accessibility

All customers will have equal and convenient access to the indoor and outdoor seating area.

The proposed development will not impact on community safety. However, the proposed use would act as a deterrent to anti-social behaviour as it would create an active frontage offering natural surveillance of the local area.

Building regulations will be addressed separately to this application.

Please refer to Section 5 for more information about inclusive access and accessibility.

### 3.7 Socio-economics

The proposal for a mixed A1/A3 coffee shop would bring back into use a vacant sui-generis building that would contribute, as a coffee shop, to the vitality and viability of Barry Island as a retail and tourist centre. The proposed A1/A3 coffee shop use would offer a complementary function to the Barry Island shopping and recreational area, as well as attract people to the promenade to enjoy its recreational offer. The coffee shop will provide a mixed, daytime use, which complements the centre's retail function.

The proposed use would utilise and attract customer flows to the promenade area throughout the day and generate an overall level of customer activities similar to, or greater than, an A1 use of the site.

It is considered that:

- The coffee shop will support social activity and offer a safe environment for people of all ages and groups to interact;
- The coffee shop will improve the vitality of the local area and form an important part of the wider regeneration works to the eastern end of the promenade;
- The presence of coffee shops encourages consumers to shop within a local area over one that does not offer such services; and
- In terms of future trends, a coffee shop in this location will enhance the local offer to consumers, contributing to a vibrant tourist and retail economy within Barry Island, to the benefit of the wider economy.

The proposed coffee shop at Bay 5 will perform a positive role within the local retail, tourist and entertainment environment of Barry Island, and therefore should be considered as a beneficial proposal that will enhance the social context of Barry Island, as well as benefiting the local economy.

### **3.8 Construction phase details**

Due to the proposed development involving limited physical works taking place to align the building to the change of use (internal layout changes and minor alternations to the external appearance only), the construction phase would be limited to approximately one month only. During this time, there would negligible impact on access, transport and disruption on the promenade. No restrictions to pedestrian access along the promenade would be required.

## **4 Environmental Issues**

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### **4.1 Designations**

The application site does lie within the Barry Marine Conservation Area. The Vale of Glamorgan Local Planning Authority has confirmed during pre-application discussions that Conservation Area Consent is not required for the proposed works. The nature and scale of the proposed development would not in any case affect the setting of the Conservation Area, which is primarily in place to protect the marine environment of Whitmore Bay and its environs.

### **4.2 Air and noise**

The operation does not include any hot food production for either eat-in or takeaway. A small element of sales consists of Panini or toasted sandwiches. This does not require any kitchen facilities or specialist extraction facilities, thus air and noise pollution generated from the operation of the facility will be negligible.

The proposed use would act as a deterrent to anti-social behaviour as it would create an active frontage offering natural surveillance of the local area and any potential negative impact resulting from servicing / deliveries can be controlled through the inclusion of a condition restricting hours. It is suggested that these should be in-keeping with those provided on similar surrounding uses.

### **4.3 Flood risk**

Bay 5 is located on the promenade of Barry Island, situated adjacent to land without significant flood defence infrastructure (Zone C2 as identified on TAN 15 Development and Flood Risk Maps). However, the application site benefits from being served by significant infrastructure, including flood defences along the Whitmore Bay frontage, and as such is considered to be situated within Zone C1.

### **4.4 Heritage**

The building is not listed, nor is located within close proximity to any listed buildings or Scheduled Ancient Monuments.

## **5 Access Statement**

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### **5.1 Guidance on access statements**

The Disability Discrimination Act (DDA) aims to end the discrimination which many disabled people face. The statute gives people rights in the area of employment as well as in buying or renting land or property and access to goods, facilities and services. The guidance on design and access statements is contained in Appendix 1 of TAN 12: Design.

### **5.2 Vehicular site access and car parking**

The site is accessed from the north by Friars Road (which is accessed from Paget Road from the west or Station Approach Road from the east). There are many car parking spaces within the local area, including a public car park situated approximately 750m to the west, off Harbour Road / Paget Road.

### **5.3 Public transport**

Many local and regional bus services serve Barry Island, which benefits from good public transport accessibility.

Barry Island train station is located off Station Approach Road, approximately 250m to the north.

### **5.4 Pedestrian access**

The promenade serves Bay 5, which is a pedestrian friendly zone, with good links to public transport services and car parking facilities.

The Wales Coastal Path serves Barry Island, which is a very popular walking and cycling route, which links into wider recreational and commuting pedestrian routes.

### **5.5 Inclusive access**

The promenade in Barry Island is pedestrian friendly. Bay 5 is DDA compliant and the proposed development will provide for a disabled WC toilet facility, which is an improvement to its current basic WC toilet offering.

### **5.6 Sustainability**

Bay 5 benefits from very good pedestrian access and is well served by public transport and by road, with sufficient car parking facilities within Barry Island.

The proposed development is situated within a sustainable location, which is accessible to a range of other services and facilities, and can be accessed by walking and cycling.

## 6 Planning Policy Context

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### 6.1 Introduction

The planning policy context for the proposed development comprises both national and local planning policy. Local planning policy is set out in the statutorily adopted *X Development Plan*. Draft planning policy is also relevant in terms of the emerging Local Development Plan for the area.

### 6.2 National planning policy

National planning policy is set out in the *Wales Spatial Plan* (2008 Update) and *Planning Policy Wales* (PPW) Edition 7 (2014). PPW is also supported by a number of Technical Advice Notes (TANs).

The Welsh Assembly Government's objectives for retailing and town centres are set out within Chapter 10 of *Planning Policy Wales* (Seventh Edition, July 2014). Key objectives include:

- secure accessible, efficient, competitive and innovative retail provision for all the communities of Wales, in both urban and rural areas;
- promote established town, district, local and village centres as the most appropriate locations for retailing, leisure and other complementary functions;
- enhance the vitality, attractiveness and viability of town, district, local and village centres; and to
- promote access to these centres by public transport, walking and cycling.

In achieving the above objectives, *Planning Policy Wales* emphasises the importance of attracting a range of 'complementary' uses to shopping centres, stating that:

"Wherever possible this provision should be located in proximity to other commercial businesses, facilities for leisure, community facilities and employment."

*Planning Policy Wales* advises at Paragraph 10.2.4 that a diversity of uses can assist in enhancing the vitality and well-being of shopping centres:

"Although retailing should continue to underpin town, district, local and village centres it is only one of the factors which contribute towards their well-being. Policies should encourage a diversity of uses in centres".

In regards to changes of use within existing shopping areas, Technical Advice Note (TAN) 4, *Retailing and Town Centres* (1996) advises that the cumulative effects of concentrations of single uses, such as restaurants and take-away food outlets, can cause local problems. TAN 4 advises that such proposals should be assessed against development plan policies, and on their contribution to diversification.

In summary, national planning policy seeks to encourage attractive and vibrant centres with a diversity of complementary uses.

## **6.2.1 Planning Policy Wales**

Planning Policy Wales Edition 7 (2014) sets out the land use planning policies of the Welsh Government. PPW provides advice of a wide range of issues and is supported by a number of Technical Advice Notes (TANs). PPW guides local planning authorities to promote:

- development that is easily accessible by public transport, cycling and walking;
- mixed use development so communities have good access to employment, retail and other services; and
- greater emphasis on quality, good design and the creation of places to live that are safe and attractive.

Relevant TANs include:

- TAN 12 Design (2009);
- TAN 13: Tourism (1997);
- TAN 18: Transport (2007); and
- TAN 22: Sustainable Buildings (2010).

## **6.3 Local planning policy**

### **6.3.1 The Unitary Development Plan**

The Vale of Glamorgan Unitary Development Plan (UDP) (adopted 2005) is the current development plan at the local level.

It sets out that it is the intention of the Council to encourage and guide retail development into the district centres or Barry Waterfront and to consolidate retail activity in district centres within defined primary shopping cores. The location of proposals within such core areas can assist in the development of more compact and attractive shopping centres. In such locations developments are accessible to all sections of the community and can help to renew and enhance the physical fabric of the centre.

The evidence set out within the preceding chapters of PS5 clearly states that an A1/ A3 use would maintain and enhance the viability of the centre given its nature of uses, patronage and complementary function that it would offer.

PS10 infers that a non-A1 use needs to contribute to the vibrancy of the centre, through the nature, design and scale of the proposed coffee shop. To this extent, the scale of the building remains the same and the applicant would operate within the existing footprint.

In addition, the proposed minor amendments to the external appearance of Bay 5 would improve the front facade focusing on the use of existing/similar materials to blend with the surroundings. Furthermore, a high level of design is implemented for the coffee shop, making best use of the existing elevations, making the shop front complement existing features on the building and in the surrounding area through the use of materials which enhance the overall appearance on the surrounding retail and tourism context.



Policy PS5 stipulates that changes of use should not be permitted if such a change would give rise to new, or exacerbate existing local problems resulting from traffic generation, highway safety, noise, smell or other amenity considerations. The applicant considers that the approval of the proposed change of use would not exacerbate any traffic or highway issues as the operation of a coffee shop is complementary to the overall retail function of the Barry Island promenade and surrounding area, and would not be expected to generate significant additional trips on its own. Furthermore, in terms of noise, smell or other amenity considerations, the method of dealing with waste would not vary from the existing arrangements. As previously outlined, no hot food would be prepared on the site and as such there will be no impact on neighbouring occupiers in terms of odour. Furthermore, any possible impact in terms of noise can be controlled through the use of a standard condition restricting the opening hours and the proposed use is not one which would generate, or encourage, anti-social behaviour.

Accordingly, the proposed use, combined with appropriate planning conditions (see section 7.1), would satisfactorily mitigate against any potential amenity impacts in terms of noise, odour and waste/litter. The applicant would welcome early engagement in order to help shape the identification of appropriate planning conditions.

### **6.3.2 Emerging planning policy**

The Vale of Glamorgan Council is currently preparing a new Local Development Plan (LDP) for the area. When adopted, the LDP will replace the current UDP as the development plan for the area.

In Spring 2015 Cabinet will consider its responses to the representations made to both the Deposit and Alternative Site Plan Stages. The LDP will then be submitted to Welsh Government where an independent Planning Inspector will be appointed to conduct an Examination into the soundness of the Plan.

The Retail Study (2013) indicates that there is potential to retain a greater proportion of the expenditure on convenience goods by providing additional floorspace in Barry, Penarth and Cowbridge. The leakage of comparison spend out of the area is attributable to a number of factors, the most significant of which is the proximity to Cardiff.

The Deposit LDP outlines that the LDP will seek to provide a policy framework which supports the retail centres and retain retail expenditure by providing opportunities for new retail development. It goes on to outline that part of its vision is to safeguard and enhance the vitality and viability of existing retail and tourist and visitor attractions that encourage people to use, visit and enjoy the diverse range of facilities and attractions on offer in the Vale of Glamorgan.

LDP Objective 6 is: To reinforce the vitality, viability and attractiveness of the Vale of Glamorgan's town, district, local and neighbourhood shopping centres... Within the established town and district centres of Barry, Penarth, Cowbridge and Llantwit Major, diversity will be encouraged to maintain a range of services and facilities while retail uses will be protected in local and neighbourhood centres. Policy SP6 reflects this objective and provides for additional retail floorspace, whilst setting out that opportunities for the effective use of vacant floorspace and refurbishment of properties will be maximised.

Specifically relevant to the application site, the Deposit LDP outlines that another key element in the regeneration of Barry is to maximise opportunities for new visitor and tourist facilities at Whitmore Bay, Barry Island for the benefit of both residents and visitors to the area. The Strategy seeks to promote new housing, employment and retail opportunities.

In light that the proposal seeks to enhance the vitality of Barry Island, whilst bringing back into sustainable use Bay 5, it is clear the proposed development would support the emerging local planning policy context.

## **6.4 Planning history**

Bay 5 has benefited from a diverse range of informal uses, with no recent formal planning history. Works last comprised roof and refurbishment including supporting columns and treatment of walls and shutters to unify appearance with existing promenade developments after a 1994 planning permission (ref 1994//REG3).

## 7 Conclusion

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The proposal is for the change of use of Bay 5, Barry Island promenade, from sui-generis and to enable the premises to operate as a mixed A1/A3 use as a coffee shop. It has been established that this is the most appropriate categorisation of the use for a coffee shop, and an outline of relevant planning and appeal history is offered within this statement. The statement has demonstrated that the proposed coffee shop will require Class A1/A3 use through the sale of coffee and sandwiches for sit in and takeaway purposes.

In conclusion, the applicant considers that the application will:

- Enhance the quality of the local environment in Barry Island in an appropriate and sustainable manner, which complements surrounding land uses and which is complementary to the Barry Marine Conservation Area at Whitmore Bay;
- Bring back into use a vacant building, which would be of benefit to the retail vitality and viability within Barry Island, in addition to complementing the wider regeneration of the eastern end of the promenade;
- Benefit the existing and future communities of Barry, offering an appropriate A1/A3 use that will be a valuable community asset;
- Would not create adverse impacts on the transport network;
- Would not pose a risk to flooding;
- Minimise environmental impact, with negligible effects on noise and air;
- Comply with the overall provisions of the development plan and national planning guidance; and
- Contribute positively to the strategic regeneration of Barry Islands as defined by the adopted UDP and emerging LDP.

## Recommendations

The applicant considers that the proposal is both an essential and acceptable form of development in this location and that the application for change of use and associated works for the provision of a coffee shop at Bay 5 should be approved by the local planning authority.

The following conditions have been considered appropriate for coffee shops in the Vale of Glamorgan in the past and are considered to be acceptable in this case:

- The premises shall not be used other than as a coffee shop serving coffee, other hot and cold drinks, sandwiches and similar light refreshments for consumption on or off the premises;
- No primary cooking of unprepared food shall be carried on within the premises. Only reheated or cold food shall be served within the premises;
- The premises shall remain closed from 20.00 to 08.00 unless otherwise agreed in writing with the Local Planning Authority.

The applicant would welcome early engagement in order to help shape the identification of appropriate planning conditions, should the proposed development be deemed an appropriate use at this location.