

PLANNING STATEMENT

The Mole, Barry



JPW1507

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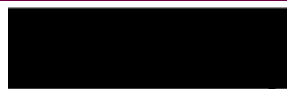
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Andrew Lucas



10 January 2023

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Appendix 1: LPA’s Pre-Application Response

1 INTRODUCTION

- 1.1 This Planning Statement has been prepared on behalf of Associated British Ports (ABP) (“the applicant”) in support of a planning application for the creation of a new 400-berth marina alongside a mixed-use development comprising leisure, business space and residential at The Mole, Barry.
- 1.2 The proposals for the site are the subject of a hybrid application and are made up of five distinct, but complementary, components as follows:
1. Outline planning permission is sought for the creation of a new 400-berth marina with floating pontoons within No. 1 Dock.
 2. Full planning permission is sought for engineering works to raise the existing ground levels of the Mole site to a minimum of 9.00m AOD in order to mitigate against flood risk.
 3. On the eastern part of the site outline permission is sought for the development of a marina office building which will include facilities for visitors/ members and a restaurant.
 4. Adjacent to the marina building outline permission is sought for an incubator workspace building comprising offices, smart innovation space, break-out space and a café.
 5. On the western part of the site outline planning permission is sought for residential development comprising 45 townhouses and 19 apartments.
- 1.3 The application also proposes ancillary development including access, parking, landscaping and public open space and other associated infrastructure.
- 1.4 This statement is intended to assist the Vale of Glamorgan Council (VoGC) in its consideration of the main planning issues associated with the proposed development. It has been prepared in accordance with the guidance set out in ‘Planning Policy Wales Edition 11 (February 2021)’ and seeks to evaluate the proposed development against national and local planning policies.
- 1.5 This report is not a standalone document and should be read in conjunction with all other elements of the application which include:
- Planning Statement
 - Design and Access Statement
 - Transport Statement
 - Travel Plan
 - Preliminary Ecological Appraisal
 - Botanical and Habitat Survey
 - Flood Consequences Assessment
 - Outline Drainage Strategy
 - Phase 1 Geo-Environmental Desk Study Report
 - Phase 2 Geo-Environmental Site Assessment
 - Pre-Application Consultation Report

1.6 This remainder of this statement is structured as follows:

- Section 2: The Application Site and Surrounding Area
- Section 3: The Proposed Development
- Section 4: Planning policy Framework
- Section 5: Key Planning Issues
- Section 6: Conclusions

2 THE SITE AND SURROUNDING AREA

- 2.1 The new Marina is proposed to be developed within ABPs operational dock estate at Barry Waterfront known as No.1 Dock. This part of the dock is relatively underused and derelict although the existing main infrastructures of quay walls, masonry dolphins and revetments are in sound condition.
- 2.2 Protruding into No. 1 Dock is a parcel of land known as 'The Mole' which is essentially an earthworks bund pier extending some 390m out into the dock basin. Constructed in the 19th Century, 'The Mole' extends to approximately 3.1 hectares and is contained by a revetment on the north face and a vertical stone wall on the south face.
- 2.3 The topography of 'The Mole' is generally level with a slight slope from 8.9m AOD in the west of the site to 8.6m AOD in the east. The majority of the site comprises former industrial land, although the far eastern end is occupied by the Ocean Watersports Trust (OWT) operating the Barry Community Water Activities Centre (BCWAC). There are a number of temporary buildings and a boat storage area currently used by BCWAC.
- 2.4 A hardstanding road runs the length of the site from west to east, providing access to the water activities centre. In the eastern part of the site there is also a small building with a flat roof and several metal shipping containers. Neptune Way forms the western boundary, providing vehicular and pedestrian access to the site although at present access to the site is controlled so the general public cannot access it.

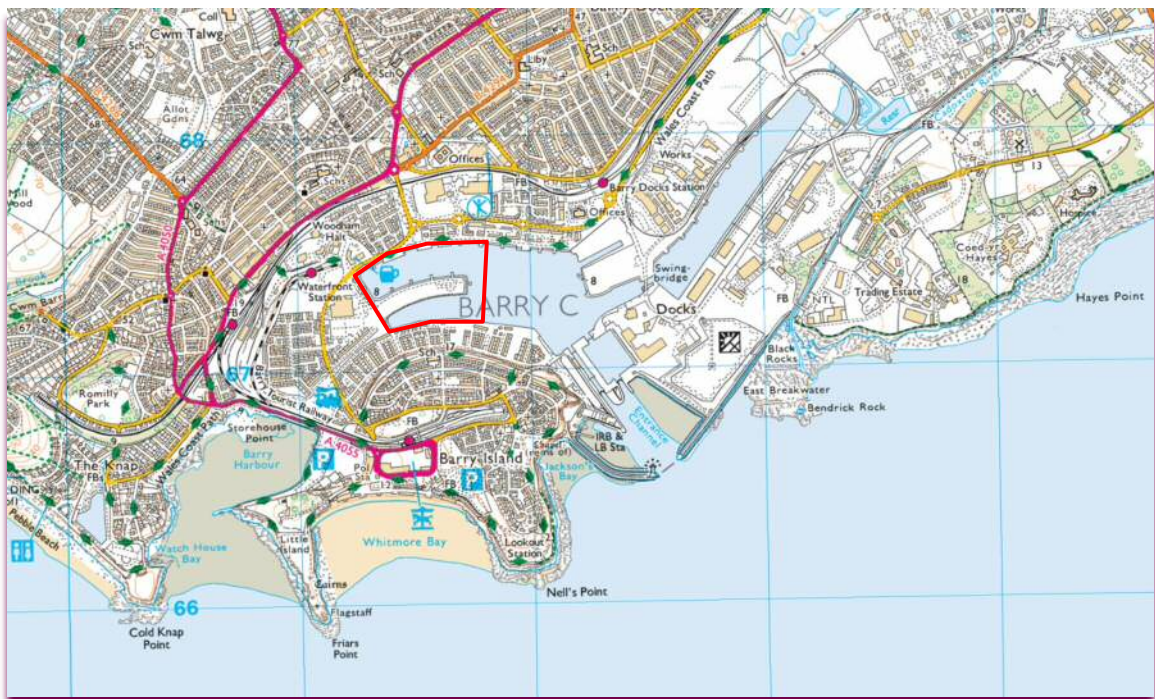


Figure 1: Site Location

- 2.5 Over the last twenty years the 'Barry Waterfront' area surrounding the docks area has been subject to significant mixed used residential-led regeneration. Completed phases include commercial and residential development along Ffordd y Mileniwm to the north, residential development along Charles Darwin Way to the south, the refurbishment of the former Pumping Station for Class A3 and D2 uses and residential live/work units, the delivery of an 'Innovation Quarter' providing business and office space, a Premier Inn and Brewers Fayre public house and restaurant, a new medical centre and dental surgery.



Figure 2: Aerial View of Site

- 2.6 The site benefits from excellent public transport links, being approximately 10 minutes' walk from both Barry and Barry Island railway stations and just 15 minutes from Barry Town station. All three stations provide regular services to Cardiff and Bridgend.
- 2.7 Barry's main town centre shopping area, Holton Road, lies approximately 1.2km to the north east. A secondary shopping centre, High Street, lies approximately 700m to the north west.

Planning History

- 2.8 Plans for redevelopment of the Barry Waterfront date back to the late 1980s when ABP and the former Welsh Development Agency began undertaking a multi-million pound land regeneration programme on 77 hectares (190 acres) of land next to the No. 1 Dock. The Barry Waterfront Consortium was later established to manage the regeneration scheme of the derelict area at the No. 1 Dock.
- 2.9 In March 2012 outline planning permission (LPA ref: 2009/00946/OUT) was granted to the Consortium which approved the following:
- “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 new link road, regrading 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”*
- 2.10 The consent was granted subject to a Section 106 agreement which included contributions for sustainable transport, highways works, public open space, community facilities, school facilities, ecology mitigation and affordable housing. Since this time a number of reserved matters applications have been approved.
- 2.11 In terms of the application site itself, ‘The Mole’ and its existing concrete ‘dolphins’ were initially used to load ships in the dock itself and the site was criss-crossed with a network of rail lines that tied back to the wider South Wales valleys mining infrastructure. During the interwar periods the rail lines were removed, and the ground restabilised to accommodate storage of various types of raw materials required in nearby war time manufacturing facilities.
- 2.12 In modern times as the dockside landscape has been regenerated, ABP have allowed the OWT to use the eastern part of the site as a storage and launching area for a variety of activities on the Docks including sailing, kayaking, canoe polo and paddleboarding. This has seen a new access spine implemented in tarmac along the sites northern edge along with additional hardstanding and storage containers. The BCWAC will be moving to a new site on the opposite side of the dock at East Quay and planning permission for this was approved in March 2022 (Ref: 2021/01723/FUL).

Pre – Application Discussions

- 2.13 A pre-application screening opinion under Regulation 6(2) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, was sought from the VoGC for the application proposals. The Council confirmed in writing on the 22 September 2022 that the characteristics, location and potential impact of the development is not likely to be significant upon the environment and accordingly, there is not considered to be a requirement for an Environmental Impact Assessment to be submitted (LPA Ref: 2022/00867/SCI).

- 2.14 In addition to the screening opinion, a request for statutory pre-application advice from the VoGC was submitted on 15 July 2022 (LPA Ref: 2022/00119/PRE). Pre-application discussions have been held with Officers at the VoGC and a formal response was received on 6 December 2022 (Appendix 1).

3 THE PROPOSED DEVELOPMENT

Background

- 3.1 The VoGC and ABP have come together to develop a bid for £20m of funding from the UK Government's Levelling Up Fund (LUF) to transform the Barry Docks waterfront. The LUF is designed to ensure that opportunities are more consistent across the country by offering support to areas that are currently at a disadvantage.
- 3.2 Shaped by the town's maritime and industrial history the bid, which has the support of Alun Cairns MP, comprises a project which will form a package of investment to continue the regeneration of the docks area and the surrounding waterfront.

The New Marina

- 3.3 The project, which this application relates to, is a new 400-berth marina which sits at the centrepiece of the plans. The marina will attract visitors and tourists to the town serving as the catalyst for the next stage of the regeneration of the docks. The marina will have floating pontoons located to the north, east and south of 'The Mole' site within No. 1 Dock and moored at regular intervals on tubular steel piles driven into the bed of the dock.
- 3.4 Research undertaken by Marina Solutions International (MSI) on behalf of ABP has confirmed that South Wales is already an active centre of yachting, boating and water sports generally; the third most popular region for yachting after the south coast of England and the west coast of Scotland, and it augers well with the growth of sailing in the Irish Sea. Moreover, the marine industry is currently very active with strong market growth in the sales of yachts, both new and used. A good indication of the strength of the market is manufacturers making significant investments to improve their production capabilities of yachts, as well as associated goods, and services to meet the rising demand. MSI have therefore advised ABP that there is a strong market to support the development of a new marina at Barry and beyond considering the market there is not a great deal of suitable sites left in the UK where a new marina could be cost effectively constructed.

Marina Building

- 3.5 The proposed marina office/services building will be located on the eastern end of 'The Mole' site, and it will serve as the operational control and administration hub and central point for customers services. The building will include a restaurant and will provide an opportunity to maximise access to the waterfront setting whilst also supporting event space and public open space. Adjacent to the marina building will be an onsite slip proposed to be used infrequently for smaller craft and personal watersports such as stand-up paddle boarding (SUP) and kayaks of marina members and residents.

Incubator Building

- 3.6 Sitting alongside the marina building will be an incubator building which will include a range of small units within it to suit a variety of businesses. These units will give small enterprises space to grow and while generating new local jobs for Barry. The incubator building will fit post-Covid working patterns which are seeing increasing demand for co-working in collaborative innovation spaces, where people can come together on a regular basis to discuss ideas. The development will also include space for hospitality businesses.

Residential

- 3.7 New residential properties in the form of apartments and town houses will also feature as well as landscaped public open space to create a welcoming gateway for residents and visitors.

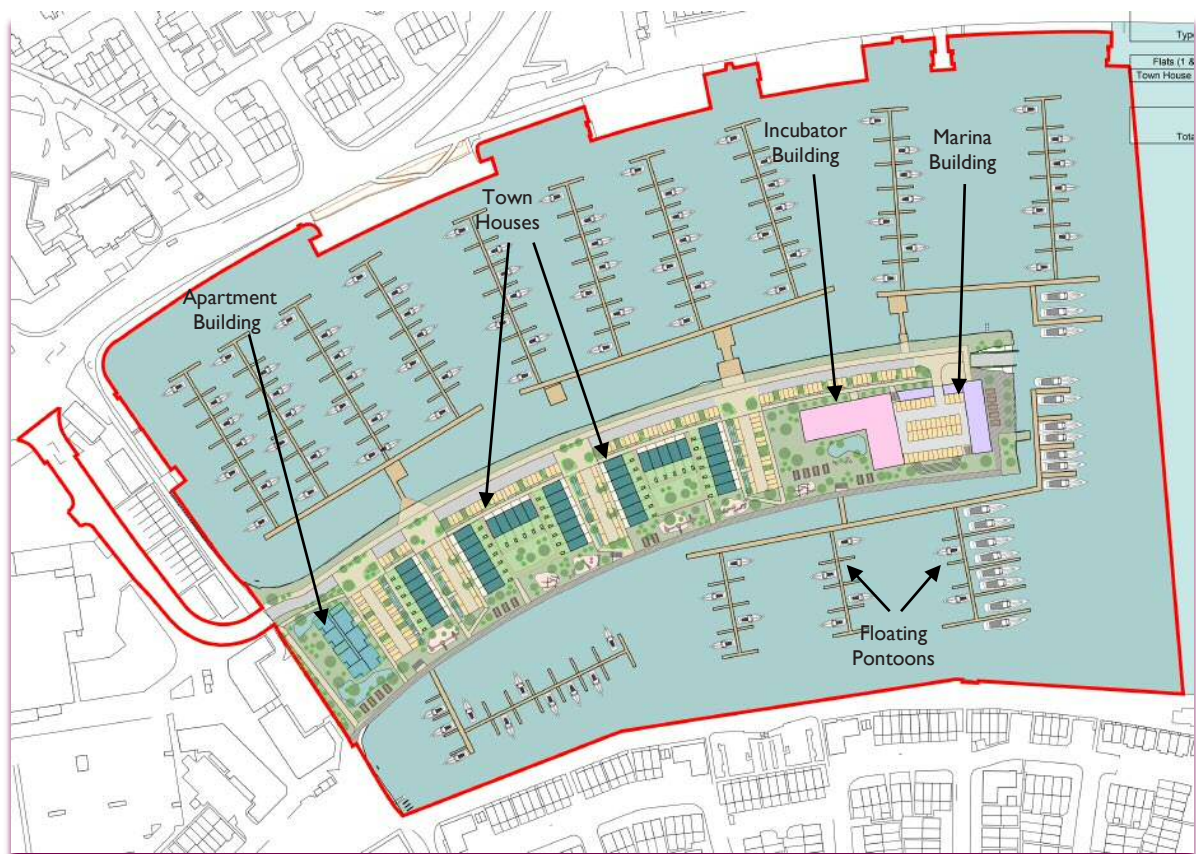


Figure 3: Illustrative Masterplan

- 3.8 In advance of the main development of 'The Mole' it is intended to raise the site level by between 600 and 800mm to form a development platform at +9.2m AOD. This will ensure that the finished site level is consistent with the surrounding, previously developed land, and that it remains out of the tidal flood risk zone. The site will be raised by introducing clean inert fill material, laid and compacted in layers to a structural engineer's detail. This will ensure that the base is suitable as a base for the proposed development.

3.9 In summary this application reflects the bid submitted for the Levelling Up Fund and the proposals for the site are the subject of a hybrid application, made up of five distinct, but complementary, components as follows:

- Outline planning permission is sought for the creation of a new 400-berth marina with floating pontoons within the No. 1 Dock at Barry Waterfront.
- Full planning permission is sought for engineering works to raise the existing ground levels of 'The Mole' site to a minimum of 9.00m AOD in order to mitigate against potential future flood risk.
- On the eastern part of the site outline planning permission is sought for the development of a 5,600 sqft (520 sqm) marina office building which will include facilities for visitors/members and a restaurant.
- Adjacent to the marina building outline planning permission is sought for a 29,000 sqft (2,694 sqm) incubator workspace building comprising offices, smart innovation space, break-out space and a café.
- On the western part of the site outline planning permission is sought for residential development comprising 45 x 3 and 4 bed townhouses and 19 x 1 and 2 bed apartments with a maximum height of four storeys.

3.10 The application also proposes ancillary development including access, parking, landscaping and public open space and other associated infrastructure.

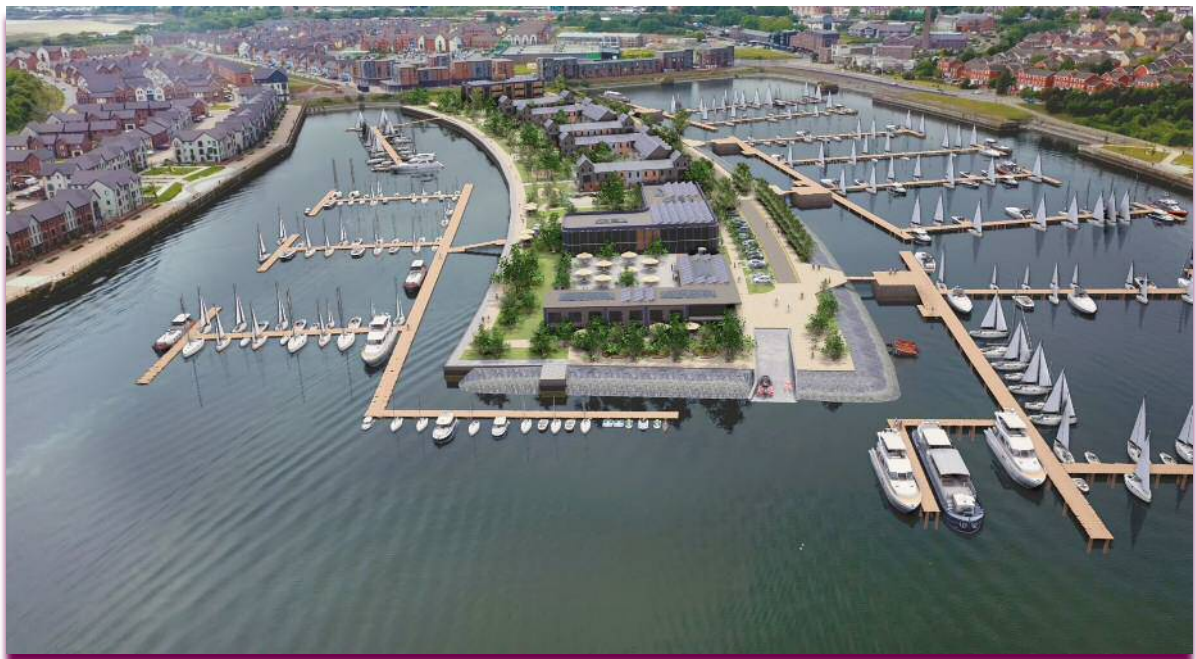


Figure 4: Illustrative Concept View

4 PLANNING POLICY

Introduction

- 4.1 The following section provides an overview of the relevant policy framework relating to the application proposals. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, this application should be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 4.2 The starting point is therefore the Development Plan which consists of the VoGC Local Development Plan (LDP) which was adopted on 28th June 2017 and covers the period 2011 to 2026.
- 4.3 In addition to the above, other key 'relevant material considerations' include, in particular, Government policy guidance contained within Planning Policy Wales (PPW) (Edition 11), Future Wales: The National Plan 2040, associated Technical Advice Notes (TANs) and the Well-Being of Future Generations (Wales) Act 2015.

Development Plan Policy

The Vale of Glamorgan Local Development Plan 2022-2026 (Adopted June 2017)

- 4.4 The LDP sets out the vision, objectives, strategy and policies for managing development in the Vale of Glamorgan and contains a number of local planning policies and makes provision for the use of land for the purposes of housing, employment, retailing, recreation, transport, tourism, minerals, waste, and community uses. It also seeks to identify the infrastructure that will be required to meet the growth anticipated in the Vale of Glamorgan up to 2026 and provides a monitoring framework for assessing the effectiveness of the Plan.
- 4.5 The overarching strategy of the LDP comprises four key elements, including promoting development in Barry and the South East Zone. The Strategy seeks to promote new housing, employment and retail opportunities in the South East Zone and recognises the existing regeneration opportunities at Barry Waterfront.
- 4.6 The Plan sets out area-specific objectives. The stated objectives for Barry include:
- *“Provide new opportunities for enhanced community services, facilities, public realm and infrastructure to support the important role of Barry as a key settlement.*
 - *Improve walking and cycling links between the town centre, the Waterfront and Barry Island.*
 - *Promote Whitmore Bay and Barry Waterfront as all year-round attractive tourism and leisure destinations by encouraging a range of high-quality serviced accommodation, all weather attractions, improved visitor facilities and event led tourism.*
 - *Favour development proposals which assist the long-term viability of Barry’s Port to facilitate the efficient and reliable movement of freight by sea.”*

- 4.7 As explained earlier, the application site is located within the 'Barry Waterfront' area and forms part of the land allocated under LDP Policies SP2(1) and MG3. **Policy SP2(1)** allocates land for "mixed uses" at Barry Waterfront. The allocation comprises 48.55ha of previously developed land, including The Mole, 30ha of water and 4.3km of quayside. The supporting text to this policy sets the vision for Barry Waterfront as follows:

"The creation of 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."

- 4.8 **Policy MG3** allocates land at Barry Waterfront for the development of 1,700 new dwellings, 5,824 sqm (net) new retail floorspace, a hotel, cafe, bars and restaurants, offices (class B1), community, leisure and education facilities. The policy sets out the proposed mix of uses:

- *The construction of approximately 1,700 new dwellings;*
- *The provision of 5,824 sqm (net) of new retail floorspace, comprising an 'Asda' food store (4,158 sqm.) and 1,666 sqm comparison floorspace in 2 retail units located in a 'district centre' to the north west of the development site adjacent to West Pond, the school site and the Innovation Quarter;*
- *Cafes, bars and restaurants with a combined floorspace of 750 sqm -1820 sqm located throughout the development but primarily within the District Centre;*
- *A hotel with a gross floorspace of 3,500 sqm located within the District Centre; Offices (B1) with a gross floorspace of 3,450 sqm;*
- *A new primary school within 'West Pond' to meet the educational needs of the English medium primary and nursery school children generated by the development.*
- *Up to 400 sqm Community Facilities (D1/D2); and*
- *The construction of the Barry Island Link Road to link the existing Ffordd y Milleniwm to Barry Island.*

- 4.9 The supporting text to this policy explains that the proposals for this strategic site will include new vehicular and pedestrian/cycle access, re-grading of the site to form new site levels and associated infrastructure works, parking, servicing, landscaping, public realm and public open space provision. In line with the Vision, proposals will also be required to have regard to its maritime context and, where appropriate, protect and enhance the marine environment.

- 4.10 The LDP Proposals Map also shows that the application site lies within the defined settlement boundary under Policy MD5. **Policy MD5** explains that new development within settlement boundaries will be permitted where the proposed development:

1. Makes efficient use of land or buildings;
2. Would not prejudice the delivery of an allocated development site;
3. Is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality;
4. The proposal would not result in the loss of natural or built features that individually or cumulatively contribute to the character of the settlement or its setting;

5. Would not result in the unacceptable loss of public open space, community or tourism buildings or facilities;
6. Has no unacceptable impact on the amenity and character of the locality by way of noise, traffic congestion and parking; and
7. Makes appropriate provision for community infrastructure

4.11 Other LDP Policies of relevance to the application proposals include:

- Policy SP3 sets down the residential requirement across the Vale, setting a target of 9,460 new dwellings by 2026.
- Policy SP4 sets out the affordable housing requirement across the Vale, setting a target of 3,252 affordable units over the plan period.
- Policy SP7 outlines that sustainable transport improvements that serve the economic, social and environmental needs of the Vale of Glamorgan and promote the objectives of the South East Wales Regional Transport Plan and the Local Transport Plan will be favoured.
- Policy SP11 is concerned with tourism and leisure and states proposals which promote the Vale of Glamorgan as a tourism and leisure destination will be favoured. The supporting text to this policy explains that the Vale of Glamorgan is located within the most populated area of Wales and in close proximity to Cardiff and as such is well situated in terms of its catchment area for both day visitors and also as a base for visitors wishing to explore South Wales. The LDP goes on to say that the Vale of Glamorgan's coastal and rural setting is a valuable tourism and recreation asset and that these assets provide a valuable source of local employment, employing approximately 3,000 people and generating some £169.6 million of visitor expenditure both directly and indirectly.
- Policy MG1 states that to meet the housing land requirement of 9,460 dwellings, provision will be made for the development of up to 10,408 new dwellings during the plan period, to be met through a range of measures including allocated sites.
- Policy MG2 states that land for residential development is allocated across a range of sites, including 48.55ha at Barry Waterfront for 1,700 units.
- Policy MG4 sets a target of achieving 30% affordable housing on sites in Barry.
- Policy MG7 allocates land for community facilities at Barry Waterfront, although does not express a quantum.
- Policy MD2 seeks to create high quality, healthy, sustainable and locally distinct places and as such development proposals should (inter alia):
 1. Be of a high standard of design that positively contributes to the context and character of the surrounding environment and protects existing features;

2. Respond appropriately to the local context and character of neighbouring buildings and uses;
 3. Where appropriate, provide new or enhanced areas of public realm;
 4. Promote the creation of healthy and active environments and reduce the opportunity for crime and anti-social behaviour;
 5. Provide a safe and accessible environment for all users, giving priority to pedestrians, cyclists and public transport users;
 6. Have no unacceptable impact on highway safety nor cause or exacerbate existing traffic congestion;
 7. Where appropriate, conserve and enhance the quality of, and access to, existing open spaces and community facilities;
 8. Safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance;
 9. Provide public open space, private amenity space and car parking in accordance with the Council's standards;
 10. Incorporate sensitive landscaping;
 11. Provide adequate facilities and space for the collection, composting and recycling of waste materials; and
 12. Mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions and predicted future effects of climate change.
- Policy MD 3 advises that where there is an identified need for public open space, new residential development with a net gain of 5 or more dwellings will be required to provide public open space in accordance with adopted standards.
 - Policy MD6 seeks to achieve a minimum density of 30 dwellings per hectare. Higher densities will be permitted where they reflect the character of the surrounding areas and would not unacceptably impact on local amenity.
 - Policy MD7 requires development proposals to demonstrate that they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from a number of factors including the pollution of land, surface water, ground water and the air; land contamination; hazardous substances; noise, vibration, odour nuisance and light pollution; flood risk and consequences; coastal erosion or land stability; loss of the best and most versatile agricultural land; or any other identified risk to public health and safety. Where impacts are identified applicants will be required to demonstrate that appropriate measures can be taken to minimise the impact identified to an acceptable level
 - Policy MD9 outlines that new development proposals are required to conserve and where appropriate enhance biodiversity interest unless it can be demonstrated that (1) the need for the development clearly outweighs the biodiversity value of the site and (2) the impacts of the development can be satisfactorily mitigated and managed.
 - Policy MD13 – Tourism and Leisure Facilities supports new and enhanced provision in key settlements.

Supplementary Planning Guidance

4.12 The Council has a number of adopted supplementary planning guidance documents as follows.

- **Parking Standards (March 2019)** – builds upon policies contained within the LDP and reflects the requirement set down in PPW for LPAs to adopt and keep under review parking standards. The guidance sets out the Council's parking standards according to land use and location and provides information in respect of how the preparation and adoption of travel plans and the availability of alternative modes of transport may be considered in the level of parking provision required.
- **Affordable Housing (November 2018)** – provides guidance on the Council's requirements for affordable housing and builds on LDP Policy MG4.
- **Public Art in New Development (July 2018)** – provides guidance on the provision of public art in new developments.

National Legislation and Policy

Future Wales: The National Plan 2040 (February 2021)

- 4.13 Future Wales is the national development framework for Wales with development plan status. The document sets the direction for development in Wales up to 2040. The plan includes a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.
- 4.14 Future Wales provides a framework for regional planning to tackle regional inequalities and ensure that the most prosperous parts of Wales play a role in supporting their wider regions. Its strategic nature means it does not allocate development to all parts of Wales, nor does it include policies on all land uses. Nevertheless, planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.
- 4.15 The application site falls within the 'South East' region. Future Wales is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans at local authority level.
- 4.16 Policy 2 of Future Wales relates to 'Shaping Urban Growth and Regeneration – Strategic Placemaking' and advises that the growth and regeneration of towns and cities should positively contribute towards building sustainable places that support active and healthy lives, with urban neighbourhoods that are compact and walkable, organised around mixed-use centres and public transport, and integrated with green infrastructure. It goes on to say that urban growth and regeneration should be based on the following strategic placemaking principles:
- creating a rich mix of uses;
 - providing a variety of housing types and tenures;

- building places at a walkable scale, with homes, local facilities and public transport within walking distance of each other;
- increasing population density, with development built at urban densities that can support public transport and local facilities;
- establishing a permeable network of streets, with a hierarchy that informs the nature of development;
- promoting a plot-based approach to development, which provides opportunities for the development of small plots, including for custom and self-builders; and
- integrating green infrastructure.

Well-being of Future Generations Act 2015

4.17 The Well-being of Future Generations (Wales) Act 2015 places a duty on public bodies to place the principles of sustainability and sustainable development at the heart of its decision-making processes. The objectives of the Act are as follows:

“A Prosperous Wales”

- Promoting resource-efficient and climate change resilient settlement patterns which minimise land take and urban sprawl, especially through the reuse of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites;
- Play an appropriate role to facilitate sustainable building standards;
- Play an appropriate role in securing the provision of infrastructure to form the physical basis for sustainable communities;
- Support initiative and innovation and avoid placing unnecessary burdens on enterprises so as to enhance the economic success of both urban and rural areas, helping businesses to maximise their competitiveness;

“A Resilient Wales”

- Contributing to the protection and improvement of the environment, so as to improve the quality of life, and protect local and global ecosystems;

“A Healthier Wales”

- Contribute to the protection and, where possible, the improvement of people’s health and well-being as a core component of achieving the well-being goals and responding to climate change;

“A More Equal Wales”

- Promoting access to, inter alia, employment, shopping, education and community facilities and open and green space, maximising opportunities for community development and social welfare;
- Promote quality, lasting, environmentally-sound and flexible employment opportunities;
- Respect and encourage diversity in the local economy;

“A Wales of Cohesive Communities”

- Locating development so as to minimise the demand for travel, especially by private car;
- Fostering improvement to transport facilities and services which maintain or improve accessibility to services and facilities, secure employment, economic and environmental objectives, and improve safety and amenity;
- Fostering social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that the development is accessible by means other than the private car;

“A Wales of Vibrant Culture and Thriving Welsh Language”

- Helping to ensure the conservation of the historic environment and cultural heritage;
- Positively contribute to the well-being of the Welsh language;

“A Globally Responsive Wales”

- Support the need to tackle the causes of climate change by moving towards a low carbon economy.”

Planning Policy Wales Edition 11 (February 2021)

- 4.18 Planning Policy Wales Edition 11 (PPW11) was revised in February 2021 and sets out the land use planning policies of the Welsh Government. The primary objective of PPW11 is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation.
- 4.19 PPW11 identifies five key planning principles and national sustainable placemaking outcomes as follows:
- Growing our economy in a sustainable manner;
 - Making better use of resources;
 - Facilitating accessible and healthy environments;
 - Creating and sustaining communities; and
 - Maximising environmental protection and limiting environmental impact.
- 4.20 Placemaking forms the core of PPW11 and must be embraced in development management decisions to achieve the creation of sustainable places. PPW11 specifies that: ‘Good placemaking is essential to the delivery of sustainable development and achieving improvements in the well-being of communities’. Integration is a fundamental component to ensure the right development is in the right place.

- 4.21 PPW11 sets out how development proposals should be assessed. Stage 1 should assess the proposal against the "Strategic and Spatial Choices". Stage 2 should assess the detailed impact and contribution the proposal will make to "Active and Social Places", 'Productive and Enterprising Places' and 'Distinctive and Natural Places'. PPW is clear that the considerations within each of the themes will vary on a case-by-case basis, depending on the proposal concerned but, that the merits or otherwise of a proposal need to be considered in the public interest. Approaching a proposal in this manner should result in a proposal that contributes to the sustaining of or creation of sustainable places, thereby delivering on the national sustainable placemaking outcomes.
- 4.22 The plan-led system underpins the delivery of sustainable places. PPW11 outlines in paragraph 1.18 that a plan-led approach is the most effective way to secure sustainable development through the planning system. Legislation secures a presumption in favour of sustainable development in accordance with the development plan unless material considerations indicate otherwise to ensure that social, economic, cultural and environmental issues are balanced and integrated.
- 4.23 PPW outlines the Welsh Government's duty under the Well-being of Future Generations (Wales Act) 2015 (WBFGA 2015) to deliver sustainable development: "Sustainable Development" means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.
- 4.24 Paragraph 2.10 sets out the principles of sustainable development and the approach to decision making.
- 4.25 Paragraph 3.42 of PPW11 advises that development plans must include a spatial strategy covering the lifetime of the plan which establishes a pattern of development improving social, economic, environmental and cultural well-being. A balance should be achieved between the number of homes provided and expected job opportunities. As well as ensuring all services needed for the expectant levels of growth are provided, an important consideration will be minimising the need to travel, reducing reliance on the private car and increasing walking, cycling and use of public transport. The spatial strategy should be informed by a sustainability appraisal and must form an integral part of an over-arching strategy in the development plan. Planning authorities and developers are encouraged to work together collectively to identify land in the most appropriate locations for development, which takes into account all relevant policies and is deliverable within the plan period.
- 4.26 Chapter 3 'Strategic and Spatial Choices' is centred on good design and its fundamental contribution to creating sustainable places where people want to live and work. Good design should consider the following: Environmental Sustainability, Movement, Access, Character and Community Safety.

- 4.27 Chapter 4 covers the theme of 'Active and Social Places'. A key issue for this theme is ensuring there is sufficient housing land available to meet the need for new private market and affordable housing.
- 4.28 Paragraph 4.1.50 advises that parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking. Furthermore, paragraph 4.1.51 stipulates planning authorities must support schemes which keep parking levels down, especially off-street parking.
- 4.29 Paragraph 4.2.1 requires planning authorities to understand all aspects of the housing market in their areas including the requirement, supply and delivery of housing.
- 4.30 Chapter 5 is concerned with 'Productive and Enterprising Places', those which promote economic, social, environmental and cultural well-being by providing well connected employment and sustainable economic development. Key issues around the theme include ensuring that there is sufficient employment land to meet the needs and requirements of a range of future employment scenarios.
- 4.31 Chapter 6 'Distinctive & Natural Places' advises that the planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement.
- 4.32 Paragraph 6.2.10 states that Planning authorities should ensure that development minimises impact and provides opportunities for enhancement within areas identified as important for the ability of species to adapt and/or to move to more suitable habitats.
- 4.33 PPW states that the sustainable transport hierarchy must be a key principle when considering and determining planning applications. When determining a planning application for development that has transport implications, local planning authorities should take into account the provisions of the Active Travel (Wales) Act 2013.

Technical Advice Notes

- 4.34 Technical advice notes provide detailed planning advice. Local planning authorities take them into account when they are preparing development plans. The relevant technical advice notes to this proposed development are as follows:
- Technical Advice Note 5: Nature Conservation and Planning (2009)
 - Technical Advice Note 12: Design (2016)
 - Technical Advice Note 18: Transport (2007)
 - Technical Advice Note 23: Economic Development (2014)

5 POLICY ANALYSIS AND DEVELOPMENT APPRAISAL

5.1 Having regard to the nature of the development proposals it is considered that the issues of relevance in the consideration of this application are as follows:

- The principle of development on this site;
- Design strategy;
- Highway considerations;
- Impact on ecology and biodiversity; and
- Flood Risk.

Principle of Development

5.2 The application site comprises previously developed land which falls within the defined settlement boundary for Barry. Paragraph 7.33 of the LDP advises that settlement boundaries have been drawn around those settlements which are considered capable of accommodating additional development during the plan period. The LDP goes on to say that boundaries define the settlements within which new development will be permitted encouraging the re-use of land and buildings and preventing the spread of new development in the open countryside. As such the site is in an area where development is normally permitted subject to the requirements of other relevant LDP policies.

5.3 The site is also allocated as a strategic site being within the 'Barry Waterfront' area as identified by Policy SP2 of the adopted LDP. The supporting text to Policy SP2 sets the vision for Barry Waterfront:

"The creation of 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."

5.4 In addition to this Policy MG3 allocates land at 'Barry Waterfront' for the development of 1,700 new dwellings, 5,824 sqm (net) new retail floorspace, a hotel, cafe, bars and restaurants, offices (class B1), community, leisure and education facilities.

5.5 The principle of this site being developed within the plan period (2011-2026) has therefore been firmly established through the development plan process and it is considered that the proposed mixed use development complies with the aims of Policies SP2 and MG3 in principle in that the uses proposed for the site would include residential, community/leisure facilities as well commercial uses such as a cafe and restaurant.

5.6 Taking advantage of its waterside setting, this project offers the opportunity to transform a currently under-utilised brownfield landscape and kick-start a new cycle of transformational change for the port and town of Barry. ABP aim to use the development of the marina to build momentum which will create clear, tangible spin-out benefits for the local community; creating jobs at the marina and incubator building will generate a new business community along with a new townscape which will reposition Barry's residential and tourism offer.

- 5.7 The development of the site would embrace good design and placemaking principles to create an accessible, sustainable, high-quality place where people want to live and visit.
- 5.8 As well as the benefits mentioned above, developing the site as proposed would also benefit the wider local community through the provision of a variety of house types and tenures, new recreational green spaces to promote health and wellbeing and the creation of local job opportunities during the construction phase. It is therefore considered that the site is entirely suitable for the proposed development and is in accordance with Policies of the adopted LDP.

Design Strategy

- 5.9 Details on the design of the proposed development including the design evolution are provided in the accompanying Design and Access Statement (DAS) prepared by Powell Dobson. The DAS explains how in designing this site it has been fundamental to undertake a thorough and systematic assessment of the constraints and opportunities in order to propose a scheme that will benefit and integrate into the existing dockside landscape of Barry.
- 5.10 The DAS demonstrates a strong understanding of the existing built form surrounding 'The Mole', and the needs of the wider community by building on the work done as part of the LUF Bid process by the VoGC. The result is an intelligent and appropriate response to the site's context that will provide:
- a distinctive development which responds to the unique site characteristics;
 - a layout that is based on strong urban design principles that have already received wide support through the existing LUF bid process;
 - a safe development with excellent access to public transport and that encourages new residents to walk and cycle to local amenities;
 - an attractive development that provides new public open space and large areas of informal open space;
 - provide ecological improvements to the existing dockside area;
 - a vibrant development that will provide a mix of housing, office incubators for small businesses and a marina which will help generate a new community focus;

Impact on the Local Highway Network

- 5.11 A Transport Assessment (TA) has been undertaken by Vectos, part of SLR, to support the planning application. The purpose of the TA is to set out transport and highway matters associated with the proposed redevelopment of the application site.
- 5.12 The TA notes that the site benefits from its location at the heart of Barry Waterfront, with many facilities accessible via walking and cycling including a supermarket, Goodsheds retail and food court, Barry Waterfront retail park, bus stops and Barry railway station.
- 5.13 The Transport Strategy for the site seeks to build on the existing links and support future residents and visitors to travel via sustainable modes of transport.

- 5.14 The TA explains that the development proposals align with transport related planning policies at a local and national level. The site is located within a 6-minute walk of local bus stops providing access to a range of local destinations as well as connectivity to Cardiff. Barry railway station is located within a 15-minute walk from the site, while a range of employment, retail, education and health facilities are located within a convenient walking/cycling distance from the site.
- 5.15 The TA goes on to explain that, being at the heart of the Barry Waterfront development, the site will seek to reduce the need to travel in the first instance with more sustainable modes of transport promoted for journeys beyond the site. This will be aided through design and continued promotion of the transport hierarchy placing pedestrian and cycle movements at the forefront of all development.
- 5.16 An assessment of trip generation has been undertaken using the industry standard TRICS database and reflecting the proposed land uses. The development is forecast to generate 163 two-way people movements in the AM peak (08:00 – 09:00) and 177 two-way total people movements in the PM peak (17:00 – 18:00). Of these movements, there are expected to be 101 and 140 two-way vehicle movements in the AM and PM peaks respectively. There are a large proportion of trips forecast to be undertaken by sustainable modes, which is a reflection of the excellent accessibility of the site and its distance from local facilities including shops, restaurants, employment areas and public transport stops.
- 5.17 A review of the accident record has identified no apparent existing highway safety concerns in the vicinity of the site. The proposed development is not expected to have an adverse impact on this existing highway safety record.
- 5.18 The TA concludes that the site is suitably located for the proposed development, observing the principles of national policies, and ultimately can deliver the necessary growth in Barry and the VoG. RPS concurs with this view and consider the application proposals to be in accordance with criterion 6 of LDP Policy MD2 (Design of New Development) which seeks to ensure that development proposals have no unacceptable impact on highway safety nor cause or exacerbate existing traffic congestion to an unacceptable degree.

Impact on Ecology and Biodiversity

Terrestrial Ecology

- 5.19 This application is supported by a Preliminary Ecological Appraisal (PEA). The PEA found that the habitats within The Mole are dominated by species-poor semi-improved neutral grassland, with areas of scrub and hardstanding to the east of the site. Other habitats present include a small area of amenity grassland to the east, which is part of the BCWAC, a small flat-roofed building with adjacent metallic crates, and a jetty of metal and timber construction.
- 5.20 The PEA confirmed that there are three internationally designated sites located within 10km of the site; the Severn Estuary SPA, Special Area of Conservation (SAC) and Ramsar sites are located 4.7km, 7.2km and 4.7km away respectively. Given the distance of these from the application site the PEA notes that impacts are unlikely.

- 5.21 In terms of protected species, the PEA found that the poor semi-improved grassland and areas of scrub provide low suitability for reptiles to be present as an isolated population. The report confirmed that site clearance will need to include precautionary working methods to avoid harm to reptiles should they be present but notes the likelihood as low.
- 5.22 In terms of breeding and wintering birds, the PEA found that habitat suitable for locally common species of breeding and wintering birds was present within the site. The PEA therefore recommends any site clearance be undertaken between September to February inclusive to avoid the main bird breeding season. Mitigation measures will be required to minimise the risk of impacts to active nests. The PEA concludes that there is no need to undertake any specific surveys for wintering birds as only common species are likely to be present.
- 5.23 Following on from the PEA a botanical and habitat survey was undertaken at the site as the previous habitat survey was carried out outside the optimal season for key plant species. The survey determined that the habitat on site comprises semi-improved grassland throughout with scattered scrub particularly around the edges of the site, on embanked/made ground and within the western portion of the site. Whilst a greater species diversity was found than previously recorded, protected and notable plants, namely rough marsh-mallow and perennial centaury were not identified.

Marine Ecology

- 5.24 Limited site-specific information is available on the marine ecology of Barry Docks. However, the habitats and species are highly likely to be characterised by those typical of estuarine settings, such as the wider Severn Estuary and Inner Bristol Channel. Typically, subtidal sediments in estuarine settings comprise mud and sand, with associated infaunal communities comprising of polychaetes and molluscs.
- 5.25 The main difference between estuarine sediments and those within the dock relate to the enclosed nature and stable environment provided by the dock compared to the dynamic environment in a lower estuarine setting. This will lead to the sediments within the dock being more cohesive and also potentially poorly oxygenated, therefore potentially hosting slightly different ecological communities than those characterising the estuarine habitats outside the dock.
- 5.26 Studies of harbour docks around the UK and abroad have demonstrated very low densities of only a few macrobenthic species within the dock sediments¹ and those that have been recorded have been short lived species².
- 5.27 In addition to benthic species associated with the dock sediments, encrusting benthic flora and fauna are also likely to be present in association with the hard substrate (i.e. dock walls) including taxa such as bryozoans, barnacles, mussels, sea squirts and sea anemones (e.g. Russell *et al.*, 1983³; Hawkins *et al.*, 2002; Derweduwen *et al.*, 2014).

¹ Derweduwen, J & Hostens, Kris & Backer, Annelies & Hillewaert, Hans & Van Steenbrugge, Lies & Van Tieghem, Pieter & Wittoeck, Jan & T'Jampens, Michiel & Cattrijse, Andre. (2014). Dock harbour walls as biodiversity hotspots.

² Hawkins, S.J., Allen, J.R., Ross, P.M. and Genner, M.J (2002) Marine and coastal ecosystems. In Handbook of Ecological Restoration. Volume 2, Restoration in Practice. Edited by Perrow, M.R and Davy, A.J.

³ Russell G., Hawkins S.J., Evans L.C., Jones H.D. & Holmes G.D. (1983) Restoration of a disused dock basin as a habitat for marine benthos and fish. Journal of Applied Ecology, 20, 43-58

- 5.28 As such, the benthic subtidal habitats, species and communities within the dock, and therefore with the potential to be affected by the proposed works, are expected to have very low ecological or conservation importance. Due to the short-lived nature of these species and communities, recovery rates are expected to be high following any activities that have the potential to disturb them.
- 5.29 With respect to mobile marine ecological receptors (e.g., fish and marine mammals) these are likely to be highly limited within the dock. While the Severn Estuary and Inner Bristol Channel are known to host a range of fish species, many of which have spawning and/or nursery habitats in the wider area, these will not extend into the dock due to the enclosed dock being completely separate from the wider marine environment. Where fish populations occur within the dock, these will be limited to common species of limited ecological or conservation importance. The most likely functional group to occur in Barry Docks are estuarine resident species, which spend their entire life-cycle within the estuarine habitats and include (but are not limited to) species such as common goby, black goby, sand smelt and three-spined stickleback (Bird, 2008⁴). Other fish species which have the potential to occur in the dock include those species which may use the Severn Estuary, such as sprat, herring, whiting, bib/pouting, poor cod, bass and flounder. These species have the potential to occur within Barry Dock, although in low numbers, entering from the wider environment during periods when lock gates are open.
- 5.30 While the Severn Estuary is known to host a number of protected migratory fish species (e.g. Atlantic salmon, sea and river lamprey), these are unlikely to occur within the dock. These species are only present in the estuary when migrating to and from spawning grounds in the rivers flowing into the Severn Estuary (e.g. the River Wye and River Usk) and are therefore highly unlikely to occur in the dock. Any works within Barry Docks would therefore not affect habitats used by these species or affect these species as they migrate through the Severn Estuary. It is highly unlikely for marine mammals to occur within the enclosed dock.
- 5.31 Due to the limited ecological or conservation importance of the marine habitats, species and communities within Barry Dock and the temporary nature of the proposed construction operations, the proposed development will not lead to a significant impact on marine ecology within the dock or the wider marine environment.
- 5.32 Based on the ecological survey work undertaken to date there is nothing to suggest that the proposed development will lead to a significant impact on any known protected species or ecological features. It is considered that with careful design considerations and appropriate mitigation measures the development proposals will be in accordance with LDP Policy MD9 (Promoting Biodiversity).

Flood Risk and Drainage

- 5.33 The application is supported by a Flood Consequences Assessment (FCA) undertaken by JBA Consulting. The FCA advises that the application site is currently located in Zone C2 of the Development Advice Map (DAM) by virtue of inaccurate Natural Resources Wales (NRW) flood mapping (see Figure 5 overleaf).

⁴ Bird, D.J. (2008) The Biology and Conservation of the Fish Assemblage of the Severn Estuary. CCW Report CCW/SER/08/01.

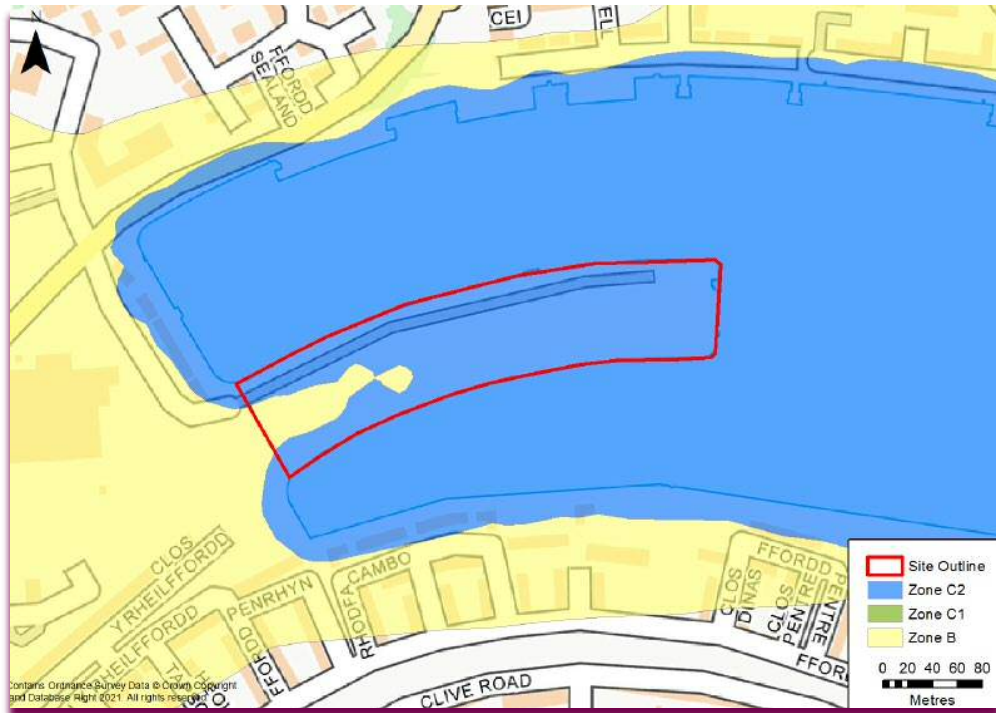


Figure 5: Development Advice Map

5.34 The FCA explains that JBA Consulting were commissioned by ABP to undertake a Flood Consequences Assessment and detailed hydraulic modelling of Barry Dock (Figure 6).

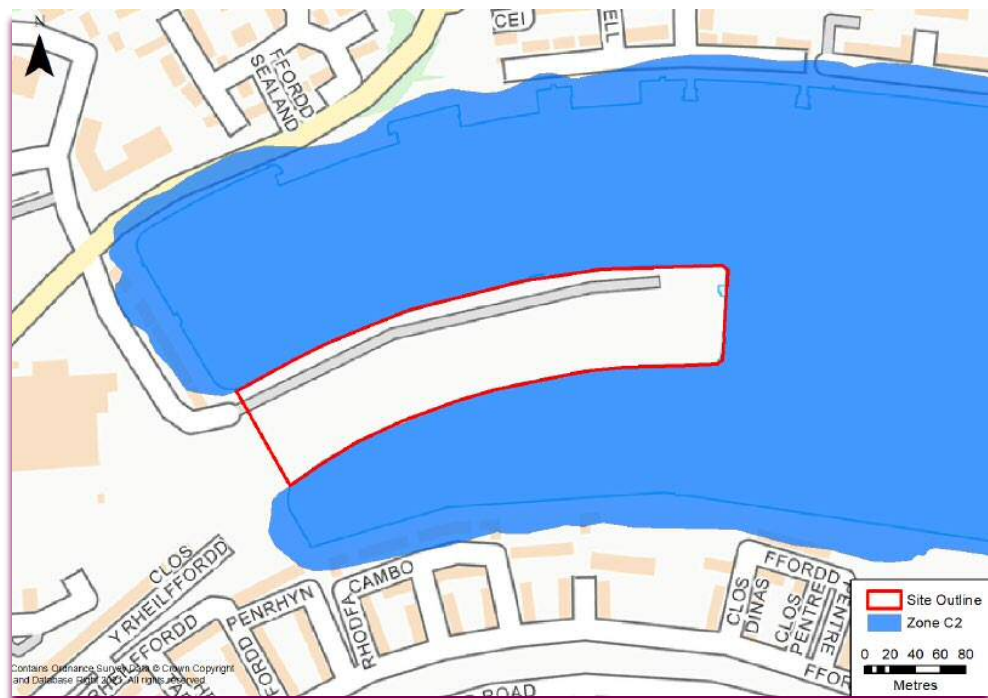


Figure 6: Changes to the DAM map as agreed by NRW

- 5.35 This was submitted to NRW in the form of Flood Map Challenge, which NRW have accepted. However, due to a freeze in flood map updates in anticipation of the new TAN15, the DAM has not been updated. NRW have accepted, however, that this modelling represents ‘best available information’.
- 5.36 In their Chief Planner letter to Local Authorities dated 15 December 2021 Welsh Government advised planning authorities that they should recognise that it may be appropriate to take best and more recent information into account as a material consideration. It is therefore considered that any proposals for this site should be considered against the new JBA flood modelling.
- 5.37 TAN15 was due to undergo significant updates on the 1 December 2021, with the release of a new TAN15 and a new flood map; the Flood Map for Planning (FMfP). On the 23 November 2021 Welsh Government suspended the implementation of the new TAN15 to 1 June 2023. After this new implementation date any planning decision will have to be determined under the new TAN15. The FMfP shows much of the site in Flood Zone 2, with areas of Zone 3 around the perimeter of the site.
- 5.38 These FMfP zones are not based on detailed flood modelling. In the case of Zone 3, the NRW mapping is more extensive than shown in the JBA detailed modelling agreed with NRW (see Figure 7 below). JBA/ABP have written to NRW to remind them that they agreed to a Flood Map Challenge that included the FMfP design events and that it is expected that the FMfP will be updated accordingly at the next opportunity. This will leave the majority of the site in Flood Zone 2. The extent of Flood Zone 2 is essentially unchanged by JBA’s detailed flood modelling.

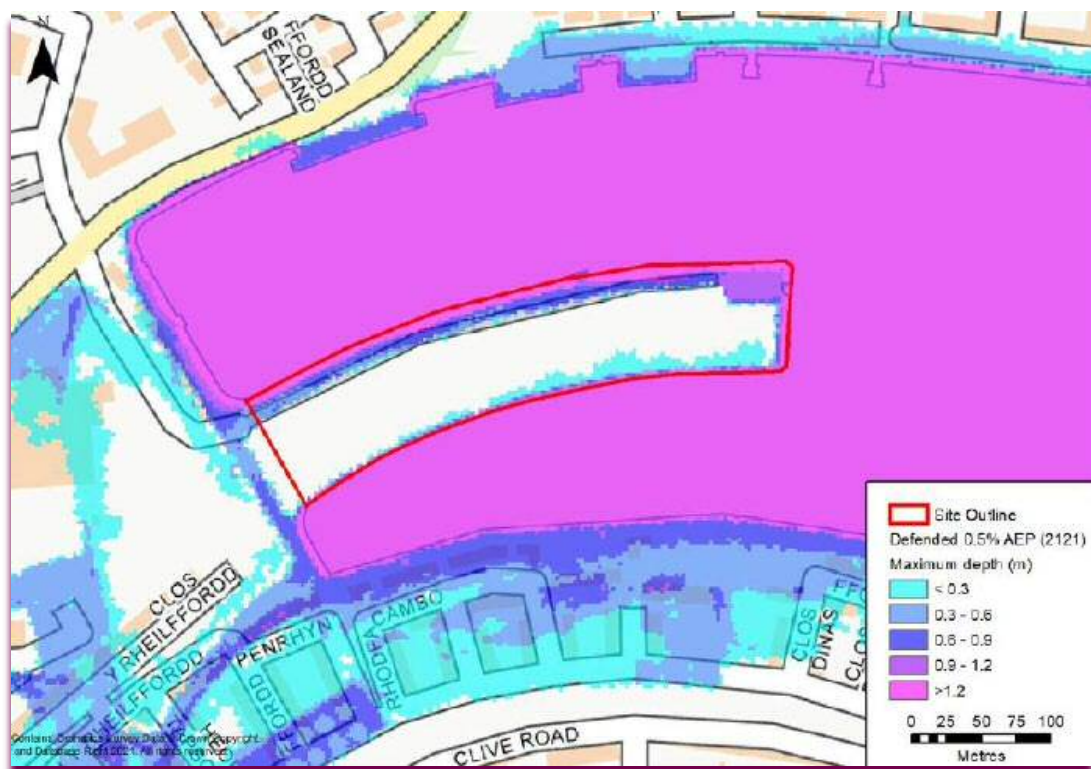


Figure 7: JBA Flood Modelling of FMfP Zone 3

5.39 In summary the FCA confirms that:

- The site is at little to no risk of flooding from fluvial, reservoir, groundwater or surface water sources.
- Updated tidal flood modelling was completed as part of this commission which includes a number of sites in Barry Docks. This modelling considered tidal flood risk over a development lifetime of 100 years.
- Tidal modelling shows that raising the site to a minimum level of 9.00mAOD will ensure that the site remains flood free in the most extreme 0.1% AEP event for the next 100 years.
- Given the tidal nature of the flood risk it is not possible to increase flood risk by simple displacement of tidal flood water, given the effectively infinite volume of the sea. It is therefore concluded that the proposed development will not increase flood risk to others.

5.40 The FCA therefore concludes all aspects of the acceptability criteria set out in TAN15 have been satisfied and consequently, on the grounds of flood risk, the proposed development meets the requirements set out in TAN15 and the aims of Planning Policy Wales.

6 CONCLUSIONS

- 6.1 This Planning Statement has been prepared in support of a planning application for the creation of a new 400-berth marina alongside a mixed-use development comprising leisure, business space and residential at The Mole, Barry.
- 6.2 The basis of the applicant's case is that the site is suitable for this mixed-use scheme, being located in a wider area that is specifically allocated for such development in the adopted LDP, and that, in addition, the marina will attract visitors and tourists to the town serving as the catalyst for the next stage of the regeneration of the dock.
- 6.3 The site is a brownfield, underused site which is well related to the existing settlement pattern and easily accessible by public transport, cycling and walking.
- 6.4 The site's redevelopment would comprehensively address the remediation of this partly derelict site and offers opportunities for significant environmental and biodiversity enhancements. This would result in a betterment to the appearance and character of the area.
- 6.5 Taking advantage of its waterside setting this project offers the opportunity to transform a currently under-utilised brownfield landscape and kick-start a new cycle of transformational change for the port and town of Barry. ABP aim to use the development of the marina to build momentum which creates clear, tangible spin-out benefits for the local community; creating jobs at the marina and incubator building will generate a new business community along with a new townscape which will reposition Barry's residential and tourism offer.
- 6.6 Finally, in addition to being fully in accordance with the adopted LDP, PPW11 and Future Wales, is it considered that the proposed development is also in accordance with the Well Being of Future Generations (Wales) Act 2015 sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

Date/Dyddiad: 02 December 2022

Ask for/Gofynwch am: Sarah Flower

Telephone/Rhif ffôn: (01446) 706156

Your Ref/Eich Cyf:

My Ref/Cyf: P/DC/2022/00119/PRE

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Dear Madam

Town and Country Planning Act, 1990 (as amended)

Application No. 2022/00119/PRE

Proposal: The scheme proposed for this site is a mixed-use scheme comprising leisure, business space and residential

Location: The Mole, Barry

I refer to your correspondence received on 8 August 2022, concerning the above and your request for statutory pre-application advice. Having considered the nature of submission in detail, I respond as follows.

Proposal

It is proposed to provide a mixed-use scheme comprising of leisure, business and residential uses on land known as The Mole, Barry. The 3.03ha site is former industrial land is currently largely vacant. The far eastern end is occupied by Barry Community Water Activity Centre which includes a number of temporary buildings and a boat storage area.

The scheme proposed for this site is a mixed-use scheme comprising leisure, business space and residential and will include the following:

- The creation of a 400-berth marina with floating pontoons.
- A 5,600 sq ft (520 sqm) marina office building which will include facilities for visitors/ members and a restaurant.
- A 29,000 sq ft (2,694 sqm) incubator workspace building comprising offices, smart innovation space, break-out space and a café.
- Residential development comprising 45 x three and four bedroom townhouses and 19 x one and two bedroom apartments with a maximum height of 4 storeys.
- Access road and car parking.
- Landscaping and public open space/park.
- Engineering works to raise the existing ground levels to a minimum of 9.00m AOD in order to mitigate against flood risk.



Local Context and Constraints

The application site is approximately 3.03 hectares of land projecting out within Barry Docks.

The land comprises of former industrial land with the far eastern end occupied by Barry Community Water Activity Centre which includes a number of temporary buildings and a boat storage area.

The site is currently within DAM Flood Zone C2 however the applicant has alleged that this has been challenged successfully by the applicant and is expected to be removed from the C2 flood zone when flood maps are updated. Formal confirmation of this has not been received.

Relevant Planning History

From an examination of our records, the application site/ property has the following relevant planning history:

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

991/00496/OUT, Address: Dock No. 1, Barry Dock, Barry, Proposal: Renewal of consent for comprehensive redevelopment, Decision: Approved

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

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

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

2007/01682/SC2, Address: Sites C and D - West Pond & South Quay, Barry Waterfront, Proposal: Mixed use development including residential, leisure, education, community facilities, employment, hotel and retail use, Decision: EIA (Scoping) - No Further Information Required

2009/00946/12/CD, Address: Land at Barry Waterfront adjacent to Dock No. 1, Barry, Proposal: Discharge of Condition 34 - Drainage Details. Planning Permission ref. 2009/00946/OUT : Development of vacant land at Barry Waterfront for residential (C3), retail (A1), cafes, bars and restaurants (A3), hotel (C1), offices (B1) and community and leisure uses (D1 and D2). Development of vehicular and pedestrian/cycle access including a new link road, re-grading of site to form new site levels and associated infrastructure works, parking, servicing, landscaping, public realm and public open space provision, Decision: Approved

2009/00946/7/CD, Address: Land at Barry Waterfront adjacent to Dock No. 1, Barry, Proposal: Discharge of Condition 23 insofar as it relates to the site wide Public Art Strategy. Planning permission ref. 2009/00946OUT : 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, Decision: Approved

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

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

2014/00229/1/CD, Address: Barry Waterfront, Proposal: Discharge of Conditions 30, 34, 39, 40 & 41 of Planning Application 2014/00229/EAO (CONDITION 41 ref ARNO QUAY ONLY): [Deletion of Conditions 1 and 2, Variation of Conditions 3, 5, 19 and 20 of 2009/00946/OUT for the development of vacant land at Barry Waterfront for residential (C3), retail (A1), cafes, bars and restaurants (A3), hotel (C1), offices (B1) and community and leisure uses (D1 and D2). Development of vehicular and pedestrian/cycle access including a new link road, re-grading of site to form new site levels and associated infrastructure works, parking, servicing, landscaping, public realm and public open space provision at Land at Barry Waterfront adjacent to Dock No. 1, Barry at Land at Barry Waterfront, adjacent to Dock No. 1, Barry]., Decision: Approved

2014/00229/4/CD, Address: Land at Barry Waterfront, Barry, Proposal: Discharge of Condition 19 - Marketing Strategy -Planning Permission ref. 2014/00229/EAO: Development of vacant land at Barry Waterfront for residential (C3), retail (A1), cafes, bars and restaurants (A3), hotel (C1), offices (B1) and community and leisure uses (D1 and D2). Development of vehicular and pedestrian/cycle access including a new link

road, re-grading of site to form new site levels and associated infrastructure works, parking, servicing, landscaping, public realm and public open space provision -, Decision: Approved

2014/00793/FUL, Address: East End of The Mole, Barry Docks, Proposal: Change of use from operational dockland to Barry Community Water Activity Centre, The Mole, Barry Docks, Decision: Approved

2014/00794/FUL, Address: East End of The Mole, No. 1 Dock, Barry Docks, Proposal: Engineering works - formation of a boat slipway in the existing dock wall, Decision: Approved

2015/00359/OUT, Address: BCWAC, The Mole, Powell Dyffryn Way, Barry, Proposal: Water sports facility, Decision: Approved

2017/00025/FUL, Address: Barry Community Water Activity Centre, Powell Duffryn Way, Barry, Proposal: Construction of new community leisure building with associated site works. New building to incorporate; changing, storage and office space for water activity centre, Decision: Approved

2017/00476/1/CD, Address: Westhaven 3 (Dockside Quay), Barry Waterfront, Barry, Proposal: Discharge of Conditions 2-Road Construction Details (new residential development), 6-Schedule of Materials in construction (incl. samples), 9-NS - details of screen walls, enclosures etc. & 10-NS – Landscape Management Programme, Decision: Approved

2017/00476/1/NMA, Address: Land at Westhaven (Phase 3) Dockside Quay, Barry Waterfront, Barry, Proposal: Non-Material Amendment - Approval is sought for an amendment to the parking provision, to increase the provision for plot 446 at the expense of a visitor space. Planning Permission ref. 2017/00476/RES : Development of the site known as Dockside Quay for residential development, A3 units and associated infrastructure works, parking, and landscaping, Decision: Approved

2017/00476/2/CD, Address: Westhaven 3 (Dockside Quay), Barry Waterfront, Barry, Proposal: Development of the site known as Dockside Quay for residential development, A3 units and associated infrastructure works, parking, and landscaping at Dockside Quay, Barry Waterfront Discharge Conditions 17 and 18, Decision: Approved

2017/00476/2/NMA, Address: Dockside POS, part of Barry Waterfront development, Proposal: Non Material Amendment - Raising levels by 500 mm in the public realm area, install dwarf retaining wall along revetment edge. Planning approval 2017/00476/RES - Development of the site known as Dockside Quay for residential development, A3 units and associated infrastructure works, parking, and landscaping, Decision: Approved

2017/00476/3/CD, Address: Westhaven 3 (Dockside Quay) Barry Waterfront, Barry, Proposal: Discharge of condition 9 of planning permission 2017/00476/FUL - means of enclosure, Decision: Withdrawn 2017/00476/4/CD, Address: Dockside Quay, Barry Waterfront, Proposal: Discharge of Conditions 2 - Engineering, 3 - Lighting and 13 - Shop Front Design. Planning Permission ref. 2017/00546/RES: Development of the site known as Dockside Quay for residential development, A3 units and associated infrastructure works, parking, and landscaping, Decision: Approved

2017/00476/RES, Address: NULL, Proposal: Development of the site known as Dockside Quay for residential development, A3 units and associated infrastructure works, parking, and landscaping, Decision: Approved

2017/00715/FUL, Address: Barry Community Water Activity Centre, Powell Duffryn Way, Barry, Proposal: Construction of new multi-use community building with associated site works. New building to incorporate; (D2) gymnasium and classrooms as well as (A3) restaurant, Decision: Approved

2017/01356/1/CD, Address: Land at Barry Waterfront, Barry, Proposal: Discharge of Condition 7-Schedule of Materials in construction (incl. samples). Planning Ref 2017/01356/RES: Construction of new District Centre comprising of 57 residential apartments, 1,885sq.m food & drink use (A3), 390sq.m flexible commercial use (D1/D2/A3), together with associated infrastructure works, parking and landscaping, Decision: Approved

2017/01356/2/CD, Address: District Centre, Barry Waterfront, Proposal: Construction of new District Centre comprising of 57 residential apartments, 1,885sq.m food & drink use (A3), 390sq.m flexible commercial use (D1/D2/A3), together with associated infrastructure works, parking and landscaping- discharge of condition 17, Decision: Approved

2017/01356/3/CD, Address: Land at Barry Waterfront, Barry, Proposal: Discharge of Condition 12 - A3 frontages. Planning Application 2017/01356/RES: Construction of new District Centre comprising 57 residential apartments, 1,885sq.m food & drink use (A3), 390sq.m flexible commercial use (D1/D2/A3), together with associated infrastructure works, parking and landscaping, Decision: Approved

2017/01356/RES, Address: Land at Barry Waterfront, Barry, Proposal: Construction of new District Centre comprising of 57 residential apartments, 1,885sq.m food & drink use (A3), 390sq.m flexible commercial use (D1/D2/A3), together with associated infrastructure works, parking and landscaping, Decision: Approved

2019/00988/FUL, Address: Land at Barry Waterfront, Proposal: Variation of Condition 1 of 2017/01356/RES to amend size of kiosks, Decision: Approved

2019/01153/FUL, Address: Dockside Quay, Barry Waterfront, Proposal: Variation of Condition 14 of Planning Permission ref. 2017/00476/RES to allow temporary consent for A2 use of the unit for 12 months as a sales office for the development, Decision: Withdrawn

2019/01407/1/CD, Address: District Centre, Land at Barry Waterfront, Barry, Proposal: Discharge Conditions 2, 3,8,10,19-Planning Permission 2019/01407/RES:- Amend plan schedule to revise housing schedule and minor amendments to the fenestration/elevation detail. Variation of Condition 1 of Planning Permission ref. 2017/01356/RES (Construction of new District Centre comprising of 57 residential apartments, 1,885sq.m food & drink use (A3), 390sq.m flexible commercial use (D1/D2/A3), together with associated infrastructure works, parking and landscaping), Decision: Approved

2019/01407/1/NMA, Address: District Centre, Land at Barry Waterfront, Barry, Proposal: Non-material Amendment-Revision to the cladding material secured through Condition 6 in respect of the corner projections from Swisspearl product to a Euroclad

Vieo product (graphite grey to match that approved) to Planning Application 2019/01407/RES, Decision: Approved

2019/01407/2/CD, Address: District Centre, Land at Barry Waterfront, Barry, Proposal: Discharge of Condition 8 (Enclosures) - Planning permission

2019/01407/RES - Amend plan schedule to revise housing schedule and minor amendments to the fenestration/elevation detail. Variation of Condition 1 of Planning Permission ref. 2017/01356/RES (Construction of new District Centre comprising of 57 residential apartments, 1,885sq.m food & drink use (A3), 390sq.m flexible commercial use (D1/D2/A3), together with associated infrastructure works, parking and landscaping), Decision: Approved

2019/01407/2/NMA, Address: District Centre, land at Barry Waterfront, Barry, Proposal: Non Material Amendment to Planning Permission 2019/1407/RES Revision to wording of Conditions 1 & 6 to substitute site plan in respect of hard surfacing materials , Decision: Approved

2019/01407/3/CD, Address: District Centre, land at Barry Waterfront, Barry, Proposal: Discharge of Condition 10 (Landscaping). Planning approval

2019/01407/RES - Amend plan schedule to revise housing schedule and minor amendments to the fenestration/elevation detail. Variation of Condition 1 of Planning Permission ref. 2017/01356/RES (Construction of new District Centre comprising of 57 residential apartments, 1,885sq.m food & drink use (A3), 390sq.m flexible commercial use (D1/D2/A3), together with associated infrastructure works, parking and landscaping), Decision: Approved

2019/01407/3/NMA, Address: District Centre, Barry Waterfront, Barry, Proposal: Non Material Amendment - Amendment to shop front design secured in Condition 11 to Block A (fronting Dock). Addition of a transom to approved detail. Previous approval 2019/01407/RES - Amend plan schedule to revise housing schedule and minor amendments to the fenestration/elevation detail. Variation of Condition 1 of Planning Permission ref. 2017/01356/RES (Construction of new District Centre comprising of 57 residential apartments, 1,885sq.m food & drink use (A3), 390sq.m flexible commercial use (D1/D2/A3), together with associated infrastructure works, parking and landscaping), Decision: Approved

2019/01407/RES, Address: District Centre, Land at Barry Waterfront, Barry, Proposal: Amend plan schedule to revise housing schedule and minor amendments to the fenestration/elevation detail. Variation of Condition 1 of Planning Permission ref. 2017/01356/RES (Construction of new District Centre comprising of 57 residential apartments, 1,885sq.m food & drink use (A3), 390sq.m flexible commercial use (D1/D2/A3), together with associated infrastructure works, parking and landscaping), Decision: Approved

2020/00717/FUL, Address: Land at Barry Waterfront, adjacent to Dock No. 1, Proposal: Re-grading of site, remediation of contamination and construction of link road to Barry Island, Decision: Approved

Relevant Planning Policies

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP2 – Strategic Sites
POLICY SP3 – Residential Requirement
POLICY SP4 – Affordable Housing Provision
POLICY SP5 – Employment Requirements
POLICY SP6 – Retail
POLICY SP7 – Transportation
POLICY SP10 – Built and Natural Environment
POLICY SP11 – Tourism and Leisure

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan
POLICY MG2 – Housing Allocations
POLICY MG3 – Strategic Site at Barry Waterfront
POLICY MG4 – Affordable Housing
POLICY MG7 – Provision of Community Facilities
POLICY MG9 – Employment Allocations
POLICY MG12 – Retail Hierarchy
POLICY MG19 – Sites and Species of European Importance
POLICY MG20 – Nationally Protected Sites and Species
POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species
POLICY MG29 – Tourism and Leisure Facilities

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD3 - Provision for Open Space
POLICY MD4 - Community Infrastructure and Planning Obligations
POLICY MD5 - Development within Settlement Boundaries
POLICY MD6 - Housing Densities
POLICY MD7 - Environmental Protection
POLICY MD8 - Historic Environment
POLICY MD9 - Promoting Biodiversity
POLICY MD13 - Tourism and Leisure
POLICY MD14 - New Employment Proposals

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

Future Wales: The National Plan 2040:

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

Chapter 3: Setting and achieving our ambitions

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

Policy 1 – Where Wales will grow

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

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

- Based on strategic placemaking principles.

Policy 6 – Town Centre First

- Sequential approach for new commercial, retail, education, health, leisure and public service facilities.

Policy 7 – Delivering Affordable Homes

- Focus on increasing the supply of affordable homes

Policy 8 – Flooding

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

Policy 9 – Resilient Ecological Networks and Green Infrastructure

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the determination of this application.

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Accessibility
- Previously Developed Land

Chapter 4 - Active and Social Places

- Transport
- Activities in Places (retail and commercial development)
- Recreational Spaces

Chapter 6 - Distinctive and Natural Places

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

Technical Advice Notes:

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

- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)

Welsh National Marine Plan:

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

- Achieving a sustainable marine economy –
 - Contribute to a thriving Welsh economy by encouraging economically productive activities and profitable and sustainable businesses that create long term employment at all skill levels.

- Support the opportunity to sustainably develop marine renewable energy resources with the right development in the right place, helping to achieve the UK's energy security and carbon reduction objectives, whilst fully considering other's interests, and ecosystem resilience.
- Provide space to support existing and future economic activity through managing multiple uses, encouraging the coexistence of compatible activities, the mitigation of conflicts between users and, where possible, by reducing the displacement of existing activities.
- Recognise the significant value of coastal tourism and recreation to the Welsh economy and well-being and ensure such activity and potential for future growth are appropriately safeguarded.
- Ensuring a strong, healthy and just society
 - Contribute to supporting the development of vibrant, more equitable, culturally and linguistically distinct, cohesive and resilient coastal communities.
 - Support enjoyment and stewardship of our coasts and seas and their resources by encouraging equitable and safe access to a resilient marine environment, whilst protecting and promoting valuable landscapes, seascapes and historic assets.
 - Improve understanding and enable action supporting climate change adaptation and mitigation.
- Living within environmental limits
 - Support the achievement and maintenance of Good Environmental Status (GES) and Good Ecological Status (GeS).
 - Protect, conserve, restore and enhance marine biodiversity to halt and reverse its decline including supporting the development and functioning of a well-managed and ecologically coherent network of Marine Protected Areas (MPAs) and resilient populations of representative, rare and vulnerable species.
 - Maintain and enhance the resilience of marine ecosystems and the benefits they provide in order to meet the needs of present and future generations.
- Promoting Good Governance
 - Support proportionate, consistent and integrated decision making through implementing forward-looking policies as part of a plan-led, precautionary, risk-based and adaptive approach to managing Welsh seas.
- Using Sound Science Responsibly
 - Develop a shared, accessible marine evidence base to support use of sound evidence and provide a mechanism for the unique characteristics and opportunities of the Welsh Marine Area to be better understood.

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Affordable Housing (2018)
- Barry Development Guidelines
- Biodiversity and Development (2018)
- Parking Standards (2019)
- Planning Obligations (2018)

- Public Art in New Development (2018)
- Residential and Householder Development (2018)
- Sustainable Development - A Developer's Guide
- Tourism and Leisure Development (2019)
- Travel Plan (2018)

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Analysis of Proposal

Principle of Development

The site is allocated as a Strategic Site under policy SP2 of the Vale of Glamorgan Local Development Plan 2022-2026. This policy outlines the vision for Barry Waterfront as “The creation of 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”. As such the principle of the mixed use development of The Mole, is considered likely to accord with Policy SP2 and is likely to be acceptable subject to other material planning considerations being satisfied.

Design and Visual Impact of buildings

The Mole projects into Barry Dock and as such would be prominent within the Barry townscape and viewed from all sides. The development would include a mix of residential and commercial buildings ranging from two to four storeys in height. This is largely in keeping with surrounding development and it is unlikely to appear out of scale.

No elevations of the buildings have been provided with an artist's impression and indicative layout only. Based on these, the design shown appears to be generally in keeping with the surrounding developments and may be acceptable pending submission of full details.

The commercial buildings are proposed to be located at the eastern end of the site with the flats being located adjacent to the district centre to the west with the remaining dwellings occupying the central area. It is considered that there is an opportunity to integrate the commercial buildings with the existing district centre, adding to the vitality and vibrancy of both spaces, by relocating the commercial uses to the western part of the site.

The 400 berth Marina would consist of a series of floating pontoons. Whilst this would significantly alter the appearance of the docks area, it is typical of a waterside location and is not considered to be inappropriate. The proposed marina would contribute to the wider leisure offer within Barry, creating an additional leisure destination for visitors and the wider community.

I have concerns relating to the general layout of dwelling houses, to which it would appear difficult to design a layout which relates sensitively to the planned open space areas. The layout indicates that public open space will be located to the rear of the private amenity space of the dwellings. Concerns relating to this are twofold. This arrangement is likely to result in additional noise and disturbance to the occupiers of the dwellings when using their principal private amenity area. The public space is likely to be bordered by high boundary walls or fences which would fail to create a pleasant and welcoming environment for users. It is recommended that public amenity space be integrated in the linear open space along the southern edge of the site and adjacent to the commercial buildings. I am aware that Ian Robinson has previously raised these concerns in a preliminary meeting, and suggested that flatted developments would be more likely to be achievable in a way that is compatible with open space- i.e. flats are not likely to need enclosed private spaces in the same way that dwellings do.

Impact upon Neighbouring Sites

Policy MD2 of the LDP and the Council's SPG on Residential and Householder Development seek to ensure adequate amenity for the occupiers of not only new housing but also the existing properties. Criterion 8 of policy MD2 requires that new development safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.

There is little meaningful feedback I can provide in terms of residential amenity given the limited information provided, though there is fair certainty that the development would not have significant detrimental impacts to the amenity of existing neighbouring occupiers outside of the site bounds across the docks given the separation distance with nearby residential buildings and neighbouring uses. There will, nevertheless, be consideration required of the amenity of the occupiers of this and the neighbouring sites.

The Council's standards in relation to amenity space (20 sq.m per occupier) and privacy standards are also outlined within the Residential and Householder Development SPG. It is of importance that all amenity spaces are directly accessible to occupiers, and in the case of shared spaces, that these are sufficient in size, usable and not dominated or hindered by bin storage areas and other practical requirements.

Highway Safety and Parking

The highway layout must be designed to be compliant with Manual for Streets. It is noted that due to the nature of the site the main access road is going to be a long straight alignment with little to no deflection. As such though will be required to introduce features to reduce speeds. The illustrative masterplan shows square areas along the road, although not defined vertical deflection is preferred horizontal narrowing's which will reduce the need for signage/street clutter.

The main access road is assumed to be a minimum of 5.5m wide (see point 1 above) however it is the intention for boats will be delivered to the marina for repair or floating then the access road would need to be a minimum 6m wide. The turning head at the end of the access road will need to be suitable for larger vehicles. If it is not the case the consideration needs to be given to permanently stopping up the slipway to avoid such deliveries.

The masterplan shows 4 No. side road residential Cul-de-sacs, these have been shown as shared surfaces and will need to be a minimum of 6.8m wide. The provision of a fixed turning head facility will be required at the end of each to allow refuse/delivery vehicles, emergency, and other large vehicle to turn around and exit onto the main access road in a forward gear.

Access to the site would be via the existing access road which is assumed to be a minimum of 5.5m wide however it is the intention for boats will be delivered to the marina for repair or floating then the access road would need to be a minimum 6m wide. The turning head at the end of the access road will need to be suitable for larger vehicles. If it is not the case the consideration needs to be given to permanently stopping up the slipway to avoid such deliveries. Swept path analysis is required with tracking for along the access road, cul-de-sacs and turning heads for a 11.22m refuse vehicle. If boat deliveries are to be undertaken, then tracking is required for large articulated/low loader vehicles along the access road and end turning head facility.

All internal estate roads shall include provision for street lighting, and pedestrian/cycle infrastructure to enable access to all parts of the proposed site and links to the surrounding area. In accordance with the Welsh Governments Active Travel legislation and Planning Policy Wales, new developments shall provide improvements to infrastructure associated with more sustainable modes of transport in particular active travel.

Parking should be provided in accordance with the Council's Parking Standards. For reference, the requirement in accordance with the Parking Standards is for 1 vehicle parking space per bedroom (up to a maximum of 3) to be able to park within the curtilage of the property. Each car parking space is required to be provided at 2.6m x 4.8m.

However, there is justification for a reduction in parking provision making note of sustainable modes of transport and the close proximity to local amenities and travel links. 116 parking spaces have been provided for the 400-berth marina, offices, restaurant, incubator work space and café; the numbers provided will need to be substantiated within the transport assessment and travel plan.

With regard to the residential units, the transport assessment makes reference to providing 1 space per residential unit throughout. The masterplan references 54 parking spaces plus 16 visitor spaces for 64 units. This is felt to be lacking when considering the 3-4 bed town houses and would lead to indiscriminate parking within the cul-de-sac roads and could spill out onto the main access road.

Provision should be provided on site for electric vehicle charging and cycle parking.

Consideration to be given to the implementation of restricting parking along the main access road carriageway through to the turning head at the slipway. The provision of TRO's would be required.

Contamination

There has been contamination identified on the site associated with its former use, including elevated levels of heavy metals, PAH and asbestos. The geoenvironmental sensitivity of the site is ostensibly moderate, although it is noted from previous applications from the redevelopment of the wider Barry Waterfront that these matters can be addressed by suitable conditions. There are mitigation measures that can be taken to reduce risks such as health and safety and prevention contamination during construction, as well as remediate the site and make it suitable for the proposed end use. The occurrence of significant effects upon the environment from contamination is considered unlikely.

Flooding

The Mole site is currently located in Zone C2 of the Development Advice Map (DAM). JBA Consulting were commissioned by ABP to undertake a Flood Consequences Assessment and detailed hydraulic modelling of Barry Dock. The applicant has advised that this was submitted to NRW in the form of Flood Map Challenge, which NRW have accepted. However, this has not been confirmed as the flood maps are awaiting update.

It is noted that the access point onto The Mole itself has not been included within the site area and it does not appear that this area was subject to the FCA and remains in Zone C2. It is therefore anticipated that the area would be within Zone 3 of the next flood map update. If this is the case, and this area did not form part of the FCA and is

included in Zone 3, there may not be suitable access/egress to The Mole during a flood event which may warrant refusal. It is therefore considered necessary that this extended area be modelled and challenged to establish if this area will also be removed from Zone 3 in the next iteration of the flood mapping.

Ecology and Biodiversity

There are no ecological designations on the site and the PEA identified the habitats within The Mole are dominated by species-poor semi-improved neutral grassland, with areas of scrub and hardstanding to the east of the site. The PEA recommended a further survey to determine if protected plants are present. The report confirmed that the site clearance will need to include precautionary working methods to avoid harm to reptiles should they be present but notes the likelihood as low. Therefore, whilst the impacts in this regard will require further detailed assessment and consideration, the development is unlikely to have a significant adverse impact on the environment in respect of ecology and biodiversity, noting there may be scope for mitigation and biodiversity enhancement to take place within the site bounds.

The Council's adopted Biodiversity and Development SPG provides guidance as to the broad approach and requirements for new development. Adverse impacts on biodiversity should be designed out of the proposals as far as possible. Biodiversity surveys will be required to establish the existing biodiversity value of the site and the possible presence of protected species.

The planning application should demonstrate the mitigation hierarchy i.e. avoid-mitigate-compensate has been considered in the plan-making process and it will need to be demonstrated that biodiversity will be conserved and enhanced. You should provide a Biodiversity Enhancement Strategy alongside your proposals to demonstrate how this has been taken into account.

The Council's Biodiversity and Development SPG provides guidance as to the broad approach and requirements for new development. Adverse impacts on biodiversity should be designed out of the proposals as far as possible. Biodiversity surveys will be required to establish the existing biodiversity value of the site and the possible presence of protected species.

Foul Drainage

It would be expected that a residential development of this size be served by main foul drainage. I would suggest contacting Welsh Water for pre-application advice in relation to the feasibility and network capacity for foul sewerage connection and water supply.

Surface Water Drainage

There are no specific drainage proposals put forward at this stage. This development will require Sustainable Drainage Approving Body (SAB) approval. SuDS are intended to maximise the opportunities and benefits that can be provided by the effective management of surface water. This can only be achieved when the principles of SuDS are considered at the outset of the development process. The SuDS approach to surface water management will direct the development process and shape the layout of new developments around site drainage.

A Sustainable Drainage Approving Body (SAB) application must demonstrate compliance with the statutory standards, following a set of principles in the design of the system and satisfy the standards in relation to runoff destination, hydraulic control, water quality, amenity, biodiversity, construction, operation and maintenance.

A Sustainable Drainage Approving Body (SAB) application must demonstrate compliance with the statutory standards, following a set of principles in the design of the system and satisfy the standards in relation to runoff destination, hydraulic control, water quality, amenity, biodiversity, construction, operation and maintenance.

The SAB approval process is separate from the planning application process. An application for approval for a surface water drainage scheme may be made to the SAB separately from, or combined with a planning application. The planning and SAB approvals are independent systems and there may be circumstances where separate applications are appropriate.

Prior to the submission of a planning application, if the development would trigger a SAB application, applicants are strongly advised to make a separate Pre-Application submission to the SAB. Please note that pre-application fees may apply. Further advice can be found at <http://www.valeofglamorgan.gov.uk/en/living/Flooding/Flood-and-Coastal-Erosion/Sustainable-Drainage-Systems.aspx>

Pre Application Consultation

For all applications for 'major' development, there is a statutory requirement for the applicant / developer to consult the community and relevant statutory consultees, and to submit a Pre-Application Consultation (PAC) Report with any application.

Detailed advice can be found here:

https://gov.wales/sites/default/files/publications/2020-02/annex-1-pre-application-consultation-guidance_0.pdf

Section 106 Planning Obligations

The Council's Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought, and indicates how they may be calculated.

The Council's SPG is available to view/ download at:

<http://www.valeofglamorgan.gov.uk/Documents/Living/Planning/Policy/SPG/Planning-Obligations-SPG-2018.pdf>

Following consideration of the proposed development and potential impacts and needs arising from the development, I would advise that the Council is likely to seek planning obligations covering the following: -

1. Affordable Housing

Where there is a net gain of 5 or more dwellings in Barry, affordable housing should be provided at a rate of 30%. On sites of 10 or more dwellings, affordable housing shall be provided on site. The number of units shall be rounded up to the nearest

whole number. In this instance 20 affordable units would be required based on 30% of 64 being 19.2 and rounded to the nearest whole number.

2. Education

The Planning Contributions SPG sets out that on developments of dwellings over 10 units, the following contribution for education per unit:

Nursery = £1,825

Primary = £5,073

Secondary = £5,720

Post 16 = £1,193

Total = £13,811

It is note that the proposal includes an unspecified number of one bedroom apartments. These would be excluded from the above calculation.

3. Public Open Space

On sites over 5 dwellings/1000sqm floor space/ 1 hectare – public open space will be required to be provided on site at the rates below

Residential Development POS Requirements	Ha per 1000 population*	Sqm person	sqm per dwelling**
Children's equipped play facilities	0.25	2.50	5.80
Other Children's Play Space	0.55	5.5	12.76
Outdoor Sport	1.60	16.00	37.12
Total	2.40	24.00	55.68

Retail or Employment POS Requirements	16m ² per person [^] or 15% of site area
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[^] based on maximum numbers of staff to be in the workplace at any one time.

4. Sustainable Transport

On sites over 10 dwellings/1000sqm floor space/ 1 hectare – a contribution for sustainable transport will be required to be provided on site at a rate of £2,300 per dwelling or £2,300/100sqm floor space.

5. Community Facilities

On sites of over 25 dwellings, 0.75sqm of community floor space will be required per dwelling equivalent to £1,260 per dwelling. The contribution for this development based on 64 dwellings would be £80,640.

6. Public Art

On sites over 10 or more dwelling a minimum of 1% of the build costs will be required for public art. To calculate the % for art, the developer will need to prove a detailed written estimate of the build costs of their proposal. Build costs will generally encompass all costs related to the construction of the buildings on site (excluding site infrastructure and abnormal costs). Nevertheless, this will be determined on a site-by-site basis, dependent upon the nature of the site and development.

7. Training and Development

On commercial development of 100sqm floor space/1 hectare site area, one

trainee (£1255) per 500sqm of floor space will be required.

In addition, and separate to any obligation sought, the Council requires the developer to pay an administration fee, equivalent to 20% of the application fee or 2% of the total financial contribution being sought, whichever is the greater. This fee covers the Council's costs to negotiate, monitor and implement the terms of the necessary Section 106 agreement.

Further discussion on such matters can, of course, be entered into at the time of an application, or as part of any agreed further pre-application submissions.

Required Supporting Documentation

In addition to the submission of standard mandatory supporting documentation such as application forms, plans and a Design and Access Statement (see TAN 12 Design, Appendix 1), please be advised that any application for the above development should also be accompanied by the following additional documentation: -

- Flood Consequences Assessment
- Phase 1 Habitat Survey
- PAC Report ("Major" applications)

If any subsequent application fails to include the information above, there is a chance it may not be registered and, in any event, it is likely that an application will either be refused or will not be able to be progressed until its satisfactory submission.

Requests for Further Advice

In accordance with the Council's Guidance Note on 'charging for pre-application advice', any further requests for pre-application advice will attract payment of a further fee, and should be made in writing with appropriate supporting documentation.

Development Team Approach – Building Control

Please note if you decide to employ the Council's Building Control team in respect of the proposed development for which you have sought advice, any fees you have paid in respect of this guidance will be taken into account in assessing the relevant Building Regulations fee. All Building Regulations fees are now based on a standard hourly rate with the final fee payable worked out on a risk assessed basis. Accordingly as the Council's officers will have been involved in the project from the earliest stages this will be considered in the final risk assessment based fee for Building Regulations.

Should you have any further questions regarding the above, please contact Sarah Flower on the above number.

Yours faithfully

Sarah Flower
for Operational Manager Development Management

Please Note:

The advice offered in this response represents an informal opinion, provided in accordance with the Council's Guidance Note on 'charging for pre-application advice'. In particular, it is emphasised that while this pre application advice will be carefully considered in reaching a decision or recommendation on an application, the final decision on any application that you may make can only be taken after we have consulted local people, statutory consultees and any other interested parties. It does not, therefore prejudice any decision which the Local Planning Authority may make should the matter come before them in a formal context.