



Report

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Planning Statement

Proposed Development of Sully Sports and Social Club

On behalf of St Modwen and Sully
Sports and Social Club

July 2015

Contents

1.	Introduction.....	1
2.	Site and Context	4
3.	Development Proposals and Background	9
4.	Planning Policy Context	13
5.	Key Planning Considerations.....	27
6.	Business Case & Planning Obligations	36
7.	Summary and Conclusions	40

Appendices

Appendix I Site Red Line

Appendix II Inspectors Report and Decision Notice

Appendix III EIA Screening Opinion

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For and on behalf of GVA Grimley Ltd

1. Introduction

1.1 This statement has been prepared in support of a planning application for the development of Sully Sports and Social Club. It has been prepared on behalf of our clients, St Modwen and Sully Sports and Social Club.

1.2 This application has been submitted to the Vale of Glamorgan Council (VoGC) as a 'hybrid', combining an element of development that is submitted in full detail, along with another element submitted in outline with reserved matters. The application considers a scheme to partially redevelop the Club's site on South Road in Sully to provide residential, retail and touring caravan uses, along with enhanced and improved club and sporting facilities.

1.3 More specifically, this application proposes the following:

'Hybrid application proposing development of Sully Sports and Social Club, including demolition of existing clubhouse and buildings and construction of new clubhouse, 3no. grassed pitches, 1no. all-weather pitch, floodlights, new bowling green, local retail building, touring caravan site and building, car parking and associated engineering, access and landscaping works (full detail), and proposals for construction of up to 200 dwellings, with associated parking, engineering, access, play space and landscaping works (outline detail).'

1.4 The application site is currently a sports and social club, located on the south eastern side of the village of Sully. It comprises primarily a sports club with a dedicated clubhouse and sports pitches. The site also includes a large indoor bowls club, outdoor bowls lawn, car park and other incidental open grassed areas. The extent of the application site has been indicated upon the site plan within **Appendix A**.

1.5 This submission follows a series of informal pre-application discussions and engagement activities held with the local planning authority, members, the community and other key stakeholders. It also follows an Environmental Impact Assessment (EIA) Screening Opinion issued by VoGC in April, confirming that the proposals are not EIA development.

1.6 This document comprises the planning statement supporting this application. The following documentation should be read in conjunction with this statement:

- Application Form
- Ownership Certificates
- Site Location Plan
- Existing Site Plans, Sections and Elevations

- Site Constraints Plan
- Proposed Masterplan
- Proposed Plans, Elevations and Sections (for elements submitted in full)
- Design and Access Statement
- Landscape and Visual Appraisal
- Ecological Impact Assessment
- Wetland Bird Survey
- Arboricultural Impact Assessment
- Transport Assessment
- Lighting Strategy
- Flood Consequence Assessment
- Drainage Strategy Report
- Geo-Environmental Interpretative Report
- Factual Ground Investigation Report
- Utility Feasibility Report
- Archaeological Desk-Based Assessment
- Statement of Community Involvement

1.7 This document seeks to outline the development proposals and rationale to justify these within the context of relevant national and local planning policy. The remainder of the statement is therefore structured as follows:

- Section 2 provides a description of the site, its characteristics and context, along with the relevant planning history;
- Section 3 describes the proposals and their background in further detail;
- Section 4 sets out the planning context, describing the salient planning policy considerations.
- Section 5 considers the relevant planning considerations and how the site and scheme has addressed these.
- Section 6 describes the planning obligations associated with the site.
- Section 7 provides a summary

The Applicants

- 1.8 The joint applicants for this application are St Modwen and Sully Sports and Social Club. Sully Sports and Social Club is a major sports and recreation club based in Sully. They offer a wide variety of indoor and outdoor recreational sports, which include football, rugby, snooker and bowls. The club also hosts a range of social events and activities throughout the year, including games nights, quizzes and bingo. St Modwen is a British development business specialising in the regeneration and remediation of brownfield land.

2. Site and Context

Site Description

Site Characteristics

- 2.1 The application site is Sully Sports and Social Club, located on the south side of South Road, at the south eastern limits of the village of Sully. The site is approximately 14.92 hectares in size, and broadly a quadrangle in shape.
- 2.2 The site currently includes the indoor bowling club, club house and library which are situated within a large car park area fronting South Road. The remainder of the site comprises sports pitches, outdoor bowls green and pavilion, small all-weather pitch and play area. In terms of planning use, the current site comprises a primarily leisure and assembly use (D2 Use Class).
- 2.3 In terms of topographical characteristics, the site is broadly level throughout, though there is a gentle slope from north to south between South Road and the coast. This has been tiered and buttressed in parts for the existing sports pitches. At the southern limits of the site, the site is bound by a low cliff-edge, which is topped with trees and vegetation. Further trees, hedgerows and vegetation line the eastern and western boundaries of the site. Along South Road, there is no extant vegetation, with a dense line of former leylandii having been removed, and the site is bound only by chain-link and palisade fencing.
- 2.4 Whilst the centre of the site is largely clear of significant vegetation and trees, there are established landscape buffers on the eastern and western boundaries. In light of the use of the site the majority of the land can be considered to have been actively managed.
- 2.5 In terms of planning and environmental constraints, the site is acknowledged to be located at the outside edge of the Sully settlement boundary. The site also falls within an area identified as 'Undeveloped Coast', with the adjacent elements at Sully identified as 'Developed Coast'. The wider area also falls within an aviation safeguarding zone, relating to Cardiff Airport, though this is not considered a major or relevant constraint on the type of development under consideration here.

Site Context

- 2.6 In the immediate context, the site is tightly bound by mid-to-late twentieth century development to the north and west. The eastern boundary of the site is bound by Beach Road, a narrow access lane towards Sully Island. The eastern boundary is also bound by a static caravan park, and dwellings. Further beyond there is a bar and restaurant, and open

agricultural field parcels. The coast path runs through the southern edge of the site. The uses surrounding the site are predominantly detached and semi-detached residential dwellings, particularly to the north and west, though there is also a static caravan park.

- 2.7 The range of building styles displayed in the area reflects the village's previous pattern of expansion and development during the mid-to-late twentieth century, showing a range of modern and contemporary styles. Most buildings in the area range between one and two storeys in height, with some examples of buildings at three storeys. The local topography elevates some areas of development to the north.
- 2.8 Sully's existing existing community infrastructure includes a primary school, post office, small convenience store, pub, salon, church and a separate park and open sports pitch. It is situated on the South Wales coast between Penarth and Cardiff to the east and Barry to the west, with direct road access between both. The site falls within the Vale of Glamorgan Council, who acts as the relevant local planning authority (LPA).

Planning History

- 2.9 A search of the online planning register has been undertaken to identify the previous planning history at the application site, which may have relevance to these proposals. The applications identified have been summarised in the following table:

Application	Location	Description	Decision	Decision Date
2015/00346/S C1	Sully Sports and Leisure Club, South Road, Sully	Screening opinion for a Proposed hybrid planning application providing mixed use redevelopment to provide replacement sports pavillion; upgraded pitches (artificial and grass); community/retail uses; touring campsite; residential development (up to 200 dwellings); associated car parking; landscaping; access; highways and infrastructure works and demolition	Environment al Impact Assessment (Screening) - Not Required	15/04/2015
2009/00389/F UL	Sully Sports and Leisure Club, South Road, Sully	Use of existing tarmac area for sports training area. Erection of 3.6 metre high fence and 8 No. floodlights on 5 metre high columns	Approved	01/07/2009

Application	Location	Description	Decision	Decision Date
2006/00678/F UL	Playing field located at Sully Sports and Leisure Club	Erect one single storey spectator stand plus two dugouts	Approved	30/06/2006
2003/00637/F UL	B.P. Sports and Leisure Club, South Road, Sully	Resurrect old car park (grown over) and link to old tennis court to accommodate car parking for Sully Colts A.F.C.	Approved	15/08/2003
2001/01198/P NT	Sully Sports & Leisure Club, South Road, Sully	15m monopole and equipment housing	Further prior approval (PNA/PND/PNT/PNQ)	02/11/2001
2000/00826/F UL	Sully Sports & Leisure Club, South Road, Sully	Demolish existing changing room buildings and erect new single storey changing room building	Approved	08/09/2000
1996/00968/F UL	Barry Plastics Sports & Leisure Club, South Road, Sully	Provision of a childrens play area to facilitate the local community	Approved	07/03/1997
1996/0959/FU L	Sully Sports & Leisure Club, South Road, Sully	Single storey indoor bowls centre with mezzanine accommodation	Approved	07/03/1997
1995/01058/F UL	Sully Sports and Social Club, South Road, Sully	18m lattice mast together with amateur radio antenna for use in amateur radio hobby.	Approved	05/01/1996
1995/00985/F UL	Barry Plastics Sports & Leisure Company Ltd., South Road, Sully	Single storey building to house pumping equipment.	Approved	01/12/1995
1995/00668/F UL	Barry Plastics Sports and Leisure Club, South Road, Sully	New changing facilities for team sports	Approved	05/09/1995
AP92/00020	BP Sports and Social Club,	S78 Appeal against refusal of permission	Appeal Dismissed	30/06/1993

Application	Location	Description	Decision	Decision Date
	South Road, Sully			
1992/00954/T PO	B. P. Sports and Social Club, South Road, Sully	Crown thin Pine	Refused	20/10/1992
1991/01212/OUT	B. P. Sports and Social Club, South Road, Sully	Comprehensive development for residential (approx. 20 acres) and sports club (approx. 17 acres) uses, together with ancillary works including an off-site sewer	Refused	14/04/1992
1985/01166/F UL	Barry Plastics Sports and Social Club, South Road, Sully	Installation of four floodlights for sports training	Approved	18/02/1986
1983/00181/F UL	Barry Plastics Sports and Social Club, South Road, Sully	Club House for bowling section	Approved	28/06/1983

- 2.10 This search of the site's planning history has yielded a number of planning applications dating back to the early 1980s. The majority of these applications relate to alterations and enhancements of the club facilities, ranging from minor works to more significant proposals, such as the provision of a new clubhouse for the bowling section.
- 2.11 With relevance to these proposals, we have noted a 1991 / 1992 application and 1993 appeal decision, relating to a proposed comprehensive redevelopment of the site for a mix of residential development and new sports facilities. We note that the residential development was proposed at a significantly greater scale than the application set out here, at 20 acres.
- 2.12 Both the application and subsequent appeal were refused, with reasons given as being the damage to landscape and setting of the village, the impact on the coastal frontage, the loss of open space and principle of development on the urban fringes, contribution to urban sprawl and that the site is not allocated for development. The Inspector's report rebuts many of these comments, notably the landscape impact, though the application was refused upon grounds of the principle of urban fringe development and development in the 'coastal zone'.

2.13 The Decision Notice and Inspector's Report for this application and appeal have been included within **Appendix B**.

3. Development Proposals and Background

3.1 The proposals seek the development and enhancement of the Sully Sports and Social Club and its grounds. The scheme will provide a mix of uses, including residential dwellings, assisted-living units, retail uses and a touring caravan park, as well as providing enhancements to the club such as improved grass pitches, all-weather pitches and a new and improved clubhouse pavilion. The masterplan for development is to deliver the residential development on the western portion of the site, and the sports and community facilities on the eastern portion of the site.

3.2 The following provides further information about the development proposed:

Sports, Community Facilities and Touring Caravan

3.3 The eastern portion of the site amounts to approximately 8.33 hectares in size, and will accommodate the retained and re-provided sports and clubhouse facilities. More specifically, the development will comprise:

- A new clubhouse for the sports and social club adjacent to the existing retained indoor bowling area. The clubhouse will provide a bar, modern function and changing room accommodation and will combine the currently dispersed and outdated space.
- A reorganised and increased car park provision.
- Single storey retail building (small scale local convenience store and adjoining unit).
- 1 new artificial full size pitch with flood lights.
- 1 new junior / training pitch with flood lights.
- 3 senior rugby / football pitches.
- A new bowling green
- New touring caravan park with space for 50 pitches, including a small facilities building.

3.4 Vehicular access to the club, pitches, touring caravan park, and the retail element will be from South Road. An existing vehicular access to this portion of the site from Beach Road will be retained, though this will be used only for emergency access. Landscaping will be provided along the western perimeter of this development area, providing a sympathetic boundary treatment between the pitches and the residential treatment.

3.5 In terms of the current assumptions which inform the Business Plan (discussed in Chapter 6) the all weather pitch (AWP) would be proposed to be operation from 9am through to 10pm although possibly only until 8pm on Saturday and Sunday evenings. The clubhouse would be

open until 11pm Mon – Thurs, most likely until 1am (possibly later occasionally) on Friday and Saturdays and 10.30pm on Sundays. Use would be for hospitality for members and visiting guests, private parties and celebrations, and for daytime community use such as meetings, activity classes, business events etc. The Business Plan assumes there could be 2-3 daytime community groups/activity sessions per week and 2-3 private parties or events per month. A members bar open daily until 11pm and 10.30pm on Sundays.

- 3.6 These elements of the planning application will be submitted in full, and are intended to be the first part of the scheme to be delivered.

Residential Development and Community Facilities

- 3.7 The surplus land in the western half of the site will comprise approximately 6.40 hectares, extending between the eastern boundary of the new sports pitches to the boundary with the existing residential dwellings along Clevedon Avenue. Approximately 5.23 ha of this area will be developed primarily for residential dwellings, with a total potential capacity of up to 200 dwellings. However as is noted in the Design & Access Statement, the final scheme is likely to end up below this figure once detailed masterplanning takes place and a figure of around 155 maybe more likely. Section 7.4 of the Design and Access Statement provides a density parameter range of 106 to 200 dwellings. However for the purposes of this application all of the technical evidence has assumed the highest figure of 200 dwellings.
- 3.8 This element of the application is submitted in outline, with some reserved matters. As such, the precise mix, layout and design of the residential element has not yet been determined for submission. However, the illustrative masterplan submitted with this application indicates the general format that could potentially be achieved. This includes a new play area, informal open space and landscaped movement corridors throughout the site. The site slopes gently down to the cliff top but it is envisaged that a low level of re-profiling will be required. The existing outdoor bowls lawn will need to be relocated, and is envisaged as being located upon the site of the existing clubhouse.
- 3.9 A separate means of access is also provided on to South Road, so as to provide a dedicated point of access for the residential dwellings. A separate access will be retained for the library building which remains on site.
- 3.10 In addition to the above, the public Wales Coastal Path which runs along the southern perimeter of the site will be retained across its full length, with a 20 metre buffer provided between the footpath and the cliff edge.

Background and Rationale

- 3.11 Sully Sports and Social Club is a long established facility within Sully, having been created and constructed in the 1960s by a consortium of local employers led by the local factories and refineries. The club was created opposite the former Swanbridge Rail Halt, and provided a local facility for sport, recreation and social communion among workers in these growing communities.
- 3.12 Since this time, the Club has continued to play an important role as one of Sully's leading community facilities; however, over the years the Club's facilities have deteriorated due to natural aging and as a result of lack of investment and support. In its current condition, the clubhouse and sports facilities are not at the standard expected by modern users, and this has limited the Club's ability to offer a quality facility for the community's use. The Club has therefore recently been faced with challenging decisions about its long-term future, and how to secure the investment required to deliver significant enhancements to their facilities.
- 3.13 This situation has spurred the Club to engage with the freeholders of a portion of the site, St Modwen (on which the Club holds a long-lease) in order to discuss a potential scheme to release value from the site and enable the Club to achieve its goal of significantly improved facilities and a sustainable business model to secure the Club for future generations.

Pre-Application Discussions

- 3.14 This planning application has been preceded by a series of meetings, discussions and exercises, which have guided the proposals and their evolution. Further details of the consultation process are also provided in the Statement of Community Involvement.

Pre-Application Engagement with the Council

- 3.15 Given the scale and nature of development proposed, an EIA Screening Opinion Request was submitted to VoGC on 23rd March 2015, so as to gauge a formal view from the LPA whether a full Environmental Statement would be required. Having considered the site and consulted appropriately, the LPA responded on 15th April 2015 to confirm that their view was that the application would not be EIA Development (see **Appendix C** for a copy of their decision). Further clarification was then sought from the Council on their Opinion following completion of the final Winter Bird Survey and report.
- 3.16 A number of meetings have taken place with the Planning Authority (over a period of nearly 2 years) and discussions also taken place with technical officers including the affordable housing team, environmental health and the highways authority to ensure that the submitted documents and drawings provide the necessary information on which to assess the scheme.

Pre-Application Engagement with Key Stakeholders and the Community

- 3.17 During the preparation of the scheme all of the club's teams have been represented and fed into the design process to ensure that the final design reflects the exact requirements of all of the clubs.
- 3.18 In addition, a public exhibition was held to present the emerging and draft proposals to key identified stakeholders and the wider community. The exhibition was held at the clubhouse itself on Tuesday 12th May 2015. Flyers were extensively distributed to publicise the event, which was well attended by at least 235 people. The exhibition presented a series of boards describing the background to the project, our understanding of the site, and the emerging proposals. Members of the project team were on hand to discuss the scheme with the community and a feedback form was also distributed to capture views and feedback on the proposal.
- 3.19 The project team has also sought to engage with the Community Council and offer the chance to meet and discuss the scheme, however at the time of writing the offer had not been taken up. The team will continue to offer this opportunity during determination of the application. For full details of the consultation exercises undertaken to engage with the community and local stakeholders on these proposals, please see the Statement of Community Involvement submitted with this application.

4. Planning Policy Context

- 4.1 The following section sets out the key statutory policy and guidance relevant to the site and proposals.

The Development Plan

- 4.2 The Statutory Development for VoGC comprises the Unitary Development Plan 1996-2011 (UDP). Its adoption on 18th April 2005 superseded all previously adopted and approved structure and local plans in force. Though the plan period has been expired for four years, it remains the primary policy consideration for development management purposes.
- 4.3 Relevant material considerations include adopted Supplementary Planning Guidance, the draft Local Development Plan, Planning Policy Wales (PPW) and its associated Technical Advice Notes (TANs).
- 4.4 Whilst the draft LDP has not yet been independently examined or adopted, we consider that very limited weight can be afforded to its overall strategy and policy. However, as a consulted expression of the LPA's desire we have referred to the consultation versions to date and the recent papers being considered by the Council's Cabinet in June 2015. These are detailed below.

National Policy

Planning Policy Wales

- 4.5 PPW sets out the land use planning policies of the Welsh Government (WG). This contains guidance on the preparation of development plans and on, in particular, strategic matters of planning policy. The fundamental objective of PPW is to promote sustainable development; the commitment of the Welsh planning system to sustainable development is underpinned throughout the document. The 2012 and 2014 revisions of PPW saw an array of changes which were aimed at supporting a presumption in favour of sustainable development. In Chapter 4, PPW identifies a number of key objectives for policies and proposals to achieve. These include:
- the promotion of resource-efficient and climate change resilient settlement patterns that minimise land take and urban sprawl, through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites;

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- the location of development in places which minimise the demand for travel, especially by private car;
 - support the need to tackle the causes of climate change by moving towards a low carbon economy;
 - minimise the risks posed by, or to, development on, or adjacent to, unstable or contaminated land and land liable to flooding;
 - play an appropriate role to facilitate sustainable building standards (including zero carbon) that seek to minimise the sustainability and environmental impacts of buildings;
 - play an appropriate role in securing the provision of infrastructure to form the physical basis for sustainable communities;
 - contribute to the protection and improvement of the environment, so as to improve the quality of life, and protect local and global ecosystems;
 - help to ensure the conservation of the historic environment and cultural heritage, acknowledging and fostering local diversity;
 - maximise the use of renewable resources, including sustainable materials;
 - encourage opportunities to reduce waste and all forms of pollution and promote good environmental management and best environmental practice;
 - ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs, in safe neighbourhoods;
 - promote access to employment, shopping, education, health, community, leisure and sports facilities and open and green space, maximising opportunities for community development and social welfare;
 - foster improvements 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;
 - foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone;
 - Promote quality, lasting, environmentally-sound and flexible employment opportunities
 - support initiative and innovation and avoid placing unnecessary burdens on enterprises;
 - respect and encourage diversity in the local economy;
 - promote a low carbon economy and social enterprises; and,
 - contribute to the protection and, where possible, the improvement of people's health and well-being as a core component of sustainable development.
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- 4.6 Chapter 2 outlines the plan-led system of development plans in Wales. Every LPA must produce an LDP, which will replace the UDP, structure or local plan which was previously in place. LDPs should provide a firm basis for rational and consistent decisions and are fundamental to planning for sustainable development.
- 4.7 Conservation of natural heritage is set out in Chapter 5. Biodiversity, landscape, trees, woodland and other assets are specifically addressed. The chapter states that statutory and non-statutory designations, as well as general nature considerations, must be taken into account when considering development proposals.
- 4.8 Chapter 6 relates to conserving the historic environment. With particular relevance to the site, PPW states that sites of archaeological interest and their settings should be preserved. Where a development may affect the setting of a nationally important archaeological remain, there should be a presumption in favour of physical preservation in situ. We note, however, that the desktop archaeological assessment undertaken on the site has not identified any remains or deposits of national significance.
- 4.9 Chapter 7 relates to economic development and states Local planning authorities are required to ensure that the economic benefits associated with a proposed development are understood and that these are given equal consideration with social and environmental issues in the decision-making process, and should recognise that there will be occasions when the economic benefits will outweigh social and environmental considerations.
- 4.10 Chapter 8 acknowledges that land use planning can help achieve the WG's objectives for Transport. Amongst other matters, the guidance seeks to reduce the need to travel; improve accessibility by walking, cycling and public transport; promote walking and cycling; and support enhanced public transport.
- 4.11 Chapter 9 covers housing and seeks to ensure that new residential developments are well designed, environmentally sound (especially in terms of energy efficiency) and make a significant contribution to improvements in the quality of life. It also states that LPAs should promote mixed tenure communities and development that is easily accessible by public transport, cycling and walking. PPW requires LPAs to provide a 5 year supply of genuinely available land for housing and to follow a clear search sequence which starts with previously developed land.

Technical Advice Notes

- 4.12 PPW is supplemented by a series of Technical Advice Notes. A range of these apply to the proposed development, and their specific provisions are addressed through the technical reports and ES submitted in support of the planning application. Relevant TANs include:

- **TAN 1: Joint Housing Land Availability Studies (2015)** – was published in January 2015, providing a revision to previous technical guidance regarding Joint Housing Land Availability Studies (JLAS) and housing land supply. The most significant alteration to the guidance was to express that LPAs which do not have an up-to-date Development Plan will be considered *not* to have a demonstrable five year housing land supply by default. This has underscored the imperative to bring forward development strategies, as well as to deliver new housing.
- **TAN 2: Planning and Affordable Housing (2006)** - provides guidance on the role of Local Planning Authorities in the delivery of affordable housing. It provides a definition of affordable housing and advises on the determination of affordability, and the setting of targets and thresholds within development plans. Advice is also provided on local housing market assessments, the need for collaborative working, and the monitoring and review process.
- **TAN 5: Nature Conservation and Planning (2009)** - provides advice on the procedure that LPAs should follow to protect designated nature conservation sites and conserve the natural environment.
- **TAN 11: Noise (1997)** - provides advice on the role of planning in minimising the adverse impact of noise without placing unreasonable restrictions on development. It provides advice on locations for noise generating proposals together with appropriate measures to mitigate the impact of noise.
- **TAN 12: Design (2014)** - provides detailed advice on how promoting sustainability through good design in development may be facilitated by the planning system. With regard to housing design and layout, it states that development proposals should create places which meet the needs of people; respect local character; encourage safety and accessibility; focus on living environments for pedestrians; promote layouts which manage vehicle speeds; promote environmental sustainability; and secure efficient use of land.
- **TAN 15: Development and Flood Risk (2004)** – advises on development and flood risk together with its impact on sustainability principles. It also provides a framework to assess fluvial and tidal flooding, and run-off from development. The overriding aim of the guidance seeks to locate new developments away from areas identified at high risk of flooding. TAN 15 sets out the tests that highly vulnerable development is required to satisfy in order to be considered acceptable in areas at risk of flooding.
- **TAN 18: Transport (2007)** - recognises the key role of the planning system in facilitating sustainable travel patterns. It aims to guide the location of new development so as to reduce the need to travel and promotes more sustainable forms of transport which contribute to environmental improvement in the longer term. The guidance emphasises

that extra traffic generated by a proposed development may bring forward the need for transport improvements in the vicinity of the scheme and beyond.

- **TAN 23: Economic Development (2014)** - focuses on the need to encourage development in order to generate wealth, jobs and income. This TAN recognises the importance of all aspects of development and that planning decisions are made in a sustainable way which balance social, environmental and economic considerations.

Local Policy

Unitary Development Plan

- 4.13 The UDP constitutes the primary document in the Statutory Development Plan. Though the plan period on the UDP has now expired, the general policies contained within it are still relevant for development management purposes, and as such we have considered the relevant policies below.

Strategic Policies

- 4.14 Policy 1 – The VoG's distinctive rural, urban and coastal character will be protected and enhanced with particular emphasis given to conserving areas of importance for landscape, ecology and wildlife, the best most versatile agricultural land and important features of the built heritage. Enhancements will be favoured.
- 4.15 Policy 2 – Proposals which encourage sustainable practices will be favoured – including
- Energy efficiency, conservation of natural resources and biodiversity
 - Minimising need to travel and sustainable travel
 - Reclaim derelict or degraded land for beneficial use
 - Improve quality of environment through use of high standards of design

Housing

- 4.16 Policy 3 – land is to be made available for an additional 6079 dwellings between 1998 and 2011 through strategic allocations and smaller sites / brownfield land / stock replacement.

Economic Development & Tourism

- 4.17 Policy 6 – tourism developments favoured where they – assist local economy and OR safeguard quality of the environment.

Transportation

- 4.18 Policy 8 – developments will be favoured in locations which are highly accessible by other modes of travel and minimise traffic and associated unacceptable environmental effects.

Retailing

- 4.19 Policy 9 – the vitality and attractiveness of existing town, district and shopping facilities will be protected and enhanced.

Sport & Recreation

- 4.20 Policy 11 – to remedy existing deficiencies the council – favour provision of facilities to meet existing and anticipated need – protect existing areas of open space and playing fields

Waste Management

- 4.21 Policy 13 – sustainable principles for waste disposal based on waste will be favoured

Community and utility services

- 4.22 Policy 14 – developments associated with community and utility services will be permitted if there is no unacceptable impact on the interests of agriculture, conservation, Listed Buildings, archaeological features, ecology and wildlife, landscape importance and residential amenity.

Environmental Policies

- 4.23 Policy ENV3 – Green Wedges – identifies green wedges to ‘prevent urban coalescence between and within settlements’ one at north-western edge of sully (between Barry) but none on site at present.
- 4.24 Policy ENV6 – East Vale Coast – outside heritage cost – within undeveloped coastal zone – development will be permitted if
- Can demonstrate a need for a coastal location AND
 - Not cause unacceptable impact by
 - Visual or noise intrusion
 - Impact on areas of landscape importance
 - Air land or water
 - Exacerbation of flooding or erosion

- Hazardous operations
- Impact on ecology of geological or geomorphological importance.
- In areas of existing or allocated development within the coastal zone – proposal should be in keeping with its context and sensitive to coastal setting.

4.25 Policy ENV11 – Protection of landscape features – development not pp if unacceptably impacts features of importance to landscape or nature conservation . . .

4.26 Policy ENV13 – International Areas of Nature Conservation Importance – RAMSAR – protected – no adverse impacts unless no other alternatives and overriding reasons of public interest.

4.27 Policy ENV14 – National Areas of Nature Conservation Importance – adverse impact on national sites – no planning permission unless no alternative, or mitigation / compensation.

4.28 Policy ENV16 – protected species – no adverse impact unless exceptional circumstances – no satisfactory alternative – effective mitigation.

4.29 Policy ENV18 – Archaeological Field Evaluation – likely to affect a known or suspected site of archaeological significance.

4.30 Policy ENV24 – Conservation and Enhancement of Open Space – The conservation and enhancement of open space which are amenity, recreation and/or nature conservation within the built environment will be favoured.

Design

4.31 Policy ENV25 – Regeneration of Urban Areas – Measurements to improve the environmental fabric of the urban areas will be favoured. Particular favour will be given to derelict or degraded land.

4.32 Policy ENV27 – Design of New Developments – New development proposals must have full regard to the context of the local and natural built environment and its special features.

4.33 Policy ENV28 - Access for Disabled People – All new development open to the public will be required to provide suitable access for people with mobility issues.

Environmental Health

4.34 Policy ENV29 – Protection of Environmental Quality – Development will not be permitted if it would be liable to have an unacceptable effect on people's health and safety or the environment from factors such as; dust, noise, light etc.

Residential

- 4.35 Policy HOUS2 – Additional Residential Development – Housing infill which meets the policy HOUS8 will be permitted within the settlement boundaries of the urban settlements of Sully.
- 4.36 Policy HOUS8 – Residential Development Criteria – Subject to the provisions of policy HOUS2 development will be permitted if it; is of appropriate scale, has no unacceptable effect on the existing environment, has adequate parking provision and has accessible or can be economically provided.
- 4.37 Policy HOUS11 – Residential Privacy and Space – Existing residential areas should be protected from over development and insensitive or inappropriate infilling.
- 4.38 Policy HOUS12 – Affordable Housing – Negotiation of a reasonable element of affordable housing on sites.

Tourism

- 4.39 Policy TOUR4 – Caravan, Chalet and Tent Sites – Further Extension of touring sites will not be permitted in the coastal zone.

Parking

- 4.40 Policy TRAN10 – Parking – Parking facilities will be in line with the approved parking guidelines relating to land use, density and location.

Recreation

- 4.41 Policy REC1 – Protection of Existing Recreational Facilities – Development involving the loss of existing recreational facilities will be permitted if equivalent community benefits are made, or if there is an oversupply of existing facilities and the facilities are seen as unimportant to the character of the area.
- 4.42 Policy REC2 – Joint Provision and Dual Use of Facilities – The Council will favour proposals that result in wider use by the community.

Local Development Plan

- 4.43 VoGC is preparing a new LDP, which will eventually supersede the UDP as the primary document in the Statutory Development Plan. The LDP is currently in draft form, and sets out a strategy for how the Vale of Glamorgan will grow and develop during the plan period 2011 to 2026. A draft Deposit LDP was issued for consultation in November 2013 and as highlighted above Full Council (24th June 2015) have approved the plan for submission for Examination

which expected to be in late July 2015 which will then lead to consultation and opening of the Examination process later in 2015.

- 4.44 Further to the Deposit LDP (2013) a Schedule of Proposed Focused Changes has also been prepared (June 2015) which will be subject to consultation in due course. We have therefore reviewed both documents and summarise the main issues below. Policies that substantially duplicate those within the UDP have not been considered, though where a change in direction in development management policy is indicated, this has been considered and discussed.

Strategy / Residential

- 4.45 Policy SP3 – Residential Requirement – In order to meet the identified residential requirement, land is made available in sustainable locations for the provision of up to 9500 (was 9950) new residential units up to 2026.
- 4.46 Policy SP4 – Affordable Housing Provision – The residential requirement identified in Policy SP3 is required to contribute to the needs of community housing within the Vale of Glamorgan. The Proposed Focused Changes have amended the affordable housing requirement in Sully to 40% (from 35% in the Deposit Plan). The policy does however allow for site specific viability to be taken into consideration.

Retail

- 4.47 Policy SP6 – Retail – Local and neighbourhood centres are identified as providing an important service for their immediate catchment area and provide opportunities for reducing journeys by car.

Tourism / Community

- 4.48 Policy SP11 – Tourism and Leisure – Favourable considerations will be given to proposals which enhance the range and choice of tourism and leisure opportunities and favour the local economy.
- 4.49 Policy MG7 – Provision of Community Facilities – To meet the identified needs, new / enhanced facilities will be sought in Sully. In addition proposals that provide new or enhanced multi-use community facilities in accessible locations will be favoured.

Environment

- 4.50 Policy MG18 – Green Wedges – Within the green wedge identified to the north west of Sully development which prejudices the open nature of the land will not be permitted.

- 4.51 Policy MG24 – Glamorgan Heritage Coast – Development that unacceptably affects the special environmental qualities of the GHC will not be permitted. Although the site of interest is located on the coast of the VoG it is not part of the LDP's identification of heritage coastline.
- 4.52 Policy MG25 – Public Open Space Allocations – In areas of need open space will be provided or enhanced to meet the additional demand that cannot be catered for during the development of a site.

Managing Development Policies

- 4.53 Policy MD1 – Location of New Development – Development will be favoured where it supports the delivery of affordable housing in areas of need.
- 4.54 Policy MD2 – Place Making – Development is favoured where it contributes to creating high quality, healthy, sustainable and locally distinct places.
- 4.55 Policy MD4 – Community Infrastructure – Where possible the council will seek to secure new and improved infrastructure through the use of planning obligations although taking into consideration development viability.
- 4.56 Policy MD5 – Development in Key, Service Centre and Primary Settlements – New development should encourage the re-use of land and buildings and prevent the spread of new development into the open countryside.
- 4.57 Policy MD7 – Housing Densities – Within primary settlements, such as Sully, development proposals will only be permitted where the net residential density is a minimum of 30 dwellings per hectare.
- 4.58 Policy MD8 – Environmental Protection – Development proposals will be required to demonstrate that they will not result in an unacceptable impact on people, residential amenity, property and the natural environment.
- 4.59 Policy MD10 – Considers the presence of European designations and the need to consider the impacts of development on these designations.
- 4.60 Policy MD14 – Tourism and Leisure – The Council considers that the provision of appropriately located and well-designed tourism facilities present a significant opportunity to bring new investment into the Vale of Glamorgan.

Supplementary Planning Guidance

Sustainable Development – A Developer's Guide SPG

- 4.61 The SPG for Sustainable Development aims to raise awareness of how the development of land can contribute towards sustainability, through encouraging a holistic approach to construction and by reducing the impact of a development during its lifetime.
- 4.62 The document gives a number of guidelines to aspects of a project such as, site assessments, site layouts, transport and movement, sustainable energy use in buildings, renewable energy, energy efficiency and material choice, street lighting, water conservation, sustainable drainage, waste management, and finally landscape trees and ecology.

Planning Obligations SPG

- 4.63 The Planning Obligations SPG introduces the Council's approach to seeking and implementing planning obligations. However, the Council does not propose to formulate a blanket approach to planning obligations as each planning application is considered on its own merits.
- 4.64 This document covers a number of aspects such as, the use of planning obligations in the VoG, where planning obligations will be sought, why they will be sought, how obligations are prioritised, and the enforcement and implementation of the obligations.

Amenity Standards SPG

- 4.65 The Amenity Standards SPG was created as a way of informing developers, be that public or professional, about the expected standards in a clear, concise and easily interpreted manner.
- 4.66 The Amenity Standards document contains 5 key policies. Policy 1 focuses on enabling privacy, policy 2 requires adequate and appropriate amenity space, policy 3 requires new developments to respect the existing character of the current space, policy 4 details the required distance between principle windows of dwellings, and policy 5 focuses on limiting the loss of sunlight for neighbouring properties.

Biodiversity and Development SPG

- 4.67 The SPG for Biodiversity and Development provides specific direction on how biodiversity will be conserved and enhanced throughout the planning process. It draws on national planning policy in PPW (2010), other Welsh Assembly Government (WAG) policy documents and the policies contained in the Adopted Vale of Glamorgan Unitary Development Plan 1996 – 2011 (UDP).
- 4.68 Within the document two key sections are outlined. Firstly a section detailing the key policy and legislation; a key note from this section is the expectation for the LPA to promote the enhancement of biodiversity. The second section of the document focuses on building nature

in to development; within this it identifies a flow chart of good practice for pre application, design, and application of the development.

Design in the Landscape SPG

4.69 The Design in the Landscape SPG seeks to promote best practise and to reinforce the sense of place of the Vale of Glamorgan, this is done by setting out the Councils design expectations arising from its landscape policies and designated areas in the UDP. The document contains a number of sections detailing guidance for coastal locations.

4.70 The key sections referring to coastal developments are DG2, DG3 and DG4. The specified aims for coastal development integration are as follows:

- To conserve or recreate a strong coastal landscape strip without development near the water edge.
- To maintain / create continuous access to and along the coast.
- To minimise the impact of development
- To conserve and enhance the special qualities of the entire coastline by providing high quality planning, design and maintenance of visitor facilities and other developments where appropriate.

4.71 Following each of these aims a number of design principles are identified in order to assist the developer in meeting the required standards.

Model Design Guide for Wales SPG

4.72 The Model Design Guide for Wales SPG has been created in order to convey the design implications of TAN 12 for a new residential development in excess of 1 dwelling. It is a requirement of Planning Policy Wales and TAN 12 that applications for planning permission are accompanied by a 'design statement', and therefore this document clarifies the issues a design statement for new residential development should address.

4.73 The document begins by focusing on a number of good design objectives. Relevant objectives for the development site are the incorporation of natural heritage, appropriate density of development, in fitting character, a high quality public realm, and a variety of uses. The second section of the document details the design process, the third section covers the submission of the application and finally the report summarises with advice on design appraisal.

Parking Guidelines SPG

- 4.74 The Parking Guidelines SPG provides a guide to parking requirements according to land use and type of development. The documents core aims are to assist developers, designers and builders in the preparation and submission of planning applications, and to achieve a common approach to the provision of vehicle parking facilities associated with new development and change of use.
- 4.75 Within the document there are three relevant sections to the project, with guidelines on space allocation for residential land use, retail land use and community establishment land use, each of these sections is approximately summarised in the table below.

Land Use	Requirements
Residential New Build	Residents - Units per bedroom and floor space variable. 1 visitor space per 3-5 units
Homes for Elderly, Children etc and Nursing Homes	1 space per resident staff. 1 space per 4 beds for visitors
Shops (Up to 200m ²)	Space for 1 commercial vehicle. 1 space per 60m ² for employees
Leisure Centres Sports Clubs	Minimum of 1 commercial space. 1 space per 2 persons using the facility. 1 space per 3 spectators (where necessary).

Trees and Development SPG

- 4.76 This SPG for Trees and Developments was created in context of TAN 10: Tree Preservation Orders and Planning Policy Wales. The document addresses trees in relation to development and the importance of evaluating the short and long term impact of the development on tree cover on or near the site.
- 4.77 The document initially focuses on the legislative background and the aforementioned UDP Policy Env 11. Following this it then looks at the survey requirements for both land and trees within and in close proximity of the site. The final core section of the document focuses on the development proposals, with an Arboricultural Implication Study being desired alongside the planning application, and the BS 5837:1991 being identified as the VoGC's guide for tree protection and retention matters.

Summary

- 4.78 In summary, we have provided an overview of the key policy documents that maybe considered in assessing the application proposals. The scheme clearly delivers significant benefits and special circumstances that override any initial policy constraints. Where policy constraints have been identified these have been suitably mitigated for through the proposed design solution. The following chapter considers in further detail how the proposals will accord with policy objectives including an analysis of the technical work supporting the application as well as demonstrating how the scheme will deliver significant benefits.

5. Key Planning Considerations

- 5.1 Having described the site, the proposals, and planning policy context in the previous sections, it is now possible to identify and explore the main planning considerations. This section sets these out thematically and demonstrates at a high-level how the proposals will meet all of the identified planning requirements. We will also consider the findings and implications of the detailed technical work that supports the application. The following Chapter 6 provides an overview of the enabling development argument and an overview of the potential obligations that the development might attract.

Principle of Development

Policy Context – Proposed Uses

- 5.2 The above policy analysis has clearly identified that the principle of providing enhanced sporting and community facilities is supported in policy terms.
- 5.3 The library is retained within this application and therefore raises no new planning considerations.
- 5.4 We accept that in isolation, the principle of residential development of the scale proposed outside of defined settlement boundaries is not necessarily supported in policy terms however in light of the current Plan status, the design approach, lack of technical constraints, proposed mitigation measures and the enabling argument we believe that the residential element can be supported in policy terms.
- 5.5 The retail development will be of scale which will not give rise to unacceptable levels of impact and also does not trigger requirement for formal impact assessment. We would note that the use should again not be considered in isolation.
- 5.6 The Touring Caravan Park use is clearly supported under Policy MD14 – Tourism and Leisure of the emerging Plan noting a significant opportunity to bring new investment into the Vale of Glamorgan.

Benefits of Development

- 5.7 The scheme presents a unique opportunity to not only **preserve the Club for Sully and the surrounds**, but will also deliver **new high quality state of the art sporting and community facilities**. The development of the site will also deliver significant residential benefits for the area providing a range of market and affordable housing options.

- 5.8 The proposals will provide significantly enhanced grass and all weather pitches including floodlight provision. This full size all weather pitch in particular will allow **for significant intensification of use** and therefore greater potential for use by the community compared to the current position. This is fundamental to the clubs future business plan and provides obvious **benefits for physical well being and health of the local population.**
- 5.9 In addition to the sporting and changing facilities, the Club building provides significant **opportunities for community uses for events, functions, conferences and weddings.** The modern facility will provide flexible function room space on the first floor of the building.
- 5.10 The proposals will result in a significant **boost to tourism and economic spend** within Sully and the area. The caravan site will not only provide a boost to the tourism accommodation within the Vale of Glamorgan and therefore visitor spend, the scheme will also be used by the sporting clubs and visiting teams who could also provide additional economic benefits to the wider area through accommodation requirements and expenditure.
- 5.11 The scheme will also provide a **number of jobs through the construction period**, creating additional **knock on expenditure** in local economy by workers and the supply chain. Furthermore the club facility will **secure existing and create significant additional new jobs** on the site. The Club currently employ 12 staff and are predicting 25 in the new Club (made up of 6 full time and 19 part time staff). They franchise catering to a chef who employs 3 full time and 3 part time staff. The Club also contracts grounds maintenance which employs 2 part time staff. The cleaning contractor employs 3 part time staff to cover the contract. The retail units will also create a number of further job opportunities.
- 5.12 The scheme will deliver a **significant boost to affordable housing provision** within Sully. Discussions with Council Officers (discussed further in the obligations chapter below) have clearly identified a significant need for affordable units within the settlement.
- 5.13 The scheme will deliver a **significant contribution to the Council's identified housing requirement** through the provision of family led housing. Given the sites location, the scheme represents a sustainable opportunity to deliver housing whilst providing major knock on benefits (through enabling) in the form of the club facilities. The site can deliver housing in the short term providing a sustainable element of supply which will assist the Council in demonstrating a five year housing land supply, something we understand has been difficult to do recently.

Summary

- 5.14 In summary, there are clear benefits to the scheme which can only be delivered through the enabling approach which is being proposed. We are confident that the proposals therefore

accord with the policy context and where necessary, suitable mitigation measures have been incorporated into the scheme. The scheme has been informed by a significant technical evidence base and analysis of site constraints and opportunities. These are discussed further below.

Design and Appearance

Appearance & Character

- 5.15 The approach to the design principles and details of the overall masterplan and the detailed proposals for the Club, have been described in further detail within the Design and Access Statement submitted with this application.
- 5.16 As a settlement, Sully has grown predominantly through the mid-to-late twentieth century, and as such the character is primarily modern. A review of the surroundings is contained within the Design and Access Statement.
- 5.17 Since the residential element of these proposals has been submitted in outline, the specific detail regarding design, layout and appearance is yet to be determined. To counter this, the Design and Access Statement provides details of the high quality housing that St Modwen builds and the style of development that might be considered for this site.

Density / Height

- 5.18 The rationale for the height of the proposed Club building and retail unit has been explored further within the Design & Access Statement, however essentially their heights have been reduced to reflect the existing bowls building. Earlier iterations of the scheme included two storeys of apartments above the retail building which have now been removed following concerns over height.
- 5.19 The approach to residential density and height is explored further within the Design & Access Statement. We have noted above that whilst approval is being sought for upto 200 units, the reality is that a final scheme layout is likely to result in a reduced number. The Design & Access Statement provides further clarification on this matter noting for example of a range of 106 units upto 200. In reality it is expected that a final scheme will deliver somewhere in the middle of this range which is still at a reasonably low density as shown on the density parameter.
- 5.20 Residential heights are also discussed within the Design & Access Statement and defined on the heights parameter plan. Essentially the heights will be determined during reserved matters stage but the parameters plan recognises the requirement to reduce height along the coastal frontage but recognises the scope for additional height in other parts of the site.

Sustainability

- 5.21 We note that the Council doesn't have a specific set of policy standards in terms of building standards, however the scheme will be assessed through the building regulations procedure. As a whole, the scheme delivers a sustainable mixed use development within walking distance of a number of facilities within Sully. In addition the scheme provides a number of new facilities accessible by foot and cycle to those already living within Sully.

Arboriculture

- 5.22 The site is open throughout the majority of its extent, comprising open grassland and hard-standing. The few trees that are on site are located primarily at its perimeters, with a limited number located within the site itself. A tree survey has been conducted to identify the quantity and quality of the trees on the site, and also to understand the potential impacts and opportunities presented by the trees and the development.
- 5.23 The survey identified 3no. individual trees and 9no. groups of trees as informal groups and standards. The site does include Tree Preservation Orders but these are around the perimeter of the site and none are proposed for removal.
- 5.24 In terms of quality, the survey identified no 'category A' trees (being the highest quality) on the site. Three of the tree groups, and one of the individual trees were identified as being 'category b', of moderate quality with over 20 years useful life expectancy remaining. The other trees on site, including five groups and two individual trees were identified as 'category c' trees, with an estimated 10 years' useful life expectancy remaining. One group was identified as 'category u', meaning that their life expectancy would be below 10 years.
- 5.25 In relation to the outline portion of the development, until a detailed design scheme is brought forward, it will not be possible to identify the specific arboricultural impacts and mitigation. However, while a sensitive approach to the retention and strengthening of landscaping and boundaries will be needed we do not expect the scheme to cause unacceptable impacts on trees. The Arboricultural Impact Assessment discusses matters relating to trees in further detail.

Landscape and Visual Impact (LVIA)

- 5.26 The LVIA work is summarised with the submitted Appraisal document. The scheme has been informed by the findings, notably the residential building heights and the landscape proposals. In conclusion the initial LVIA work has found that only one of the landscape receptors (Sully Recreational LCA) will be subject of medium magnitude of landscape change however this is only considered to result in minor adverse, rather than significant effects on the Sully Recreational LCA. In terms of the impact on receptors outside of the site, the LVIA work

acknowledges that the scheme will provide a landscape structure within and on the boundary of the site.

- 5.27 In terms of visual effects, the initial findings conclude that these are severely restricted by boundary vegetation except for some of those which immediately adjoin the development site including the users of the coastal path. However the impacts can be minimised through planting. The small number of visual receptors viewing the shoreline from Sully Island will experience partially filtered views of the proposed development site with no significant effects. Further details can be found within the LVIA document.

Transport Assessment (TA) / Travel Plan

- 5.28 A Transport Assessment (including Transport Implementation Strategy) has been undertaken for the site proposals in consideration with the Highways Authority to agree the scope of assessment required. We would note that the maximum housing number of 200 has been used as a base for the assessment to provide a 'worse case' scenario to provide a robust position. The TA report included an audit of existing transport provision and conditions which demonstrates the site is highly accessible by sustainable modes including a bus service immediately adjacent to the site. The concerns raised during the public consultation event have been addressed through adequate on-site parking, demonstration of highway capacity and maintained access to the coastal path.
- 5.29 The TA included a detailed and robust traffic impact assessment encompassing 8 study junctions which were agreed through scoping discussions with the Highways Authority. No junction improvements were deemed necessary at the Cog Road / South Road junction as a result. However a Transport Implementation Strategy was established and is proposed within the TA which includes; travel plans for the 3 land uses; construction traffic management plans and parking management strategy including restriction on South Road to prevent retail user parking.
- 5.30 In summary, the site already generates significant movements which will be factored into the assessment. Whilst there are potential highway capacity issues in the area, the level of proposed development, sustainable location and opportunities to access the site by non-car modes of transport will not result in a level of impact which trigger significant detrimental impacts.
- 5.31 The submitted Framework Travel Plan (FTP) provides the context for the individual travel plans which will cover the residential, caravan site and club land uses. The FTP provides the overarching framework for the delivery and implementation of these three plans. A series of aims, objectives and targets are also provided within the FTP. The FTP then provides a series of proposed initiatives for the three plans as well as details of monitoring.

Flood Risk and Drainage

- 5.32 The site is located within Flood Zone A, placing it at a low risk of flooding from fluvial, tidal and reservoir sources. As such, based upon the guidance set out within TAN15 there is no reason, by way of flooding, why the proposed uses are incompatible with the application site.
- 5.33 Taking account of the site's coastal location, while it is not currently considered to be at risk of tidal flooding, the impact of climate change has been considered. Based upon the approach set out within Natural Resources Wales' guidance, this has been considered across a 100 year lifespan for the development. In summary, even accounting for sea level increases from climate change, the site would remain comfortably outside of risk of tidal flooding. The Flood Consequence Assessment submitted with this application presents a further discussion of these matters.
- 5.34 Regarding surface-water flood risk, the Environment Agency also places the site almost wholly at a low to very low risk of surface water flooding, with a general topography and level that sees surface water flow naturally from the north-west to south-west corners of the site. A very small portion of the site at the south-western corner is susceptible to a high risk of surface water flooding. In terms of recommendations, the report notes the requirement to make residents aware of the residual risk related to splash flooding during extreme storm events.
- 5.35 Despite the low levels of flood risk, consideration has been given towards ensuring that surface water and foul water drainage is acceptable and sustainable. With the increase in built development and hard-standing proposed, this is an important consideration to ensure that the development does not increase or exacerbate the risk of flooding elsewhere, and that surface water is channelled and discharged sustainably. Following a review of the site and its conditions, it is proposed to manage the discharge of surface water flows through a positively drained network, with an outflow to coastal waters. This could incorporate 'interception' storage to manage outflow during storm events.
- 5.36 Foul water is proposed to be discharged through a new foul sewer system within the site. This system is proposed to connect to the existing foul network and outfall into the existing Welsh Water Pumping Station.

Ecological Impact Assessment / Wetland Bird Survey

- 5.37 An Ecological Impact Assessment has been undertaken for the site which notes that the majority of the main habitats within the site are considered to be of negligible nature conservation value. As noted within the Habitat Regulation Assessment section, Sully Island is part of the Severn Estuary international designations (Ramsar and SPA) and is also an SSSI. The boundaries are 450m south of the application site. The Ecological Assessment has concluded

that there will be no direct impacts on Sully Island and site layout and design means that the the indirect impacts can be ruled out.

- 5.38 There is some limited potential for bat commuting and roosting and nesting birds. Ecological Management Plan measures will also be implemented. Site clearance methodologies can be put in place to ensure any risks or impacts can be minimised. Therefore in summary the assessment has concluded that there are no significant residual effects on any identified receptors. The Ecological Assessment therefore concludes that the taking into account the proposed design and committed mitigation, there are considered to be no significant impacts on any receptors of site level nature conservation value or above.
- 5.39 Desk study data suggests Sully Island is used as a high tide roost site by overwintering waterbirds. Initial ecological assessment of the scheme proposals would suggest there is unlikely to be any significant disturbance impacts to overwintering birds on Sully Island, however for completeness winter bird survey work was undertaken during the months of December 2014 to March 2015. Surveys were carried out on or around the highest spring tide each month.
- 5.40 The surveys found five species of waterbird using the site plus a number of species of gull. Given much of the site will remain as sports fields post development, long term significant impacts is unlikely (this includes on the identified Curlew who are principally affected by the loss of grassland). Given the background levels of disturbance from the amenities in this area, it is unlikely construction disturbance to roosting birds on the island will significantly affect birds roosting on the island. Therefore in summary the findings to date indicate that there will be no unacceptable level of impact with regards to bird species.

Geology and Ground Conditions

- 5.41 The application package includes a Geo-Environmental Interpretative Report; a Phase 1 Desk Study Report and a Factual Ground Investigation Report reporting the findings from exploratory bore holes on the site. The findings have concluded that there are localised areas of Made Ground within the site associated with former buildings; a small in-filled quarry; earthworks around pitches and potential unrecorded activities. In summary, there are not considered to be any significant findings in terms of contamination or ground conditions which raise any issues of significant concern that cannot be mitigated through standard practice.

Heritage and Archaeology

- 5.42 A Desk Based Archaeological Assessment (prepared by The Gwent Glamorgan Archaeological Trust - GGAT) has confirmed that the site does not contain any listed buildings or scheduled ancient monuments. The Desk Based Assessment has identified 11 potential

points of interest within the site with a potential major effect on three, minor effect on one and none on the remaining. The three points that suffer a major effect are deemed to be low in terms of rarity.

- 5.43 In terms of mitigation, the report identifies further investigation of five of the identified features to comprise a level one building survey for two features and an archaeological watching brief for the remaining three. GGAT has confirmed that these mitigation measures however are not required pre planning determination and can be dealt with via an appropriately worded condition.
- 5.44 In terms of indirect effects of the development on archaeological sites, it is considered that there will be a 'slight' effect on the Danish Fort, Sully Island.

Utilities / Drainage Strategy

- 5.45 A Utility Feasibility Report has been prepared and survey undertaken. A foul sewer main runs through the site (as shown on the constraints plan) but this will be incorporated into the scheme. A drainage outfall also exists in the cliff face below the site. The report has not identified any significant utility constraints. We would also note that the report has been prepared based on the maximum provision of 200 dwellings so in reality the capacity requirements will be lower once the final scheme comes forward.
- 5.46 The Drainage Strategy Report provides clarification of the intended strategy across the site. Stormwater discharge will not need to be attenuated as the intended discharge is to coastal waters and will increase flood risk downstream. However a positive drainage system will be required to convey surface water to the coastal outfall. The Council has requested at least one surface water treatment stage prior to discharge to be provided through SUDS. Therefore these will drain to the coastal outfall. A new foul sewer system is required and is expected to connect to the existing pumping station situated adjacent to the south west corner of the site.

Noise

- 5.47 A Noise Impact Assessment has been undertaken to provide a baseline noise survey and an impact assessment in relation to the release of land associated with the proposed development at the site. The Assessment identifies potential mitigation for the residential development which will be need to be considered at the reserved matters stage. In terms of construction noise, the Assessment finds that provided adequate mitigation measures and best practice techniques are employed then the potential for impacts are reduced. These will be considered in further detail prior to construction and we would envisage a condition requiring a Construction Environmental Management Plan.

Summary

- 5.48 The above chapter has summarised the key benefits of the scheme which provide a clear justification for overriding any identified planning policy constraints in terms of development in this location. The chapter has also demonstrated that the scheme has been informed by an extensive assessment of technical issues which have been informed by a series of pre application discussions with the relevant statutory bodies. The resultant findings have demonstrated that the scheme fully accords with the relevant technical policy considerations set out within the previous chapter and there are no technical planning reasons to warrant a refusal of the scheme. The following chapter provides an overview of the enabling argument, business case and potential planning obligations.

6. Business Case & Planning Obligations

Enabling Argument

- 6.1 Whilst both elements of the scheme have clear benefits in their own right, the application is submitted on the basis of an enabling argument i.e. the residential development is required to support the Club facilities. Without the residential development, the Club facilities will not be delivered and the Club's future is in doubt.
- 6.2 We would note that the residential element on its own presents clear benefits in terms of providing affordable and market housing in the settlement we would also note that it provides a sustainable form of development which could be considered acceptable in light of the current policy hiatus and potential shortfall of five year housing land supply.

Business Plan and Viability Appraisal

- 6.3 The enabling argument is backed up by a Business Case to be submitted on a confidential basis with the planning application package. The Business Case has been prepared by specialist advisors Sports Solutions who have worked closely with the Club to prepare a Business Plan going forward. The Plan includes full breakdown of the costs of the new facilities and the required incomes going forward. The retail and campsite elements are also fundamental elements of the Business Plan as they provide revenue streams for the Club who will retain control of these elements.
- 6.4 The Business Case is informed by a valuation exercise undertaken for the residential component of the scheme which provides the capital receipt which will fund the Club facilities and pitches. Therefore the obligations attached to the residential component are key to wider ability to deliver the Club elements.
- 6.5 We envisage further discussions with Officers and the District Valuer (if necessary) to run through the Business Plan and viability appraisal work during early stages of consideration of the application.

Affordable housing

- 6.6 Pre application discussions were held with the Council's Affordable Housing Officer who noted the current requirements for the site on the basis of a 200 unit scheme:
- 35% provision (based on draft Deposit LDP 2013)
 - 80/20 split in favour social rent/intermediate

- Need focused on 1/2 beds approx. 60% 1 beds and 30% 2 beds (weight towards dwellings not 2 bed flats)
- Preference for walk up units (own door not high rise i.e. not Taylor Wimpey 3 storey at Rhoose Point)
- No specific pepper potting targets but spread around site and no cul de sacs for affordable units
- Example of 200 units in Sully would suggest potential split as:
 - 70 AH units comprising:
 - 56 social rent with approx. 6no. 3/4 bed dwellings and 50no 1/2 beds.
 - 14 intermediate 2 bed dwellings

6.7 The Officer noted that the above needs were identified in the 2010 Local Housing Market Assessment (LHMA) but they reported that a new LHMA report, due to be published in 2015, shouldn't change the position on current need in Sully or requirement for 80/20 split.

6.8 At the time of writing we note that the Council (Full Council 24 June 2015) had approved a set of Focused and Minor Changes to be issued for consultation in late July 2015. These include a potential uplift for affordable housing from 35% (Deposit Plan) to 40%. We would also note however that the adopted UDP doesn't include a specific percentage requirement but a district wide target is required within the Planning Obligations SPD of 30%.

6.9 On the basis of the pre application discussions the scheme has been submitted with an assumption of 35% affordable housing provision. However at this stage the offer is subject to the wider discussions on site wide viability and the implications for the business case. We also note that there is not a fully adopted policy requirement at this stage. The exact tenure mix and unit sizes will also be determined through the reserved matters stages but further discussions will take place through the drafting of any legal agreement associated with this application.

Other Planning Obligations

6.10 We have reviewed the Council's Planning Obligations Supplementary Planning Document which we understand is still used as a basis upon which to assess obligations required from a development. The table below summarises the potential requirements arising from a 200 unit scheme. However in light of the future considerations in terms of assessing the Business Plan and the viability case, we would stress that **the below is shown for illustrative purposes only at this stage and are therefore not formal offers. In addition we would note that they are based upon the maximum number of 200 dwellings and therefore any Section 106 will need to be suitably worded to ensure that the contributions are based upon the final number of dwellings.**

Obligation	Trigger	SPD Provision	Commentary
Affordable Housing	-	Discussed above	
Open Space / Recreational Provision	Threshold 5 units.	<p>Planning Obligations SPG / Adopted UDP (Policy REC3) requires 55.4 sqm public open space per dwelling (also refer to Amenity Standards SPG) .</p> <p><u>Therefore 200 dwellings requires 11,000 sqm (1.1ha) public open space</u></p> <p>SPG also sets out recreational provision: 4.56 sqm children play per dwelling 13.68sq other play space per dwelling</p> <p>Therefore 1 LAP per 22 dwellings / 1 LEAP per 88 new dwellings / 1 NEAP per 220 dwellings.</p> <p>36.48 sqm outdoor sport per dwelling</p> <p><u>Therefore 200 units = 2 LEAPs plus sports provision of 7,296 sq.m. (or specific facilities as triggered in SPG).</u></p>	In light of the sporting facilities and open space proposed as part of the application we would propose that these obligations are not required. The indicative layout for the residential scheme includes a LEAP.
Education	Threshold 10 units	<p>Pre App response (June 14) indicated £10,945.55 per dwelling for nursery/primary and secondary.</p> <p><u>Therefore 200 units = £2.19m</u></p>	<p>School capacities to be confirmed.</p> <p>Provision from affordable units tbc.</p>
Community Services – inc Libraries	Threshold 25 units	<p>Pre App response (June 14) indicated 0.75 sqm community floor space per dwelling if on site provision or £988.50 per dwelling if off site.</p> <p><u>If all off site then request for 200 units = £197,700</u> <u>If on site 0.75m per dwelling = 150 sqm</u></p>	<p>Again community facility inc library retention and community use of Club to discount from S106.</p> <p>Provision from affordable units tbc</p>
Cycle/ Footpath links / PROW	Threshold – site specific	<p>Discussions with Highways required to ascertain exact requirements for off site infrastructure upgrades if any.</p> <p>Discussions with PROW officer re</p>	Relationship with travel plan and sustainable development below to be discussed.

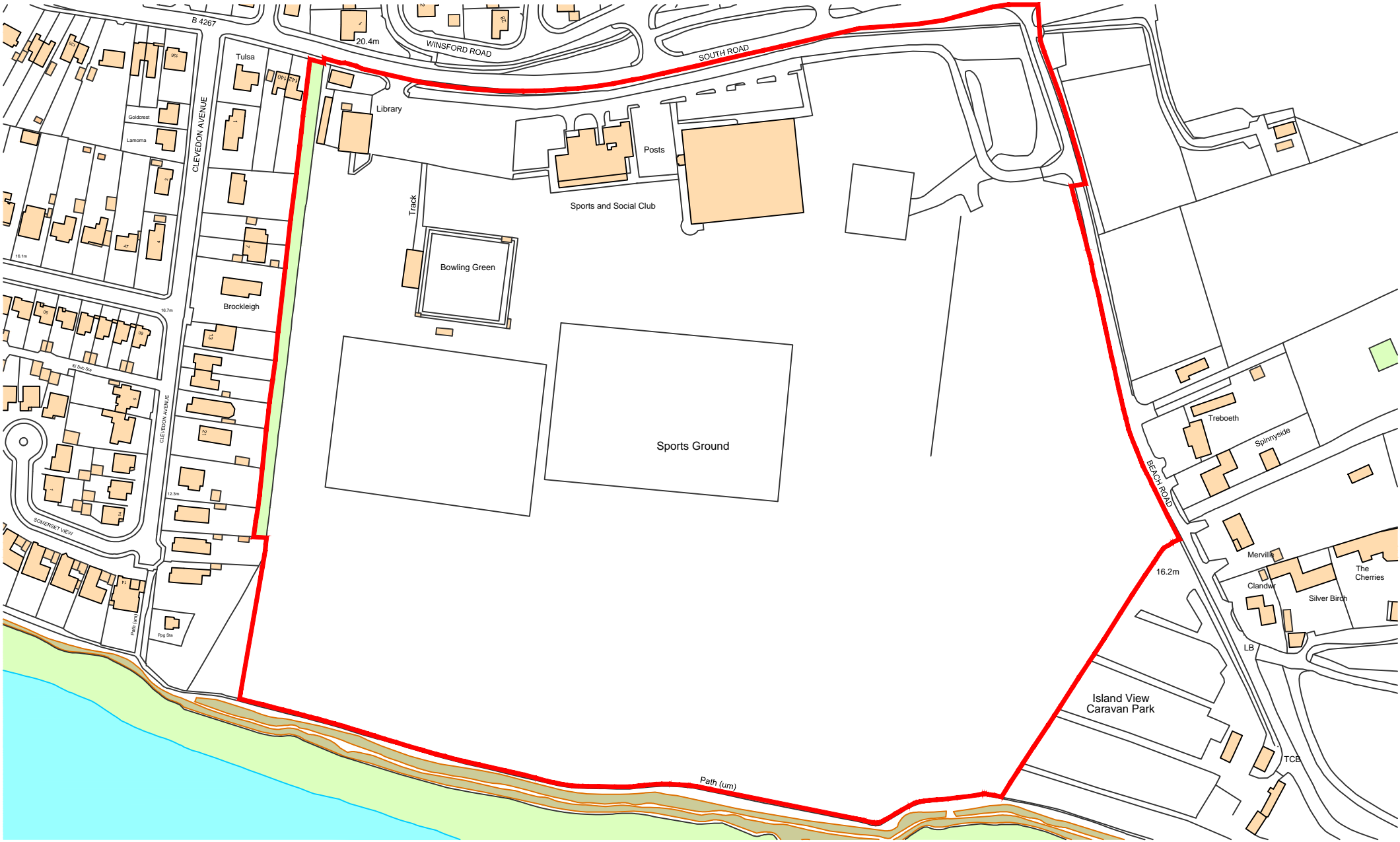
		footpath (to be retained).	
Sustainable Transport	Threshold 10 units	<p>Adopted UDP policies 2/7/EN27/REC12/TRAN9. Obligations and Sustainable Development SPGs require contributions.</p> <p>Pre App response (June 2014) noted VoG Formula developed which seeks £2,000 per dwelling.</p> <p><u>Therefore 200 units = £400,000</u></p>	<p>Relationship with travel plan below to be established and any off site works discussed above.</p> <p>Contribution from affordable housing tbc</p>
Travel Plan	<p>Threshold 10 units</p> <p>Potential requirement for residential and sports club travel plans (1,000 sqm trigger)</p>	Requirement for travel plans. Note framework submitted which proposes travel plans for each main land use.	Link with above sustainable transport and links issues.
Other Highways Infrastructure	Threshold site specific	Upgrades to highways network (excluding pedestrian/cycle access) to be discussed. Potential for dealing with via S278/Grampian conditions rather than S106 but tbc as necessary.	Works proposed in light of Transport Assessment findings.
Public Art	<p>Threshold 10 units</p> <p>1% project build costs</p>	On site or off site payment	-
Ecology	Potential requirement for ecological habitat mitigation		Will depend on findings but no obvious considerations.
Landscape / drainage management	To be agreed if VoG accept management company.	Management arrangements for open space and drainage to be included in S106 – proposed via management company.	Expect a management company to manage the landscaped and ecological areas. A service charge from residents will be required.
Monitoring Fee	Based on total S106 contributions or planning app fee.	2% of total financial contribution or 20% of planning application fee whichever is greater.	Legal case law suggests no longer valid requirement.
TOTAL CONTRIBUTION		Total contribution = £TBC	

7. Summary and Conclusions

- 7.1 The scheme presents a unique opportunity to not only preserves the Club for Sully and the surrounds, but will also deliver new high quality state of the art sporting and community facilities. The development of the site will also deliver significant residential benefits for the area providing a range of market and affordable housing options. We have demonstrated above that the scheme does not give rise to any technical planning constraints and the location is sustainable. For the reasons explained below we have also demonstrated why the benefits of the proposals overcome any initial policy constraints in terms of residential development in this location.
- 7.2 In addition to the sporting and changing facilities, the Club building provides significant opportunities for community uses for events, functions, conferences and weddings.
- 7.3 The proposals will result in a significant boost to tourism and economic spend within Sully and the area. The caravan site will not only provide a boost to the tourism accommodation within the Vale of Glamorgan and therefore visitor spend, but the scheme will also be used by the sporting clubs and visiting teams who could also provide additional economic benefits to the wider area through accommodation requirements and expenditure.
- 7.4 The scheme will also provide a number of jobs through the construction period, creating additional knock on expenditure in local economy by workers and the supply chain. Furthermore the club facility will secure existing and create significant additional new jobs on the site.
- 7.5 The scheme will deliver a significant boost to affordable housing provision within Sully. Specifically it will deliver a significant contribution to the Council's identified housing requirement through the provision of family led housing.
- 7.6 In summary, there are clear benefits to the scheme which can only be delivered through the enabling approach which is being proposed. We are confident that the proposals therefore accord with the policy context and should be supported by the Local Planning Authority.



Appendix I Site Red Line



Revisions

Job Title
Sully Sports Ground
Client
St Modwen and Sully Sports and Social Club
Drawing
Location Plan

Project No. Drawing No. Rev Scale
3773 (08)001
Date Drawn/Checked gm/rg Status planning

Quayside
40 Howell Road
BRISTOL
BS8 4LQ
T +44 (0) 117 3169 467
E mailbox@arturus.co.uk
W www.arturus.co.uk





Appendix II Inspectors Report & Decision Notice

Y Swyddfa Gymreig

Parc Cathays
Caerdydd CF1 3NQ



Welsh Office

Cathays Park
Cardiff CF1 3NQ

Telex 498228

Telephone (Switchboard) 0222 825111 GTN Code 2064
(Direct Line) 0222 82

Messrs Gerald Eve
Hastings House
Fitzalan Court
Newport Road
CARDIFF
CF2 1BL

Ein Cyf/Our reference
APP 72/20

Eich Cyf/Your reference

Dyddiad/Date

30th June 1993

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990: SECTION 78
APPEAL BY B P CHEMICALS LTD
PROPOSED RESIDENTIAL AND SPORTS DEVELOPMENT ON LAND AT BP SPORTS
GROUND, SOUTH ROAD, SULLY**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Mr P V Farrow Dip TP MRTPI, who held a local inquiry into your clients' appeal under Section 78 of the 1990 Act against the decision of the Vale of Glamorgan Borough Council, as local planning authority, to refuse planning permission for comprehensive development for residential purposes and sports club uses, together with ancillary works including an off-site sewer, on land at the BP Sports and Social Club, South Road, Sully.
2. The Inspector's conclusions are set out at paragraphs 7.1 - 7.13 of his report, a copy of which is enclosed, and those paragraphs are reproduced at Annex A to this letter. He recommends that the appeal be dismissed.
3. As regards the residential development, the Secretary of State notes that this would be contrary to a number of development plan policies. Whilst discounting the Inspector's suggestion that the site should be treated as being within a coastal zone the Secretary of State nevertheless agrees with his other conclusions and accepts his recommendation. Accordingly the Secretary of State hereby dismisses your clients' appeal.
4. Copies of this letter have been sent to the the Director of Legal and Administrative Services, Vale of Glamorgan Borough Council and the Chief Executive, South Glamorgan County Council.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'H R Bollington'.

H R BOLLINGTON
Authorised by the Secretary of State
to sign in that behalf

Enc: Leaflets 'HC' and 'H'

LETTER

DATED: 30 JUN 1993

REF: APP 72/20

CONCLUSIONS

NB In this section of the report references contained in parentheses thus [] relate to the source on which I have drawn.

From the foregoing I have concluded:-

7.1 Policy H1 of the structure plan provides for the development, for housing, of sites (within and adjoining the urban areas of Cardiff, Barry and Penarth) other than those specifically allocated [4.9]. The Secretary of State's definition of a "minor" site in Cardiff (ie 10ha) clearly does not apply. If any of those definitions are relevant it would be that for Barry and Penarth (ie 4 ha) [4.13] - as the appeal site is situated between those 2 towns [Doc 10 WT1]. At 6ha the residential element of this proposal is 2ha larger than is considered appropriate in Penarth and Barry and it would be a significant addition to the east side of Sully. However, the Secretary of State advised that his definition should be interpreted flexibly [3.1], planning permissions have been granted in and around Barry and at Rhoose on sites larger than 4 ha [Doc 25] and I saw some of these. Whilst in all cases there are circumstances which distinguished those cases from the appeal site, I do not consider that the application of structure plan Policy H1 would alone justify the refusal of planning permission in respect of the appeal proposal.

7.2. Policy EV4 (of the structure plan) establishes a presumption against development in the urban fringe areas of Cardiff, Barry, Penarth, and Dinas Powys [3.9 & 4.11]. Whilst the appeal site may not abut any of those towns it is within the general area contained by them and, on the same basis as the appellants argue that Policy H1 is probably applicable [3.8], I consider that this policy is also relevant.

7.3 As the appellants pointed out the structure plan key diagram [Doc 6] does not contain a notation (in the key) for Policy EV4. Instead, Policy EV4 is indicated by the notation "EV4" at intervals around the edges of urban areas. However, those notations are at intervals and, having read the policy and looked at the key diagram (and especially the spaces between the "EV4" notations and the coast) it would be unreasonable to interpret the key diagram other than as Policy EV4 applying to the east side of Sully.

7.4 The letter approving the 1st Alteration of the Structure Plan refers to the Secretary of State's concern, expressed in 1980, that it is essential to avoid urban sprawl and the fusion of the built up areas of Cardiff, Penarth, Barry and Dinas Powys [4.15]. The objective of Policy EV4 is

to prevent the coalescence of those 4 towns. Notwithstanding that there is an area of open countryside area between Sully and Penarth which has been designated as a "countryside conservation area", it would be perverse if the Secretary of State's objective was undermined, not by the spread of the 4 towns, but by sprawl from, and/or the fusion of, towns and villages between them - in this case Sully and Swanbridge.

7.5 The various maps and aerial photographs [Doc 10] confirm what is apparent on the ground, that the appeal site is the only gap between Sully and Swanbridge. The illustrative layout [Doc 10 WT6] shows that there would be the proposed 2 storey clubhouse, car park and the playing fields in what would remain of that gap. The clubhouse would be only about 90m [Doc 10 WT6] from the nearest house in Swanbridge (Treboath) and elsewhere there would be only about 160/170m between the proposed housing and a caravan site. From the coastal footpath (Footpath No 4) and Sully Island the existing development on the north side of South Road is not easily seen due to the houses being on land which is generally lower than South Road, trees and other vegetation (including the hedge along the northern boundary of the appeal site) [2.3]. Although the proposed playing fields would be in front of the proposed housing [Doc 10 WT6] I consider that it would be very conspicuous until any planting became substantial and, being so close to the sea, that may take some time.

7.6 Policy 8 of the Barry-Penarth Coastal Area Local Plan clearly seeks to prevent unnecessary residential development on the coastal frontage except when ancillary to certain recreational uses [4.17]. The site is not within one of the designated recreational areas and it adjoins the coast [4.18]. The appellants argued that the coastal frontage would remain open [3.3 & Doc 10 WT6]. However, if permitted, the proposal would bring housing much closer than it is now (in places to within 120/130m of the cliff top footpath) and it would be seen across a narrow belt of playing pitches. At present the housing to the north of South Road is well screened and much further away [Doc 10 WT6]. Therefore, whilst if there were a particular housing need the application of this policy may not alone justify the refusal of planning permission for some housing in the northern part of the site the application of this policy adds weight to the balance against this appeal

7.7 Whilst the site is not within the area of the East Vale Local Plan, as it adjoins the appeal site on 2 sides, it is a material consideration [4.19]. Policy H1 of that plan establishes a presumption against any residential development which would extend Sully - unless required for agriculture or forestry. Clearly this proposal is not related to either of those uses, it would extend Sully and would be contrary to the objective of the policy.

7.8 Although paragraphs 1.6 and 1.7 of PPG 20 offer advice on the definition of "coastal zones" that is something

to be undertaken as a part of the preparation of a local plan. Nevertheless, I have considered whether the appeal site would be appropriate for inclusion in a "coastal zone" designated in accordance with PPG 20 and therefore subject of the policy advice contained in that document. Because the Barry-Penarth Coastal LP was adopted some 9 years prior to the publication of PPG 20 I consider that it would be inappropriate to to apply its "coastal zone" in the context of PPG 20. However, because in para 1.7 of PPG 20 it states that "such zones may include areas which are directly visible from the coast", I consider that it would be appropriate to consider the site as if it were in a "coastal zone", pending the adoption of a district wide local plan.

7.9 Therefore, notwithstanding that PPG 20 also states that "coastal zones" may, where there are cliffs, be quite narrow, I consider that the general thrust of the whole document leads to the conclusion that development not requiring a coastal location should not be allowed on this site where the maritime influence is great.

7.10 Although the appellants stated that their original proposals (Plan B) would offend LP Policy 8 in December 1991 [3.12] (before the introduction of Plan B) the County Council said that there are no strategic objections to the proposed development [Doc 12 appendix v].

7.11 Whilst a coastal position and a sea view would be an advantage to the site as a location for housing, especially good quality housing, those considerations do not outweigh the public interest in keeping coastal locations free from unnecessary development.

7.12 The proposals would maintain the same number of playing pitches and a new clubhouse would be provided [3.2 & 3.3]. Thus, as the council did not claim any particular shortage of playing fields in Sully the proposal appears to strike a reasonable balance in terms of the advice contained in PPG 17. There would be some "gain" by relieving the existing sewerage system [3.3] and the "calming" traffic at the South Road/Beach Road junction [3.18]. There is a 5 year supply of land and the appellants did not claim that any special considerations should apply [3.7]. However, it should also be noted that PPG 3 (Wales) states that where such a supply is shown to exist the weight to be attached to policies in the plan will be strengthened. Without prejudice to their case the council suggested a number of conditions which they had previously "agreed" with the appellants [Doc 22].

7.13 Therefore, whilst the proposal may have some merits I do not consider that they outweigh the substantial policy objections which have been identified or that they are capable of being overcome by any planning conditions, including those agreed by the principal parties.



RIGHT OF APPEAL TO THE HIGH COURT

1. The decision of the Secretary of State, or his Inspector, on any of the appeals or objections listed in the appendix to this leaflet may be challenged in the High Court in accordance with the provisions of either Section 288 or Section 289 of the Town and Country Planning Act 1990.

Procedures

Section 288

2(i). Any challenge against an order or a decision covered by this Section must be made within 6 weeks from the date on which the order is confirmed or takes effect or the date of the decision. As that period is specifically stated in the Act it cannot be extended by the Secretary of State or the Courts. Consequently, any decision or action not challenged within that period is, as far as the 1990 Act is concerned, unimpeachable.

2(ii). A challenge may be brought under this Section only on the grounds that

(a) the action was not within the powers of the 1990 Act (this includes, for instance, failure to take into account material considerations); or

(b) there has been a failure to comply with any of the relevant requirements (see paragraph 4 below).

Section 289

3(i). The procedures for challenging decisions covered by this Section are governed by rules of Court. These, in turn, require that the leave of the High Court be obtained in order to challenge any of the decisions covered by the Section. Notice of application for leave to appeal has to be submitted within 28 days of the decision challenged or good reason has to be shown to the Court why the notice was not lodged within that period. If leave to appeal is granted Notice of Motion has to be lodged and served within 7 days of the decision to grant leave.

3(ii). A challenge under this Section may be made only on a point of law.

Appeals and decisions covered by Section 288 of the 1990 Act

- (a) Revocation and modification orders (Section 97 of Act);
- (b) Discontinuance orders (Section 102 of Act);
- (c) Tree preservation orders (Section 198 of Act);
- (d) Orders defining Areas of Special Advertisement Control (Section 221(5) of Act);
- (e) Discontinuance, prohibition and suspension orders in respect of mineral workings (paragraphs 1, 3, 5 and 6 of Schedule 9 to Act);
- (f) Decision on planning merits of called-in applications (Section 77 of Act);
- (g) Appeals under Section 78 of the Act;
- (h) Decision of Secretary of State to confirm completion notice (Section 95 of Act);
- (i) Decision on appeal ground (a) on enforcement appeal (Section 177 of Act);
- (j) Any decision of Secretary of State on a purchase notice (Section 141 of Act);
- (k) Any decision on appeal in respect of certificate of lawfulness of existing use or development or certificate of lawfulness of proposed use or development (Section 195 of Act);
- (l) Any decision made by Secretary of State in respect of tree preservation orders; and
- (m) Appeals against refusal of express consent or the issue of a discontinuance notice (Regulation 15 of 1992 Advertisement Regulations).

Appeals covered by Section 289 of the 1990 Act

- (a) Any decision of the Secretary of State on an appeal against an enforcement notice except that relating to the deemed planning application (Section 174 of Act); and
- (b) Any decision of the Secretary of State on an appeal against a notice enforcing the terms of a tree preservation order (Section 208 of Act).

Relevant requirements

4. The "relevant requirements" referred to in paragraph 2 above are the requirements of the Town and Country Planning Act 1990 or the Tribunals and Inquiries Act 1971 (or any other enactment replaced thereby) and the requirements of any order, regulation or rules made under those Acts. These include

- (i) The Town and Country Planning (Inquiries Procedure) Rules 1992 [SI 1992 No 2038];
- (ii) The Town and Country Planning Appeals (Determination by Inspectors)(Inquiries Procedure) Rules 1992 [SI 1992 No 2039];
- (iii) The Town and Country Planning (Enforcement)(Inquiries Procedure) Rules 1992 [SI 1992 No 1903];
- (iv) The Town and Country Planning (Enforcement Notices and Appeals) Regulations 1991 [SI 1991 No 2804];
- (v) The Town and Country Planning (Enforcement Notices and Appeals)(Amendment) Regulations 1992 [SI 1992 No 1904];
- (vi) The Town and Country Planning (Control of Advertisements) Regulations 1992 [SI 1992 No 666];
- (vii) The Town and Country Planning (Appeals)(Written Representations Procedure) Regulations 1987 [SI 1987 No 701].
- (viii) The Town and Country Planning (Inquiries Procedure) Rules 1974 [SI 1974 No 419]

Where to send notice of appeal

5. The originating motion (in respect of Section 288 cases) or the application for leave to appeal (in respect of Section 289 cases) should be lodged at the Crown Office, Royal Courts of Justice, The Strand, London WC2A 2LL within the time limits outlined in paragraphs 2 and 3 above. Notice of the motion or application and any supporting documentation should be served on the Secretary of State via The Treasury Solicitor, Queen Anne's Chambers, 28 Broadway, London SW1H 9JS.

Any person who thinks that they may have grounds for appealing to the High Court is strongly recommended to seek legal advice before taking such action.

APPLICATIONS UNDER SECTION 77

APPEALS UNDER SECTIONS 78(1)



LEAFLET H

**WELSH OFFICE
CATHAYS PARK
CARDIFF
CF1 3NQ**

Right to inspect documents

Under the provisions of rule 17 of the Town and Country Planning (Inquiries Procedure) Rules 1992 any person entitled to be notified of the decision given in the accompanying letter and who has received a copy of the inspector's report may apply to the Secretary of State within 6 weeks of the decision for an opportunity of inspecting any documents appended to the inspector's report. Any application under this provision should be sent to the address from which the decision was issued, quoting the Department's reference number shown on the decision letter and stating the date and time (in normal office hours) when it is proposed to make the inspection. At least 3 days notice should be given, if possible.

VALE OF GLAMORGAN BOROUGH COUNCIL

APPEAL

by

BP CHEMICALS LTD

Town and Country Planning Act 1990

Section 78

Inspector: P V Farrow Dip TP MRTPI

Date of Inquiry: 27, 28 and 29 October 1992

File No: APP 72-20

Welsh Office
Cathays Park
CARDIFF

4 December 1992

To the Right Honourable David Hunt MBE MP
Secretary of State for Wales

Sir

1.1 I have the honour to report that on 27, 28 and 29 October 1992 I held an inquiry at The Council Offices, Barry into an appeal by BP Chemicals Ltd against the decision of the Vale of Glamorgan Borough Council to refuse outline planning permission for the comprehensive development for residential (approx 20 acres) and sports club (approx 17 acres), together with ancillary works including an off-site sewer on land off South Road, Sully.

1.2 This report includes a description of the appeal site and its surroundings, the gist of the representations made at the inquiry, my conclusions and recommendations. Lists of appearances, documents and plans are attached.

1.3 The outline planning application was accompanied by a layout plan (Plan B) which was stated to be for "illustrative purposes only". Prior to the inquiry the appellants sent an alternative layout plan to the council and at the inquiry they asked that this be taken as being illustrative of their revised intentions (Doc 10 WT6). Whilst the council did not resist this they asked for the inquiry to be adjourned so that they may seek the views of their elected members. As the revised layout plan had been sent to the council on 29 September 1992, some 4 weeks prior to the inquiry I considered that they had had sufficient time for such consultations and, as the application is for outline planning permission, I refused the request for an adjournment.

SITE DESCRIPTION

2.1 The site extends to about 14 ha (34.5 acres). It has frontage to the south side of South Road (northern boundary) of about 353m and to Beach Road (eastern boundary) of about 274m. Along the western boundary are the rear gardens of the houses and bungalows which front Clevedon

Avenue and to the south low cliffs and a rocky seashore. The site is presently occupied by a range of sports pitches (2 rugby, 2 soccer and a cricket square), a bowling green, car park and a large clubhouse. In the north-western corner are a range of single storey buildings which serve as changing rooms. The site is generally level but it falls from South Road to the top of the cliff edge by about 12m. A public footpath (No 4) runs along the cliff edge from the housing area (to the west) to the settlement of Swanbridge (to the east). Except where views are restricted by the clubhouse and a hedge around the bowling green the sea is visible from all parts of the appeal site.

2.2 Along the northern boundary (the South Road frontage) there is a row of conifers which are cut as a hedge (2.5/3m high). A row of trees along the western side of the site are covered by a TPO (Doc 13).

2.3 From Sully Island, which can be reached at low water, the site can be seen as an undeveloped gap between Sully and Swanbridge (Doc 10 WT 2 and WT 3). The development on the north side of South Road is obscured from view by the conifer hedge along the northern boundary of the site and other trees planted as a part of that development. Moreover, some of those dwellings are also at a slightly lower level than South Road.

THE CASE FOR THE APPELLANTS

The main points are;

3.1 From PPG 1 it can be concluded that the appeal proposal should be tested against the provisions of the development plan.

3.2 The appeal proposal provides for the relocation of all of the existing playing pitches, the bowling green and the erection of a new and better equipped clubhouse, changing rooms and a car park for 104 cars and 4 coaches. Original consideration of the scheme concluded that about 6.8ha (17acres) would be required to relocate the existing recreational facilities, leaving about 8.0ha (20 acres) for housing development (Plan B). However, further consideration has resulted in the revised scheme (Doc 10 WT6) which leaves some 8.2 ha (20.5 acres) for recreational use and only about 6.4ha (16.5 acres) would be developed for housing - at a density of 8 dwellings/acre. Substantial planting would be provided along the southern/eastern edge of the new housing area and a less barren appearance would result. The overall impact of the new development on the existing landscape would therefore be small. A number of photographs (Doc 10) together with a detailed appraisal of them (Doc 10 Section 6) are provided.

3.3 The advantages of the revised proposals are;-

(a) The housing would be along the northern and western sides of the site adjacent to, and rounding off, existing development.

(b) Only one vehicular access would be required, enabling the existing access to South Road to be closed.

(c) Open areas along the sea front and along Beach Road would be retained. These would act as a buffer between the proposed housing and the coast. The new housing would also be well related to the existing housing north of South Road and west of the site (Clevedon Ave).

(d) The public footpath along the cliff edge would continue to have playing fields along one side.

(e) Improved facilities could be provided in the new clubhouse.

(f) The proposed rising main could help to resolve existing problems.

3.4 In considering the appeal reference should be made to government policy in particular:-

PPG 1

PPG 3 (Wales) - paragraphs 12, 13, 15, 28, 46, & 56

PPG 12 - paragraphs 5.21 to 5.40

PPG 16 - paragraphs 6 and 30

PPG 17 - paragraphs 3, 4, & 42

3.5 In PPG 3 (Wales) it is stated that the more sites local planning authorities identify the better, and that housing sites should be well related to existing development and be well integrated with the existing settlement pattern.

3.6 It is considered that the grant of planning permission in this case would accord with the guidance of PPG 3 (Wales) as the housing would fully integrate with the existing settlement pattern and form a natural rounding off of the existing housing to the north and west. Moreover, those parts of the site which would provide views of the sea, across the playing fields, would be suitable for good quality housing as identified in paragraph 15 of PPG 3 (Wales).

3.7 Doc 18 which has been agreed with the council sets out the housing land supply position. Whilst this does not demonstrate that any special considerations need to be taken into account, it is considered that there is a need for housing land to be made available.

3.8 In 1980, when approving the structure plan, the Secretary of State (Doc 9 - JB12) stated that the definitions

he provides in respect of Policy H1 should be interpreted flexibly. Sully is not specifically mentioned in Policy H1, thus it is not clear whether the provision for "minor" sites is applicable in this case. However, having regard to some planning permissions granted elsewhere (eg Rhose) and in excess of the defined sizes (eg Barry) it probably does and it is considered that the grant of planning permission in this case would not conflict with that policy.

3.9 Structure Plan Policy EV4 states that in urban fringes there will be a presumption against development in a rural area and it seeks to restrict development in urban fringe areas. This policy specifically refers to Cardiff, Barry, Penarth and Dinas Powys but not Sully. Furthermore, on the Key Diagram which indicates the general location of policy areas no such indication is given that Policy EV4 relates to the appeal site. The appeal site is not "rural" in character and for all of those reasons this policy should not be applied to the appeal site.

3.10 Policy 1 of the Penarth - Barry Coastal Local Plan is more specific (Doc 9 JB6). It identifies the beach/cliff top region as being within a "Coastal Conservation Zone" and it states that where there is a footpath along the top of a cliff (as in this case) the inland extent of the coastal zone is identified by the footpath. The proposals do not envisage any development within the designated coastal zone and therefore the proposal accords with this policy.

3.11 Policy 2 of the local plan designates "Country Conservation Zones". It specifically relates to those parts of the coast where agriculture predominates. The proposals map identifies where this policy applies, the appeal site is excluded and it is not used for agriculture. The provisions of this policy do not therefore apply to this proposal.

3.12 Policy 8 of the local plan is ambiguous. It contains a general presumption against new development on the coastal frontage except where it would be ancillary to certain identified recreational uses at defined sites - none are within the appeal site. However, in the light of policies 1 and 2 it is unclear whether the policy was intended to give a degree of further protection to the coastline as a whole or if it is intended as a positive policy relating to the 3 designated recreational areas. If the former applies it is accepted that the proposals illustrated on Plan B would have offended the policy whereas the revised proposal (Doc 10 WT6) does not.

3.13 The proposals would accord with structure plan policies EV 15, EV 17, EV 18, and EV 19. The site is not a designated conservation area, it does not contain any listed buildings or any other features worthy of preservation. It has been established that the site is not worthy of archaeological investigation (by the Glamorgan/Gwent Archaeological Trust - Doc 20).

3.14 PPG 20 states that local plans may identify a coastal zone. It is considered that the coastal zone defined in local plan Policy 1 accords with that described in PPG 20 (Paras 1.6 & 1.7) and that the appellants' proposals do not impinge into it. PPG 20 recognises (paras 1.6 & 1.7) that the "coastal zones" to which its advice relates are potentially very narrow and this proposal would not offend the advice of PPG 20 as the coast would remain free of development.

3.15 Paragraph 42 of PPG 17 states that playing fields should normally be protected subject to certain exceptions. Two of the exceptions to the guidance that playing fields should normally be protected are:

(i) That "sports and recreational facilities can best be retained and enhanced through the redevelopment of a small part of the site" and,

(ii) "that alternative provision of equivalent community benefit is made available".

In this case all of the playing fields would be replaced and the clubhouse replaced by an improved facility. Thus, the advice of PPG 17 would not be offended. In Policy R2 of the East Vale LP (Doc 8) (which adjoins the site) provision is made for an alternative playing field if the public access to the appeal site is restricted - a recognition by the council of the possibility of the development now proposed. Moreover, the council do not argue that there is any particular deficiency in open space/playing fields in Sully.

3.16 The appellants have already made land available for the cliff top footpath to be reinstated after erosion and the appeal proposal do not prejudice that facility. As a new footpath from South Road to the cliff top path (footpath No 4) would be provided the proposals accord with Policy 14 of the local plan as access to the coastal path would be improved.

3.17 All necessary services are or can be made available and the proposed rising main would be available to assist in the resolution of an existing problem.

3.18 As to the reasons for refusal:-

Reason 1: The revised illustrative plan (Doc 10 WT6) demonstrates that the development could be accommodated whilst retaining the open aspect of the coastal frontage. The pleasant setting of the coastal path would be retained and, given its present condition, enhanced. Policy 8 of the LP would not be offended.

Reason 2: The scheme illustrated on the revised illustrative plan (Doc 10 WT6) would not extend the development further east than the existing development on the north side of South Road. The proposal (Plan C)

would not result in either coalescence with another settlement or urban sprawl. In particular it would not diminish the existing rural gap between Sully and Penarth. The proposed development would be within logical and well defined boundaries and would not set a precedent. The substantial open space element allows for landscaping and screening

Reason 3: Having regard to the definitions contained in the Secretary of State's decision letter on the structure plan the residential aspect of the proposal (ie 6.5 ha) should not be regarded as "large scale". In that letter the Secretary of State refers to sites of over 10ha as being large scale.

Reason 4: East Vale LP is not relevant to this site.

Reason 5: Whilst the site is flat and grassed it has the characteristics of an urban and not a rural open space. Sully is not an historic town and there is no planning reason why any special emphasis should be given to its setting. The land is in private ownership and whilst the appellants are tolerant of unauthorized use the public have no right of access - other than along footpath No 4.

Reason 6: It is accepted that the site is not allocated for housing it is unallocated.

3.19 Documents 11 and 12 describes the existing highway situation, give details of traffic flows and the traffic which would be generated by the proposed development. The proposal for a new roundabout at the junction at the north eastern corner of the site is examined and the potential "calming" effect on existing traffic is also described. The highway authority raise no objections to the form of junction and site access which is proposed. This evidence was not contested during the inquiry, and it has been demonstrated that:-

- (i) a safe access to the site in the form of a roundabout can be provided;
- (ii) a roundabout junction can adequately and safely accommodate the traffic flows from the appeal site;
- (iii) the proposed roundabout has adequate capacity for a design year of 2008;
- (iii) that by positioning the roundabout at the cross roads junction to the north east of the site, safer turning movements on the existing road system will be possible;
- (iv) the traffic speeds on the B4276, as vehicles approach Sully and travel through Sully, will be reduced

by a roundabout. This will bring significant safety benefits for the local residents.

THE CASE FOR THE LOCAL PLANNING AUTHORITY

The main points are:-

4.1 The appeal site occupies a significant position between the settlement at Sully (east) and Swanbridge (west). At Swanbridge there are 2 caravan sites, a public house and the causeway to Sully Island. It is an area popular with holiday makers.

4.2 The planning application, the subject of the appeal was refused in April 1992 and a copy of the Chief Planning and Development Officer's report is at Doc 13 appendix III. The replies to the consultations undertaken in respect of the application are at Page 7 of Doc 12.

4.3 PPG 1 (General Principles - March 1992) is an introduction to the planning system in general, Paragraph 5 states, inter alia, that:

"It should operate on the basis that applications for development should be allowed, having regard to the development plan and all material considerations, unless the proposed development would cause demonstrable harm to interests of acknowledged importance."

On the specific question of determining planning applications and appeals, Paragraph 25 states:

"The approach that decision-makers should take into consideration of planning applications is set out in sections 70(2) and 54A of the 1990 Act (the latter inserted by section 26 of the 1990 Act). Section 70(2) requires the decision-maker to have regard to the development plan, so far as it is material to the application, and to any other material considerations. Where the development plan is material to the development proposal, and must therefore be taken into account, section 54A requires the application or appeal to be determined in accordance with the plan, unless material considerations indicate otherwise."

It goes on to say that:

"In effect, this introduces a presumption in favour of development proposals which are in accordance with the development plan. An applicant who proposes a development which is clearly in conflict with the development plan would need to produce convincing reasons to demonstrate why the plan should not prevail."

Paragraph 26 states:

"Those dealing with planning applications and

appeals should therefore look to see whether the development plan contains policies or proposals which are relevant to the particular development proposal. Such material policies and proposals may either give support to a development proposal in a particular location or indicate that it is not appropriate."

It goes on to say that:

"If the development plan does contain material policies or proposals and there are no other material considerations, the application or appeal should be determined in accordance with the development plan."

4.4 Planning Policy Guidance 3 (Wales) - "Land for Housing in Wales" (March 1992). Paragraph 1 of the introduction states, inter alia, that:

"It must also ensure that established environmental policies are maintained and enhanced. These policies, to which the government is firmly committed, include the continuing protection of National Parks and Areas of Outstanding Natural Beauty; the conservation of natural habitats, and the protection of the countryside and the best and most versatile agricultural land; and the conservation and enhancement of the urban environment and built heritage."

Paragraph 13 goes on to state, inter alia, that:

"Sites proposed for new housing should be well related in scale and location to existing development. Schemes should be well integrated with the existing pattern of settlement and surrounding land uses ..."

Paragraphs 28 and 29 concern Open Space and stress the importance that should be attached to such areas, both existing and proposed. Paragraph 28 begins by saying that:

"PPG17 provides guidance on planning policies and the need to retain valuable open space in cities, towns and villages. Parks, playing fields, informal open spaces, allotments and private gardens can all be of great importance to the character of a neighbourhood. They can provide particularly valuable opportunities for recreation in heavily populated urban and suburban areas. Planning policies should, therefore, seek to achieve a reasonable balance between the need to make adequate provision for development, and the need to protect open land for development."

4.5 Planning Policy Guidance 7 - "The Countryside and the Rural Economy"-January, 1992. This replaced the former PPG7 and cancelled DCPN4, the annex to Welsh Office Circular 49/73 and Circular 25/87. The main aims of PPG7 as identified in Paragraph 1.1 are:

- to encourage economic activity in rural areas;
- to conserve and improve the landscape, and encourage opportunities for recreation;
- to conserve the diversity of our wildlife particularly by protecting and enhancing habitats.

4.6 Planning Policy Guidance 17 - "Sport and Recreation" is specifically referred to in PPG3 (Wales). This document identifies the government's general policy of the importance sport and recreation play in all aspects of life. It states, inter alia, in paragraph 2 that:

"Sport and recreation have a valuable social and economic role. It is the policy of the Government to promote the development of sport and recreation in the widest sense: to enable people to participate in sport, whether as players or spectators, and to encourage the provision of a wide range of opportunities for recreation, so that people can choose those which suit them best."

It states in paragraph 3 that:

"It is a part of planning authorities' responsibilities to take full account in their development control decisions of the community's need for recreational space, to have regard to current levels of provision and deficiencies, and to resist pressures for the development of open space which conflict with the wider public interest."

Paragraph 4 states:

"Local planning authorities need to take into account the value of open space not only as an amenity but also as a contribution to the conservation of the natural and built heritage of the area."

The footnote refers to the definition of open space in the Town and Country Planning Act, 1990 and goes on to say that the guidance note is intended to apply to all types of open space of public value.

4.7 Planning Policy Guidance 20 - "Coastal Planning" was published in September, 1992. It advises, in determining applications for schemes in coastal areas, that local authorities should only consider providing for development which specifically needs such a location. In respect of policies for development, it states in paragraph 2.9 inter alia, that:

"... in the coastal zone, development plan policies should normally not provide for development which does not require a coastal location."

Paragraph 1.2 of the note states:

"Against this background, it is the role of the planning system to reconcile development requirements with the need to protect conserve and, where appropriate, improve the landscape, environmental quality, wildlife habitats and recreational opportunities of the coast. This is achieved through development plans and planning decisions, which implement policies for the conservation and improvement of the coastal environment, acknowledging the special character of the coast."

The note also identifies 6 uses and activities which require a coastal location. These are:

tourism;

recreation;

developments, including ports, marinas and industries importing bulky raw materials, that depend on access to the sea;

mineral extraction;

energy generation; and

waste water and sewage treatment and disposal.

With regard to recreation, paragraph 3.4 states:

"The coast is a popular destination for recreational activities and there have been growing pressures on its capacity. The natural beauty and landscape variety of the coast, its nature conservation interest and its various natural resources for recreation, such as water, beaches and cliffs, make it a major attraction. In most coastal areas, the aim should be to balance and reconcile these interests and contain the impact of these activities through appropriate management measures."

4.8 The South Glamorgan Structure Plan was first approved on the 14th January, 1980, with its first review formerly approved by the Secretary of State for Wales on 31st May, 1989 (Alteration No 1).

4.9 Policy H1 entitled "New Dwellings" states:

"Land will be made available for some 23,600 new dwellings within the period 1981-1996, of which 16,000 will be in Cardiff and 7,600 in the Vale of Glamorgan. Some of the demand for these new dwellings will be met by:

- (i) Giving priority to the provision of infrastructure and services for the development of housing sites with planning

permission or identified in adopted local plans;

- (ii) The redevelopment of suitable cleared sites in urban areas and the replacement of unfit or substandard housing;
- (iii) The release of land and provision of infrastructure and services for the development of a range of minor sites within and adjoining the urban areas of Cardiff, Barry and Penarth, taking into account the provisions of policies H17 and H18.

The following criteria should be taken into account when such proposals are considered:

- a. The compatibility of the proposed developments with the scale of existing commitments in the appropriate area;
- b. The sites do not unreasonably conflict with the interests of either agriculture, conservation or landscape protection;
- c. The development of any site does make undue demands on the provision of infrastructure and services."

4.10 . Policies H17 and H18 referred to above, originate from the former Welsh Office Circular 30/86 which was cancelled in March, 1992, by PPG3 (Wales). These policies state:

Policy H17: "Consideration will be given to the siting in appropriate locations in and adjoining towns and villages and proposed new settlements of a limited number of individually designed residences commanding high standards of privacy and space. These may be sited either singly or in small low density groups in locations which do not prejudice policies for the protection of Sites of Special Scientific Interest, nature reserves, conservation areas, the Heritage Coast and open countryside."

Policy H18: "Wherever possible existing residential areas characterised by high standards of privacy and spaciousness will be protected against over development and insensitive or inappropriate infilling."

4.11 Policy EV4 concerns the urban fringe and states:

"In the urban fringe areas of Cardiff, Barry, Penarth and Dinas Powys, other than those areas favoured for development in other policies of the Structure Plan, there will be a presumption against development proposals unsuitable in a rural area. Any development proposals will be considered in the light of the needs and interests of agriculture, recreation, landscape and countryside conservation.

Countryside zones, where protection of sensitive or vulnerable environments will be paramount, will be defined in local plans as appropriate."

4.12 The second review of the Structure Plan (Alteration No 2) was published for consultation purposes in January, 1991 with the consultation period expiring on 1st March, 1991. The results were reported to County Committee in May, 1991. At Committee, it was resolved that further work needed to be carried out, particularly the new settlement policy, motorway related sites and the issue of "Green Belts". However, work is being delayed so that the results of the 1991 census can be incorporated. The new Structure Plan will be a much slimmer document, concentrating on matters of strategic importance.

4.13 Policy H1 of the structure plan makes provision for the release of "minor sites". In 1980 in his letter approving the structure plan (Doc 12 JB 12) the Secretary of State defines these as:-

In Cardiffup to 10 ha
In Barry and Penarthup to 4 ha

Even the reduced area shown on Plan C for housing (6.4 ha) exceeds the figure for Barry and Penarth and it is considered that the proposal does not accord with Policy H1.

4.14 As well as providing an important range of recreational facilities, because of its position between the built up areas of Sully and Swanbridge, the site is a significant visual feature when seen from South Road, the coastal footpath, Sully Island and from the Bristol Channel. It is therefore argued that the site should be considered as a part of the "urban fringe" of Penarth. The significance of the open character and appearance of the site can be seen on the photographs and maps produced by the appellants in Doc 10.

4.15 It is therefore strongly argued that Policy EV4 of the structure plan is very relevant and should be applied. The proposal does not satisfy that policy because the development would be unrelated to the needs and interests of agriculture, the landscape or countryside conservation. It relates to recreation only in so far as certain recreational facilities would have to be relocated so that the proposed houses could be built. Furthermore, in the letter which approves the 1st Alteration of the Structure Plan it is stated:-

"The Panel's conclusions and recommendations have been generally accepted but their proposed wording of Policy EV4 has been adapted to further clarify the guidance provided as regards urban containment and the protection of important and vulnerable natural and semi-natural environments. It is considered that Policy EV4 (together with other relevant policies) adequately reflects the concern expressed in the Secretary of State's notice of approval of 14 January, 1980, that it is essential to avoid urban sprawl and the fusion of the built up areas of Cardiff, Penarth, Barry and Dinas Powys."

4.16 As the site occupies the whole of the gap between Sully and Swanbridge it is considered that its development would be contrary to the general thrust of Policy EV4 and the intention to prevent urban sprawl and the fusion of settlements.

4.17 The appeal site is within the area of The Barry-Penarth Coastal Area Local Plan which was adopted by the Borough Council as a statutory local plan on the 1st August, 1983.

Policy 8 of the plan states:

"There will be a presumption against any new development on the coastal frontage except that which is ancillary to the existing recreational uses at the sites already developed at Swanbridge, St Mary Well Bay and Lavernock."

4.18 The appeal site is not within one of the 3 designated areas to which this policy applies and although the Plan does not define a "coastal frontage" the recreational uses to which the policy relates extend inland for up to 330m. Virtually the whole of the appeal site is within 330 m of the coast and therefore it is argued that there is a further policy presumption against the proposal.

4.19 Although the appeal site is outside the area covered by the East Vale LP, and therefore cannot be regarded as a part of the development plan for the purposes of Section 54A, as it abuts the appeal site on 2 sides its provisions must be a material consideration. Policy H1 of that plan states:-

"There shall be a presumption against any residential development involving the extension of the Dinas Powys, Sully, Penarth and Llandough urban areas beyond the residential development boundaries as defined on the proposal map, unless such development can be justified in the interests of agriculture or forestry."

Clearly this proposal would extend the residential area of Sully to the east and is not related to agriculture or forestry and would offend the objective of Policy H1.

4.20 The recently published PPG 20, at paragraph 2.9 states:-

"..... in the coastal zone, development plan policies should normally not provide for development which does not require a coastal location"

Residential development does not appear in the list of those land uses which require a coastal location. This, it is considered, represents a further presumption against the proposal.

THE CASE FOR SULLY COMMUNITY COUNCIL

The main points are:-

5.1 Referred to their letter to the council (Doc 12 appendix iv) and said that in 1981 there were only 830 houses in Sully. Now there are 1330 houses and the proposed development of about 130 more would represent a further increase of 10%. The development would link Sully and Swanbridge and they expressed concern about the ability of the facilities in the village to cope.

5.2 The development would contravene Policy H1 of the East Vale LP, Policy 8 of the Barry-Penarth LP, be contrary to the advice in PPG 17 where it talks about small areas for development and PPG 20 which seeks to resist inappropriate development at the coast.

THE CASE FOR OTHER INTERESTED PERSONS

The main points are:-

6.1 "Sully Against Development" (SAD) have submitted a petition against the proposed development signed by 1500 people - about 53% of the electorate of Sully. They support the council in opposing the proposed development.

6.2 Mr J Butler, Mrs P M Y Winn-Jones, Mr G John, Mr I Knights, Mrs A M Reece and Mrs S Stewart consider that the evidence presented against the proposed development is very strong, supported the advice contained in PPG 20 against coastal development, expressed concern that the proposed development would link Sully and Swanbrige and doubted the ability of facilities in the village to cope with a large number of new residents. Concern was also expressed about the possible effect of the development on sea birds, effect of smells from the nearby BP factory on the new residents and that the consequent increase in traffic along South Road would increase traffic danger. They all supported the council.

6.3 The Campaign for the Protection of Rural Wales have written (Doc 3) to oppose the proposal (Doc 23) on similar grounds to those advanced by the council.

6.4 A large number of people have submitted written representations. These are generally opposed to the development and refer to many of the arguments advanced by the council and others.

CONCLUSIONS

NB In this section of the report references contained in parentheses thus [] relate to the source on which I have drawn.

From the foregoing I have concluded:-

7.1 Policy H1 of the structure plan provides for the development, for housing, of sites (within and adjoining the urban areas of Cardiff, Barry and Penarth) other than those specifically allocated [4.9]. The Secretary of State's definition of a "minor" site in Cardiff (ie 10ha) clearly does not apply. If any of those definitions are relevant it would be that for Barry and Penarth (ie 4 ha) [4.13] - as the appeal site is situated between those 2 towns [Doc 10 WT1]. At 6ha the residential element of this proposal is 2ha larger than is considered appropriate in Penarth and Barry and it would be a significant addition to the east side of Sully. However, the Secretary of State advised that his definition should be interpreted flexibly [3.1], planning permissions have been granted in and around Barry and at Rhose on sites larger than 4 ha [Doc 25] and I saw some of these. Whilst in all cases there are circumstances which distinguished those cases from the appeal site, I do not consider that the application of structure plan Policy H1 would alone justify the refusal of planning permission in respect of the appeal proposal.

7.2 Policy EV4 (of the structure plan) establishes a presumption against development in the urban fringe areas of Cardiff, Barry, Penarth, and Dinas Powys [3.9 & 4.11]. Whilst the appeal site may not abut any of those towns it is within the general area contained by them and, on the same basis as the appellants argue that Policy H1 is probably applicable [3.8], I consider that this policy is also relevant.

7.3 As the appellants pointed out the structure plan key diagram [Doc 6] does not contain a notation (in the key) for Policy EV4. Instead, Policy EV4 is indicated by the notation "EV4" at intervals around the edges of urban areas. However, those notations are at intervals and, having read the policy and looked at the key diagram (and especially the spaces between the "EV4" notations and the coast) it would be unreasonable to interpret the key diagram other than as Policy EV4 applying to the east side of Sully.

7.4 The letter approving the 1st Alteration of the Structure Plan refers to the Secretary of State's concern, expressed in 1980, that it is essential to avoid urban sprawl and the fusion of the built up areas of Cardiff, Penarth, Barry and Dinas Powys [4.15]. The objective of Policy EV4 is

to prevent the coalescence of those 4 towns. Notwithstanding that there is an area of open countryside area between Sully and Penarth which has been designated as a "countryside conservation area", it would be perverse if the Secretary of State's objective was undermined, not by the spread of the 4 towns, but by sprawl from, and/or the fusion of, towns and villages between them - in this case Sully and Swanbridge.

7.5 The various maps and aerial photographs [Doc 10] confirm what is apparent on the ground, that the appeal site is the only gap between Sully and Swanbridge. The illustrative layout [Doc 10 WT6] shows that there would be the proposed 2 storey clubhouse, car park and the playing fields in what would remain of that gap. The clubhouse would be only about 90m [Doc 10 WT6] from the nearest house in Swanbridge (Treboath) and elsewhere there would be only about 160/170m between the proposed housing and a caravan site. From the coastal footpath (Footpath No 4) and Sully Island the existing development on the north side of South Road is not easily seen due to the houses being on land which is generally lower than South Road, trees and other vegetation (including the hedge along the northern boundary of the appeal site) [2.3]. Although the proposed playing fields would be in front of the proposed housing [Doc 10 WT6] I consider that it would be very conspicuous until any planting became substantial and, being so close to the sea, that may take some time.

7.6 Policy 8 of the Barry-Penarth Coastal Area Local Plan clearly seeks to prevent unnecessary residential development on the coastal frontage except when ancillary to certain recreational uses [4.17]. The site is not within one of the designated recreational areas and it adjoins the coast [4.18]. The appellants argued that the coastal frontage would remain open [3.3 & Doc 10 WT6]. However, if permitted, the proposal would bring housing much closer than it is now (in places to within 120/130m of the cliff top footpath) and it would be seen across a narrow belt of playing pitches. At present the housing to the north of South Road is well screened and much further away [Doc 10 WT6]. Therefore, whilst if there were a particular housing need the application of this policy may not alone justify the refusal of planning permission for some housing in the northern part of the site the application of this policy adds weight to the balance against this appeal

7.7 Whilst the site is not within the area of the East Vale Local Plan, as it adjoins the appeal site on 2 sides, it is a material consideration [4.19]. Policy H1 of that plan establishes a presumption against any residential development which would extend Sully - unless required for agriculture or forestry. Clearly this proposal is not related to either of those uses, it would extend Sully and would be contrary to the objective of the policy.

7.8 Although paragraphs 1.6 and 1.7 of PPG 20 offer advice on the definition of "coastal zones" that is something

to be undertaken as a part of the preparation of a local plan. Nevertheless, I have considered whether the appeal site would be appropriate for inclusion in a "coastal zone" designated in accordance with PPG 20 and therefore subject of the policy advice contained in that document. Because the Barry-Penarth Coastal LP was adopted some 9 years prior to the publication of PPG 20 I consider that it would be inappropriate to to apply its "coastal zone" in the context of PPG 20. However, because in para 1.7 of PPG 20 it states that "such zones may include areas which are directly visible from the coast", I consider that it would be appropriate to consider the site as if it were in a "coastal zone", pending the adoption of a district wide local plan.

7.9 Therefore, notwithstanding that PPG 20 also states that "coastal zones" may, where there are cliffs, be quite narrow, I consider that the general thrust of the whole document leads to the conclusion that development not requiring a coastal location should not be allowed on this site where the maritime influence is great.

7.10 Although the appellants stated that their original proposals (Plan B) would offend LP Policy 8 in December 1991 [3.12] (before the introduction of Plan B) the County Council said that there are no strategic objections to the proposed development [Doc 12 appendix v].

7.11 Whilst a coastal position and a sea view would be an advantage to the site as a location for housing, especially good quality housing, those considerations do not outweigh the public interest in keeping coastal locations free from unnecessary development.

7.12 The proposals would maintain the same number of playing pitches and a new clubhouse would be provided [3.2 & 3.3]. Thus, as the council did not claim any particular shortage of playing fields in Sully the proposal appears to strike a reasonable balance in terms of the advice contained in PPG 17. There would be some "gain" by relieving the existing sewerage system [3.3] and the "calming" traffic at the South Road/Beach Road junction [3.18]. There is a 5 year supply of land and the appellants did not claim that any special considerations should apply [3.7]. However, it should also be noted that PPG 3 (Wales) states that where such a supply is shown to exist the weight to be attached to policies in the plan will be strengthened. Without prejudice to their case the council suggested a number of conditions which they had previously "agreed" with the appellants [Doc 22].

7.13 Therefore, whilst the proposal may have some merits I do not consider that they outweigh the substantial policy objections which have been identified or that they are capable of being overcome by any planning conditions, including those agreed by the principal parties.

RECOMMENDATION

8.1 I recommend that planning permission be refused

I have the honour to be,
Sir
Your obedient servant,

A handwritten signature in dark ink, appearing to read 'P V Farrow', written over a horizontal line.

P V FARROW
Inspector

APPEARANCES

FOR THE APPELLANTS

Mr V Pugh

Queens Council, instructed by
Gerald Eve, Chartered
Surveyors, Hastings House,
Fitzlan Court, Cardiff

He called

Mr J D B Bayliss MA FRICS

Chartered Surveyor of
Gerald Eve

Mr Wyn Thomas MCD B ARCH Dip LA
FRIBA MRTPI ALI

Chartered Town Planner

Mr G E Webber BSc (Hons) MRTPI
MCIT MIHT

Chartered Town Planner of
W S Atkins - Wales

[Mr Webbers evidence was not contested and was accepted as
a written representation]

FOR THE PLANNING AUTHORITY

Mr J Hurley

Principal Legal Asst
Vale of Glamorgan Borough
Council

He called

Mr C J Morgan BA MRTPI

Principal Asst Planner
Vale of Glamorgan Borough
Council

INTERESTED PERSONS

Mr I B Barlow

Chairman, Sully Community
Council, c/o "Sunset"
Smithies Ave, Sully

Mr J Ellis

Chairman, Sully Against
Development (SAD)

Mr J Butler	Secretary, SAD 105 Minehead Avenue, Sully, South Glamorgan
Mrs P M Y Winn-Jones	"Nicelles" Swanbridge Road, Sully
Mr G John	29 Clevedon Avenue, Sully
Mr I Knights	23 Clevedon Avenue, Sully
Mrs A M Reece	12 Clevedon Avenue, Sully
Mrs S Stewart	47 Minehead Avenue, Sully

DOCUMENTS

Document	1	List of persons present at the inquiry
"	2	The council's letter of notification
"	3	Replies received
"	4	A letter from Mrs H Pickard
"	5	A petition from Sully Against Development (SAD)
"	6	The South Glamorgan Structure Plan 1989
"	7	An extract from S Glamorgan Structure Plan 1980
"	8	East Vale LP
"	9	Exhibits to Mr Bayliss's evidence
"	10	The gist of and appendices to Mr Thomas's evidence
"	11	Appendices to Mr Webber's evidence
"	12	The gist of and appendices to Mr Morgan's evidence
"	13	An extract from a TPO relating to trees on the western side of the site
"	14	Sully Community Directory
"	15	Vale of Glamorgan Planning handbook
"	16	The Inspector's report: Barry-Penarth Coastal LP
"	17	Note re progress on the Vale of Glamorgan District Wide LP
"	18	Agreed housing land availability calculations
"	19	Plan showing notified "hazard zones"
"	20	Letter from Glamorgan/Gwent Archaeological Trust 27-1-1992
"	21	Letter from BP Chemicals 13 September 1976
"	22	A schedule of conditions by the council
"	23	A letter from the Campaign for the Protection of Rural Wales
"	24	A letter from Walter Sweeney MP
"	25	Details of planning permissions granted in Rhooose and Barry

VALE OF GLAMORGAN BOROUGH COUNCIL

Town and Country Planning Act 1990
Town and Country Planning General Development Order 1988

**REFUSAL
OF OUTLINE PLANNING PERMISSION**

Agent:
Messrs Gerald Eve,
Hastings House,
Fitzalan Road,
Cardiff.
CF2 1BL


Applicant:
B. P. Chemicals Limited,
C/o Agent.

Comprehensive development for residential (approx. 20 acres) and sports club (approx. 17 acres) uses, together with ancillary works including an off-site sewer at BP Sports and Social Club, South Road, Sully

In accordance with the application and plans received on 20th November, 1991 the Council in pursuance of its powers under the above mentioned Act and Order hereby **REFUSES TO PERMIT** the proposed development for the following reason(s):

1. The proposal would unacceptably damage the amenity of the landscape and coastal frontage contrary to Policy 8 of the Barry-Penarth Coastal Area Local Plan.
2. The proposal would extend the residential limits of Sully towards Penarth contributing to urban sprawl contrary to the stated intentions of the Secretary of State for Wales in approving the County of South Glamorgan Structure Plan, and thereby setting a precedent for undesirable development in the countryside.
3. The proposal involves large scale residential development in an urban fringe location which is considered to be unreasonably damaging to the sensitive landscape contrary to Policy EV4 of the Structure Plan.
4. The policy involves the significant expansion of the urban limits of Sully contrary to the aims of Policy H1 of the East Vale Local Plan.
5. The proposal would result in the loss of a significant area of open space which contributes to the appearance and setting of the locality.
6. The site is not allocated for residential development in any Local Plan. Sufficient land has been allocated or approved in the Borough to meet foreseeable requirements.

Dated: 14th April, 1992


Chief Executive

②

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



Appendix III EIA Screening Opinion

Date/Dyddiad: 15 April 2015

Ask for/Gofynwch am: Administration

Telephone/Rhif ffon: (01446) 704656

Your Ref/Eich Cyf:

My Ref/Cyf: P/DC/2015/00346/SC1

e-mail/e-bost: Developmentcontrol@valeofglamorgan.gov.uk

The Vale of Glamorgan Council
Dock Office, Barry Docks, Barry CF63 4RT
Tel: (01446) 700111

Cyngor Bro Morgannwg
Swyddfa'r Doc, Dociau'r Barri, Y Barri CF63 4RT
Ffôn: (01446) 700111

www.valeofglamorgan.gov.uk



Bulfinger GVA,
St. Catherine's Court,
Berkeley Place,
Bristol.
BS8 1BQ

Dear Sir/Madam,

**Town and Country Planning (Environmental Impact Assessment)
(England and Wales) Regulations 1999 : Part II Screening Paragraph 5
Screening opinion for a Proposed hybrid planning application
providing mixed use redevelopment to provide replacement sports
pavillion; upgraded pitches (artificial and grass); community/retail
uses; touring campsite; residential development (up to 200 dwellings);
associated car parking; landscaping; access; highways and
infrastructure works and demolition
at Sully Sports and Leisure Club, South Road, Sully**

The Council has considered the details of the proposed scheme as detailed in the information submitted with the request for a screening opinion as to the requirement for an Environmental Impact Assessment received 25 March 2015.

The Local Planning Authority would advise that in their opinion an Environmental Impact Assessment is not required for the following reason(s):

1. Having regard to the key issues identified in Schedule 3 of the Regulations and WO Circular 11/99, the Local Planning Authority is of the view that the characteristics, location and any potential impact of the development as outlined in the supporting documentation is not likely to be significant upon the environment for the reasons identified in the screening opinion attached.

Accordingly, there is not considered to be a requirement for a formal Environmental Impact Assessment to be submitted.

NOTE:

1. **Please note that the Council's Screening Opinion comprises this decision letter and the accompanying Screening Report.**

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'R. B. Thomas', with a horizontal line drawn underneath it.

Director of Development Services

St. Modwen Developments Limited and Sully Sports and Leisure Club, C/o Agent.
Bulfinger GVA, St. Catherine's Court, Berkeley Place, Bristol, BS8 1BQ

Sully Sports and Leisure Club, South Road, Sully

Screening opinion for a Proposed hybrid planning application providing mixed use redevelopment to provide replacement sports pavillion; upgraded pitches (artificial and grass); community/retail uses; touring campsite; residential development (up to 200 dwellings); associated car parking; landscaping; access; highways and infrastructure works and demolition

SITE AND CONTEXT

The site relates to the playing fields serving Sully Sports and Leisure Club, South Road, Sully. The site sits in a prominent position to the east of Sully to the south of the main road from Penarth. The site in its entirety falls outside of the defined settlement boundary and as such falls in open countryside as defined by the Vale of Glamorgan Unitary Development Plan 1996-2011.

DESCRIPTION OF DEVELOPMENT

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 1999 (as amended)

REGULATION 5 – REQUEST FOR SCREENING OPINION

A formal request for a screening opinion under the above regulations has been received from GVA for residential development. The proposals consist of a residential development, which would essentially form an urban extension to the east of Sully. The submission indicates that 200 dwellings are proposed.

Background:

The site exceeds more than 0.5ha and it is considered that the proposal falls to be considered for EIA under Section 3 (i) of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended), which relates to “10(b) Urban development projects’.

The applicable thresholds are that the area exceeds 0.5ha. This site extends to approximately 14.8ha, 6.68ha will be used for residential development while the remainder will compose of the sully sports club ground and facilities.

In undertaking this assessment as to whether the proposed works amount to an EIA development it is noted that WO Circular 11/99 advises that the basic question to be asked is *“Would this particular development be likely to have significant effects on the environment?”* (para. 32). This assessment has therefore to examine the characteristics of the development (including its size, use of natural resources, quantities of pollution and waste generally), the environmental sensitivity of the site and the characteristics of the potential impact (including its magnitude and duration) (para. 33).

The area as defined by the red line on the accompanying plan comprises the existing Sully sports club grounds, facilities and buildings, adjoining the residential street of Clevedon Avenue

The site lies in the countryside outside of the residential settlement boundary as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

PLANNING HISTORY

2009/00389/FUL : Sully Sports and Leisure Club, South Road, Sully - Use of existing tarmac area for sports training area. Erection of 3.6 metre high fence and 8 No. floodlights on 5 metre high columns - Approved 01/07/2009

2006/00678/FUL : Playing field located at Sully Sports and Leisure Club - Erect one single storey spectator stand plus two dugouts - Approved 30/06/2006

2004/01553/REG3 : Off South Road, Sully - Location of a new public library - Approved 10/12/2004

2003/00637/FUL : B.P. Sports and Leisure Club, South Road, Sully - Resurrect old car park (grown over) and link to old tennis court to accommodate car parking for Sully Colts A.F.C. - Approved 15/08/2003

2001/01198/PNT : Sully Sports & Leisure Club, South Road, Sully - 15m monopole and equipment housing - Further prior approval (PNA/PND/PNT/PNQ) 02/11/2001

2000/00826/FUL : Sully Sports & Leisure Club, South Road, Sully - Demolish existing changing room buildings and erect new single storey changing room building - Approved 08/09/2000

1996/00968/FUL : Barry Plastics Sports & Leisure Club, South Road, Sully - Provision of a childrens play area to facilitate the local community - Approved 07/03/1997

1996/00959/FUL : Sully Sports & Leisure Club, South Road, Sully - Single storey indoor bowls centre with mezzanine accommodation - Approved 07/03/1997

1995/01058/FUL : Sully Sports and Social Club, South Road, Sully - 18m lattice mast together with amateur radio antenna for use in amateur radio hobby - Approved 05/01/1996

1995/00985/FUL : Barry Plastics Sports & Leisure Company Ltd., South Road, Sully - Single storey building to house pumping equipment - Approved 01/12/1995

1995/00668/FUL : Barry Plastics Sports and Leisure Club, South Road, Sully - New changing facilities for team sports - Approved 05/09/1995

1994/00909/OUT : Barry Plastics Bowling Club, South Road, Sully - Eight lane indoor bowling centre plus ancillary and social accommodation - Approved 10/01/1995

1992/00954/TPO : B. P. Sports and Social Club, South Road, Sully - Crown thin Pine - Refused 20/10/1992

1992/00128/OBS : Land adjacent to B.P. Social Club, South Road, Sully - Location of mobile trailer to provide library service - Permittal (OBS - no objections :request conditions) 28/02/1992

1991/01212/OUT : B. P. Sports and Social Club, South Road, Sully - Comprehensive development for residential (approx. 20 acres) and sports club (approx. 17 acres) uses, together with ancillary works including an off-site sewer - Refused 14/04/1992

1986/00005/FUL : Sully Sports Ground, off Burnham Avenue, Sully - Upgrading and extending existing Pavilion/Changing Rooms including new roof, new shower block, entrance porches and kitchen/demolition of existing rear toilets and front canopy - Approved 18/02/1986

1985/01166/FUL : Barry Plastics Sports and Social Club, South Road, Sully - Installation of four floodlights for sports training - Approved 18/02/1986

1983/00181/FUL : Barry Plastics Sports and Social Club, South Road, Sully - Club House for bowling section - Approved 28/06/1983

CONSULTATIONS

No consultation comments received.

REPRESENTATIONS

No representations received.

REPORT

In reaching a screening opinion, the Council must have regard to the matters listed in Schedule 3 of the Regulations, which sets out the 'selection criteria' which must be taken into account in determining whether a development is likely to have significant effects on the environment.

It identifies three broad criteria which should be considered: the characteristics of the development (e.g. its size, use of natural resources, quantities of pollution and waste generated); the environmental sensitivity of the location; and the characteristics of the potential impact (e.g. its magnitude and duration).

From a consideration of the proposal in the context of the site, and on the basis of the information provided by the agents, the following conclusions are reached in relation to the Schedule 3 issues.

Characteristics of Development

Schedule 3 - Selection Criteria for Screening Schedule 2 Development of the regulations advises that the characteristics of development must be considered having regard, in particular, to:

- (a) the size of the development;
- (b) the cumulation with other development;
- (c) the use of natural resources;
- (d) the production of waste;
- (e) pollution and nuisances;
- (f) the risk of accidents, having regard in particular to substances or technologies used.

The identified site covers an area of around 14.8 ha thus the site for development is relatively large in scale. The site falls outside of the settlement boundaries defined by the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, although in close proximity to housing to the north on the opposite side of the road and to the west, where dwellings from Clevedon Avenue are situated within the existing Sully Settlement boundary. As such, whilst it is outside the settlement boundary and within the open countryside, the setting of the site is relatively suburban.

The site does exceed the threshold of set out in Paragraph A19 (Annex A WO Circ. 11/99), (i.e. greater than 5 hectares) which is an indicative figure to provide guidance as to when an EIA is more likely to be required for a development of this nature. The Local Planning Authority also has to assess whether it will *"have a significant urbanising effects in a previously non-urbanised area"* and the Circular suggests that this is likely to occur when developments are 1000 dwellings or more.

It is recognised that the development of the existing sports club and sports ground facilities for housing will urbanise the site to some extent, however, subject to a suitably designed site layout and landscaping scheme, it is not considered that the proposal will have significant urbanising effects on the wider area (i.e. beyond what would be considered as on a local scale), given the context of the site and its close physical relationship to the adjacent urban areas. Furthermore, given that the proposal would fall well below the above threshold (200 dwellings as opposed to 1000+) it is not considered that the impacts in this respect would be significant insofar as an EIA should be required.

As regards the question of cumulating with other development, the development would be seen as an encroachment of built form into the open countryside. It is noted that land to the north has been allocated for residential development under the draft LDP. It is considered that the cumulative impact of the development with current applications (as yet undetermined) and draft LDP allocations could be significant. Whilst noting that there would be an cumulative impact with existing and proposed development this does not infer that an EIA will be required. The degree of any potential impact should be fully considered and in this instance this is not considered to be of more than local importance when taken cumulatively with other development.

With regard to increase in traffic, the submitted planning application will be supported by a Transport Assessment (TA), and it is considered that this impact can be assessed adequately with a TA without the need for the submission of an EIA.

In respect of points (c), (d) and (e) it is considered that the development would not have significant impacts in respect of natural resource usage, waste production, nuisance or pollution.

Finally, on the issue of risk of accidents, the supporting information outlining the type of development is such that it is not considered to present a significant risk.

Overall therefore it is considered that the characteristics of the development do not indicate that there is the potential for significant impacts as a result of the proposed development. It should be noted that the site adjacent to Cog Road, and the screening option for the development of that site, was for significantly more houses.

Location of development

It is necessary to assess the area for its environmental sensitivity, and whether any part of the development would be carried out in a sensitive area. Paragraph 36 of WO Circular 11/99 provides a definition of 'sensitive areas' and includes:- Sites of Special Scientific Interest (SSSI); National Parks; Areas of Outstanding Natural Beauty (AONB); World Heritage Sites; Scheduled Ancient Monuments; and Internationally designated sites.

Notwithstanding this paragraph 39 of the Circular makes it clear that there can be other circumstances where a site can be considered to be environmentally sensitive. This states:-

"In certain cases other statutory and non-statutory designations which are not included within the definition of 'sensitive areas', but which are nonetheless environmentally sensitive, may also be relevant in determining whether EIA is required. Where relevant Local Biodiversity Action Plans will be of assistance in determining the sensitivity of a location. Urban locations may also be considered sensitive as a result of their heavier concentrations of population."

Thus when considering the environmental sensitivity of geographical areas likely to be affected by development, regard must be had, in particular, to –

- (a) the existing land use;
- (b) the relative abundance, quality and regenerative capacity of natural resources in the area;
- (c) the absorption capacity of the natural environment paying particular attention to the following areas -
 - (i) wetlands;

- (ii) coastal zones;
- (iii) mountain and forest areas;
- (iv) nature reserves and parks;
- (v) areas classified or protected under Member States' legislation; areas designated by Member States pursuant to Council Directive 79/409/EEC on the conservation of wild birds and Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora;
- (vi) areas in which the environmental quality standards laid down in Community legislation have already been exceeded;
- (vii) densely populated areas;
- (viii) landscapes of historical, cultural or archaeological significance.

The submitted documentation has not identified any statutory designations relating to the site, however, it is in proximity to Severn Estuary RAMSAR and Severn Estuary SPA designations (approx. 450m). As such, direct impacts upon these designations can be ruled out. The site falls outside of the Flood Zone associated with this coastal location.

As regards the description of the site and its surrounds, the site lies in the countryside as defined in the Unitary Development Plan but the character of the site is generally suburban sports facilities.

Whilst noting that the adjacent area is populated, given the proximity of the site to existing residential development, it is considered that the potential environmental impacts would not be significant in terms of the effect on that existing adjacent population. Furthermore the landscape of the site itself is not historically, culturally or archaeologically significant, although any such impact would need to be fully considered within supporting documents to support a planning application. It is noted in the agents statements that such documents will be included with any prospective application.

Characteristics of the potential impact

An assessment of the potential significant effects of development must have particular regard to:

- (a) the extent of the impact (geographical area and size of the affected population);
- (b) the transfrontier nature of the impact;
- (c) the magnitude and complexity of the impact;
- (d) the probability of the impact;

(e) the duration, frequency and reversibility of the impact.

In considering the potential impacts the proposal entails relatively large scale residential development and thus will have an impact on the surrounding population. However, the statement submitted with the Screening opinion does outline that a number of assessments have been carried out and could be submitted with the planning application in order to consider the impact of the proposed development. For example, a Landscape and visual impact Appraisal, a Transport Assessment, ecological impact assessment. There are TPO destinations to the east and west of the proposed site, but the plan details that these areas will remain as green corridors. However, it would be preferable for the applicant to provide an arboricultural assessment and a strategy for the protection of these trees during any development and those to be retained and removed as part of the scheme.

Given its location, it is considered that the development of this site has the potential to be visually prominent in the immediate environs in relation to the main highway. However, on balance whilst the proposal has the potential to have a localised visual impact this is set adjacent to existing residential settlement and does not extend beyond the residential development to north of the site. As such, the visual impact would not be so significant that it would require the submission of an Environmental Impact Assessment.

As such it is considered that the scheme does not present potential for significant environmental effects, and, in this instance the proposal does not require an EIA application.

CONCLUSION

Welsh Office Circular 11/99 states that EIA will usually only be needed for Schedule 2 developments in three main types of case: a) for major developments which are of more than local importance; b) for developments which are proposed for particularly environmentally sensitive or vulnerable locations; and c) for developments with unusually complex and potentially hazardous environmental effects.

In this respect, and taking into account the above circular advice and each of the stated criteria in Schedule 3, it is concluded from the information submitted that there is no requirement for a formal Environmental Impact Assessment to be submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended).

RECOMMENDATION – OFFICER DELEGATED

Having regard to the key issues identified in Schedule 3 of the Regulations and WO Circular 11/99, the Local Planning Authority is of the view that the characteristics and location of the site is such that it is not a 'sensitive' area and the potential impact of the development as outlined in the supporting documentation is unlikely to be significant upon the environment for the reasons identified in the screening opinion attached.

Accordingly, it is considered that there is no requirement for a formal Environmental Impact Assessment to be submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended).

1. Having regard to the key issues identified in Schedule 3 of the Regulations and WO Circular 11/99, the Local Planning Authority is of the view that the characteristics, location and any potential impact of the development as outlined in the supporting documentation is not likely to be significant upon the environment for the reasons identified in the screening opinion attached.

Accordingly, there is not considered to be a requirement for a formal Environmental Impact Assessment to be submitted

NOTE:

1. **Please note that the Council's Screening Opinion comprises this decision letter and the accompanying Screening Report.**

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