Application Ref: NP/19/0328/S73

Case Officer	Andrew Richards		
Applicant	Mr G Perfect		
Agent	Mr S Hole, Steve Hole Architects LLP		
Proposal	Variation of condition no.2 of NP/14/0014		
Site Location	Residential Development Plot adjoining D, Plots adjoining		
	Devon Court, 5, Freshwater East, Pembroke,		
	Pembrokeshire		
Grid Ref	SS0167		
Date Valid	09-Mar-2021	Target Date	03-May-2021

This application is before committee as the officer recommendation of approval is contrary to the views of Lamphey Community Council and at the request of the Chair of Development Management Committee through the extended delegation powers.

Consultee Response

Lamphey Community Council: Concerns raised include:

- Excessive scale
- Over development of the site
- Proximity of the new dwelling to the boundary
- High level glazing
- Parking provision
- Sewerage management
- Highway safety concerns
- Whether the proposal should be considered pursuant to Section 73 of the Town and Country Planning Act 1990 given the significance of the alterations proposed

PCNPA Tree and Landscape Officer: Conditional consent and informative
 PCNPA Planning Ecologist: Conditional consent and informative
 PCNPA Access Manager: No objection and informative
 PCNPA Estates Officer: No objection
 PCC Transportation and Environment: Conditional consent
 PCC Drainage Engineers: Conditional consent
 Natural Resources Wales: No objection
 Freshwater East Community Association (FESCA): Objecting

Public Response

A site notice and neighbour notification letters were posted in accordance with requirements of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

28 correspondence responses have been received in respect of the original plans and the two additional varied schemes received on the above application. The response raised the following concerns:

- The development will affect deeded rights of ways
- Excessive scale, poor siting and design

- Overdevelopment of the plot
- Excessive height
- Design out of keeping with surrounding properties
- Drainage issues
- Plot 5 is not considered to be an infill plot
- Policy concerns
- Impact on character and visual amenity
- Light pollution
- Loss of view
- Parking areas not within the applicants ownership
- Overlooking and privacy impacts
- Proposed scheme if approved will set a precedent
- Potential for development to become two self-contained holiday lets
- Landscaping details not clear

The above matters have been considered within the main report below except for the third party civil issues including the deeded rights of way, loss of view and the use issues on an unrestricted residential dwelling in terms of holiday accommodation which are not material to this application. In respect of the development, if approved it is claimed that it would set a precedent, officers note that every application is considered on its own merits and in landscape context and would be unlikely to set a precedent for other plots within the surrounding area in this instance.

With respect to the ownership of the land, correspondence received previously highlighted that part of the application site (the access track leading to the turning head) was not fully in the applicant's ownership. The appropriate notice has now been served on the owner of this land and the statutory period has now lapsed for this process. It is also understood that the applicant has a right of access over this land to the host plot which is why it has been included within the red line boundary to clearly show the access from the site to the turning head.

Policies considered

Please note that these policies can be viewed on the Policies page Pembrokeshire Coast National Park website -

http://www.pembrokeshirecoast.org.uk/default.asp?PID=549

LDP2 Policy 01 - National Park Purposes and Duty

LDP2 Policy 07 - Countryside

- LDP2 Policy 08 Special Qualities
- LDP2 Policy 10 Sites and Species of European Importance
- LDP2 Policy 11 Nationally Protected Sites and Species
- LDP2 Policy 14 Conservation of the Pembrokeshire Coast National Park
- LDP2 Policy 29 Sustainable Design
- LDP2 Policy 30 Amenity
- LDP2 Policy 32 Surface Water Drainage
- LDP2 Policy 46 Housing

- LDP2 Policy 48 Affordable Housing
- LDP2 Policy 59 Sustainable Transport
- LDP2 Policy 60 Impacts of Traffic

PPW10

- SPG05 Sustainable Design
- SPG06 Landscape
- SPG08 Affordable Housing
- SPG12 Parking
- SPG22 Seascape Character
- SPG23 Enabling Sustainable Development in Welsh NPAs
- TAN 02 Planning and Affordable Housing
- TAN 05 Nature Conservation and Planning
- TAN 06 Planning for Sustainable Rural Communities
- TAN 12 Design
- TAN 15 Development and Flood Risk
- TAN 18 Transport

Constraints

Local Nature Reserve - within 25m NPA Property - within 25m Special Area of Conservation - within 500m Rights of Way Inland - within 50m Recreation Character Areas Affordable Housing Submarkets Seascape Character Areas

Officer's Appraisal

Background and History

Plot 5 lies to the south west of Devon Court in Freshwater East. It occupies a sloping site that is currently overgrown with naturalised vegetation but shows sign of a material start having been commenced on the previous consent with evidence of excavations and is adjacent to a cul-de-sac that provides access to two other dwellings. To the immediate south of the site lies an area of woodland and a footpath that provides pedestrian access to the land to the Local Nature Reserve to the south and west. Bordering the site to the north east is a row of detached dwellings with vehicular access from the main road. Due to the steeply sloping nature of the area, which runs downhill towards the coastline, these dwellings are at a higher level than the site. A mix of boundary treatments (including timber and conifer hedgerows) delineates the gardens of these dwellings from the site. The village is characterised by a mix of dwelling types, ages and styles within the immediate vicinity of the site they are mostly detached single-storey and one-and-a-half storey properties in gardens of differing sizes.

The site has a long planning application history, including a series of permissions over a much larger site for five detached dwellings. In addition to these, a full planning permission for a single detached dwelling was granted in September 2005. This permitted a single storey three bedroomed dwelling with approximate maximum dimensions of 14.8m x 13.7m x 4.0m, constructed of the materials proposed with the current application (i.e. fibre-cement cladding and man-made slates). Access and parking arrangements were similar to those proposed under the current application. This application was never implemented. In addition to this permission there was also a refused application for a larger single storey dwelling in the same year.

In 2014 an application for 'a new detached bungalow with basement level and associated external balcony and covered veranda' was approved and the current application seeks to vary this consent. This permission is considered to have been implemented.

The following planning history has been identified for this site:

- NP/14/0014 New detached bungalow with basement level and associated external balcony and covered verenda – Approved 14th March 2014
- NP/12/0277 New detached dwelling with basement level and associated external balcony and covered verenda – Refused 31st August 2012
- NP/11/334 Detached two-storey dwelling and associated levelling and retaining walls – Withdrawn 4th October 2011
- NP/06/448 Renewal of outline consent for NP03/314 for plots 2 and 3 Approved 5th September 2006
- NP/05/343 New dwelling, extension and new garage Refused 6th June 2005
- NP/05/201 Dwelling Approved 25th September 2005
- NP/03/314 Outline for 3 dwellings (Plots 2, 3, and 5) Approved 9th September 2003
- NP/95/317 Dwelling (Plot 1) Permission 14th November 1995
- NP/95/313 Residential development of five dwelling units, site layout Permission 10th November 1995
- NP/94/009 Residential development Permission 11th November 1994

Current Proposal

The application seeks approval for the variation of condition no.2 of NP/14/0014 to allow the building design to be amended and to include an increase in height. The original design comprised a detached three-bedroom bungalow with basement level set in a slope (thereby creating two-storeys when viewed from the front of the site).

The amended design includes a two storey four bedroom bungalow to be provided in two main blocks running parallel which both have a pitched roof over and in between there is a two storey link aspect with a flat roof over. The dwelling adopts an upside down living aspect with the four bedrooms provided on the ground floor along with family bathroom and utility room. At first floor level an open plan layout is evident together with a study, WC and kitchen store room together with the main access entrance which is provided via an access bridge from adjacent terraced land.

Key Issues

The application raises the following planning matters:-

- Principle
- Policy and Impact on the Special Qualities of the National Park
- Affordable Housing
- Siting and Sustainable Design
- Amenity and Privacy
- Highway Safety and Access
- Landscaping
- Biodiversity
- Land Drainage and Flooding

Principle of Development:

Correspondence has been received which suggests that plot 5 should not be considered to be an infill plot.

Officers consider that the concern raised on whether plot 5 should be considered an infill plot is not relevant in this instance given that the principle has already been considered in granting planning permission NP/14/0014 and that a material start has been made on this consent in the form of extensive excavation work within the site.

Policy and Impact on Special Qualities of the National Park:

Correspondence has been received which raises concerns on policy and impact on character and visual amenity.

Although Freshwater East is characterised by a mix of residential styles, they are mostly single storey or one-and-a-half storey properties, within mostly medium to large sized plots and results in the loose-knit settlement pattern that characterises the area. Some of the properties within the burrows have a split-level design due to the slope with single storey aspects facing north and two storey aspects facing south and the current design follows this principle.

The previous basement level approved in 2014 will be provided as ground floor comprising bedroom accommodation and whilst the development does not incorporate the earth bunds which the previous consent had the development in simple terms is similar in height and results in a two-storey building that occupies the northern part of the plot in terms of its footprint utilising the cut aspect to the plot to set the dwelling level as low as possible. Accordingly, the proposal does not amount to a fundamental alteration of the proposal put forward in the original application.

The current proposal is considered to have a scale and design which retains the overall character of the area, and also the special qualities of the National Park and given the context of the site will be well screened from the immediate and wider landscape, therefore resulting in a dwelling with an appearance to follow other properties within this area.

The current development is considered not to have an adverse impact on this area of the National Park and its special qualities. The proposal is also considered to meet the policies set out in the Local Development Plan 2.

Affordable Housing:

Policy 48 of the LDP2 seeks a contribution to affordable housing provision on new single dwellings. A completed unilateral undertaking based on £125/m² will be required and the agent has indicated that a completed legal agreement will be submitted in line with the requirements as set out within Policy 48 and the Affordable Housing SPG.

Siting and Sustainable Design:

Correspondence has been received which raises concerns on the current development having an excessive scale and height, poor siting and design. Resulting in overdevelopment of the site, and a design which is out of keeping with the surrounding properties.

The 2014 permission allowed for a single storey dwelling set down into the slope of the land and the approximate maximum dimensions are $12.1m \times 8.6m$, but includes a basement level so would be viewed as a two storey dwelling when viewed from the front of the site and had its main access on the upper floor level. A stair-well to the rear of the building provided external access to the basement, with windows along the south and east facing elevations. The maximum height of the dwelling was 6.8m and had an overall footprint of $81m^2$.

The current proposal is for a dwelling which measures approximate 15m at its widest point and 12.3m in depth and whilst this does increase the scale of the dwelling when considered against the previous dwelling to a new overall footprint of 134m². This increase is not considered to result in an excessive scale or overdevelopment of the plot given that the current development uses only 134m² of the 591m² plot size (owned by the applicant) which increases to 722m² (overall red line area) when the right of way access area is included.

The new dwelling will have a maximum height of 7.45m which results in an increase in height of 0.65m when compared to the previous consent and this increase is not considered to be excessive with the current design assisting in keeping this height as low as possible. The dwelling will be provided over two storeys (as was the case in the originally approved development) and be provided in two main blocks running parallel which both have a pitched roof over and in between there is a two storey link aspect with a flat roof over. The external finishes include grey natural or fibre cement slate roof, with timber cladding to upper walls to receive a sage green stain finish. The walls to the lower level will have a render finish and painted off white. Fenestration will be in hardwood joinery with a dark grey stain/paint finish and the fascia/bargeboard together with the rainwater goods will have white Upvc and black Upvc finishes respectively.

As such, officers consider that the proposed siting of the works within this location are acceptable and make best use of the site whilst also seeking to protect the

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Page: 28 Page 68 of 251 existing trees within the frontage of the site. The overall design has an appearance which does not detract from the character of other buildings within Freshwater East in that it follows a similar form, scale and uses materials which are commonly present within this area. Therefore, whilst several concerns have been raised in respect of the current proposal in terms of siting and design these are not shared with officers and the proposal can be supported in this instance.

Amenity and Privacy:

Correspondence has been received which raises concerns on the development resulting in overlooking and privacy impacts.

Policy 30 of the LDP2 refers to 'amenity' in general seeking to avoid incompatible development and significant adverse impact upon the amenity enjoyed by neighbouring properties particularly where the development is an inappropriate use, is of a scale incompatible with its surroundings, development leads to an increase in traffic, noise, odour or light or the development is visually intrusive.

The siting of the proposed dwelling and its orientation is not considered to result in any significant adverse impact on adjacent neighbouring dwellings. The nearest dwellings are known as Dolycwrt which is 30 metres to the North, Sunblest which is 23 metres to the North West and Greenham which is 33 metres to the West. All of these are located several metres higher that the current site level. Stella Maris is 28 metres to the East and The Dingle is 70 metres to the South East of the site both set lower down than the current site level but considered to be a sufficient distance away to protect neighbours privacy and amenity. In addition, the existing trees which are to be retained to the front of the site will also add a degree of screening between these properties.

Sunblest which is the closest dwelling at 23 metres and located several metres higher also has a row of mature conifers running along the entire length of the shared boundary which will screen the new dwelling from the garden and dwelling to a good degree from this residential property.

Therefore, based on the above consideration officers do not consider that the current dwelling will have any significant adverse impact on overlooking or privacy to any of the adjacent neighbouring dwellings.

Highway Safety and Access:

Pembrokeshire County Council Transportation and Environment section support the proposal subject to planning condition to ensure that the parking area shown on the drawing reference: 1865/02/B (Received 22.01.2020) shall be constructed before the development is brought into use and shall be used for no purpose other than parking.

Landscaping:

Correspondence has been received which raises concerns on the submitted landscape details not being clear.

Whilst the submitted scheme does indicate existing soft landscaping features to be retained as part of the scheme the level of detail is lacking on these features, the protection measures and any details of new landscaping and these aspects can be covered through a planning condition which will be attached to any consent that may be granted.

Biodiversity:

Correspondence has been received which raises concerns on light pollution from the development.

PPW, TAN5 and LDP2 policies 10 and 11 requires biodiversity and landscape considerations to be taken into account in determining individual applications. The presence of a species protected under UK or European legislation is a material consideration when dealing with applications that are likely to result in disturbance or harm to the species or its habitat.

Natural Resources Wales has also been consulted and offer no objection to the proposed scheme in terms of ecology. The PCNPA Ecologist has commented on the application stating that there is low likelihood of protected species being found at the development site or that there would be any adverse impact on the habitat or species as a result of the development.

However, it is recommended there are opportunities within the proposed development to accommodate biodiversity enhancement measures and a scheme for ecological enhancement would be required to be agreed in writing prior to works commencing, by condition.

A condition to control external lighting would also be added for any lighting to be agreed prior to its installation and this would address the concern raised on potential light pollution from the development. As such, the proposal conforms with the relevant requirements of PPW, TAN5 and LDP2 policies 10 and 11.

Land Drainage and Flooding:

Correspondence has been received which raises concerns on drainage issues.

PCC Drainage Engineers have been consulted as part of the application and support the application subject to the discharge of surface water being directed to new soakaways or other form of sustainable drainage system. If, however, ground conditions are not suitable for the use of soakaways/infiltration type SuDS, an alternative method of disposal will be required, which should be agreed in writing with the local planning authority.

The application proposes foul drainage to a cesspit as consented within the 2014 planning consent, this will be located under the driveway and turning head. Although correspondence has raised concerns as to whether the design and location of the cesspit under the driveway will be safe when heavy vehicles use it, Natural Resources Wales has raised no objection to its provision and this facility will be

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Page: 30 Page 70 of 251 subject to Building Regulation approval. As such, it is considered that the concerns raised are not shared by the relevant bodies as indicated above.

Conclusion

The principle of residential development on this site has already been accepted. It is considered that the proposed dwelling has a scale, form, mass and detailing which is acceptable. The dwelling is also considered to sit comfortably within the plot and has an acceptable context with the surrounding area. The access is considered to be acceptable seeks to retain existing trees to the site frontage. The external appearance of the development is considered appropriate to the setting of the site within the Freshwater East Burrows (within which there is a variety of architectural designs and detailing) and would not be considered to adversely harm physical and visual amenity or privacy to neighbouring dwellings.

The two-storey proposal is considered to retain the overall character of the area, and also the special qualities of this area of the National Park. The development also incorporates a proposed floor levels which will ensure the mass of the development utilises the existing site topography in a positive way to screen from the immediate and wider landscape. As such, and subject to a schedule of suitable conditions, the development is considered to be acceptable and complies with the requirements of policies 1, 7, 8, 9, 10, 11, 14, 29, 30, 32, 46, 48, 59 and 60 of the adopted Local Development Plan 2.

Recommendation

Notwithstanding the objection received the application be delegated to the Chief Executive/Director of Planning / Team Leader to grant planning permission subject to the conditions as outlined within the report and completion of the Section 106 Unilateral Undertaking or Agreement in respect of the provision of a financial contribution towards affordable housing within 3 months of this meeting. The Section 106 legal document will be required within three months of the date of the meeting, and if not received within this time, officers will refuse the application on lack of information under delegation procedures.

Conditions

1. The development shall begin not later than five years from the date of this decision.

Reason: Required to be imposed pursuant to Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

 The development shall be carried out in accordance with the following approved plans and documents: Drawing Reference: 1865/00 (Received 12.06.2019) Drawing Reference: 1865/01 (Received 19.06.2019) Drawing Reference: 1865/02/B (Received 22.01.2020) Drawing Reference: 1865/03/B (Received 22.01.2020) Drawing Reference: 1865/04/B (Received 22.01.2020) Drawing Reference: 1865/05/B (Received 28.01.2020)

BS5837 Tree Report (Received 26.07.2019)

Reason: In order to be clear on the approved scheme of development in the interests of protecting visual amenity and the special qualities of the National Park. Policy: Local Development Plan 2 – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 14 (Conservation of the Pembrokeshire Coast National Park) and 29 (Sustainable Design).

- 3. No development shall be carried out until a biodiversity enhancement scheme, to include provision of at least two features for bat roosting or bird nesting, has been submitted to and approved in writing by the local planning authority. The approved biodiversity enhancement scheme shall be undertaken and/or installed prior to first beneficial use of the development herby approved, in accordance with the approved details **Reason**: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value and to ensure compliance with the Environment Wales) Act 2016. Policy: Local Development Plan 2 Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 10 (Sites and Species of European Importance), 11 (Nationally Protected Sites and Species), 14 (Conservation of the Pembrokeshire Coast National Park) and 30 (Amenity).
- 4. No external lighting shall be installed until an external lighting plan is submitted to and approved in writing by the local planning authority. The scheme shall avoid conflict with bat flight-lines and wildlife corridors and shall be implemented as approved.

Reason: To ensure that animal and plant species which within the terms of the Conservation (Habitats 2c) Regulations 1994 are effectively protected. Policy: Local Development Plan 2 – Policies 10 (Sites and Species of European Importance) and 11 (Nationally Protected Sites and Species).

- 5. No development, demolition or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme relating to the immediate landscape. The approved scheme shall include the following details:
 - Arboricultural Impact Assessment (AIA)
 - Arboricultural Method Statement (AMS)
 - Landscaping details
 - Details of Implementation

The landscaping scheme shall be implemented as approved.

Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value. Policy: Local Development Plan 2 - Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 10 (Sites and Species of European Importance), 11 (Nationally Protected Sites and Species), 14 (Conservation of the Pembrokeshire Coast National Park) and 30 (Amenity).

- The parking areas shown on the drawing reference: 1865/02/B (Received 22.01.2020) shall be constructed and available for use before the development is brought into use and shall be used for no purpose other than parking for this site while the development is occupied.
 Reason: To reduce the likelihood of obstruction of the highway or danger to road users. Policy: Local Development Plan 2 Policy 60.
- The development shall utilise soakaways/infiltration type SuDS to dispose of surface water. If, however, ground conditions are not suitable for the use of soakaways/infiltration type SuDS, an alternative method of disposal will be required to be submitted prior to commencement of the development, which shall be agreed, in writing, with the local planning authority. The development shall be carried out in accordance with the approved details.
 Reason: To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system. Policy: Local Development Plan 2 – Policy 29 (Sustainable Design).



















