

Application Ref: NP/12/0075

Application Type	Variation/Discharge
Grid Ref:	SN13050085
Applicant	Mr K Beynon
Agent	Mr A Hughes, Mango Planning & Development Ltd
Proposal	Removal of occupancy condition no. 2 on TB/1707
Site Location	Zion Gardens, St Johns Hill, Tenby, Pembrokeshire, SA70 8HE
Case Officer	Liam Jones

Summary

This report is brought before members of the Development Management Committee as the applicant has appealed to the Planning Inspectorate against the non-determination of the application by this Authority within the statutory period of 8 weeks.

The decision on the application now passes to the Planning Inspectorate although the Authority must defend its appeal case by means of exchange of written statements.

In this regard the Authority is seeking a view from members as to whether planning permission would have been granted. Had the Authority been in a position to determine the application officers would have recommended refusal of the application on the grounds that the scheme would allow the erection of full residential units with no contribution to affordable housing and as such would be contrary to the aims of the Local Development Plan Policy 45. Furthermore officers consider that the scheme would allow the erection of full residential units which provide for no private amenity space to serve future occupiers and a lack of outdoor storage space. As a result the development would conflict with and be contrary to Policies 15 and 30 of the Local Development Plan.

Consultee Response

Countryside Council for Wales: No objection

Tenby Town Council: No objection - recommend approval as the removal of the restrictive occupancy conditions will assist in alleviating the shortage of long-term accommodation in the town.

PCC - Transportation & Environment: No objection

Public Response

The application was advertised by a site notice displayed at the front of site. No letters of representation have been received.

Policies considered

LDP Policy 01 - National Park Purposes and Duty
LDP Policy 02 - Tenby Local Service and Tourism Centre
LDP Policy 08 - Special Qualities
LDP Policy 15 - Conservation of the Pembrokeshire Coast National Park
LDP Policy 29 - Sustainable Design
LDP Policy 30 - Amenity
LDP Policy 31 - Minimising Waste
LDP Policy 32 - Surface Water Drainage
LDP Policy 37 - Self-Catering Development
LDP Policy 44 - Housing
LDP Policy 45 - Affordable housing
LDP Policy 52 - Sustainable Transport
LDP Policy 53 - Impacts on traffic
PPW4 Chapter 04 - Planning for Sustainability
PPW4 Chapter 09 - Housing
SPG01 - Affordable Housing
SPG03 - Sustainable Design
SPG08 - Validation of Planning Applications
SPG10 - Parking
TAN 02 - Planning and Affordable Housing
TAN 12 - Design
TAN 13 - Tourism
TAN 22 - Planning for Sustainable Buildings

Officer's Appraisal

Background & Description

In 1972 planning permission was granted for development of the application site and its adjoining land (to the west) for the erection of 26 holiday units, a private flat and detached house. The permission was part implemented in that the development to the west of the application site was completed although development was not carried out on the land subject of this application. A condition was attached to the planning permission restricting the use of the holiday units approved as holiday accommodation to not be used between the periods 1st March to 30th November and 14th December to 14th January.

In 1991 an application was submitted to remove a holiday letting condition attached to the main planning permission for the site (TB/1707). The application sought removal of the condition from 10 of the completed holiday lets to allow for full residential use in the west portion of the site. It did not

Item 6 - Report on Planning Applications

include the land subject of this application and planning permission was approved subject to additional details being submitted in respect of any external changes and removal of permitted development rights of the residential units.

Since that time the site has been used for the siting of 7 static caravans which has been granted permission through a succession of temporary planning permissions. The last permission was granted on 24 November 2010 and expires on 25 November 2015.

The Authority has responded to a pre-application request made in January 2011 (PA/035/11) for a proposed residential development of the site and advised of the current adopted Local Development Plan which priorities the need for Affordable Housing in all new residential developments.

History

- PA/035/11 – Zion Gardens, Tenby – 4 Residential Properties – Pre Application Advice given on 11 March 2011
- NP/10/426 – Land at Zion Gardens, Tenby – Renewal of temporary consent for NP/05/375 for caravan site – Approved 24 November 2010
- NP/05/375 – Zion Gardens Caravan Site, Tenby – Renewal of temporary consent NP/00/149 for caravan site – Approved – 26 September 2005
- NP/00/149 – Zion Gardens Caravan Site, Tenby - Caravan site (renewal of consent) – Approved – 25 May 2000
- NP/085/95 – Zion Gardens, Tenby – Renewal of Temp. Consent for 7 caravans – Approved – 19 April 1995
- NP/390/91 – Zion Gardens Apartments, Tenby – Change of use from holiday to permanent residential dwellings – Approved – 9 August 1991
- TB/1707 – Zion Gardens, Tenby – Use of land for erecting 28 holiday units and house – Approved 29 August 1972

Current proposal

The application is made under Section 73 of the Town and Country Planning Act 1990 (as amended) and seeks the removal of a condition granted on a planning permission on 29 August 1972.

Planning permission TB/1707 approved the erection of new holiday lets, a private flat and detached house at Zion Gardens in Tenby. In order to control the use of the units to holiday letting only Condition 2 was imposed which reads:

The use of the holiday units to be restricted to the periods 1st March to 30th November and 14th December to 14th January in each year

The applicant seeks full removal of this condition which would allow the erection of the units with no restriction. This would enable their use for permanent accommodation as opposed to only holiday accommodation.

Key Issues

The main issue to consider relates to whether removal of the condition would comply with the aims of the current Adopted Local Development Plan. There is a need to consider the principle of allowing full residential use and other considerations associated with this use including amenity space, parking and storage to serve future occupiers.

Principle of development

In 1972 the original planning permission granted the erection of a number holiday units at Zion Gardens. Whilst a number of these were built and completed to the west of the site the remainder of the site to the east (subject of this application) has been used as a small caravan park with renewals of planning permission forthcoming on a temporary basis. This application seeks full removal of the occupancy condition attached to the un-built holiday accommodation, permission for which has been preserved through the partial implementation of that planning permission

In policy terms the purpose of using occupancy conditions has always been to ensure the units are used for holiday accommodation and not as permanent residential units. In some instances this was because the accommodation was not considered appropriate in some way to support full time accommodation. In other instances it could have been to control amenity or privacy issues.

Policy 37 of the Local Development Plan relates to Self Catering Development and paragraph 4.165 of the Plan advises that planning conditions will be used to ensure facilities remain as units of holiday accommodation and not occupied as a sole or primary residence. Furthermore Policy 45 states that all new housing developments must prioritise affordable housing and this is supported by Supplementary Planning Guidance 'Affordable Housing'.

This planning application seeks the full removal of the condition controlling occupancy and as a result would allow unfettered residential dwellings. Whilst the completion of the development could be forthcoming in any event Policy 45 is considered to be relevant in that it will create new dwellinghouses as opposed to their approved use as holiday lets. Policy 45 seeks to deliver affordable housing in the National Park with a 60% contribution in Tenby to meet identified affordable need. The applicant has not offered contribution to affordable housing and accordingly the application fails to comply with Policy 45.

Item 6 - Report on Planning Applications

It can be noted that permission was forthcoming in 1999 (NP/390/91) for removal of the occupancy condition in respect of 7 of the completed units to the west of the site. The planning policy for the area has changed considerably since that approval with the adoption of the current Local Development Plan. This cannot be used as a reason to justify removal of the condition which fails to comply with current adopted policy and there are no material considerations which would justify a departure from the plan in this instance.

Amenity, Parking and Storage

Policy 30 of the Local Development Plan 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 supporting text to the policy at 4.136 explains *"this policy aims to protect the amenity enjoyed by people in their residences, workspaces and recreational areas. Amenity is defined as those elements in the appearance and layout of town and countryside which makes for pleasant life rather than a mere existence. Anything ugly, dirty, noisy, crowded, intrusive or uncomfortable is likely to adversely affect amenity"*.

Whilst it is accepted that the units approved in 1972 could be built on the site a further consideration rests with whether there would be sufficient amenity, parking and storage space to serve the occupiers of the full residential units. The approved block plan from 1972 shows that the units would be positioned adjoining the north, east and south boundaries of the site. In that respect the plans show that a small amount of amenity space could be provided only to the front of the units along with a number of parking bays to serve the units in a central courtyard. There is no private amenity space provided with the dwellinghouses and any storage would need to be provided to the front of each dwellinghouse.

The layout and spacing provided by the scheme would provide wholly inadequate levels of private amenity space and storage spaces to serve the future occupiers of the dwellinghouses. Access to appropriate outdoor space for normal activities such as sitting out, hanging washing or storing refuse is essential to a full residential use and the lack of provision for suitable space would undermine the quality of life of future residents. As such the scheme would fail to comply with the aims of Policy 30 – Amenity.

Whilst it is accepted that space could be provided to the front of each dwellinghouse this is considered to be wholly inappropriate in that it would result in visual clutter and storage which would be insensitive within the context of the site contrary to the aims of Policy 15 and Policy 30 of the Local Development Plan.

Reason for delayed processing

The 8 week expiry for this application was 17 April 2012 and in usual circumstances a decision would have been made within the period under delegated powers. However, the application has been met with the support of Tenby Town Council and as a result a refusal could not be forthcoming under delegated powers with the decision required to be made by planning committee.

The planning committee did not meet in April 2012 and during April and May 2012 officers were required to respond to written communication received from the applicant in respect of justification for the proposals. Given that the 8 week date for determination had already expired officers found it prudent to reply to the communication and suggest the submission of a package of affordable housing to overcome the principal objection to the application as opposed to not giving the applicant the opportunity to overcome the objection.

No scheme for affordable housing was forthcoming and officers were scheduled to meet the applicant to discuss the scheme in early June 2012. Notwithstanding this the application was scheduled to be brought forward to members at the July planning committee in any event.

Role of members

The role of members in this matter is to purely make a decision as to whether planning permission would have been approved for this application or whether it would have been refused. Had the Authority been in a position to determine the application officers would have recommended refusal of the application, in line with the above concerns.

Conclusion

In conclusion it can be determined that the application fails to comply with the aims of the Local Development Plan in providing for affordable housing through new residential developments. Whilst the nature of the scheme is unusual in that the building form has previously been approved this does not justify a departure from the Plan in that it will allow full residential units without priority given to affordable housing. Furthermore the layout and form of the development would be inappropriate for a full residential use in that there would be no private outdoor amenity space and a lack of storage space to serve the needs of future residents. As a result, had an appeal not been received, officers would have been minded to recommend refusal of the application for the following reasons:

Reasons:

1. Removal of Condition 2 of planning permission TB/1707 would allow the erection of new and unfettered residential dwellings with no provision given to affordable housing. As a result the proposal is considered to be contrary to Policy 45 criterion (a) and Supplementary

Item 6 - Report on Planning Applications

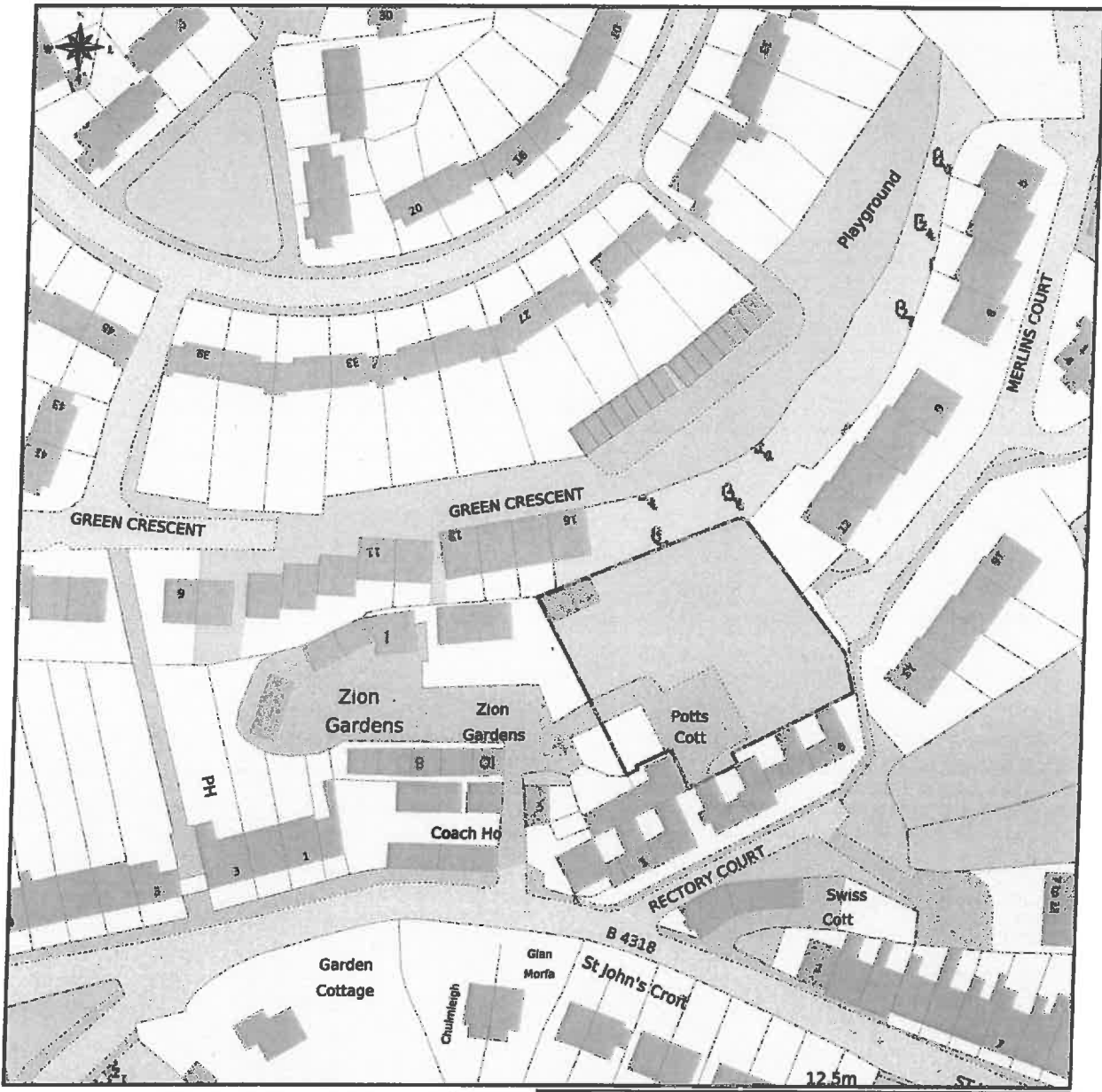
Planning Guidance 'Affordable Housing' of the Pembrokeshire Coast National Park Local Development Plan (Adopted September 2010).

2. The scheme as a result of removal of Condition 2 of planning permission TB/1707 would provide insufficient levels of outdoor private amenity space and storage to serve the occupiers of the full residential units. Any ancillary storage would need to be provided to the front of each dwellinghouse resulting in visual clutter which would have an adverse impact upon visual amenity of the surrounding area. As a result the development would undermine the quality of life of future residents, be inappropriate for where people live, be visually intrusive and fail to harmonise with, or enhance the landform and landscape character of the National Park contrary to Policy 15 and Policy 30 of the Pembrokeshire Coast National Park Local Development Plan (Adopted September 2010).

Recommendation

That members note the above report, endorsing the reasons given by your officers as to why planning permission should not be forthcoming for the proposal.

Zion Gardens, Tenby



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Scale: 1:1250, paper size: A4

AH/110104/01

01 FEB 2012

Site Location Plan

NP 12 0 75



plans ahead

SECTION OF THIS PLAN IS TO BE MADE TO THE SATISFACTION OF THE LOCAL AUTHORITY.

This plan is submitted by me to the Local Authority for their consideration and approval. I warrant that the information given is true and correct and that I am the owner of the land shown on the plan.

MP 12 75

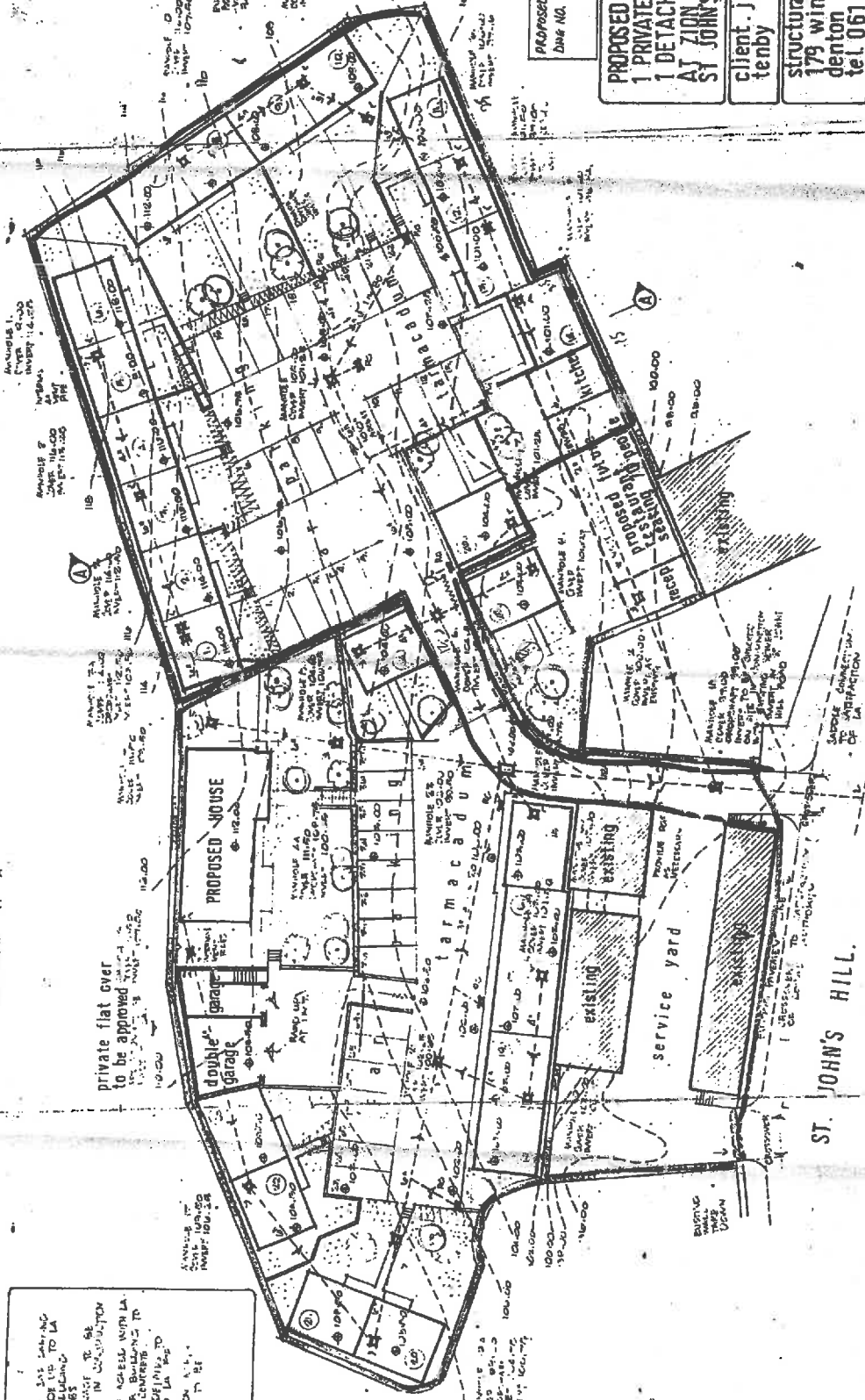
APPROVED PLAN
 SUBJECT TO THE LOCAL AUTHORITY'S REQUIREMENTS
 AS RECEIVED ON 11/11/75
 PLANNING CONSENT REF. N
 MP 053.75

PROPOSED SITE PLAN
 DATE NO. 01

PROPOSED 26 HOLIDAY UNITS
 1 PRIVATE FLAT AND
 1 DETACHED HOUSE
 AT ZION GARDENS
 ST JOHN'S HILL, TENBY.

client: J. beynon esq
 tenby

structural design services
 179 windsor road
 denton lancs
 tel. 061-833-0848



- notes
1. ALL DIMENSIONS & JOBS TAKING SHALL TO BE MADE TO THE LOCAL AUTHORITY'S REQUIREMENTS INCLUDING THE PROVISION OF A 10% BUFFER ZONE AROUND ALL BUILDINGS.
 2. ALL DIMENSIONS TO BE TAKEN TO THE CENTRE OF WALLS UNLESS OTHERWISE STATED.
 3. CROSSINGS TO BE AGREED WITH THE LOCAL AUTHORITY.
 4. ALL DIMENSIONS TO BE TAKEN TO THE CENTRE OF WALLS UNLESS OTHERWISE STATED.
 5. DIMENSIONS TO BE TAKEN TO THE CENTRE OF WALLS UNLESS OTHERWISE STATED.
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