

Item 6 - Report on Planning Applications

Application Ref: NP/12/0547

Application Type	Full
Grid Ref:	SN01730011
Applicant	Charles Church Ltd
Agent	Asbri Planning
Proposal	Proposed new access road to service new residential development situated east of Cleggars Park
Site Location	Land East of Cleggar Park, Lamphey, Pembroke, Pembrokeshire, SA71 5NP
Case Officer	Julia Evans

Summary

This is a full application for a residential access road, which would serve the allocated residential development to the south of the site. The residential units are being processed under an application dealt with by the County Council (reference 12/0702/PA) as they are outside the National Park. The proposal has been carefully considered against all material considerations and the relevant national and local development plan policies. On balance the application is not felt to harm the special qualities of the National Park, nor raise any other material planning concerns. It is therefore recommended for permission, subject to conditions.

The application has been referred to the Development Management Committee because Lamphey Community Council have objected to the proposal, which is contrary to the recommendation for permission.

The application was first considered by the Development Management Committee at its meeting on the 23rd January, 2013, whereby it was deferred to seek comments from the County Council's Highway Section, plus their views on the comments made by a neighbouring land owner.

Consultee Response

Lamphey Community Council: Reply - Insufficient detail and quality of plans to make a comment and wish this application be deferred for more details.

Dwr Cymru Welsh Water: Conditional Consent

Ecologist - Pembrokeshire County Council: No objection

Environment Agency Wales: Conditional Consent

PCC - Transportation & Environment: Conditional Consent

Public Response

The application has been advertised and neighbour notifications undertaken. Four responses have been received from two adjacent land owners making the following comments which are mainly concerned with the proposed housing development rather than its access:-

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- There are serious parking problems in the area associated with the school, and the proposal should include a parking / drop-off facility for it;
- The visibility for the proposed junction is sub-standard in that it does not have sufficient visibility splays;
- Welsh Water require waste water treatment works improvements to service the housing;
- An alternative sewer route is needed;
- The housing application is being fast-tracked by the County Council when the access application being dealt with by the National Park Authority is not yet valid;
- Any new housing benefits the local economy, increased employment and local revenues irrespective of where it is;
- The residents of the new housing are unlikely to use public transport or walk;
- The site is a greenfield site, and not a brownfield one which is what should be developed as a priority over undeveloped land;
- 39 of the 40 houses allocated for the much larger Joint Unitary Development Plan for Pembrokeshire (JUDP) housing allocation will be in the proposed housing site. This is a density twice that of the existing residential sites in Cleggars Park and Westhill;
- Access to the housing will be from land in the National Park, and will require a revision of the settlement boundary for the Park's Local Development Plan;
- The site access is not included as development in the Local Development Plan;
- The housing would have an adverse, stark, and revealing visual impact;
- The site is detached from the village;
- The development relies on hedgerows to the south and east to protect distance views;
- The new houses would not keep the existing hedges because they would want a view;
- The 30mph zone has to be moved further to the west to cater for vehicles that disobey the speed limit;
- The housing application proposes only 5 bungalows which is in stark contrast to the neighbouring development;
- The housing would be standard housing types which is not appropriate for its rural setting or the border of a National Park;
- The draft Section 106 does not deal with a transport obligation, a schools obligation, or pumping station provision;
- The access application concerns itself with mineral resources, and not the severe impact it would have on the National Park; and
- The National Park Authority is being brow-beaten into accepting the access on grounds of over-riding need.

Since the consideration of the report in January, two further letters have been received from the same landowners who originally objected to the proposal. The following additional comments have been made:-

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- The site is not completely within the control of the applicant; and
- Comments made on the County Council's handling and processing of the outline application for the housing.

Policies considered

Please note that these policies can be viewed on the Policies page Pembrokehire Coast National Park website -
<http://www.pembrokeshirecoast.org.uk/default.asp?PID=549>

LDP Policy 01 - National Park Purposes and Duty

LDP Policy 07 - Countryside

LDP Policy 08 - Special Qualities

LDP Policy 09 - Light Pollution

LDP Policy 11 - Protection of Biodiversity

LDP Policy 15 - Conservation of the Pembrokehire Coast National Park

LDP Policy 21 - Minerals Safeguarding

LDP Policy 29 - Sustainable Design

LDP Policy 30 - Amenity

LDP Policy 32 - Surface Water Drainage

LDP Policy 48 - Community Facilities and Infrastructure Requirements

LDP Policy 52 - Sustainable Transport

LDP Policy 53 - Impacts on traffic

PPW5 Chapter 04 - Planning for Sustainability

PPW5 Chapter 05 - Conserving and Improving Natural Heritage and the Coast

PPW5 Chapter 08 - Transport

PPW5 Chapter 09 - Housing

PPW5 Chapter 12 - Infrastructure and Services

PPW5 Chapter 13 - Minimising and Managing Environmental Risks and Pollution

SPG04 - Planning Obligations

SPG06 - Landscape

SPG10 - Safeguarding Mineral Zones

TAN 05 - Nature Conservation and Planning

TAN 06 - Planning for Sustainable Rural Communities

TAN 10 - Tree Preservation Orders

TAN 11 - Noise

TAN 18 - Transport

Officer's Appraisal

Background

This is a full application for the access road into the proposed residential development to land to the east of Lamphey village. The land to the east of Cleggars Park is allocated for residential development in the Joint Unitary Development Plan for Pembrokeshire (JUDP) which remains the statutory development plan for the County outside the National Park. These two large-site allocations provide for a total of 70 houses, with proposed accesses off Cleggars Park, the B4584, and the A4139. The housing application that is currently being handled by the County Council is an outline application (with all matters reserved) for up to 39 dwellings on land to the south of Pennyroyal and Aashirwad. The proposed access for this development is through land that lies in the National Park to the east of Pennyroyal.

The site area in the National Park is a triangular parcel of agricultural grazing, bounded to the north by the A4139. This hedgerow also forms the National Park boundary: the road itself is within the County Council's jurisdiction. The field edge bordering the highway is delineated by a mature hedgerow and trees, to the south of which is a large field currently laid to agricultural grassland. To the west lie two bungalows in large gardens, forming the existing edge of the village. Their boundary with the site is delineated by a post and wire fence. The 30mph speed limit to the village starts in the westernmost corner of the site. The land slopes very gently downhill from the north to the south.

Constraints

The site lies within the open countryside over a Minerals Safeguarding Area. There are also two groups of protected trees to the north and south of the highway, but these are in the County Council's area. Land to the south is allocated as residential large sites in the JUDP.

Relevant Planning History

- 12/0702/PA – (land to the south) Outline residential development (all matters reserved) for up to 39 dwellings and associated works – This application was considered by Pembrokeshire County Council's Planning and Rights of Way Committee on the 8th January 2013, which resolved to grant permission subject to conditions and the satisfactory completion of a Section 106 legal agreement.

Current Proposal

The current application seeks full planning permission for a residential estate distributor road to provide access to a proposed housing development further to the south. The proposed access road would run from the A4139 in a southerly direction along the line of the current western field boundary. It would measure approximately 5.5m in width with 1.8 m wide footpaths either

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side, and would be constructed of tarmacadam. It would be a priority junction, and both it and the road would be built to adoptable standards. The proposed visibility splays along the A4139 would be partly in the National Park and partly in the County Council's area and would necessitate the realignment of the northern boundary to accommodate the visibility splays for the proposed access road and its associated footpath to the village. Either side of the proposed new road the land would be landscaped and retained as grassland. A post-and-wire fence is proposed to demarcate the eastern boundary of the site.

The application has been submitted with the following supporting information:-

- A Design and Access report;
- Minerals Safeguarding Statement;
- Protected Species report;
- Proposed foul and storm water outline drainage strategy report;
- Tree survey; and
- A Transport Statement.

Key Issues

The application raises the following planning matters:-

- Principle of the development and planning history;
- Impact on the special qualities of the National Park and landscaping matters;
- Highways and rights of way matters;
- Minerals safeguarding matters;
- Protected species and habitats matters;
- The water environment and drainage matters; and
- Neighbouring amenity matters.

Principle of the development and planning history:

The proposed road lies in the open countryside adjacent to the village of Lamphay which lies to the west. As referred to in the sections above, the land to the south is allocated for residential development in the JUDP. In addition to proposed accesses from the north and west of these allocations, the JUDP refers in its Appendix 2 to a further proposed access for the allocations through land in the National Park to the south of the A4139. Although the access road is not shown annotated on the Authority's Local Development Plan Proposals Maps, the planning principle for the siting of an access road through land within the National Park land has been acknowledged in the JUDP. As the JUDP remains the development plan for areas outside the National Park, its provisions are a material consideration due to the proposed development straddling the boundary between planning authorities.

In view of the proposed development straddling local planning authority areas, a pre-application submission for the proposed access was submitted to the Authority for consideration. It was established that due to the boundary between the two authorities splitting the site in two, that two applications

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would be needed: the access road application would need to be submitted to the National Park Authority, whilst the housing application would need to be submitted to the County Council.

The National Park Authority raised no objection to the principle of the road.

The County Council considered the outline application for residential development at its Planning and Rights of Way Committee on the 8th January 2013. Outline permission was granted subject to the satisfactory completion of a legal agreement and conditions.

The suggested conditions deal with time periods for implementation, management of the construction phase, securing acceptable drainage arrangements, detailed design under reserved matters, landscaping and ecological mitigation, detailed highway arrangements including footpath infrastructure, and achieving the necessary standard for the Code for Sustainable Homes.

In addition to matters concerning the housing delivery, the proposed Section 106 agreement also requires a financial contribution of £35,500 to secure a new footpath and traffic calming measures.

In its consideration of the access, the National Park Authority has to take account of the decision on the outline application for residential development. This is because the present application to construct the access needs to be tied into the provision of the residential development that it would serve. Consequently, were permission to be granted for the access it is recommended that a condition be imposed preventing the start of work on the access unless planning permission for the residential development has been granted.

Impact on the Special Qualities of the National Park and landscaping matters:

Policies 8, 15, 29, and 30, in particular, in the adopted Local Development Plan (LDP) seek to protect the special qualities of the National Park, including the pattern and diversity of the landscape and villages, and the nature conservation habitats.

As noted above, the principle of an access road going through this site has been established in the JUDP with the National Park Authority.

The proposed road necessitates the realignment of the existing hedgerow bordering the A4139, and subject to this occurring, the visual impact of the proposal from the road would be minimised. However, the application has not proposed any additional landscaped boundary treatments other than post and wire fencing to the east and west boundaries.

The application has been submitted to the Authority's Trees and Landscape Officer for comments, and he requires additional planting along the western boundary plus the erection of a hedgebank to define the eastern boundary. These measures would soften the visual impact of the scheme, enhance the

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amenity of the dwellings to the west, and protect the special qualities of the National Park. Should permission be granted these comments can be dealt with by a condition, along with a requirement to submit and implement details of measures to protect those trees and hedgerows to be retained and of a planting scheme for the proposal.

In addition to the boundary treatments for site, the application proposes to retain the land either side of the road as open pasture, with no fencing along the footpath. The retention of this land as grassland is acceptable in visual terms in that it retains the open character of the area and softens the visual impact of the rural – urban interface. The road is not proposed to be raised above the existing ground level as its gradient follows the existing gently sloping terrain. In order to ensure that these characteristics are retained in the event of a permission being granted a condition is proposed to protect the topography of the scheme.

Highways and rights of way matters:

Policies 52 and 53 of the Local Development Plan refer to traffic impacts of proposed development. The application has been supported with a Transport Statement that states that the proposal will be constructed in accordance with adoptable standards. Lamphay Community Council has objected to the proposal on a number of grounds, including that the proposed visibility splay is inadequate for the speed of the main road.

The Highway Authority's comments raise no objection to the proposal subject to conditions requiring the provision of a footway to the west of the site, an extension of the 30mph area to include the access's visibility splay, the provision of full details of the visibility splay, and the site management arrangements. The provision of the footway is not completely within the application area as a large section of it lies within the County Council's jurisdiction. It is intended to be provided through the Section 106 agreement that the County Council requires to be in place before the permission for the residential development can be issued.

Neighbouring consultations have on the application have also resulted in a neighbouring landowner challenging the extent of the ownership of the Highway Authority which is shown in the application as being the owner of the hedgerow. The objector has not provided proof of ownership to support his objection. Disputes as to the extent of land ownership are not matters for the planning authority to determine and are not relevant to the planning merits of the application.

The County Council's Highways Section has responded to the objection by stating that it is not able to determine the land ownership that the plans nevertheless indicate that highway 'works' will take place either within the applicant's ownership or within the existing public highway, which is acceptable to the Highway Authority. The highway officer is due to attend Committee to further inform Members if required.

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Minerals safeguarding matters:

The site lies over a Minerals Safeguarding Zone whereby under the requirements of Policy 21 of the Local Development Plan and its associated Supplementary Planning Guidance minerals reserves will be safeguarded, and that where there is no suitable alternative location for a development, then the extraction of the minerals beneath sterilising development will be required.

The application has been supported with a statement in relation to Mineral Safeguarding requirements. It states that the use of this land is implicit in order to gain access to the residential allocations to the south, but that in any event extraction of the mineral asset is not possible due to the proximity of existing sensitive uses (ie residential properties) within less than 10 metres of the proposed road.

The Authority's Development Plans raised no objection to the proposal nor required the extraction of the minerals in view of how close the proposal is to neighbouring residential properties.

Protected species and habitats matters:

Policy 8 of the Local Development Plan seeks to protect the special qualities of the National Park, including amongst other things, the restoration and enhancement of the National Park's ecosystems.

Policy 9 seeks to minimise light pollution.

Policy 11 states that development that would disturb or otherwise harm protected species or their habitats will only be permitted where the effects can be acceptably minimised or mitigated.

The current application was submitted with a protected species and habitat report which has been considered by the County Council's Ecologist who has concluded that the site had a low biodiversity value and its development would not have a significant impact on any protected species or habitats. It is recommended that the timing of works on the hedgerows should not be undertaken during the bird nesting season (ie April to September), and that the potential of any external lighting should be minimised. In addition the proposed works should be implemented as per the site plan and survey report submitted with the application. These requirements can be dealt with by informatics should permission be granted.

The Water Environment and Drainage Matters:

Policy 32 of the Local Development Plan requires development to incorporate sustainable drainage systems for the disposal of water on site. The application has been supported with a drainage report, and proposes that

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surface water would go to a new soakaway located to its eastern side of the road in the area of grassland.

Both the Environment Agency and Welsh Water have been consulted on the application. The former has raised no objection to the principle of the development, subject to conditions concerning the protection of the aquifer's water quality by ensuring that no pollutants contaminate it. Consequently it suggests conditions requiring details of the surface water drainage, a Method Statement detailing pollution prevention measures during construction, and storage of chemicals. Such conditions are recommended if permission is granted.

As regards Welsh Water, it has raised no objection to the proposal, subject to the satisfactory drainage of the site and protection of the water main running along the northern boundary of the site. As no buildings are proposed in this application, this response can be dealt with by an informative attached to the grant of permission.

Neighbouring Amenity Matters:

Policy 30 of the Local Development Plan refers to amenity in a general sense, seeking to avoid incompatible development and significant adverse impact upon the amenity enjoyed by neighbouring properties.

The nearest residential property, Pennyroyal, is to the east of the proposed road, approximately 5m away from its western footpath. The provision of the road would result in a loss of amenity to this dwelling in particular in terms of noise and privacy. However, the loss of amenity to this property needs to be balanced against the visual amenity value of locating the road close to this dwelling in terms of its impact on the special qualities of the National Park. This is because the location of the road adjacent to these existing properties softens the visual impact of the proposal and protects the special qualities of the National Park. The amenity of the property can also be protected by the boundary treatment improvements suggested in the sections above.

On balance therefore the road is not felt to result in significant harm to the occupiers of the property, subject to the imposition of a suitable landscaping condition.

Conclusion

The proposal has been carefully considered against all material considerations and the relevant national and local development plan policies.

On balance, the application is not considered to harm the special qualities of the National Park, nor does it raise any other material planning concerns. It is therefore recommended that permission be granted, subject to conditions covering the following matters:-

- Standard implementation periods;
- Approved drawings;

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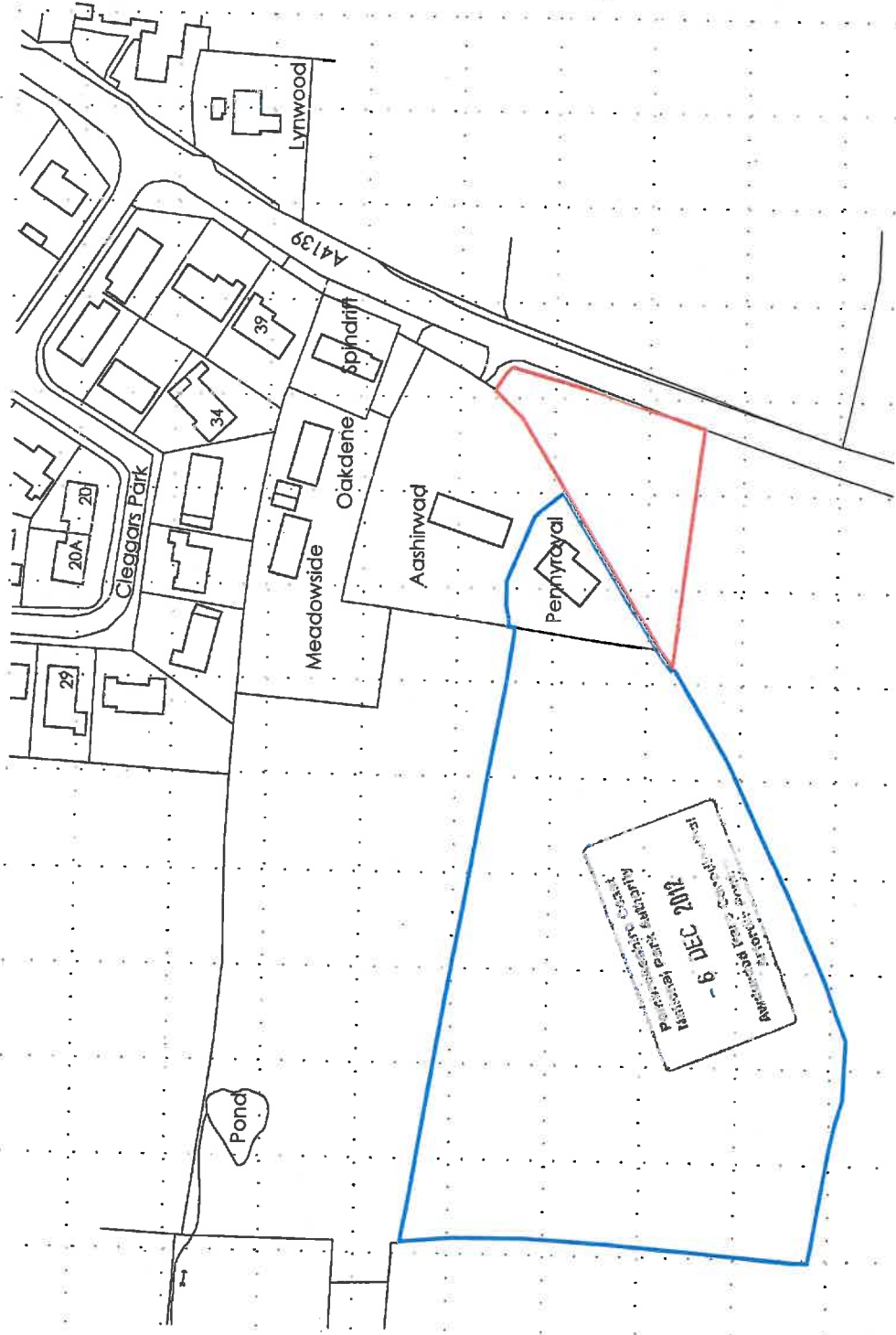
- Requirement for planning permission for the residential development;
- Footpath and 30mph provision;
- Visibility splay details;
- Site construction arrangements;
- Landscaping;
- Lighting details;
- Surface water drainage arrangements;
- Pollution prevention measures;
- Chemical storage arrangements;
- Surface and land drainage.

Recommendation

Conditional approval.

Revised Plans
NP/12/547

**Pennyroyal
LAMPHEY
LOCATION
PLAN**



Approved for Construction
 9 DEC 2012
 Willdix Lamphie Chartered Architects
 141, LONDON, SW1V 4LQ

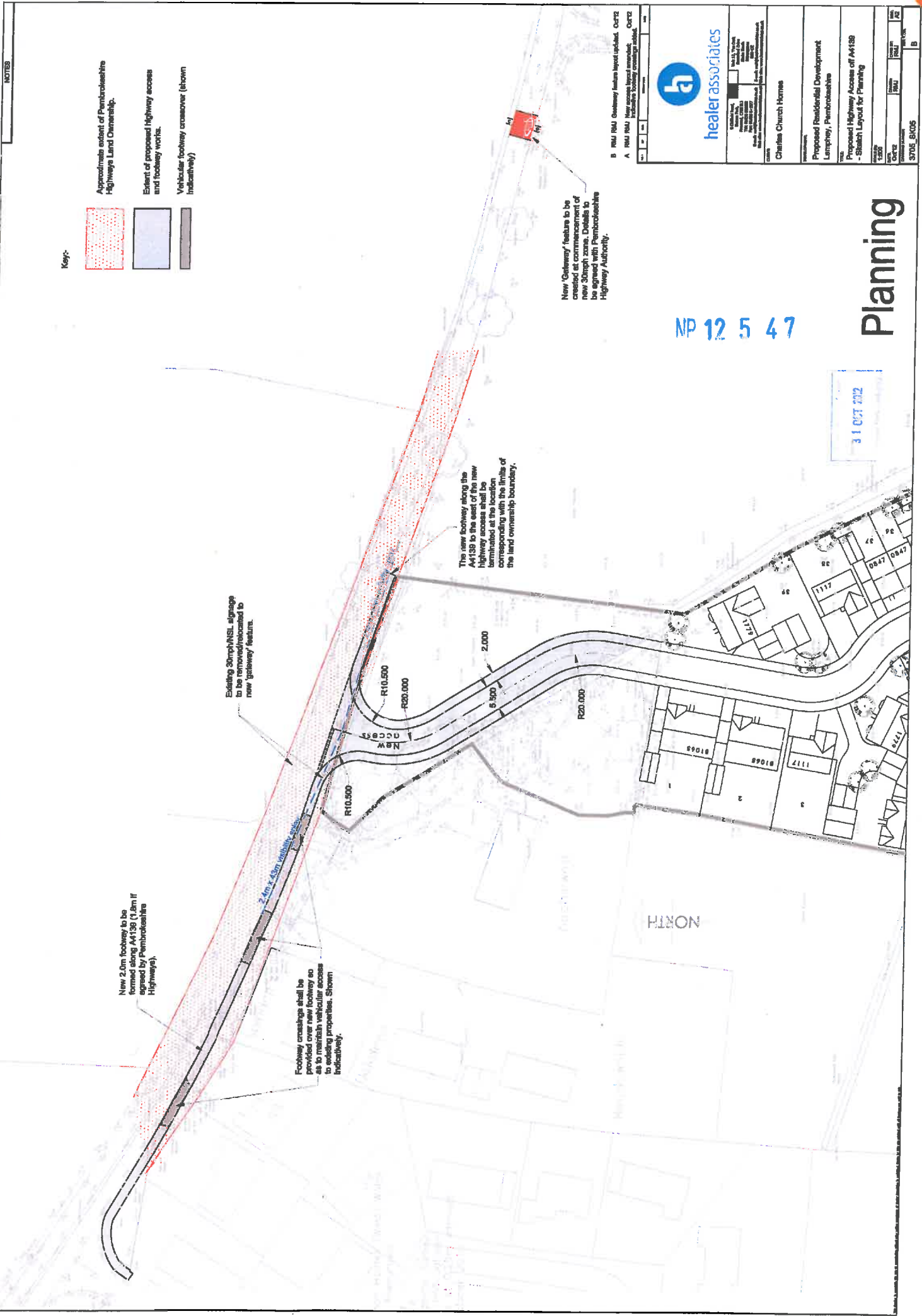
NP 12 5 47

**Pennyroyal
 LAMPHEY
 ILLUSTRATIVE
 CONTEXT PLAN**

NP 12 5 47

3-1 OCT 2012





healer associates

Charles Church Homes

Proposed Residential Development
Lamphey, Pembrokeshire

Proposed Highway Access of A4139
- Sketch Layout for Planning

DATE: 31 OCT 2012

SCALE: 1:1000

PROJECT: NP/12/0547

STAGE: ST05_S105

REV: 18

NP 12 5 47

Planning

NOTES

31 OCT 2012

**Pennyroyal
LAMPHEY**
ACCESS PLAN



Existing trees & hedges to be retained



Existing trees & hedges to be removed



NB: See Healer Associates drawing number 3705_SK05 Rev. B for full engineering details of proposals

New footway with vehicle crossings to maintain access to existing properties to be formed along A4139

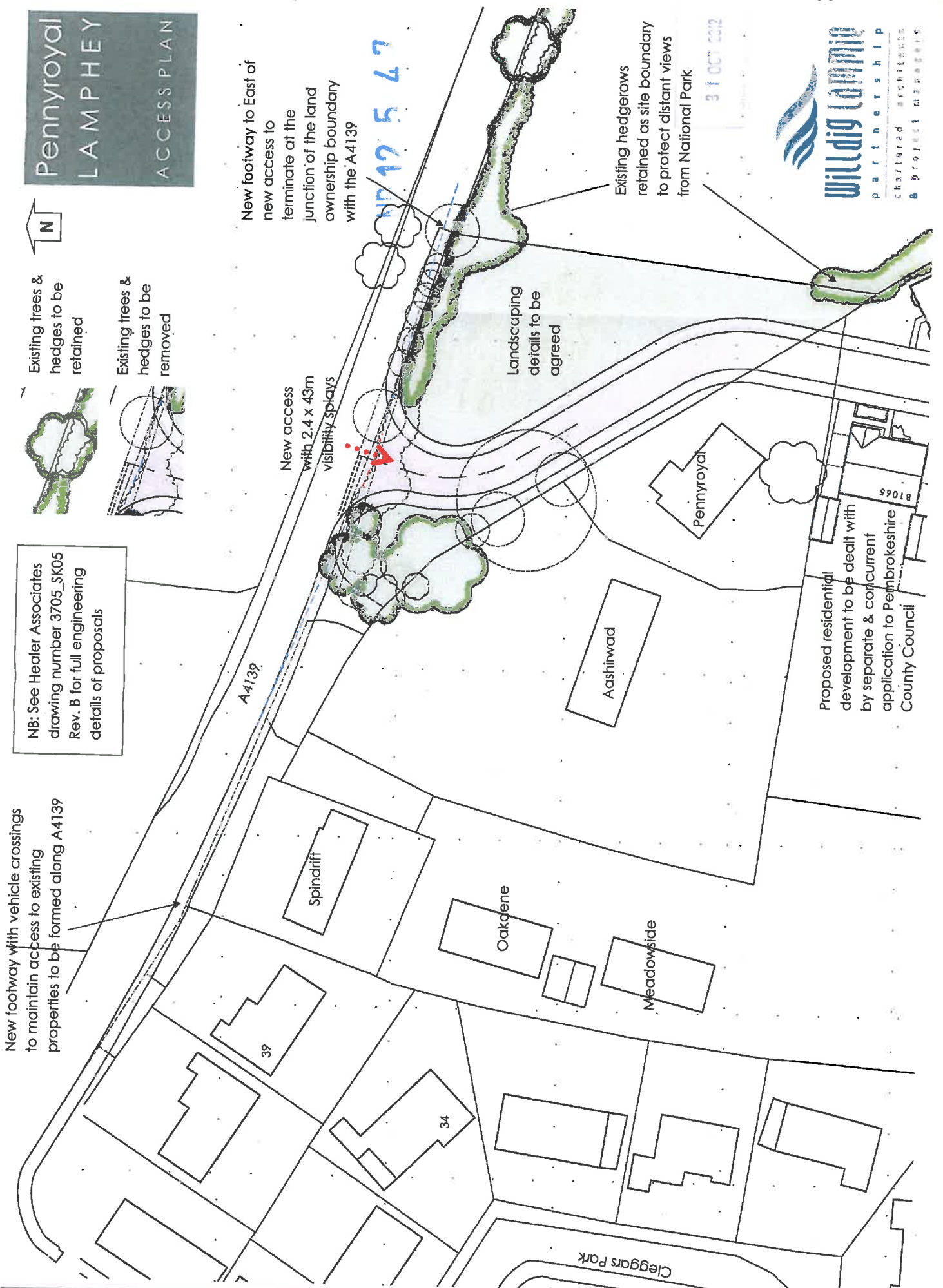
New footway to East of new access to terminate at the junction of the land ownership boundary with the A4139

New access with 2.4 x 43m visibility splays

Landscaping details to be agreed

Existing hedgerows retained as site boundary to protect distant views from National Park

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Proposed residential development to be dealt with by separate & concurrent application to Peimbrokeshire County Council