

## Item 5 - Report on Planning Applications

**Application Ref: NP/15/0031/OUT**

<b>Case Officer</b>	Liam Jones		
<b>Applicant</b>	Messrs Warren & David Marshall & Warren Davis		
<b>Agent</b>	Mr R Anderson, Roger Anderson & Associates		
<b>Proposal</b>	Residential development - 27 dwelling units (outline seeking approval of Access & Layout)		
<b>Site Location</b>	Land off Trewarren Road, St Ishmaels, Haverfordwest, Pembrokeshire, SA62 3SZ		
<b>Grid Ref</b>	SM83540714		
<b>Date Valid</b>	30-Jan-2015	<b>Target Date</b>	26-Mar-2015

**Summary**

This application has been reported to the Development Management Committee due to the application being for a Major Development as stipulated in the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

Members took the opportunity of visiting the application site on 12 October 2015 following requests made at the Development Management Committee Meeting on 30 September 2015.

The application proposes, in outline, the erection of 27 dwellings at the site, which is land allocated with the Local Development Plan for residential development. Approval in this application is sought for Access and Layout with Appearance, Landscaping and Scale reserved for future consideration.

The principle of development is considered to be acceptable. The proposed access, subject to provision of conditions relating to its formation and the retention of nature areas, will be suitable having regard to surrounding visual amenity and accessibility. The layout provides for an interesting development site not dominated by highway surfacing but to be supplemented by shared surfacing and planting throughout.

The scheme does not put forward affordable housing or planning obligations due to the unviability of the scheme presented factoring in the current low market values attracted with the area. Whilst this has been tested through the Three Dragons Appraisal Officers are concerned that approval of the scheme without future security could result in an alternative position that would be viable for which no affordable housing or obligations would be provided for. In order to avoid this position a recommendation of approval was submitted to members at the 30 September 2015 Committee on the proviso that viability be re-appraised as part of any future application made.

The applicant's agent has responded, both verbally at the Committee Meeting and in a letter received 16 October 2015 that they would not be willing to commit to a Section 106 agreement to future appraise viability at the site.

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On the basis of there being no future security to ensure that a future scheme presented remains unviable officers consider that the scheme presented fails to comply with policies within the LDP that seek to ensure the delivery of affordable housing throughout the National Park. As such the development fails to comply with the requirements of policies 44 and 45 of the Local Development Plan and the recommendation is refusal.

### Consultee Response

**St Ishmaels Community Council:** Objection – The community council object to the plan for a single track road in places, within the estate, rather than full width throughout on safety grounds. Ensure the other population is protected when excavating the proposed entrance to the site.

**Dwr Cymru Welsh Water:** Raised initial objection regarding capacity in the network, however, following a further assessment of the Waste Water Treatment Work's ability to process the flow from a development of 27 dwellings they withdraw the objection subject to conditions.

**Natural Resources Wales:** Conditional Consent

**PCC - Ecologist:** Conditional Consent

**Dyfed Archaeological Trust:** Conditional Consent - Archaeological watching brief condition required

**PCNPA - Tree and Landscape Officer:** Conditional Consent

**PCNPA - Access Manager:** No adverse comments

**PCNPA - Park Direction:** Reply - The viability of the site in terms of affordable Housing requirements has been undertaken, it was concluded that due mainly to the weak property market in St Ishmaels the proposed development and alternatives tested were found to be unviable both with or without the provision of affordable housing. There is a nil requirement for affordable housing on this part of the site.

**PCC - Contaminated Land Inspector:** No adverse comments

**PCC - Transportation & Environment:** Conditional Consent

**PCC - Waste & Recycling Manager:** Reply - Do not seek any contributions towards waste management and recycling services and no concerns with storage of waste for majority of houses.

**PCC - Education Dept:** Reply - A full contribution of £3,064 per dwelling is sought in relation to primary education (21 x £3,064 = £64,344). There is no requirement for a contribution towards secondary education.

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**PCC - Community Regeneration Manager:** Reply - Would request that financial contributions be made by the 19 properties with 3+ bedrooms of £948.56 per each property making the contribution request £18,022.64 towards enhancing the existing play area in the centre of the village.

**Dyfed Powys Police:** Conditional Consent

**CADW - Protection & Policy:** No adverse comments

### Public Response

The application was appropriately advertised as a Major Development in the Local Press (Pembrokeshire Herald) and through a site notice displayed at the proposed site access on 13 February 2015. Furthermore letters were sent to neighbouring occupiers.

2 No. letters of representation have been received raising concerns/objections to the application:

- Seamar, Grove Road – Advised that there are very few people in the village who support the scheme. Comments that it will destroy an outstanding gorse covered hillside, be an intrusion on the landscape, visible from a wide area of the locality. Advises that important considerations such as sewerage and drainage have not been sufficient addressed and raises highway safety concerns.
- 22 Grove Road, St Ishmaels – Raises highway safety concerns with access and damage of an ancient wildlife habitat at the access. Suggests that building on the site incompatible with the conservation and enhancement of the natural beauty, wildlife and heritage of St Ishmaels Village and that it is insensitively and unsympathetically sited within the landscape.

### 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>

LDP Policy 01 - National Park Purposes and Duty

LDP Policy 06 - Rural Centres

LDP Policy 08 - Special Qualities

LDP Policy 09 - Light Pollution

LDP Policy 11 - Protection of Biodiversity

LDP Policy 15 - Conservation of the Pembrokeshire Coast National Park

LDP Policy 29 - Sustainable Design

LDP Policy 30 - Amenity

LDP Policy 31 - Minimising Waste

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LDP Policy 32 - Surface Water Drainage  
 LDP Policy 44 - Housing  
 LDP Policy 45 – Affordable housing  
 LDP Policy 52 - Sustainable Transport  
 LDP Policy 53 - Impacts on traffic  
 PPW7 Chapter 03 - Making and Enforcing Planning Decisions  
 PPW7 Chapter 04 - Planning for Sustainability  
 PPW7 Chapter 05 - Conserving and Improving Natural Heritage and the Coast  
 PPW7 Chapter 09 - Housing  
 SPG05 - Sustainable Design  
 SPG06 - Landscape  
 SPG08 - Affordable Housing  
 SPG12 - Parking  
 SPG20 - Accessibility  
 TAN 05 - Nature Conservation and Planning  
 TAN 12 - Design

### **Constraints**

Special Area of Conservation - within 500m  
 LDP Allocation  
 LDP Mineral Safeguard  
 LDP Open Space  
 Biodiversity Issue  
 Historic Landscape  
 Potential for surface water flooding  
 LDP Centre:50pc aff housing;30 units/ha  
 Recreation Character Areas

### **Officer's Appraisal**

#### **Background**

The application site forms part of an allocated housing site identified in the Local Development Plan (MA733). The site, along with the adjoining land to the east, is allocated for a total of 40 dwellings.

The applicant has been involved in pre-application discussions with officers of the Authority prior to submission of the application.

The scheme was presented to the 30 September 2015 Development Management Committee with an Officer recommendation of approval subject to conditions and subject to the applicant first entering into a Section 106 Agreement to require reassessment of viability during the reserved matters

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and construction phases of the development. The reason for this requirement was that the scheme presented was in outline only, with no final details as to the whole scheme of development, and the housing market could change such that a future scheme could be viable. Members deliberated the merits of the scheme at the meeting and concerns were raised regarding the proposed access into the site. Members suggested a site visit to consider this concern and this took place on 12 October 2015.

At the 30 September 2015 meeting the applicant's agent verbally suggested that they would not agree to a Section 106 agreement. The case officer requested further explanation from the agent as to the reason behind this and a response was received in writing on 16 October 2015. Copies of the correspondence are attached. In effect, the reasons given for not wanting to undertake such an agreement, are that it would affect their ability to dispose of the site to a developer and that the open-ended liability creates uncertainty.

### **History**

No planning history

### **Current Proposal**

The application proposes, in outline, the erection of 27 dwellings at the site with approval sought for 'access' and 'layout' within this application.

The layout provided indicates that the site is proposed to be accessed from the north west of the site with a new tarmac surfaced road and adjoining protected natural areas either side. The road is proposed to be 5.5m double width on entry and reducing to a single-width lane with passing places. The access road extends through the site with a potential link to the adjoining development site created at its most easterly point. Furthermore pedestrian access through a walker's route from the coast path is proposed to be provided through the site.

The position of the buildings within the site follows the contours of the land with the principal aspects being over the valley to the west and access open land towards the coast to the south. Trees and vegetation are proposed through the site and courtyard areas created in a village green style or grasscrete surfacing.

In terms of mix of housing the scheme proposes the following:

- 6 No. 1 bed bungalows
- 2 No. 2 bed bungalows
- 10 No. 3 bed houses
- 9 No. 4 bed houses
- 4 No. double garage outbuildings

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The application has been supported with the following information:

- Design & Access Statement
- Topographical Survey
- Copies of correspondence with National Park officers, Highway Officer and Welsh Water
- Ecological Assessment Report (dated 20 October 2014 by Pryce Consultant Ecologists)
- Transport Statement

### **Key Issues**

The application raises the following planning matters:

- Policy and Principle of Development
- Visual Amenity and Special Qualities of the National Park
- Highway Safety, Access and Parking
- Neighbouring Amenity
- Biodiversity
- Archaeology
- Water Drainage and Flooding
- Affordable Housing & Planning Obligations

#### *Policy and Principle of Development*

The application site is located to the south of St Ishmaels which is identified as a 'Rural Centre' within the Local Development Plan (Policy 6 refers). The site forms part of a housing allocation, identified in the as reference MA733.

The supporting policy (policy 44) identifies the proposed distribution of dwellings during the Local Development Plan Period. Rural Centres and countryside dwellings are proposed to be distributed at approximately 331 dwellings as well as a windfall contribution of 250 dwellings. The policy identifies that the Authority will require a minimum density of 30 dwellings per hectare on housing development in the Centres where this is compatible with the character of the Centres.

The allocation refers to the provision of 40 dwellings in total although this relates to a site area larger than the allocation site, with a parcel of land in separate ownership to the east of the application site and Coastlands School. It can be accepted that the principle of 27 dwellings on this parcel of land is in accordance with the scope of allocation provided in the LDP and as such the principle of development is acceptable.

#### *Visual Amenity and Special Qualities of the National Park*

Policy 8 of the Pembrokeshire Coast National Park Local Development Plan (LDP) is a strategic policy which refers to the special qualities of the National Park and lists priorities to ensure that these special qualities will be protected

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and enhanced. Policy 15 of the LDP seeks the conservation of the Pembrokeshire Coast National Park with criteria 'a' and 'b' resisting development that would cause significant visual intrusion and/or, that would be insensitively and unsympathetically sited within the landscape. Criteria 'd' and 'e' resists development that would fail to harmonise with, or enhance the landform and landscape character of the National Park, and/or fail to incorporate important traditional features.

Policy 29 of the LDP requires all development proposals to be well designed in terms of place and local distinctiveness (criterion 'a'). Policy 30 of the LDP seeks to avoid development that is of an incompatible scale with its surroundings (criterion 'b') or is visually intrusive (criterion 'd').

The application reserves matters of appearance, landscaping and scale of the development for future consideration although seeks approval for the access and layout of the development. As such it is important to consider the impact of the access as well as site layout upon the character and appearance of the surrounding area and special qualities of the National Park.

In terms of existing character it can be noted that the village of St Ishmaels comprises a mixed range of housing blocks and types. There is no set theme throughout the village although the 'Brook Inn' provides a useful punctuation point for visitors to the area and is of a generally traditional two storey form. The applicant's Design and Access Statement comments that their *'illustrative layout attempts to improve upon mediocrity'* and that the aim is to create attractive streetscapes. They further advise that the design philosophy is to achieve an organic village feel where harmonious built relationships define architectural spaces.

The proposed access will involve the removal of part of the hedgerow which adjoins the highway in order to create the access and visibility splays, however, the areas of land adjoining the access road are to be retained as a protected natural area within the site. These areas comprise existing trees, proposed trees as well as retention of the stream, pond and provision of a low stone bridge over the existing stream.

The removal of hedgerow is regrettable; however, this will result in the benefit of the adjoining natural areas being visible from both outside and within the development site thus creating a semi-rural access into the housing site. Furthermore the site is proposed to provide a walker's route through the access extending southwards towards the coast path. It is not considered that this alteration would be harmful to the character of surrounding environment and as such, subject to suitable conditions, would comply with the aims and requirements of policies 8, 15, 29 and 30 within the LDP.

In respect of layout, the second matter for consideration in this application, it can be noted that the application layout seeks to follow the contours of the site in terms of its development. The dwellings, when viewed from the land at its lowest incline near the centre of the village, would be viewed against the backdrop of Coastlands School. Although the Authority is not in receipt of

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details of the full design of the dwellings at this stage the built form is proposed to vary across the site with a mix of single storey, one and a half storey and two storey dwellings. The applicant has provided a series of illustrative cross sections to highlight the potential relationship of this site to its surroundings.

It can be noted that the scheme breaks away from a standard housing layout by focusing on providing shared surfaces throughout particularly with the provision of alternative surfaces and car parking being pepper potted around the site as opposed to regimented in layout. The layout proposed will not harm the character or appearance of the surrounding area or the special qualities of the National Park and subject to further detailing of the form and nature of the dwellings at reserved matters stage complies with the requirements of policies 8, 15, 29 and 30 of the LDP.

### *Highway Safety, Access and Parking*

Policies 52 and 53 of the Local Development Plan refer to sustainable transport and the traffic impacts of proposed development. The Highway Authority has been consulted and advise that the principle of an access onto Trewarren Road is acceptable subject to a number of works, including some opening up of the visibility splay at the access point and ground improvements to the line of the estate road. They confirm that the provision of a path linking the site to the coastal path is welcome. With regard to layout they comment that this appears satisfactory, including a good level of design speed reduction through an informal layout and that adequate parking is provided. They advise that further consideration will need to be given to the detailed design of the layout particularly where there is potential conflict such as the parking bays adjacent to 17, which may interfere with the swept path of larger vehicles, such as refuge vehicles. Conditions have been suggested including the provision of the further details of the junction, full details of the estate road, provision and completion of the parking areas and details of the access arrangements as part of the construction phase. Such conditions are reasonable in the interests of the development with particular regard to highway safety.

### *Neighbouring Amenity*

The application site is positioned to the south of No.s 5 and 7 Trewarren Road, to the east of properties along Grove Road. The land lies adjoining the grounds of Coastlands School to the east.

The layout of the scheme will cause no adverse impact upon the amenities of neighbouring occupiers in the area. A natural area which accommodates the stream will be retained between the dwellings along Trewarren Road and the housing development whilst a wooded buffer would be retained along the west boundary of the site causing separation.

As a result the development proposed complies with the requirements of policies 29 and 30 of the LDP.



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### *Biodiversity*

The application was accompanied by an Ecological Assessment carried out in October 2014. The assessment is based upon a Phase 1 habitat survey undertaken on 7<sup>th</sup> July 2014.

The Phase 1 Habitat Survey aims and objectives were to identify and record the habitat types occurring within the survey site, to assess the potential impact of the site on these habitats, to identify constraints which might be imposed on the development proposals and to identify opportunities for habitat conservation, enhancement or creation which might be presented as a result of the site development.

The vegetation types were mapped and these include woodland and scrub, grassland, marsh and marshy grassland, tall-herb ruderal and weed vegetation, open water and plant species. Protected Species and other significant fauna was also assessed.

With regard to European protected species the survey identifies that no bats were reported although buildings of most types and old and mature trees, particularly those with dense ivy growth, provide bat roosting opportunities. All these features are present in and around the site and although the database search did not reveal any bats recorded within a 1km radius of the survey site since 1990 there are records within the wider areas. No signs of otter were observed during the survey but this species is known to frequent coastal and riparian habitats in the area and the stream. The dense vegetation within the western part of the site offers potential habitat suitable to support Dormice, however, there are no records of past reports of Dormice in this part of Pembrokeshire. In addition there are no records of Great Crested Newts or no habitat suitable for supporting Marsh Fritillary butterflies within the survey site or within the area.

The survey considers Nationally Protected Species specifically badgers, water voles, reptiles, amphibians and birds and raises no reports of these during the survey although indicates potential of the site to support some of these species.

With regard to the proposals the survey indicates a suggested wildlife area which includes the areas identified on the application layout drawings as being the 'protected natural area within the site' as well as land which lies immediately outside the application site on the western boundary. The report identifies that the Wildlife Conservation Area and Compensatory Wetland are proposed by the applicant to compensate for any adverse effects on the ecological interests of the site caused by the development and an Ecological Management Plan will also be drafted. The submission indicates that although no signs of otter were observed along the streams during the surveys undertaken in 2010 and 2014, this species is known to frequent coastal and riparian habitats in the area and the stream and at the time of the LDP inquiry into this site an anecdotal account from a local resident of Otters sporadically

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using this part of the survey site was submitted by the authorities ecologist. In order to minimise any concerns regarding otters the applicant has, in the report, proposed conditions to prevent encroachment of the development in to the designated wildlife areas and the provision of a dry underpass to permit offers safe passage between the two parts of the wildlife area together with appropriate fencing.

The Authority's Planning Ecologist has considered the application and notes that an Ecological Management Plan will be required for the whole site and that this shall be provided at reserved matters stage. In addition a Construction Environmental Management Plan will be required along with a full lighting scheme, compensation for the loss of bird nesting opportunities within the site and enhancement of bat roosting opportunities. Appropriate conditions can be required to deal with the submission of this information.

At the September 2015 Committee Meeting Members raised a question as to whether otters would likely return to the development site following development. In response to this question the Authority's Planning Ecologist states *"The provision of underpasses for otters is fairly standard when dealing with new road schemes or large developments. They are well used and otters are often recording commuting through them once construction is complete. For this scheme the interruption to otters would be minimal, especially as we are not talking significant numbers and no natal dens were recorded nearby. The proposed conditions also provide us plenty of scope to develop and design adequate mitigation so in my opinion it is unlikely to cause significant harm and more than likely that the site will continue to be used by otters once completed."*

On the basis of the information provided as part of the application and the retention of wildlife areas in addition to further conditions to control the nature of the development it can be concluded that the scheme would not disturb or harm protected species or their habitats in accordance with the requirements of Policy 11.

#### *Archaeology*

On receipt of the application the Authority consulted Dyfed Archaeological Trust. Comments received advised that it could not be guaranteed that buried archaeology does not extend into the development area and as such recommended that an historic environment appraisal be commissioned by the applicant. The applicant commissioned such a study which concluded that there were no issues identified that would be prohibitive to the development. As a result a revised consultation response was received from Dyfed Archaeological Trust raising no objection subject to the provision of a condition to require a qualified archaeologist be present during any ground works in order that an archaeological watching brief can be conducted. Such a condition is reasonable in the interests of the potential for archaeology at the development site.

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### *Water Drainage and Flooding*

The scheme proposes connection to the existing drainage system and that foul sewerage be disposed of through the mains sewer. With regard to flood risk the application form submitted identifies that surface water will be disposed of through a sustainable drainage system.

In respect of sewerage initial comments received from Welsh Water early in the application process advised that the proposed development would overload the Waste Water Treatment Works. They advised that no improvements were planned within their Capital Investment Programme and considered that any development prior to improvements being made would be premature. As a result Welsh Water raised objection to the application on these grounds.

As a result of this the applicant undertook a feasibility study through Welsh Water relating to the proposed development and capacity. In recent communication Welsh Water has confirmed that they have carried out the further assessment of the Waste Water Treatment Work's ability to process the flow from a development of 27 dwellings. As a result of this work Welsh Water has confirmed that the flows can be accommodated and has withdrawn its objection subject to conditions to require a drainage scheme be provided and no operational development within 3m either side of the centreline of public sewers.

Natural Resources Wales has offered no objection to the application on water drainage or flooding grounds although provide general advice on pollution prevention.

As a result it is considered that the development proposed can be adequately accommodated within the site and this complies with the aims and requirements of policies 32 and 34.

### *Affordable Housing & Planning Obligations*

The LDP sets out within policies 44 and 45 that schemes of housing development shall deliver affordable housing. The LDP identified, in relation to the allocation of 40 dwellings, that the site should accommodate 50% affordable housing. The revised SPG (November 2014) confirms a new percentage of 30% which is a further material consideration to take into account.

The SPG explains *"The National Park Authority recognises that economic viability is a key factor in delivering affordable housing. The National Park Authority will adopt a positive approach to negotiation to consider viability issues and will expect a robust and comprehensive viability submission to accompany all planning applications"*. It goes on to say *"the National Park Authority will be flexible when considering viability as outlined in Policy 45 of the LDP"*.

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An original viability appraisal for the proposed scheme was conducted in September 2014, supported by market evidence, and through the Three Dragons viability exercise, this proved that the proposed scheme was unviable on the basis of the scheme proposed at that time for 27 dwellings. The scheme was tested both with and without affordable housing and both with and without the application of £7,000 planning obligations per unit. Furthermore viability of providing serviced plots over built units was also tested. The results confirmed that due to the weak property market in St Ishmael's the scheme and other alternatives tested were found to be unviable both with and without the provision of affordable housing.

During the course of the application officers requested a new viability appraisal as a period of 6 months had elapsed since the initial appraisal. Furthermore the initial appraisal was not subject of any detailed drawings/plans of the site layout.

A revised Viability Appraisal Report was received by the Authority on 17 August 2015. The report puts forward the market values for the proposed dwellings having regard to the area particularly with valuations in St Ishmaels and Herbrandston. In addition to the market values a number of development costs were identified including 'exceptional development costs/abnormals'. These abnormals include matters such as a grasscrete village green area, estimated costs of extended loop road, lime washed boundary walls, hedge banks/gabions, excavations, compacting, off-site disposal, drainage pond, culvert/bridge and planner's fees.

Taking into account the costs of the scheme when set against the total revenue, the scheme results in a negative residual land value. The figures presented in the report are as follows:

<b>Exceptional Development Costs:</b>	£699,702
<b>Total Scheme Revenue:</b>	£3,540,000 (based upon anticipated sale prices)
<b>Total Scheme Costs:</b>	£5,436,000
<b>Residual Land Value:</b>	-£1,896,000 (negative value)

Officers have considered the information and utilised the Three Dragons Appraisal and this identifies that the scheme, as presented, is not viable. Whilst officers have been provided with no justification for the exceptional development costs put forward due to there being no supporting evidence, even with the exclusion of these exceptional costs, the scheme would remain unviable ( in the order of -£1.3 million). This would appear to be driven by the low market values attached to the properties.

Whilst the scheme presented is unviable at this time, a change to the market values of the dwellings and market itself in the future or changes to the overall nature of the scheme (given that this is an outline application with matters reserved for future approval) could result in different conclusions. As such officers consider that it would be reasonable to require that the applicant enters into a Section 106 agreement to allow re-assessment of the scheme viability during the reserved matters and construction phases of the

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development. The Authority reached a similar conclusion on a scheme at Tenby (NP/15/0145/FUL) which members resolved to approve at the 27<sup>th</sup> May 2015 committee meeting.

The applicant's agent has submitted a letter received 16 October 2015 which suggests that they will not agree to a Section 106 agreement. The reasons given relate to the request for a S106 not meeting the tests set out in Welsh Officer Circular 13/97 (Planning Obligations) and the Community Infrastructure Regulations 2010 as well as citing reasons including that such a device would adversely affect their ability to dispose of the site to a developer and its open-ended liability creates uncertainty.

Officers have considered this information but remain of the view that the affordable housing offer of a scheme is central to the planning process and policies contained within the Local Development Plan. The thrust of the Local Development Plan is that all opportunities for affordable housing shall be explored. Paragraph 4.188 states *"The strategy here is to provide for land for development predominantly for affordable housing, allowing a sufficient percentage of market housing to subsidise that affordable housing. There has also been the need to constrain development to take account of the need to protect the National Park"*.

In respect of viability Policy 45 states:

*"Where it can be proven that a proposal is unable to deliver (i.e. the proposal would not be financially viable) in terms of the policy requirements of the Plan (i.e. for affordable housing provision, sustainable design standards expected and community infrastructure provision) priority will be given to the delivery of affordable housing in any further negotiations, provided that it can be demonstrated that the proposal would not unduly overburden existing community infrastructure provision."*

Clearly this is an 'outline' planning application and the full details of the scheme are yet to be provided. The Policy position states that priority will be given to delivering affordable housing in future negotiations and this being on the proviso that it can be demonstrated that this would not unduly overburden existing infrastructure. On this basis it is critical therefore that affordable housing and obligations be re-considered at the Reserved Matters stages and prior to commencement of this scheme.

Officers would contend that such a planning obligation meets the tests of Welsh Office Circular 13/97 in that it is necessary in order to fully consider affordable housing, relevant to planning of the development site, directly related to the proposed development and the delivery of affordable housing, is fairly and reasonably related in scale and kind to the proposed development in that it is solely requiring re-visiting of viability and is reasonable in all other respects.

In fact the Authority's SPG Affordable Housing advises the following at paragraph 4.10 (page 11):

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*“Where a scheme is demonstrated to be unviable with the policy level of affordable housing, the National Park Authority will sequentially consider a range of alternative options to secure the maximum level of affordable housing.*

*These will vary depending on site specific circumstances and constraints but will include:*

- 1. Consideration of alternatives;*
- 2. The use of public subsidy, if available;*
- 3. Revised tenure mixes;*
- 4. Consideration of alternative provision, for example off-site financial contributions or serviced plots;*
- 5. Reduction of other planning obligation contributions (provided that it can be demonstrated that the proposal would not unduly overburden existing community infrastructure provision); and,*
- 6. Mechanisms to reappraise schemes at commencement.”*

Officers would contend that the SPG sets out that there are alternative options that will need to be considered, one of which includes, at point 6, ‘Mechanisms to reappraise schemes at commencement’. Clearly a Section 106 agreement is the appropriate mechanism to allow reappraisal of the scheme at commencement. In respect of the other options these have not been explored on the basis of the scheme offering no affordable housing and not simply less than the suggested percentage.

In respect of Planning Obligations the Authority has consulted with Pembrokeshire County Council and responses received request contributions towards education, highways and a play area. Due to the scheme not being viable at this stage the Authority is unable to request payment of obligations towards such matters but as mentioned above such matters need to be re-appraised at future stages of the development.

### **Conclusion**

It is considered that the principle of developing the site for residential accommodation is consistent with the aims of the Local Development Plan which identifies that the site forms part of a housing allocation. The proposed access, subject to provision of conditions relating to its formation and the retention of nature areas, will be suitable having regard to surrounding visual amenity and accessibility. The layout provides for an interesting development site not dominated by highway surfacing but to be supplemented by shared surfacing and planting throughout.

Clearly the lack of affordable housing and any planning obligations proposed is concerning but the applicant has explained that this is due to the unviability of the scheme presented factoring in the current low market values attracted with the area. Officers are concerned that approval of the scheme without future security, or mechanisms to allow re-appraisal of the scheme in

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accordance with the SPG could result in an alternative position that would be viable for which no affordable housing or obligations would be provided for.

In order to avoid this position it was initially recommended that permission be granted on the basis that viability be re-appraised at Reserved Matters and Construction Phases via a Section 106 agreement. The applicant has advised members of the Authority and officers in a recent letter that they would not agree to commit to such an agreement. As such the application must be determined on the basis of there being no mechanism in place to allow future appraisal of the development.

On the basis of its current merits the application fails to deliver affordable housing or planning obligations or provide a suitable mechanism to allow re-appraisal of this important matters of the site development reserved matters and commencement stages of the development. This is considered to be contrary to the aims and requirements of policies contained within the Pembrokeshire Coast National Park Local Development Plan (Adopted September 2010) and Supplementary Planning Guidance.

### **Recommendation**

Refuse for the following reason:

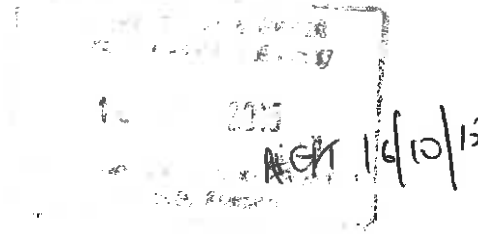
1. The application fails to provide a suitable mechanism to allow the re-appraisal of Affordable Housing and Planning Obligations at Reserved Matters and Commencement stages of the development which is considered to be necessary to allow full consideration of options available to deliver affordable housing on site contrary to the aims and requirements of Policy 6 (Rural Centres)(criterion (a)) and Policy 45 (Affordable Housing) of the Pembrokeshire Coast National Park Local Development Plan (Adopted September 2010) and advice contained within the Supplementary Planning Guidance - Affordable Housing (Adopted November 2014) and Planning Obligations (Adopted June 2011).



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Mr Liam Jones  
Head of Development Management  
Pembrokeshire Coast National Park Authority  
Llanion Park  
Pembroke Dock  
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SA72 6DY



Date: 15th October 2015

Dear Mr Jones

**Re: NP/15/0031/OUT – 27 Dwellings off Trewarren Road, St Ishmaels, Pembrokeshire**

Thank you for your email of the 7th October 2015. I must say I find it puzzling that at first you were *'at a loss'* to understand our position then *'unsure'* and now I detect a hardening of attitudes where my approach *'is not acceptable'*. While it is not my remit to advise you as to how to proceed, however, you say that you *'cannot find a legitimate reason why we should not agree to re-appraise the situation at a future date'*. It would seem to follow therefore that you must have confidence in your own opinion and advise your members accordingly, as I see it this is not a debating opportunity.

Be that as it may and possibly to assist your consideration perhaps you need to think a little wider than your selective recollections of what I said to your members. You are correct to remind me of my citing the core purpose of S106 Agreement, but you have disregarded my reference to the tests for the appropriate use of Section 106 Agreements – these appear in Welsh Office Circular 13/97 (Planning Obligations) and the Community Infrastructure Regulations 2010.

Your central and only reason for wanting the S106 Agreement is your speculation as to what the housing market may do in the future – this in our opinion is not related to the planning of the subject site in the sense that you recommend planning approval without affordable housing or other contributions.

To sustain your position it may be that you need to rewrite the government planning legislation commencing with the usual platform for requiring a S106 which is that the subject proposal would be refused were it not for the implementation of the planning measures detailed in the obligation, again, you have no planning objections, just an insistence on a device that will certainly adversely

Cont/...



Chartered  
Town Planner



Cont/...

affect my clients ability to dispose of our site to a developer. The open-ended liability creates uncertainty.

Lastly, although you do not specify as to who, you ask me to comment on the concerns of one of your members; presumably the request of the local member who caused the site visit? I have mentioned previously that given the background to the north-western access to MA733 your Chairman should not have entertained the request for a site visit i.e. the matter was considered and accepted by the Local Development Plan Inspector and has since been approved by County Highways.

Yours sincerely



**R. ANDERSON**  
**ROGER ANDERSON AND ASSOCIATES**

c.c. Clients

Chris Hunter (RK Lucas)

**Liam Jones**

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**From:** Liam Jones  
**Sent:** 02 October 2015 15:36  
**To:** 'Cleddau Press'  
**Subject:** RE: Nat Park Committee Site Visit to NP/15/0031/OUT St Ishmaels (27 Dwellings)

Dear Mr Anderson,

Thank you for your email.

The Committee Site visit is intended to take place at approximately 10am on Monday 12th October 2015. Members will want to access the site and its surroundings and I would be grateful if you could confirm the best access point and parking.

The next planning committee is on 11th November 2015.

Our protocol does not allow for further public speaking after an application has been deferred for a site visit or cooling off.

Finally I remain unsure as to why you do not agree to enter into a S106 when the Authority is clearly not in receipt of the full picture for this development. I accept that if this was a 'full' application with a timescale for development we would be in a different position then where we are with an 'outline' application for which principle of development is sought. The scheme is unviable at present, however, this could change at the time future reserved matters applications are made and we will wish to test viability at that stage also.

Regards,

Liam Jones  
Head of Development Management / Pennaeth Rheoli Datblygiad Pembrokeshire Coast National Park Authority /  
Awdurdod Parc Cenedlaethol Arfordir Penfro Llanion Park / Parc Llanion Pembroke Dock / Doc Penfro  
Pembrokeshire / Sir Benfro  
SA72 6DY  
Tel / Ffon: 0845 345 7275  
Email / Ebst: [liamj@pembrokeshirecoast.org.uk](mailto:liamj@pembrokeshirecoast.org.uk)  
Web: [www.pembrokeshirecoast.org.uk](http://www.pembrokeshirecoast.org.uk) / [www.arfordirpenfro.org.uk](http://www.arfordirpenfro.org.uk)

-----Original Message-----

**From:** Cleddau Press [<mailto:cleddaupressltd@tesco.net>]  
**Sent:** 30 September 2015 16:31  
**To:** Liam Jones  
**Cc:** [chris@rklucas.co.uk](mailto:chris@rklucas.co.uk)  
**Subject:** Nat Park Committee Site Visit to NP/15/0031/OUT St Ishmaels (27 Dwellings)

Dear Mr Jones

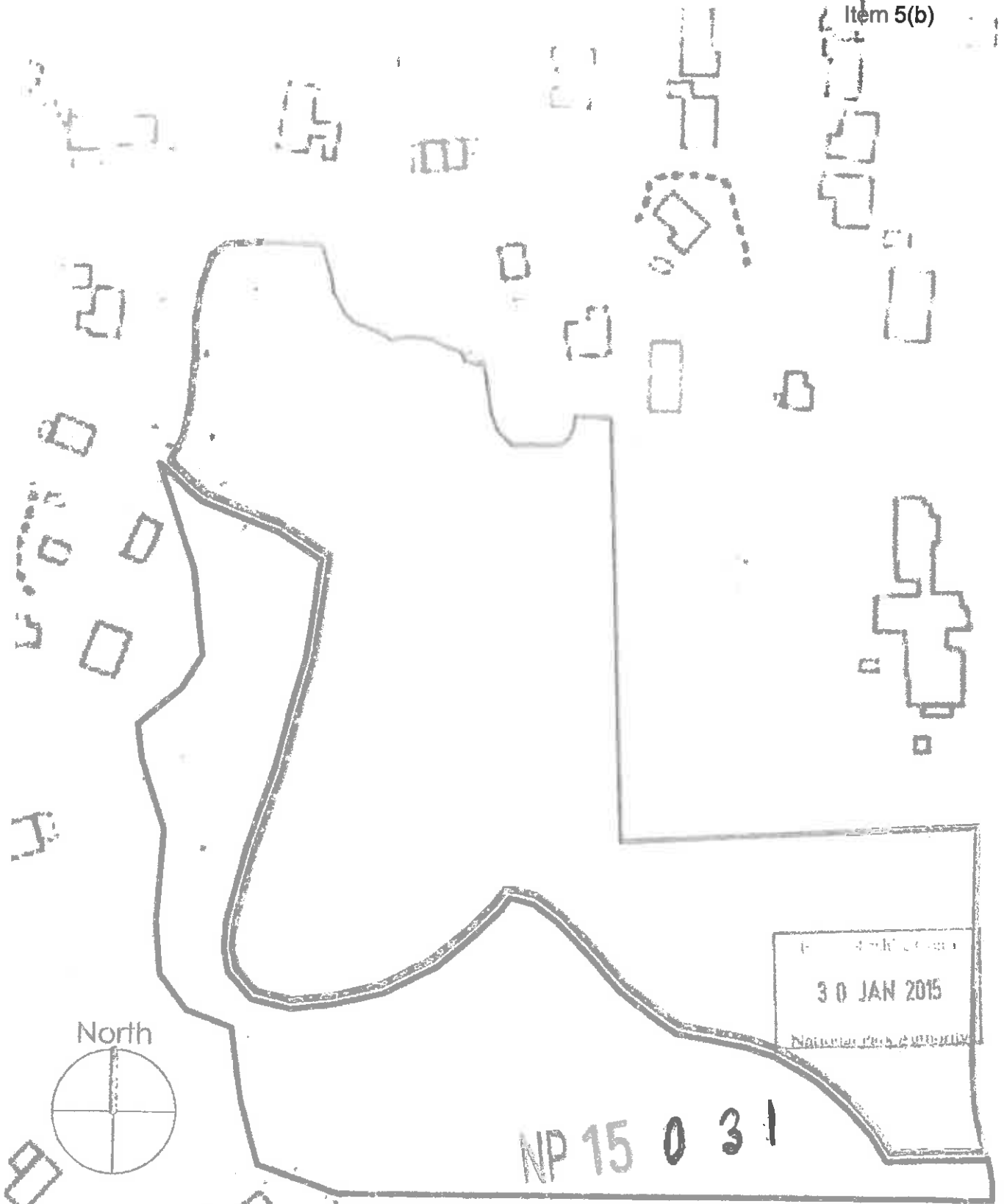
Please inform me as quickly as possible with regard to the date of the committee site visit and also the date of the subsequent members meeting when presumably a formal decision will be made. You may imagine my disappointment at the needless delay in the sense that your chairman has allowed the local member to re-run issues settled at the Local Development Plan Inquiry. If I am able to speak at the meeting when our proposal returns after the site visit please reserve a slot for me to contribute. To save time, it may assist if I confirm now that subject to your members unwisely agreeing to the officer recommendation regarding the need for S106 agreement, i.e. to test viability twice following your decision on our outline application, then it would assist progress if you issue the refusal notice immediately following your November 2015 meeting.

Yours sincerely

Roger Anderson

Item b)

Item 5(b)

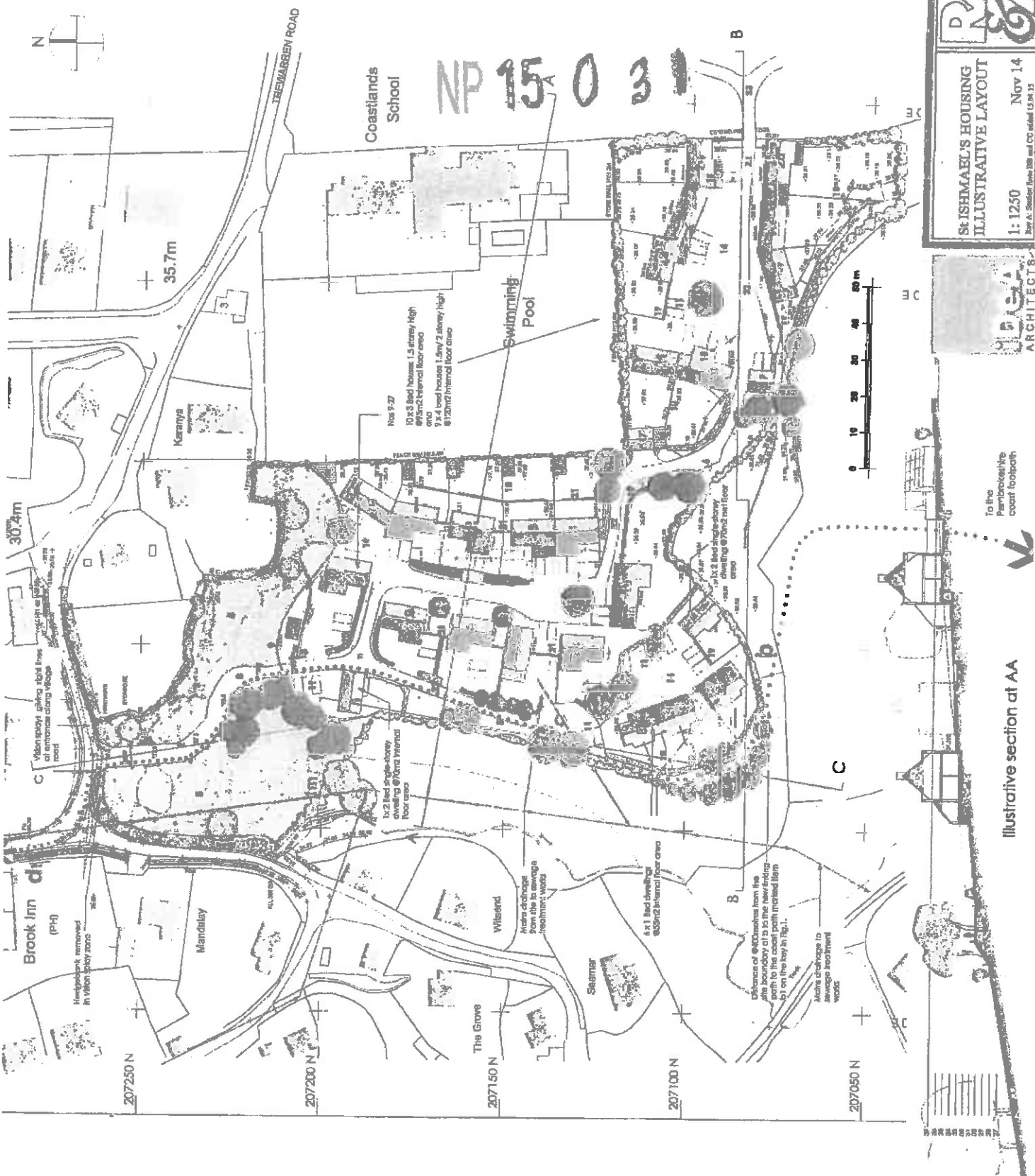


30 JAN 2015  
 NATIONAL ARCHIVE

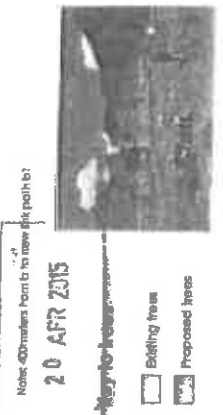
NP 15 0 3 1



<p><b>LOCATION PLAN</b></p> <p>1: 1250</p>		<p><b>ROGER ANDERSON &amp; ASSOCIATES</b>  <b>PLANNING CONSULTANTS</b></p> <p>9 Goat Street        Haverfordwest        Pembrokeshire        SA61 1PX        01437 763009</p>	<p><b>01</b></p>
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- a) The Pembroke/Coast footpath
- b) Proposed footpath from Pembroke/Coast footpath to St Ishmael's
- c) New connecting footpath over apartment's land
- d) Proposed footpath through proposed housing site to St Ishmael's village
- e) St Ishmael's Key to north



- Key to features and layout:**
- 1 New access road entrance to proposed housing development
  - 2 Tarmac-surfaced 5.0m wide leading to single-width tarmac parking spaces
  - 3 Low stone-parapetted 'bridge' over existing stream
  - 4 Existing wet area with pond
  - 5 Protected natural area within the site
  - 6 Existing place
  - 7 Proposed tree belt / canopy in protected natural area
  - 8 Walker's route from the coast path to St Ishmael's facilities (shown as item 'c' in aerial view above)
  - 9 Boundary to protected natural area
  - 10 Pembroke/Coast footpath
  - 11 Residential parking
  - 12 Courtyard brook/ pool drained via overflow culvert to stream
  - 13 Courtyard trees/pond
  - 14 Village green style courtyard - height or grasscrete surfaces
  - 15 Integrated garages with parking on drive
  - 16 Solar integrated into roof, south-facing slopes
  - 17 Garage outbuildings
  - 18 Planted hedges/ fences
  - 19 Unpaved/ rendered stone garden walls
  - 20 Garden rooms or storeys with south facing solar panels
  - 21 Tarmac-surfaced access lanes / loop road
  - 22 Future loop road via housing in adjoining site

Item b)

Plan 1:1250 @ A3

9 Great Blunt  
Reverendwood  
Pembroke/Coast  
3461 1PK  
01437 76009

ROGER  
ANDERSON  
& ASSOCIATES  
PLANNING  
CONSULTANTS

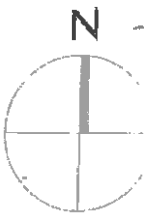
St ISHMAEL'S HOUSING  
ILLUSTRATIVE LAYOUT

1:1250 Nov 14  
Prof. A. Anderson Plans 200 and CO dated 13.04.15

02A

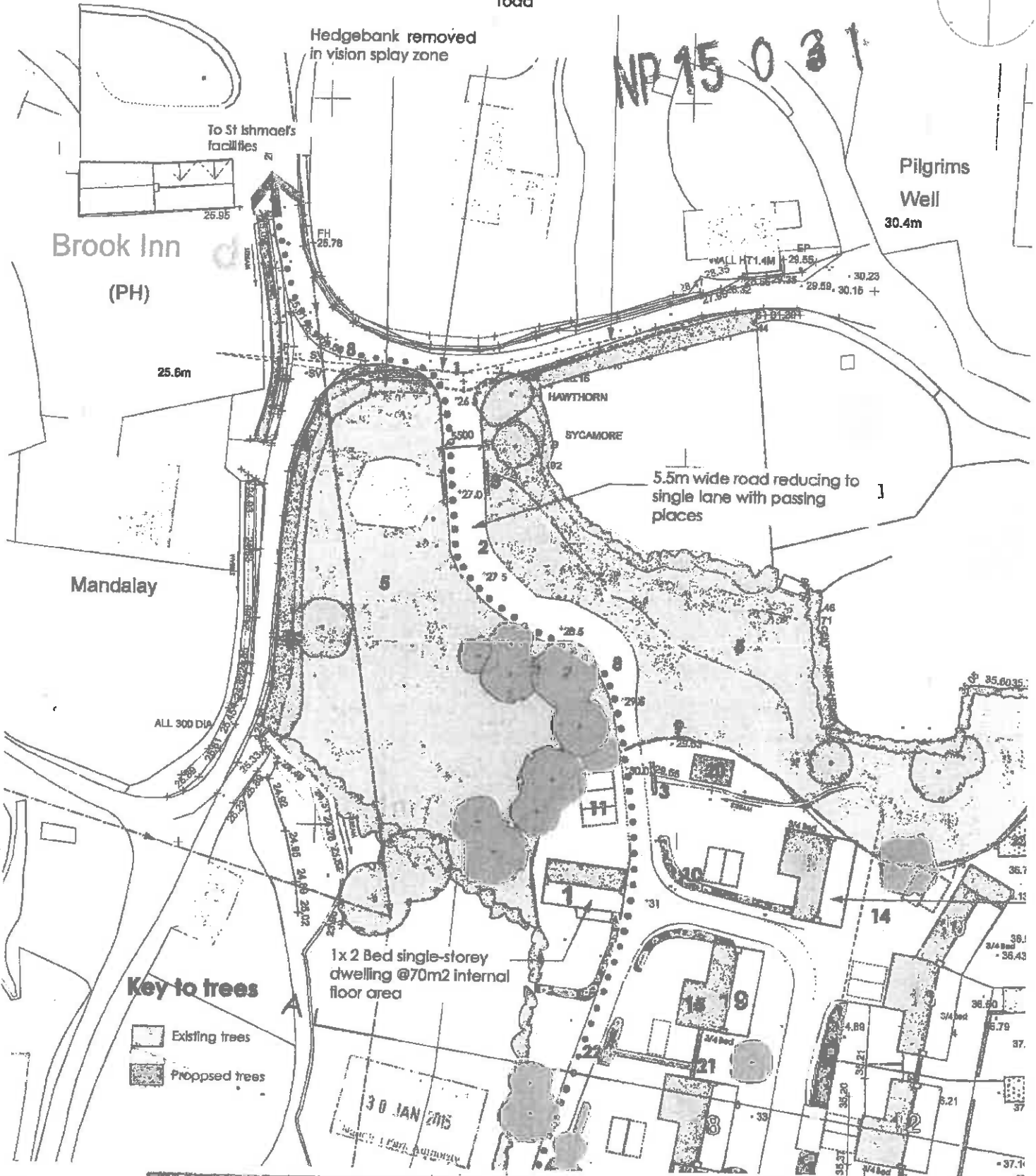
Illustrative section at AA

To the  
Pembroke/Coast  
footpath





Vision plays giving sight lines  
at entrance along village  
road

NP 15 0 3 1

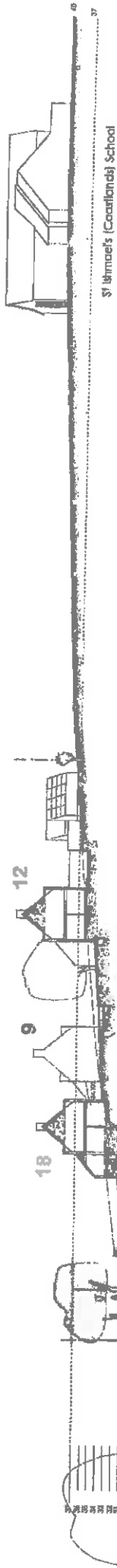


**Key to trees**

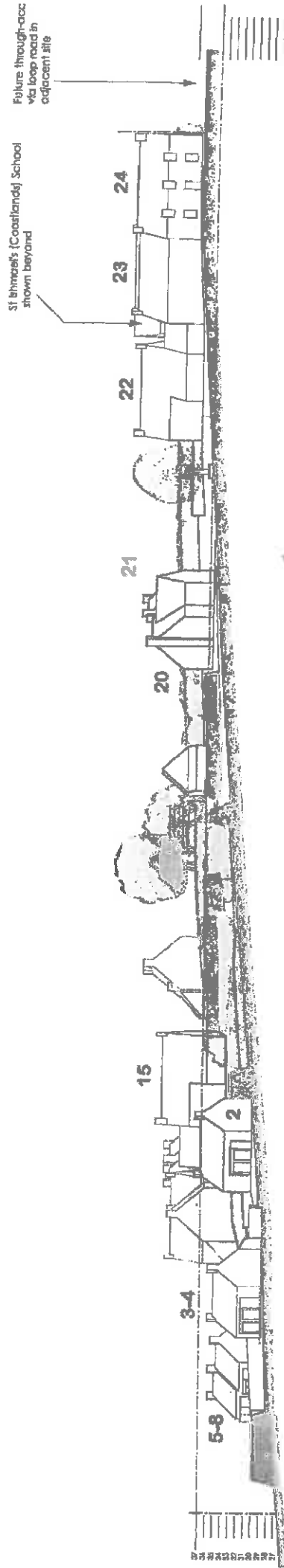
-  Existing trees
-  Proposed trees

30 JAN 2015

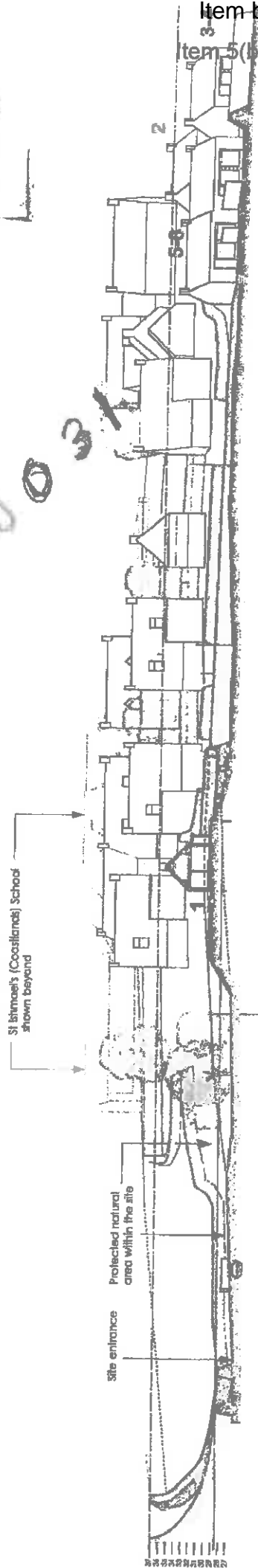
<p><b>St ISHMAEL'S HOUSING</b></p> <p>Detail of Access MA733</p> <p>St Ishmaels</p> <p>1:500</p> <p>Jan 15</p>		<p><b>ROGER ANDERSON &amp; ASSOCIATES</b></p> <p>PLANNING CONSULTANTS</p> <p>9 Goat Street Haverfordwest Pembrokeshire SA61 1PX 01437 763009</p>	<p><b>03</b></p>
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Illustrative section at A-A Section taken through the site west-east from the lower kare, through house plot nos. 18 and 12 and Coastlands School playing field.

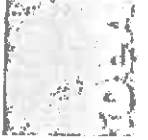


Illustrative section of B-B Section taken through the site west-east house plot nos. 2,3,4, to plot 24



Illustrative section of C-C Section taken through the site north-south from the access to house plot nos. 2,3,4

Item b)  
Item 5(b)



ST ISHMAEL'S HOUSING  
SITE SECTIONS  
1: 500

Apr 15



ROGER  
ANDERSON  
& ASSOCIATES  
PLANNING  
CONSULTANTS

9 Great Street  
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04