Application Ref: NP/14/0599

Application Type

Outline

Grid Ref:

SN00641435

Applicant

Mrs H Phippen

Agent

Ms H Milton-High, Pembroke Design Ltd

Proposal

3 detached houses with ancillary garages and gardens

(Outline with all matters reserved)

Site Location

Former Garden Centre, The Rhos, Haverfordwest,

Pembrokeshire

Case Officer

Liam Jones

Summary

This application has been reported to the Development Management Committee as a Departure from the Local Development Plan with a recommendation of conditional approval. The application proposes, in outline, the erection of 3 residential dwellings on land formerly occupied by a garden centre in The Rhos.

Following consideration of the policies contained within the Local Development Plan and National Planning Policy in the form of Planning Policy Wales (Edition 7th July, 2014) and having regard to all material considerations it is considered that on balance the development for three dwellings is acceptable.

Whilst the scheme will provide three new dwellings in an area designated as countryside in the LDP, the history of the site and its former use as a garden centre and former outline planning permission for development can be given considerable weight in this instance. The benefits of the proposals outweigh any potential harm from the development and the scheme will provide positive contributions to affordable housing and obligations within the area. As such the principle of development for three dwellings is acceptable as a departure from policy 7 of LDP.

Consultee Response

Uzmaston, Boulston & Slebech C C: No Response Received - to date

Dwr Cymru Welsh Water: No Response Received - to date

Natural Resources Wales: Conditional Consent

PCC - Ecologist: Conditional Consent PCNPA - Park Direction: No objection

PCC - Transportation & Environment: Conditional Consent - and Planning

Obligation

PCC - Education Dept: Reply - Planning Obligation required

Public Response

The application was advertised by a site notice displayed at the site on 14th November 2014 in addition to an advertisement in the local press (Pembrokeshire Herald) identifying the application as a departure on 14th November 2014. In addition letters were forwarded to the nearest neighbouring properties. No letters of response to the application have been received.

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 07 - Countryside

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

LDP Policy 32 - Surface Water Drainage

LDP Policy 33 - Renewable Energy

LDP Policy 44 - Housing

LDP Policy 45 – Affordable housing

LDP Policy 48 - Community Facilities and Infrastructure Requirements

LDP Policy 52 - Sustainable Transport

LDP Policy 53 - Impacts on traffic

PPW7 Chapter 04 - Planning for Sustainability

PPW7 Chapter 08 - Transport

PPW7 Chapter 09 - Housing

SPG04 - Planning Obligations

SPG05 - Sustainable Design

SPG06 - Landscape

SPG08 - Affordable Housing

SPG12 - Parking

SPG21 - Recreational and Leisure Activities

TAN 02 - Planning and Affordable Housing

TAN 06 - Planning for Sustainable Rural Communities

TAN 12 - Design

TAN 22 - Planning for Sustainable Buildings

Officer's Appraisal

Background

The application site has a history of planning applications proposing residential development. The site was occupied by a garden centre which comprised of buildings and a growing area. The most recent decision by the Authority for this site was made in 2008 on the grant of outline planning permission for redevelopment of the site (including affordable housing). All matters were reserved for a subsequent application with no indication given of scale or number of dwellings. This permission lapsed in 2011.

An application was refused for outline permission for 'change of use to residential (including affordable housing)' (NP/07/411). This decision was later appealed and the appeal was dismissed. The illustrative details provided as part of the application and appeal indicated a layout for 6 dwellings, including 2 affordable houses. The Inspector determined that the appeal site was not sustainable for 6 new houses where occupants would be dependent on the use of private car to access jobs and services in Haverfordwest and further afield. The Inspector considered that it would be more suitable to redevelop part of the site with fewer dwellings set along the road frontage, each with a larger plot, so that the residents might have productive kitchen gardens in a location that lacks easy access to shops and markets. He advised that such a layout would be more appropriate to the character of the area, rather than the suburban cul-de-sac layout that had been suggested in the illustrative plans. With regard to affordable housing the Inspector commented that there was no evidence to show that there was an identified need in the community for affordable housing in such a remote rural location. In conclusion the Inspector determined that the proposed development would be too large and out of scale with the small settlement of The Rhos, would not constitute an acceptable infill or rounding-off development, and it would be likely to detract from the natural beauty of the surroundings and the character of the village.

History

- NP/14/0441 Former Garden Centre, The Rhos Two pairs of semidetached houses & community allotment (Outline) – Withdrawn – 24th October 2014
- NP/14/0078 Former Garden Centre, The Rhos Affordable housing site for 12 residential units (outline) – Withdrawn – 10th April 2014

- NP/08/477 St Ishmael's Nurseries, The Rhos Redevelopment of site (including affordable housing) (Outline) – Approved – 23rd December 2008
- NP/07/411 St Ishmael's Nurseries, The Rhos Change of Use to Residential (including affordable housing) (Outline) – Refused – 3rd August 2007 (Appeal Dismissed 15th May 2008)
- NP/04/166 The Rhos Garden Centre, The Rhos Dwelling (tied to Garden Centre) – Approved – 21st July 2005 (Subject to Section 106 Agreement)
- NP/465/97 The Rhos Garden Centre, The Rhos Dwelling (Outline)
 Approved 28th September 1998 (Subject to Section 106 Agreement)
- NP/408/96 Rhos Garden Centre, The Rhos Six Dwellings Refused – 25th November 1996 and subsequent appeal dismissed

Current Proposal

The application proposes, in outline, the erection of 3 residential dwellings. Indicative details identify that the dwellings would be positioned across the east part of the site each with a front garden, rear garden with garage and parking and turning facilities. A larger open area has been retained free of buildings along the west section of the site.

Scale parameters have been provided indicating the scale of the dwellings to be two storey and measure up to 8.3m to the ridge, and 4.95m to eaves level. These details are, illustrative only with all matters reserved for a future application.

- Design & Access Statement
- Ecological Survey
- Arboricultural Survey

Key Issues

The application raises the following planning matters:-

- Policy and Principle of Development
- Visual Amenity, Special Qualities of the National Park
- Neighbouring Amenity and Privacy
- Highway Safety, Access and Parking
- Water Drainage and Flooding
- Ecology
- Trees and Landscaping
- Planning Obligation Requirements

Policy and Principle of Development

In terms of principle the previous decisions at this application site were made in light of the development plan in force for the area at the time³ whereas the scheme must now be considered in relation to the current adopted Local Development Plan ('LDP'). Section 38 of The Planning and Compulsory Purchase Act 2004 requires that the determination of a planning application must be in accordance with the Development Plan unless material considerations indicate otherwise.

The policies within the current LDP, which was adopted in September 2010, are consistent with those outlined in Planning Policy Wales in so far as development should be directed to suitable centres in sustainable locations. Release of land within the countryside for residential development is not encouraged unless in the interests of meeting a particular need (i.e. agriculture) or it would constitute a sensitive filling in of small gaps or rounding off opportunities.

In the planning history the site has been described as 'brownfield land' in that it was previously occupied by a garden centre and its ancillary structures. Planning Policy Wales (Edition 7, July 2014) identifies that 'brownfield land' or 'previously developed land' includes land which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. It identifies that this includes the curtilage of the site although it excludes land and buildings currently in use for agriculture or forestry, land in built up areas which has not been developed previously, land where the remains of any structure or activity have blended into the landscape over time so that they can reasonably be considered part of the natural surroundings, previously developed land the nature conservation value of which could outweigh the re-use of the site and previously developed land subsequently put to an amenity use. The notes to the Policy identity that all of the land within the curtilage will be described as 'previously-developed' although this does not mean that the whole area of the curtilage should therefore be redeveloped. An example provided states:

"where the footprint of a building only occupies a proportion of a site which the remainder is open land the whole site should not normally be developed to the boundary of the curtilage. The local planning authority should make a judgement about site layout in this context, bearing in mind other planning considerations such as policies for the protection of open space, playing fields or development in the countryside. They should consider such factors as how the site relates to the surrounding area and requirements for on-site open

Pembrokeshire Coast National Park Authority
Development Management Committee – 21 January 2015

³ Joint Unitary Development Plan for Pembrokeshire 2000-2016

space, buffer strips and landscaped areas." (Figure 4.3., Planning Policy Wales (Edition 7, July 2014).

In view of the policy approach presented in Planning Policy Wales and the history of the site used as a garden centre the site can be described as 'previously developed land' for the purpose of National Policy. The site lies in an area of open countryside and is not within a defined Centre as set out in the Local Development Plan ('LDP'). As such Policy 7 is the relevant starting point for assessment of the application. This Policy allows for the rounding-off and infill to isolated groups of dwellings, with priority given to meeting affordable housing needs. Infill is defined in the Plan as development for one or two units of a size compatible with its setting in small gap in an otherwise continuous built-up frontage. Rounding-off which would complete or consolidate the built up perimeter will entail the development of no more than one or two dwellings. Release of land will need to be considered in the context of the character of the surroundings, pattern of development and accessibility to Centres.

The history is material to consideration of the application in that an appeal decision in 2008⁴ set out that the development of the site for 6 dwellings would not be an infill nor a rounding off opportunity commensurate with the size of the settlement. The Inspector was concerned that 6 dwellings would be too large and out of scale with the small settlement of The Rhos and that it would likely detract from the natural beauty of the surroundings and the character of the village.

Whilst this appeal decision confirmed that the layout and number of dwellings would be key a follow up planning application made, (also in outline, in 2009 NP/08/477) gave no indication of the number of dwellings and layout of the site. The Authority approved the application, as the principle of residential development had been accepted in the appeal decision, although a condition attached to that consent (condition 6) dictated that the land to the west of the existing access gate shall not contain any buildings/permanent structures, but shall be included in any subsequent scheme as part of a suitable and comprehensive landscaping scheme for the whole area. The previous appeal decision showed support for some residential development but that this should be limited to the area accommodated by the former garden centre only. Through this outline permission the Authority therefore sought to limit the extent of residential development to the land to the east of the site entrance and therefore guide any subsequent Reserved Matters application.

Whilst the proposed scheme does not fit with the terms of Policy 7 of the LDP in that it does not comprise an infill or rounding off opportunity, the history of the site and its use as a garden centre previously is material to consideration of the application. The grant of planning permission in 2009 as well as the Inspector's comments on potential development of the site can be given considerable weight in this instance.

Pembrokeshire Coast National Park Authority
Development Management Committee – 21 January 2015

⁴PCNPA Reference; NP/07/411 PINS Reference: APP/L9503/A/08/2067194

Given that the scheme put forward will retain a large area of open space, akin to the space provided by the former garden centre growing areas, it can be argued that the built form of the site will be of a similar mass or even less mass to that provided by the garden centre. On this basis it is can be determined that, on balance, the provision of three residential units on the site is acceptable in principle subject to detailed consideration of all issues of access, appearance, landscaping, layout and scale at Reserved Matters stage.

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 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').

Although matters of detail are reserved for future approval all applications for outline planning permission are required (as set out in the Town and Country Planning (Development Management Procedure) (Wales) Order 2012) to include information on the approximate location of buildings, routes and open spaces, upper and lower limit of the height, width and length of each building and must state the area or areas where access points will be situated. Such information enables the local planning authority to consider the key aspects of a development proposal as to whether residential development is acceptable.

The land which surrounds the application site offers a particular charm by virtue of the small number of dwellinghouses, narrow lanes and entrance through an attractive wooded countryside. The history of the site and particularly the appeal decision in 2008 (APP/L9503/A/08/2067194/WF) set out the importance of any proposed development respecting the character of the village and not appearing as an alien form of development that ignores the existing road layout. The inspector advised that good design relies on a careful analysis of the site and the context of the rural settlement.

Having regard to the appeal decision and the adopted LDP, it is clear that assessment of the acceptability of this proposal relies on appreciating the existing character of the area and ensuring the proposed development

Item 5 - Report on Planning Applications

integrates successfully. Policy 15 refers to the requirement of all developments to be sensitively and sympathetically sited within the landscape and harmonise with, or enhance the landform and landscape character of the National Park.

The applicant has submitted an illustrative layout plan which indicates that the scheme proposes 3 residential units set within individual plots. Each of the plots would comprise a front garden area with new hedgebanks as well as driveways leading to a rear garage and garden areas. Plot 1 is the larger of the proposed plots with a large side garden/orchard area being retained as a landscaped area only. A submitted cross section of the site indicates the scale of the proposed buildings which would be two storey and notes on the submitted block plan indicate the buildings would measure upto 8.3m to ridge height, 4.95m to eaves height and with building spans not exceeding 7.5m.

It is considered that the principle of this development is acceptable in that its form and scale will appreciate the existing character of the area with large plots and traditionally formed units. Subject to full details at reserved matters stage it is considered that the proposal complies with the requirements of policies 8, 15, 29 and 30 of the LDP.

Neighbouring Amenity and Privacy

Policies 29 and 30 of the Local Development Plan seek to protect community cohesion and health and to avoid incompatible development that would lead to a significant adverse impact upon amenity. The supporting text at paragraph 4.136 explains that the policy aims "to protect the amenity enjoyed in 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 mere existence. Anything ugly, dirty, noisy, crowded, intrusive or uncomfortable is likely to adversely affect amenity".

The proposed development consisting of three dwellings will be set back off the road and each be contained within a private amenity plot. The low key nature of the use will not be out of keeping with the scale of development in the area and matters of detail can be considered at reserved matters stage. As such the principle of development complies with the aims of Policy 30.

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 scheme provides use of an existing access into the site and the Highway Authority raise no objection to this arrangement explaining that with 3 dwellings and 3 access overall the layout is perfectly sound.

Subject to conditions controlling any proposed access gates, parking and turning being brought into use and retained, preventing flow of surface water,

surface water drainage to be designed in accordance with Sustainable Drainage Systems (SUDS) and surfacing of the drive the Highway Authority raise no objection to the scheme, subject to the imposition of conditions the scheme would comply with the aims of policies 52 and 53.

Water Drainage and Flooding

Policy 32 of the Local Development Plan requires development to incorporate sustainable drainage systems for the disposal of water on site. As this development is made in outline the details are limited at this stage. Natural Resources Wales recommends conditions to deal with disposing foul and surface water.

Ecology

Policy 11 of the Local Development Plan sets out the protection of biodiversity in that development that would disturb or otherwise harm protected species or their habitats will only be permitted where the effects will be acceptably minimised or mitigated. The application was supported with an Extended Phase 1 Habitat Survey and Ecological Appraisal produced in December 2013. The report classed the site as being of low ecological value apart from the surrounding hedgerows and oak tree in the north east corner of the site, which may be used by bats. The site is assessed as being suitable for reptiles and so will require a further survey or method statement for clearance. Japanese knotweed has also been recorded on site and will need to be eradicated.

The site lies within 1300m of the Pembrokeshire Marine SAC so although it is unlikely to have a significant direct impact there is potential for pollution to affect the site via the drainage ditch.

The Authority's Planning Ecologist concludes that although there is potential for pollution to affect the SAC via a drainage ditch, the development itself is unlikely to have an adverse impact on the integrity of the SAC as long as mitigation recommendations are followed. This can be dealt with by a pollution prevention condition.

In addition the development will not have an adverse impact on bats or other protected species, provided mitigation recommendations are followed. These can also be dealt with by conditions. .

Suggested conditions include a reptile survey or method statement, an external lighting plan, details of ecological enhancement, details of the Japanese knotweed management plan and details of pollution prevention and management specifically relating to drainage to the SAC.

It is considered that the development would comply with the aims of Policy 11 subject to the production of additional studies.

Trees and Landscaping

The application has been supported with a Tree Constraints Plan which indicates a variety of broadleaved trees around the boundaries of the site. The report identifies that the majority of trees surrounding the site are in a suitable condition for retention although identifies two trees (category U) that would be unsuitable for retention. These trees are positioned to the south west of the application site boundary and include a Common Ash and Sessile Oak. The report identifies a tree at the site which is an important landscape tree (T1) which is located to the north east corner of the site and that it would require protection from any development. This tree is protected by a TPO and any works to it would require the written consent of the Authority.

Given that the application is made in outline form any trees and landscaping would be considered at a reserved matters or full application stage. The illustrative site plan labels existing hedgebank to be retained and reshaped as necessary and supplemented with additional native planting and indicates retention of existing mature wooded areas and boundary trees and a suggested landscaped buffer and comprehensive landscaping to the west of the site. Subject to conditions to deal with protection of trees and a landscaping scheme the scheme will provide for suitable landscaping to integrate the development with its surroundings.

Affordable Housing

The scheme proposes 3 new dwellings and as such consideration needs to be given to the provision of affordable housing under policy 45 and the recently Adopted Supplementary Planning Guidance on Affordable Housing (November 2014). The site within the 'Estuary Hinterland' region as set out in the housing sub market area map and affordable housing is subject to 20% contribution on site or £100 per square metre for single dwellings. The SPG advises⁵ that where the percentage of affordable housing required on sites of two or more units results in a fraction of a unit then an affordable housing contribution will be expected. In this instance 20% of 3 dwellings results in 0.6 and as such in line with the SPG an affordable housing contribution rate for the submarket are shall be applied to each house. The applicant has agreed in principle to enter into a section 106 agreement to deal with the contributions and as such the scheme complies with the requirements and aims of Policy 45 and the SPG. Officers recommendation of approval is subject to receipt of a satisfactory planning obligation.

Planning Obligation Requirements

In order to ensure that new developments are positive and that any negative impacts are minimised the Authority requires new developments proposing three or more dwellings to contribute to local services and facilities. Policy 48

Pembrokeshire Coast National Park Authority
Development Management Committee – 21 January 2015

⁵ Affordable Housing: Supplementary Planning Guidance – November 2014 – Paragraph 7, Page 8

of the LDP sets out the policy approach and the Adopted Supplementary Planning Guidance – Planning Obligations sets out the basis and way of seeking such contributions which is primarily through a Section 106 Agreement. Contributions can be sought in connection with Transportation, Education, Libraries/Community facilities, Recreation Open Space, and Recycling/Waste Facilities.

The Authority has consulted with the relevant departments within Pembrokeshire County Council and the following contributions are sought as part of this development:

Education	£3,042.66 per dwelling
Highways	£500 per dwelling
Open Access, play and recreation	No contribution sought
Community facilities	£187 per dwelling to upgrade/add to equipment
Waste/Recycling	No contribution sought

The contributions suggested are considered to be reasonable in the interests of the development and its impact upon the surrounding area. The applicant has agreed to the principle of providing contributions which can be secured through a Section 106 agreement and officers recommendation of approval is subject to receipt of a satisfactory planning obligation.

Conclusion

Following consideration of the policies contained within the Local Development Plan and National Planning Policy in the form of Planning Policy Wales (Edition 7, July 2014) and having regard to all material considerations it is considered that the development for three dwellings is acceptable as a departure from Adopted Policy. Whilst the scheme will provide three new dwellings in an area designated as countryside in the LDP, the history of the site and its former use as a garden centre and former outline planning permission for development are material considerations that can be given considerable weight in this instance. The benefits of the proposals outweigh any potential harm from the development. As such the proposal for three dwellings is acceptable as a departure from policy 7 of LDP. The scheme will provide contributions to affordable housing and contributions to local services and facilities within the area, required by policy and SPG.

Recommendation

The application be delegated to the Chief Executive (National Park Officer) / Director of Park Direction and Planning / Head of Development Management to grant planning permission subject to the interested person(s) first entering into a Section 106 Legal Agreement to include the following necessary planning obligations:

- Provide an affordable housing contribution of £100 per square metre of each dwellinghouse.
- Pay a contribution of £3,042.66 per dwelling for the provision or enhancement of education facilities.
- Pay a contribution of £500 per dwelling for highway works and improvements.
- Pay a contribution of £187 per dwelling to upgrade/add to existing community facilities.

And subject to conditions relating to the following:

- Details of reserved matters be provided and agreed before development begins
- Application for reserved matters no later than 3 years from date of permission
- Development to begin either before expiration of 5 years or before expiration of 2 years for the date of the approval of the last of the reserved matters
- Detailed site survey plan and existing and proposed levels to be provided
- Tree protection scheme
- Landscaping scheme
- Reptile survey or method statement dealing with site clearance and reptile relocation
- Construction Method Statement
- External lighting scheme
- Ecological enhancement scheme
- Details of pollution prevention relating to the SAC
- Scheme for disposal of foul and surface water (SUDS)

If the Section 106 legal agreement is not completed within 3 months of the foregoing resolution then delegated power be given to the Chief Executive (National Park Officer) / Director of Park Direction and Planning / Head of Development Management to exercise discretion to refuse the application on the grounds of non-compliance with policies 45 and 48 of the Local Development Plan.

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