

## Item 5 - Report on Planning Applications

**Application Ref: NP/15/0252/S73**

<b>Case Officer</b>	Andrew Richards		
<b>Applicant</b>	Mr & Mrs J & S Ferguson		
<b>Agent</b>	Mr A Vaughan-Harries, Hayston Development & Planning		
<b>Proposal</b>	Variation of condition 7 of NP/55/95 in order to allow annex to be occupied as residential unit		
<b>Site Location</b>	Bro Helyg, Dinas Cross, Newport, Pembrokeshire, SA42 0XD		
<b>Grid Ref</b>	SN00863862		
<b>Date Valid</b>	05-May-2015	<b>Target Date</b>	29-Jun-2015

**Summary**

This application comes before committee on the request of Cllr Bob Kilmister.

The application site comprises a dwelling as Glan-Helyg and its annex Bro-Helyg both located within the same planning unit which is a long elongated piece of land with an amenity area to the north east of Glan-Helyg and a vehicle entrance and parking area immediately to the south west of Bro-Helyg. Further past this area is a detached garage and sun room with access provided off the parking area and further amenity space beyond.

Planning approval is sought for the removal of planning condition 7 on NP/055/95 to allow the existing annex (known as Bro-Helyg) to be used as a separate, independent residential dwelling with its own separate amenity and parking areas. The proposed variations will include the removal of the existing sunroom/conservatory attached to the existing garage to provide additional amenity space to serve Bro-Helyg, together with a new vehicle access, parking area for two vehicles and turning to serve Glan-Helyg. The application is effectively requesting the severance of the annex from the residential unit and the granting of planning permission for the creation of new dwelling.

This proposed scheme, in practical terms, is considered to have a scale, mass, form and detailed design which is considered to be acceptable. The proposal will provide adequate parking associated with Glan-Helyg with existing parking retained at Bro-Helyg. The design will ensure the amenity and privacy of neighbours is maintained and protected along with the special qualities of the National Park when viewed from the immediate and wider landscape.

However, the application does not include any affordable housing contribution as required by policy 45 of the LDP and Supplementary Planning Guidance. Affordable housing policy is a key policy in the adopted local plan and housing need is a major concern in rural communities. Therefore this application as it stands is unacceptable and contrary to policy having regard to the adopted development plan for the area and all material considerations.

## Item 5 - Report on Planning Applications

---

### Consultee Response

**Trunk Road Agency:** Support

**Natural Resources Wales:** No objection subject to informative added to any consent issued.

**Dinas Cross Community Council:** Support with no adverse observations

**PCC - Ecologist:** No adverse comments

### Public Response

A site notice was posted and letters forwarded to the adjoining occupiers in accordance with requirements of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

Two letters have been received. The first indicates that parking conditions have been blatantly abused in the past causing vehicles to be parked on the adjacent A487 trunk road resulting in visibility problems for neighbouring properties, however if the original parking facilities along with the additional parking facilities for the second dwelling are enforced there would be no objection.

The second letter is from the previous tenant of Glan-Helyg who now resides at Sunnybank also to the north east of the site and indicates the previous difficulties of parking at this location and states that any proposal for Glan-Helyg to be sold off separately must include sufficient parking for this 5/6 bedroom home to prevent additional pavement parking that causes problems for pedestrians, wheelchair and pushchair users as well as affecting visibility for vehicles travelling in both directions on the A487.

### 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 07 - Countryside  
 LDP Policy 11 - Protection of Biodiversity  
 LDP Policy 15 - Conservation of the Pembrokeshire Coast National Park  
 LDP Policy 16 - Open Space and Green Wedge  
 LDP Policy 21 - Minerals Safeguarding  
 LDP Policy 29 - Sustainable Design  
 LDP Policy 30 - Amenity  
 LDP Policy 31 - Minimising Waste  
 LDP Policy 32 - Surface Water Drainage  
 LDP Policy 34 - Flooding and Coastal Inundation  
 LDP Policy 44 - Housing  
 LDP Policy 45 – Affordable housing

---

## Item 5 - Report on Planning Applications

---

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 08 - Transport  
 PPW7 Chapter 09 - Housing  
 PPW7 Chapter 13 - Minimising and Managing Environmental Risks and Pollution  
 SPG05 - Sustainable Design  
 SPG06 - Landscape  
 SPG08 - Affordable Housing  
 SPG10 - Safeguarding Mineral Zones  
 SPG12 - Parking  
 SPG20 - Accessibility  
 TAN 02 - Planning and Affordable Housing  
 TAN 05 - Nature Conservation and Planning  
 TAN 06 - Planning for Sustainable Rural Communities  
 TAN 12 - Design  
 TAN 15 - Development and Flood Risk  
 TAN 18 - Transport

### **Constraints**

LDP Green Wedge  
 LDP Mineral Safeguard  
 Biodiversity Issue  
 Potential for surface water flooding  
 LDP Centre:100pc aff housing;30 units/ha  
 Recreation Character Areas

### **Officer's Appraisal**

#### **Background and History**

The application site comprises a dwelling and an annex known as Glan-Helyg and Bro-Helyg both located within the same planning unit which is a long elongated piece of land with an amenity area to the north east of Glan-Helyg and a vehicle entrance and parking area immediately to the south west of Bro-Helyg. Further past this area is a detached garage and sun room with access provided off the parking area and further amenity space beyond.

Planning permission was granted in 1995 for an extension to this property with a condition imposed restricting its use to occupation as an annex to the main building only which was in use as a nursing home under NP/055/95. Condition 7 of that consent stated: "The residential unit hereby permitted shall be occupied as an annexe to the main building Glan-Helyg only."

## Item 5 - Report on Planning Applications

---

In May 2003, detailed approval was sought for the subdivision of this property (currently operated as a nursing home – no consent being required as fewer than six persons reside at the property) to form two separate dwellings under NP/03/399.

Condition 1 of that consent stated: “The annexe shall only be occupied as the private residence of the owner or manager of the adjoining care home, Glan-Helyg, or as ancillary accommodation to any future residential use of Glan-Helyg should the care home cease to operate from the premises.

Reason: Planning permission would not be forthcoming for a separate residential use in this location.”

The nursing home use has now ceased operation and the applicants are currently assessing the possibility of separating off the two uses to create two separate planning residential units.

- NP/055/95 – Extension for domestic use – Approved – June 1995
- NP/148/95 – Detached garage for domestic use only – Approved – June 1995
- NP/99/131 – Single storey extension – Approved – April 1999
- NP/03/174 – Subdivision of dwelling to two dwellings – Withdrawn – April 1999
- NP/03/399 – Variation of condition 7 on NP/055/95 in order to allow annexe to be occupied as residential unit – Approved with occupancy restriction – January 2004

### Current Proposal

Planning approval is sought for the removal of planning condition 7 on NP/03/399 to allow the existing annexe (known as Bro-Helyg) to be used as an independent residential dwelling with its own separate amenity and parking areas.

The proposed variations will include the removal of the existing sunroom/conservatory attached to the existing garage to provide additional amenity space to serve Bro-Helyg, together with a new vehicle access, parking area for two vehicles and turning to serve Glan-Helyg.

### Key Issues

The application raises the following planning matters:-

- Principle of Development and Impact on National Park
- Affordable Housing
- Siting and Sustainable Design
- Amenity and Privacy
- Access and Parking
- Biodiversity

---

**Item 5 - Report on Planning Applications**

---

*Principle of Development and Impact on National Park:*

The application site is located part within the Rural Centre of Dinas Cross and part within the Countryside as designated in the Local Development Plan (LDP). The principle of the proposed development to create a new residential unit would be considered acceptable if the annexe structure was for, or made a contribution towards affordable housing as required by policy 45 (d) – seek a commuted sum to help with the delivery of affordable housing on housing developments below the threshold of 2 units.

There are external changes (e.g. demolition of conservatory and rearrangement of parking) required for the annexe to be used as a separate residential unit and are not considered in this instance to have an adverse impact on the special qualities of this area of the national park.

*Affordable Housing:*

Policy 6 of the LDP requires consideration of the need for affordable housing where new units of residential accommodation are proposed and Policy 45 of the LDP seeks to deliver affordable housing in the National Park. It is recognised that there is a need for affordable housing within Dinas Cross, and the threshold for negotiating provision of units is two or more residential units. The current proposal for one new unit of residential accommodation is under this threshold. Therefore on-site provision will not be sought and a financial contribution towards affordable housing in the local area will be sought through a Unilateral Undertaking.

The submitted 'planning report with design and access statement' indicates that Bro-Helyg and Glan-Helyg are really independent conjoined dwellings, with no interconnecting doors. There does not need to be a physical connection to the 'host premises', as it can often be the case that 'annexes' are approved within gardens of residential properties for extra albeit separate living accommodation which can be tied to the main dwelling by planning condition.

The report also states: 'There is a question whether two properties used as separate residences with separate Council Tax, electricity, water and gas bills are not already de facto two separate hereditaments'.

Whilst there is no evidence within the application to support this statement, it is in any case not considered to represent an exemption from the requirements of LDP Policy 45. It would appear that the annexe has to date been occupied under the confines of the original and subsequent conditions as outlined above.

If the applicant is seeking to use a rule by which these properties have been used for a continuous and interrupted use for a 10 year period, then this evidence needs to be fully supported and dealt with under a separate type of application. Such evidence is not available to be considered within the remit of this planning application.

---

**Item 5 - Report on Planning Applications**

---

From the current planning point of view, the two existing residential units are tied as one planning unit and the proposed removal of this condition would create two unfettered dwellings which could be sold and occupied independently from each other. As such, it is considered that a net gain of one residential unit would occur.

The required financial contribution will be £27,6250 based on £250 per square metre as the site lies within the sub-market area of Newport as defined by the adopted Affordable Housing Supplementary Planning Guidance and with the new residential unit having a total floor space of 110.5m<sup>2</sup>.

To date no formal confirmation has been provided by the applicants or their agent to confirm that the Unilateral Undertaking will be provided to support the current application in accordance with policy 45 of the LDP, or any evidence in order to prove that payment of a sum would make the scheme financially unviable. As such the proposal is considered unacceptable in principle on affordable housing provision grounds.

*Siting and Sustainable Design:*

The proposed works will result in the demolition of the sun room/conservatory attached to the rear of the garage together with the external works to create the new access, parking and turning areas and the siting and design of these aspects are considered to be acceptable and appropriate in this instance and can be supported.

*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”*.

Policy 30 is a criteria based policy setting out that development will not be permitted where it has an unacceptable impact on amenity particularly where, a) the development is for a use inappropriate for where people live or visit and/or; b) the development is of a scale incompatible with its surroundings; and/or; c) the development leads to an increase in traffic or noise or odour or light which has a significant adverse impact; and/or; d) the development is visually intrusive.

No objections in respect of amenity or privacy have been raised as part of the consultation process. In addition the amended drawings are now considered to increase the available amenity space associated to the proposed

## Item 5 - Report on Planning Applications

---

residential unit known as Bro-Helyg through the removal of the existing sun room/conservatory attached to the rear of the garage structure and therefore the current proposal is considered to be acceptable in this instance and can be supported.

### *Access and Parking:*

The application includes the retention of the existing access, parking and turning area for use associated with Bro-Helyg and includes the provision of a new access off the adjacent A487 Trunk Road through an existing hedgerow and also includes off-site parking and turning within the south west section of the site to serve the existing residential dwelling known as Glan-Helyg. The Welsh Government Trunk Road Agency has been consulted and based on the submitted drawings consider the new access, parking, turning provision and materials associated with the creation of a new unit of residential accommodation to be acceptable.

### *Biodiversity:*

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

Both Natural Resources Wales and the Authority Ecologist has commented on the application stating that a protected species survey is not required as there is low likelihood of protected species being found at the development site or that there would be any adverse impact on the habitat or species as a result of the development. As such, the proposal conforms with the relevant requirements of PPW, TAN5 and LDP policy 11.

### **Conclusion**

This application proposes the removal of planning condition 7 attached to NP/055/95 and the proposal has been carefully considered against all material considerations and the relevant national and local development plan policies. This proposed scheme is considered to have a scale, mass, form and detailed design which is considered to be acceptable. The proposal will provide adequate parking associated with Glan-Helyg to ensure the annexe known as Bro-Helyg can be converted into a new dwelling, and the design will ensure the amenity and privacy of neighbours is maintained and protected along with the special qualities of the National Park when viewed from the immediate and wider landscape.

The application does not include a completed unilateral undertaking to provide an affordable housing contribution as required by 'criterion d' of Policy 45 (Affordable Housing) of the Local Development Plan and the guidance set out within the Affordable Housing Supplementary Planning Guidance. As such the scheme is contrary to a fundamental policy of the adopted LDP.

**Item 5 - Report on Planning Applications**

---

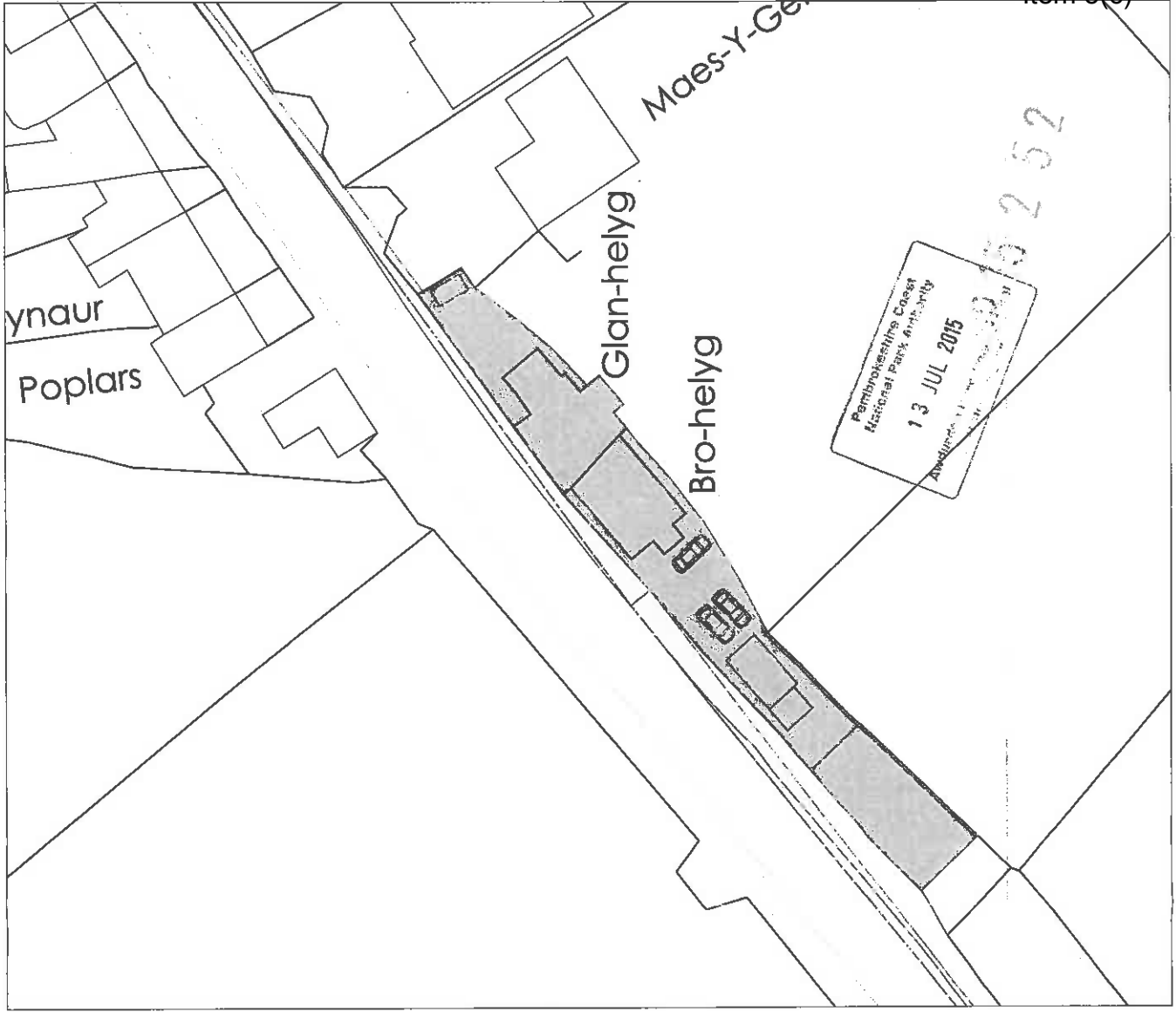
**Recommendation**

REFUSE, for the following reason(s):

1. The application fails to deliver a commuted sum to help with the delivery of affordable housing in the locality contrary to the requirements of Policy 45 (Affordable Housing) (criterion 'd') as well as Guidance within Supplementary Planning Guidance – Affordable Housing (Adopted November 2014) and Technical Advice Note 2 (Planning and Affordable Housing).



Block Plan - Scale 1:500



Location Plan - Scale 1:2500

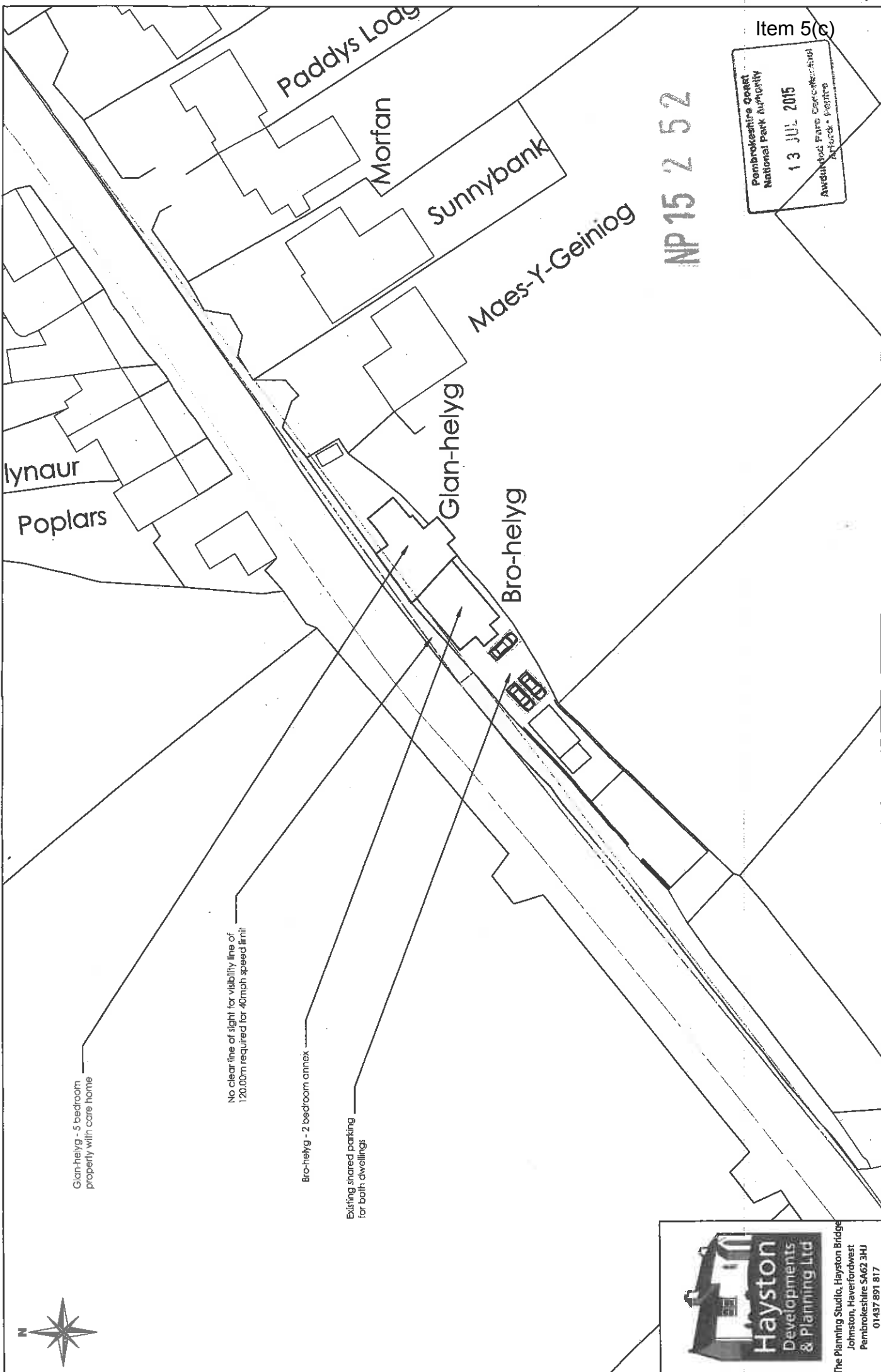


The Planning Studio, Hayston Bridge  
 Johnston, Haverfordwest  
 Pembrokeshire SA62 3HJ  
 01437 881 817  
 07515 851 704  
 andrew@haystonplanning.co.uk  
 www.planningpembrokeshire.co.uk

Proposed Amendments to NP/03/399 for the  
 Removal of Condition 7 to allow Annex (known as Bro Helyg)  
 to be classified as Independent Dwelling  
 Clamburn Dunes Cross, Haverfordwest, Pembrokeshire

Designed by	Checked by	File name	Date	Scale	Client
		AVH_167(2)	11.06.2015	As shown	Mr & Mrs Ferguson

Drawing Title: Location & Block Plans



Item 5(c)

Pembrokeshire Coast  
National Park Authority  
13 JUL 2015  
Awdubon Parc Cwrddysial  
Arfordwr - Penrhyn

Glan-helyg - 5 bedroom  
property with care home

No clear line of sight for visibility line of  
120.00m required for 40mph speed limit

Bro-helyg - 2 bedroom annex

Existing shared parking  
for both dwellings

Client	Mr & Mrs Ferguson
Scale	1:500
Date	11.06.2015
File name	AVH_167(2)
Checked by	
Designed by	
Drawing Title	

Proposed Amendments to NP/03/399 for the  
Removal of Condition 7 to allow Annex (known as Bro Helyg)  
to be classified as Independent Dwelling



**Hayston  
Developments  
& Planning Ltd**

The Planning Studio, Hayston Bridge  
Johnston, Haverfordwest  
Pembrokeshire SA62 3HU  
01437 891 817  
07515 851 704  
andrew@haystonplanning.co.uk  
www.planningpembrokeshire.co.uk

# Glan-helyg

# Bro-helyg

Pembrokeshire Council  
Planning Department  
13 JUL 2015

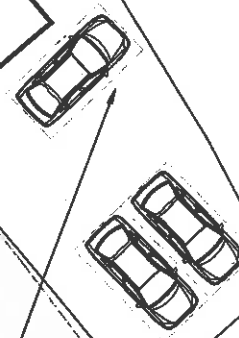
Nr 15 2 52

Glan-helyg - 5 bedroom property with care home

No clear line of sight for visibility line of 120.00m required for 40mph speed limit

Bro-helyg - 2 bedroom annex

Existing shared parking for both dwellings



The Planning Studio, Hayston Bridge  
Johnston, Haverfordwest  
Pembrokeshire SA62 3JH  
01437 891 817  
07515 851 704  
andrew@haystonplanning.co.uk  
www.planningpembrokeshire.co.uk

Proposed Amendments to NP/03/399 for the  
Removal of Condition 7 to allow Annex (known as Bro Helyg)  
to be classified as Independent Dwelling

Designed by	Checked by	File name	Date	Scale	Client
		AVH_167(2)	11.06.2015	1:200	Mr & Mrs Ferguson

Drawing Title



Amenity space for  
Glan helyg = 56.8 msq

Existing garage associated  
with Bro helyg

Existing sun room/  
conservatory associated  
with Bro helyg to be  
removed

Amenity space for Bro helyg  
with conservatory / sun room  
removed = 62.15 msq

# Glan-helyg

# Bro-helyg

Pembrokeshire Coast  
National Park Authority  
13 JUL 2015  
AWP/15/03/399/001/001

## NP 15 2 52



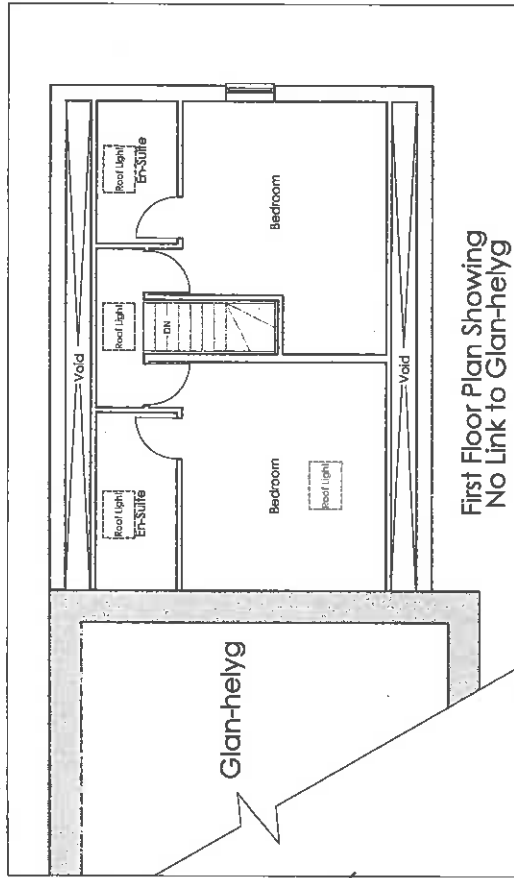
The Planning Studio, Hayston Bridge  
Johnston, Haverfordwest  
Pembrokeshire SA62 3HJ  
01437 891 817  
07515 851 704  
andrew@haystonplanning.co.uk  
www.planningpembrokeshire.co.uk

Proposed Amendments to NP/03/399 for the  
Removal of Condition 7 to allow Annex (known as Bro Helyg)  
to be classified as independent Dwelling

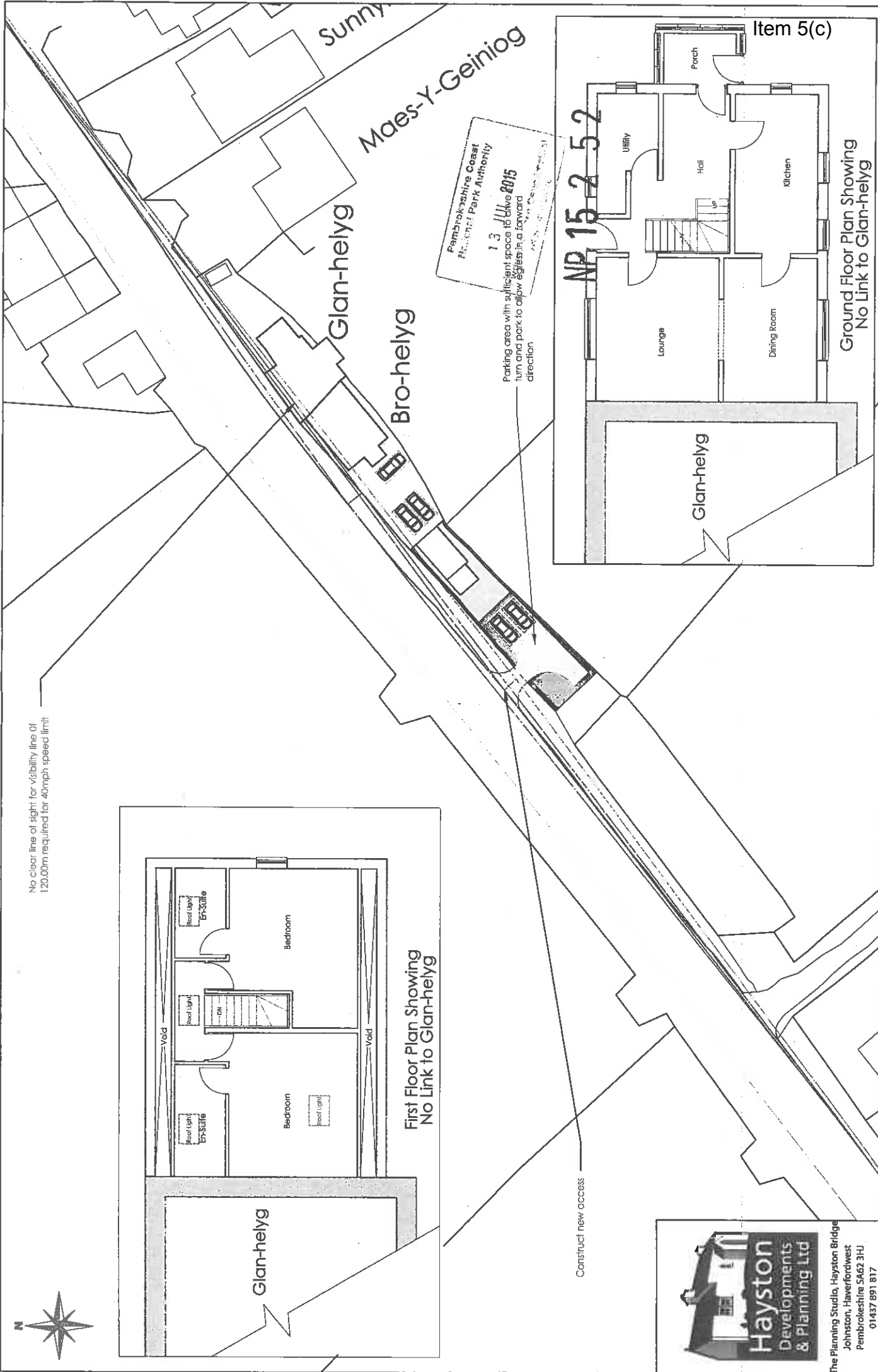
Designed by	Checked by	File name	Date	Scale	Client
		AVH_167(2)	11.06.2015	1:200	Mr & Mrs Ferguson



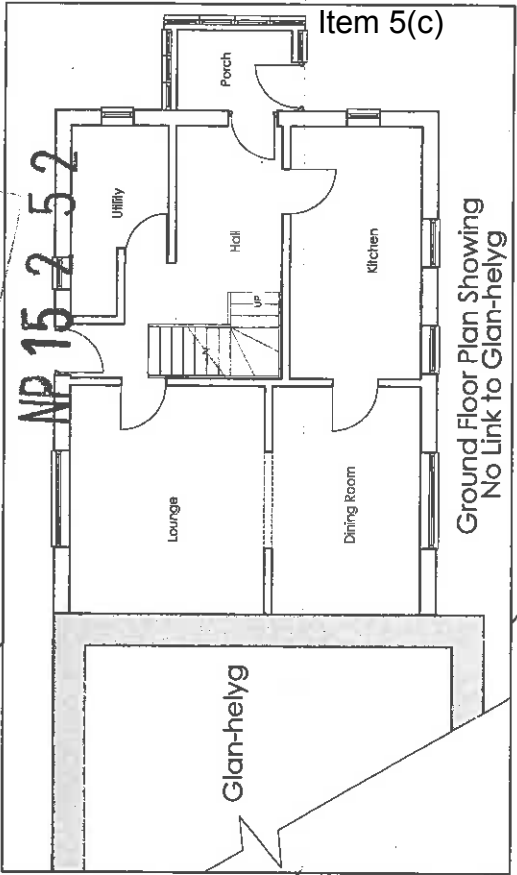
No clear line of sight for visibility line of 120.00m required for 40mph speed limit



First Floor Plan Showing No Link to Glan-helyg



Pembrokeshire Coast National Park Authority  
13 JUL 2015  
Parking area with sufficient space to allow 8015 turn and park to allow egress in a forward direction



Ground Floor Plan Showing No Link to Glan-helyg

Item 5(c)

Proposed Amendments to NP/03/399 for the Removal of Condition 7 to allow Annex (known as Bro Helyg) to be classified as Independent Dwelling

Designed by  
Checked by

File name  
AVH\_167(2)

Date  
11.06.2015

Scale  
1:500

Client  
Mr & Mrs Ferguson

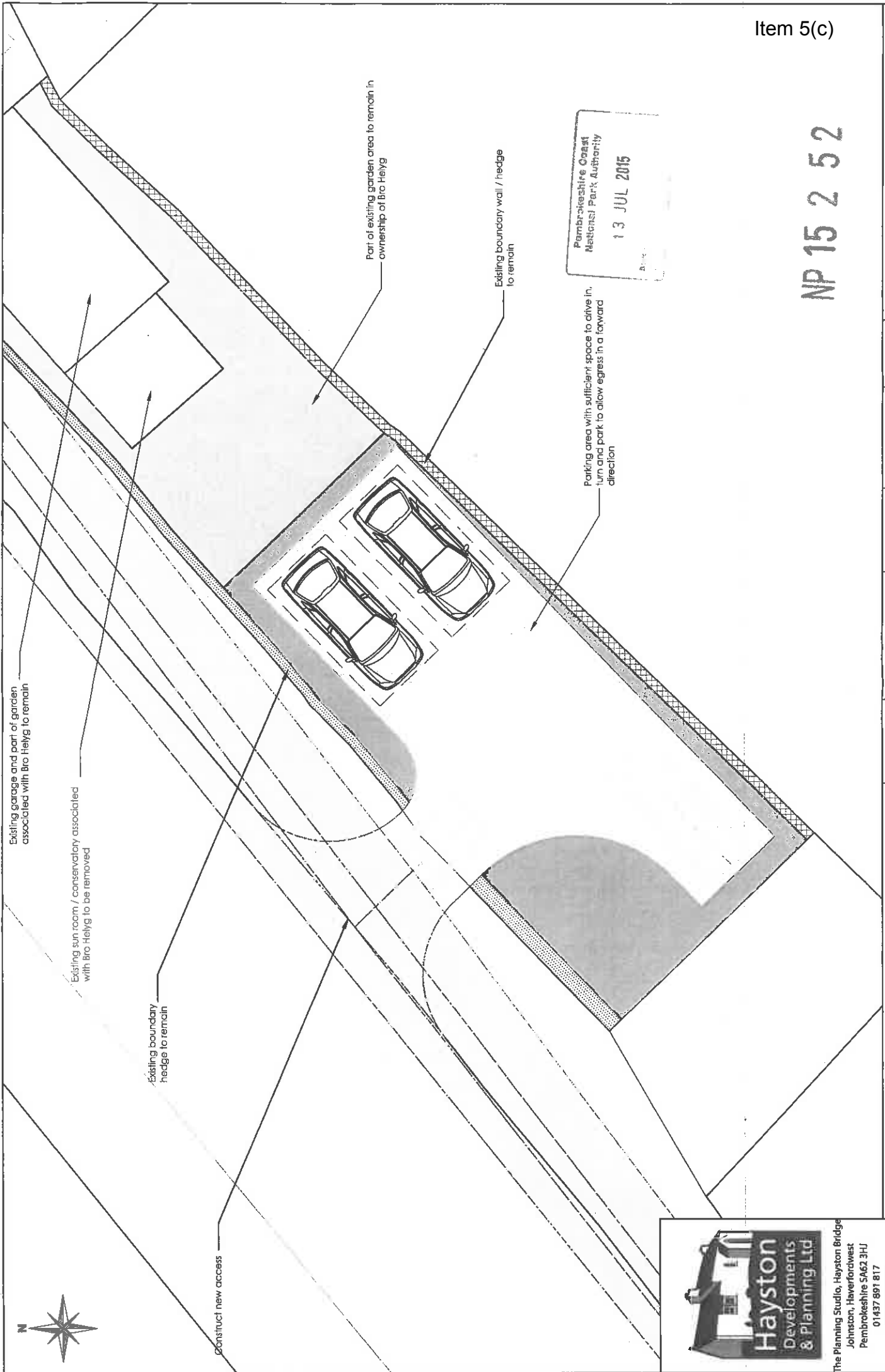
Drawing Title

Dwg No.

**Hayston**  
Developments  
& Planning Ltd

The Planning Studio, Hayston Bridge  
Johnston, Haverfordwest  
Pembrokeshire SA62 3HU  
01437 891 817  
07515 851 704  
andrew@haystonplanning.co.uk  
www.planningpembrokeshire.co.uk

NP 15 2 52



Pembrokeshire Coast  
National Park Authority  
13 JUL 2015

Client  
Mr & Mrs Ferguson

Scale  
1:200

Date  
11.06.2015

File name  
AVH\_167(2)

Checked by

Designed by

Proposed Amendments to NP/03/399 for the  
Removal of Condition 7 to allow Annex (known as Bro Helyg)  
to be classified as Independent Dwelling

Drawing Title

DWG No.



The Planning Studio, Hayston Bridge  
Johnston, Haverfordwest  
Pembrokeshire SA62 3HJ  
01437 891 817  
07515 851 704  
andrew@haystonplanning.co.uk  
www.planningpembrokeshire.co.uk