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 Item 5 - Report on Planning Applications
 

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**Application Ref: NP/16/0364/FUL**

<b>Case Officer</b>	Kate Attrill		
<b>Applicant</b>	Mr & Mrs Beynon		
<b>Agent</b>	Mr D Brown, Mango Planning & Development Ltd		
<b>Proposal</b>	Proposed dwelling (Class C3) and associated works.		
<b>Site Location</b>	Zion Gardens, St Johns Hill, Tenby, Pembrokeshire, SA70 8HE		
<b>Grid Ref</b>	SN13040086		
<b>Date Valid</b>	11-Jul-2016	<b>Target Date</b>	04-Sep-2016

**Summary**

The application is being brought before Committee as the Officer recommendation differs to the Community Council support for the scheme.

The site lies centrally within Tenby, and is enclosed by a substantial dressed stone wall. The site currently benefits from a temporary consent for seven static caravans which have been situated on the site under a variety of temporary consents since the site was first given planning approval for redevelopment in the 1970's.

The single dwelling proposed is considered to be an under-development of the site, which could be providing multiple dwellings and allowing for on-site affordable housing provision and is also out of character with the scale and density of surrounding residential development. The application as submitted is therefore considered to be an inappropriate development on this site and is not supported.

**Consultee Response**

**Tenby Civic Society Chairman:** Concern

**PCNPA - Park Direction:** Concern - Contrary to policies contained within the LDP.

**PCC - Drainage Engineers:** Advised on drainage

**Tenby Civic Society Chairman:** Broadly supportive for an unashamedly modern design hidden inside the high walls of the former walled garden of Sion House is to be welcomed.....

With two exceptions the design has much to recommend it.....(full comments summarised) so our view is that the proposal should be amended

a) to remove the need for a third storey and reduce the building's height and visibility from the other side of the existing old walls (especially from the north east and the north west):

b) there is space in the site to move the garage to beside the proposed turning area and to move the house down the slope to join with it

Could not some compact (affordable) housing units for local rent be housing in the site within the same tree, walls and drain easement constraints? The compact houses of adjoining Rectory Court illustrate the possibilities.

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

**Dyfed Archaeological Trust:** Conditional Consent

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

**Tenby Town Council:** Approve

**PCNPA - Ecologist:** No adverse comments

### Public Response

The application was advertised in accordance with the requirements of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 by a site notice on the 22<sup>nd</sup> July 2016 and neighbouring properties were written to.

A letter of representation was received from an adjoining property concerned with potential loss of privacy to the rear of their house and garden, the scale of the proposed dwelling, and potential risks to the stone wall which forms their boundary. The applicant has amended the plans to reduce the impact on neighbouring properties and no further objections have been received.

### Policies considered

Please note that these policies can be viewed on the Policies page Pembrokeeshire Coast National Park website -

<http://www.pembrokeshirecoast.org.uk/default.asp?PID=549>

LDP Policy 01 - National Park Purposes and Duty

LDP Policy 02 - Tenby Local Service and Tourism Centre

LDP Policy 08 - Special Qualities

LDP Policy 11 - Protection of Biodiversity

LDP Policy 12 - Welsh Language

LDP Policy 13 - Historic Landscapes Parks and Gardens

LDP Policy 15 - Conservation of the Pembrokeeshire Coast National Park

LDP Policy 29 - Sustainable Design

LDP Policy 30 - Amenity

LDP Policy 32 - Surface Water Drainage

LDP Policy 44 - Housing

LDP Policy 45 – Affordable housing

PPW8 Chapter 03 - Making and Enforcing Planning Decisions

PPW8 Chapter 04 - Planning for Sustainability

PPW8 Chapter 09 - Housing

SPG04 - Planning Obligations

SPG05 - Sustainable Design

TAN 13 - Tourism

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### TAN 22 - Planning for Sustainable Buildings

#### **Constraints**

Special Area of Conservation - within 500m  
Biodiversity Issue  
Hazardous Zones  
Potential for surface water flooding  
LDP Centre:60pc aff housing;30 units/ha  
Recreation Character Areas

#### **Officer's Appraisal**

##### **Relevant Planning History**

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

In 1991 an application was submitted to remove a holiday letting condition attached to the main planning permission for the site (TB/1707). The application sought removal of the condition from 10 of the completed holiday lets to allow for full residential use in the west portion of the site. It did not include the land subject of this application and planning permission was approved subject to additional details being submitted in respect of any external changes and removal of permitted development rights of the residential units.

Since that time the site has been used for the siting of 7 static caravans which has been granted permission through a succession of temporary planning permissions. The last temporary permission was granted in January 2016 and was given for a 12 month period which expires in January 2017.

In respect of the current application for a single dwelling, the Authority has responded to two pre-application requests, one made in January 2011 (PA/035/11) for a proposed residential development on the site, when the enquirer was advised of the current adopted Local Development Plan which priorities the need for Affordable Housing in all new residential developments and another in 2015 (PA/15/0260) for a large single dwelling. The LPA responded in 2015 to the effect that the proposals represented an under-development of a site within the town centre which could provide affordable housing in a sustainable location, the agent was informed of the £250 per square metre commuted sum category for the area, and invited further pre-application discussions prior to submitting an application.

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### History

- PA/15/0260 – Pre-application for a large single dwelling – response sent 25<sup>th</sup> August 2015
- NP/12/0075 – Application for Removal of condition: The use of the holiday units to be restricted to the periods 1<sup>st</sup> March to 30<sup>th</sup> November and 14<sup>th</sup> December to 14<sup>th</sup> January in each year to allow the erection of the units with no restriction. This would enable their use for permanent accommodation as opposed to only holiday accommodation. Recommended for refusal but non-determination appeal lodged and then withdrawn.
- PA/035/11 – Zion Gardens, Tenby – 4 Residential Properties – Pre Application Advice given on 11 March 2011
- NP/10/426 – Land at Zion Gardens, Tenby – Renewal of temporary consent for NP/05/375 for caravan site – Approved 24 November 2010
- NP/05/375 – Zion Gardens Caravan Site, Tenby – Renewal of temporary consent NP/00/149 for caravan site – Approved – 26 September 2005
- NP/00/149 – Zion Gardens Caravan Site, Tenby - Caravan site (renewal of consent) – Approved – 25 May 2000
- NP/085/95 – Zion Gardens, Tenby – Renewal of Temp. Consent for 7 caravans – Approved – 19 April 1995
- NP/390/91 – Zion Gardens Apartments, Tenby – Change of use from holiday to permanent residential dwellings – Approved – 9 August 1991
- TB/1707 – Zion Gardens, Tenby – Use of land for erecting 28 holiday units and house – Approved 29 August 1972

### Description of Proposal

The design proposes a large single dwelling of contemporary design featuring an almost entirely glazed frontage on a partial stone plinth which takes into account the multiple levels of the site, with a monopitch roof and a large flat roofed area to the southern end and over the parking area to provide a terrace first floor terrace.

The flat roof is described as 'alumasc green roofing system' with a metal monopitch on second floor with electricity and water panels system, cedar cladding to the south east and north east elevations and natural stone walling to replicate the walls surrounding the site.

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The interior design incorporates lower ground undercroft parking for three cars with a lower level plant and utility area, a raised ground floor living area with a master bedroom and three further bedrooms on the first floor above.

### Key Issues

The application raises the following planning matters:

- Policy and Principle of Development
- Siting, Design and Impact upon the Special Qualities of the National Park
- Amenity and Privacy
- Landscaping
- Archaeology
- Affordable Housing Contribution

### *Policy:*

The site is within the Centre of Tenby, as defined in the Local Development Plan and is currently used as a small caravan park.

Policy 2 of the Local Development Plan sets out the strategic policy position for Tenby and includes the aim to meet the housing (and in particular affordable housing) needs of the local area. The principle of housing development in this location would be acceptable as the surrounding land is largely residential.

The proposal is for a large, single dwelling with a modern design. The site is contained within the built area of Tenby and is accessed through a narrow lane which currently serves eleven dwellings on the western side of the original site, and seven static caravans on the proposed site.

Whilst it may well be that the site cannot be developed at a density of 30 plots per hectare, as required by Policy 44 of the Local Development Plan the use of the site for a single dwelling represents under-development of the land. Sites such as this are rare in Tenby and there are opportunities to make use of the land to fulfil the strategy for the town, as set out in Policy 2 of the Local development Plan. Whilst a modern design may be acceptable here, efficient use of the land which respects the amenity of the users of surrounding properties is required. The current application fails to do this and therefore is contrary to policies 2 and 44 of the Local Development Plan.

### *Siting, Design and Impact upon the Special Qualities of the National Park*

Planning Policy Wales (edition 8, January 2016) makes the following statements on design which are considered relevant to this application:

**4.11.5 Good design should promote the efficient use of resources, including land.** It should seek to maximise energy efficiency and the efficient

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use of other resources, minimise the use of non-renewable resources and minimise the generation of waste and pollution.

**4.11.9 The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations.** Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.

4.11.10 In areas recognised for their landscape, townscape or historic value, such as National Parks, Areas of Outstanding Natural Beauty and conservation areas, and more widely in areas with an established and distinctive design character, it can be appropriate to seek to promote or reinforce traditional and local distinctiveness. In those areas the impact of development on the existing character, the scale and siting of new development, and the use of appropriate building materials (including where possible sustainably produced materials from local sources), will be particularly important. The impact of development on listed buildings should be given particular attention.

TAN12 at paragraph 4.9 states that: Opportunities for **innovative design** will depend on the existing context of development and the degree to which the historic, architectural, social or environmental characteristics of an area may demand or inhibit a particular design solution. Thorough appraisal of context can provide design pointers, which help to inspire an innovative design response, which meets present and future needs. A contextual approach should not necessarily prohibit contemporary design.

A modern design, in itself would be acceptable here, as the area already has a mix of designs which have developed over the years with no one type being particularly characteristic of the area. The proposed property however, is of significant proportions which puts it very much at odds with the scale and density of the neighbouring buildings, and as such is considered to be out of character with the surroundings, contrary to Policy 15 criteria a and b, and Policy 8 criterion b of the Local Development Plan

### *Amenity and Privacy:*

Policy 30 of the Local Development Plan seeks to protect amenity enjoyed by people in their homes, workspaces and recreational areas and prevent development which is of a scale incompatible with its surroundings.

As described above, the scale of the dwelling has been considered to be out of character with the immediate surroundings, and by virtue of its height and siting.

The rear elevation of the dwelling has been amended during the course of the application to provide high level windows on the eastern (rear) elevation in response to objections from neighbouring properties concerned about privacy.

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The dwelling proposed is considered to be poorly design in response to its setting. The application is therefore considered to be contrary to Policy 30, criteria b and d.

### *Landscaping:*

Tree Preservation Order 63 is on and immediately adjacent to the proposed development site, and so the Authority's Tree and Landscape Officer was consulted with regards the application and the arboricultural details originally provided. Based on his comments, a further revised plan was then received on the 1<sup>st</sup> August 2016.

The summary of the consultation response is that there would be no objection to the proposed development if carried out based upon the documents received and following provision of further information relating to Landscaping which can be conditioned. . A condition is recommended requiring details of the soft landscaping to be submitted to and agreed in writing by the Local Planning Authority.

### **Archaeology:**

Dyfed Archaeology's consultation response on the application is copied below:

We have checked this proposal against the Regional Historic Environment Record, which currently stands at over 55,000 sites of archaeological and historical interest. These records have been formally adopted by resolution of your Authority for the purposes of the Town & Country Planning (General Permitted Development) Order 1995.

This search has revealed that the site in question lies within close proximity to several sites of historical and archaeological interest including the possible site of a medieval hospital, the extent of which is currently unknown (PRN 3691).

Consequently there is a strong possibility that archaeological material, may extend into the application area and that any remains surviving as buried archaeological features will clearly be adversely affected by the proposed development, should consent be forthcoming. In addition, in view of the proximity of the development to a designated heritage asset, we recommend that you consult with Cadw on the issue of the impact on the setting of this statutorily protected monument.

In order to protect potential archaeological interests, we recommend that a Grampian style condition should be attached to the application, should consent be given.

Cadw's comments will be verbally reported to Committee if they have been received before the date of Committee.

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### **Affordable Housing:**

Planning Policy Wales at para 9.2.14 states that: 'a community's need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies. Affordable housing for the purposes of the land use planning system is housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers.

Where a single dwelling is proposed, Local Development Plan Policy 45 requires the applicant to make a contribution toward affordable housing, which is calculated on gross internal floor space.

The initial pre application advice offered in 2015 suggested that multiple units would enable for on-site affordable housing and the applicants agent (at that time) was invited to discuss alternative proposals, but the current application was submitted without opportunity for further discussion.

The application site falls within the £150 per square metre commuted sum area as defined in the Supplementary Planning Guidance. The applicant has claimed that the site restrictions are such that is not viable to be developed (for the current single dwelling) and to allow for the affordable housing contribution, and has begun the process of submitting viability information, but at the date of report writing, the information had not been submitted in full and thus could not be assessed.

On the basis of the current proposals, and excluding the lower parking level, the footprint of the dwelling at 339 square metres (approx.) would result in a commuted sum of £50,000. At the time of writing this report, and based on the lack of a valid Unilateral Undertaking and/or commitment to pay the affordable housing contribution, contrary to the requirement of Policy 45, this would constitute a further reason for refusal. Further information may be submitted by the date of Planning Committee which will be verbally reported to Committee.

### **Conclusion**

The proposed design is an interesting contemporary design, but has not been designed to take into account the local character in terms of density, scale or proportion. The dwelling does not make the most efficient use of the site and represents an under development of the site in a sustainable location contrary to Local Development Plan policy and as such is recommended for refusal.



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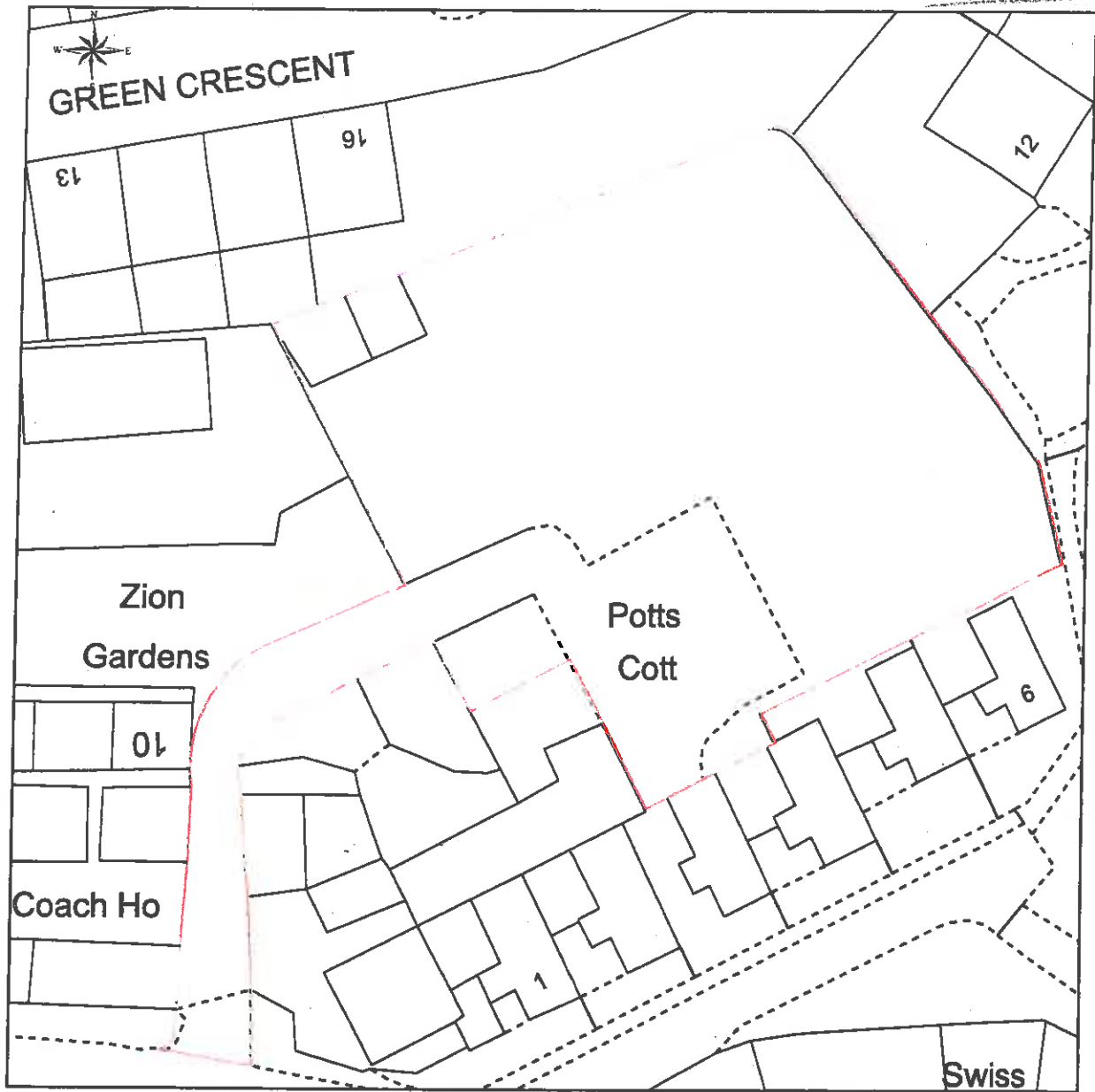
**Recommendation**

**REFUSE, for the following reason(s):**

1. The proposed dwelling is out of character with the scale and density of the surroundings, and as such is in conflict with the principles of good design as espoused by Welsh Government guidance within TAN12, Planning Policy Wales (Edition 8, January 2016), and Pembrokeshire Coast National Park Local Development Plan Policy 2, criteria a and e, Policy 44, Policy 15 a and b.
2. The application has failed to provide a valid Unilateral Undertaking and/or commitment to contribute towards affordable housing as required by Policy 45 d. As such the proposal is contrary to LDP Policy 45 of the Local Development Plan d and Supplementary Planning Guidance 04.

# Zion Gardens, St John's Hill, Tenby

11 JUL 2016



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0m 5m 10m 15m 20m 25m 30m 35m 40m

Scale: 1:500, paper size: A4

RW 110104

Tenby

[www.mangoplanning.com](http://www.mangoplanning.com)

October 2015

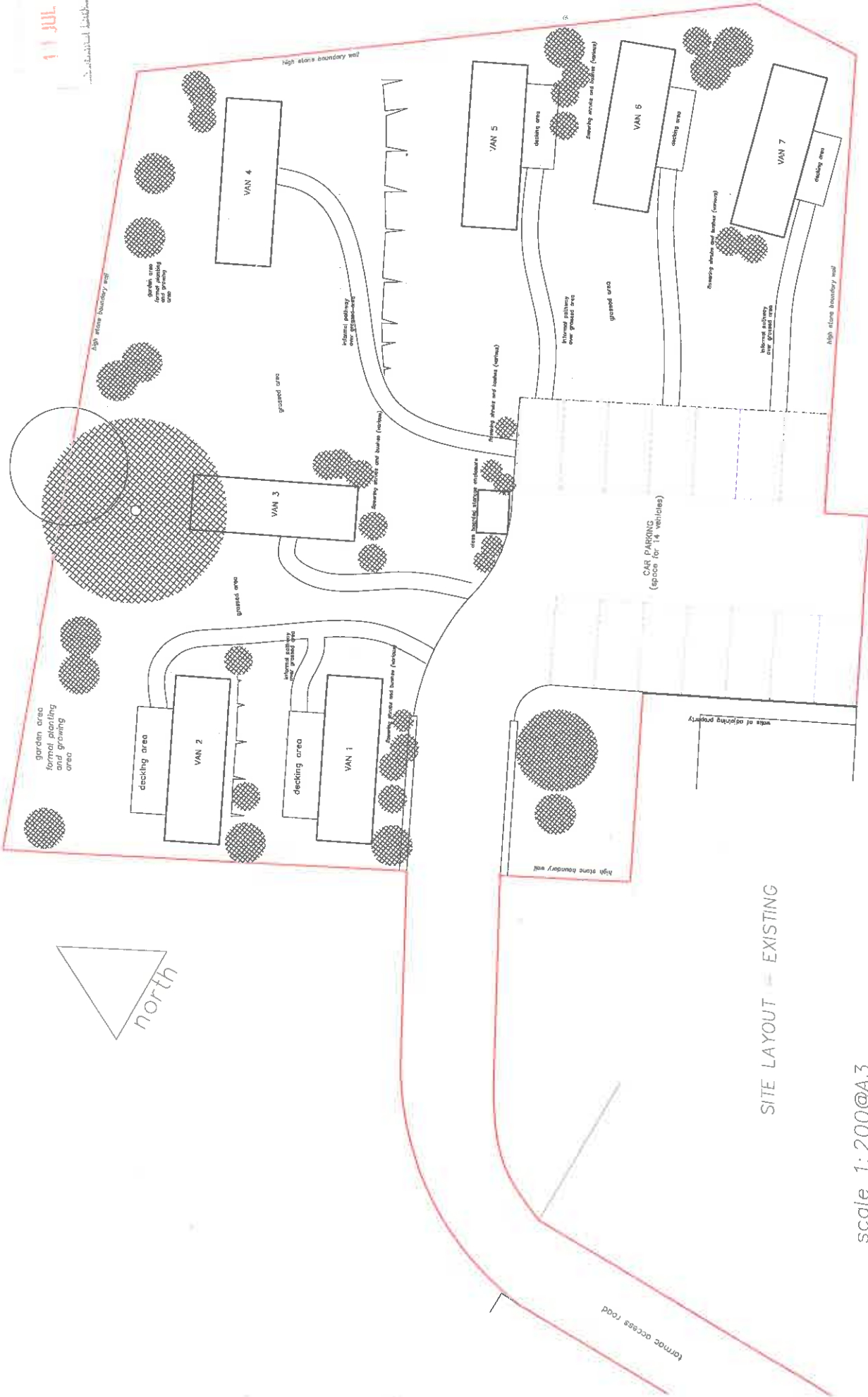
NP 16 3 6 4



11 JUL 2016

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NP 16 3 6 4



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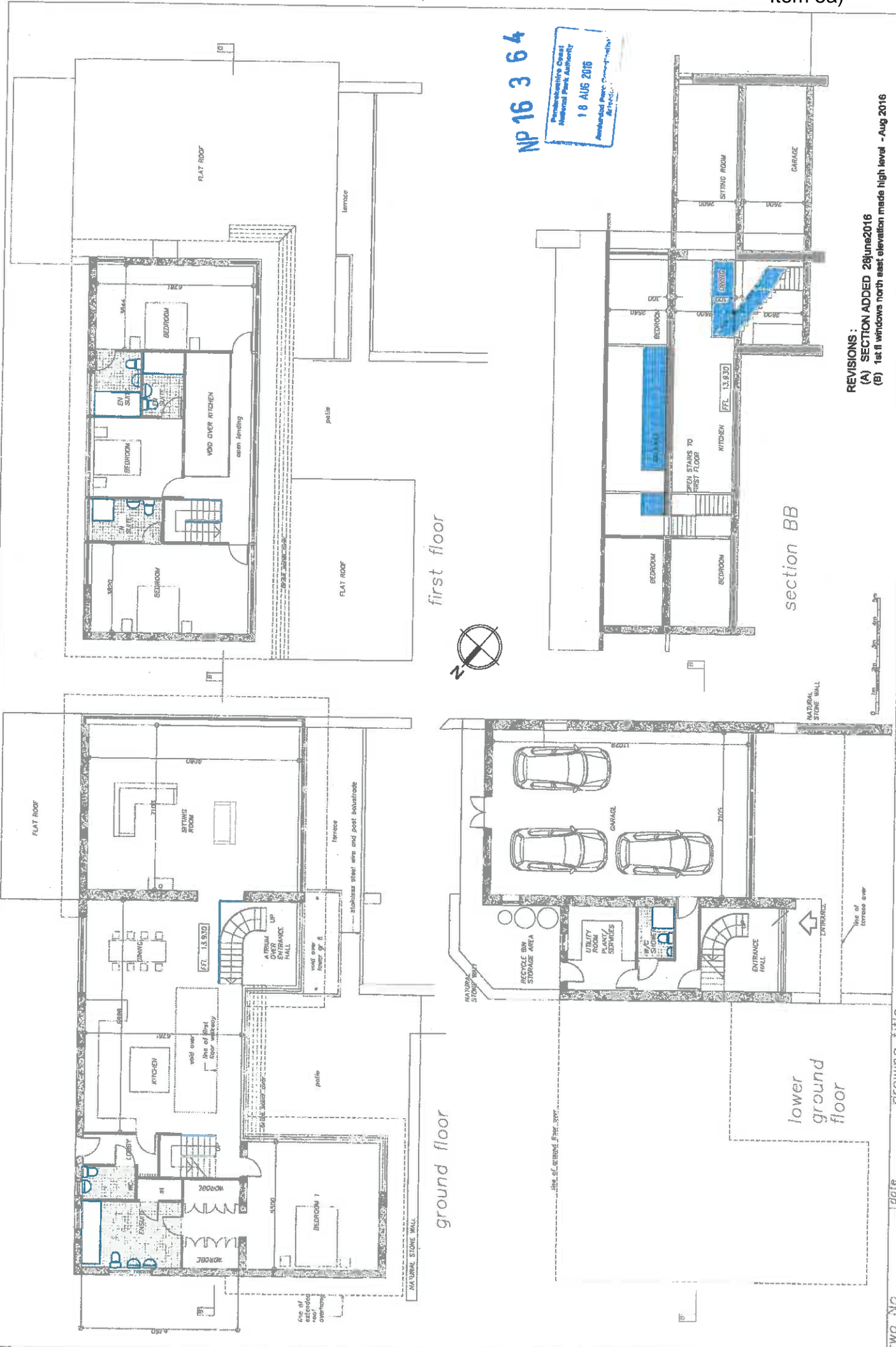
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draw No	1513/SITE/EX	date	JUNE 2016	drawing title	project
			scale 1:200@A3	site layout - existing	ZION GARDENS, TENBY

scale 1:200@A3



NP 16 3 6 4  
 18 AUG 2016  
 Approved Plans  
 North Devon Council  
 Planning Department



REVISIONS :  
 (A) SECTION ADDED 28June2016  
 (B) 1st fl windows north east elevation made high level - Aug 2016

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Proposed new dwelling at Zion Gardens, Tenby

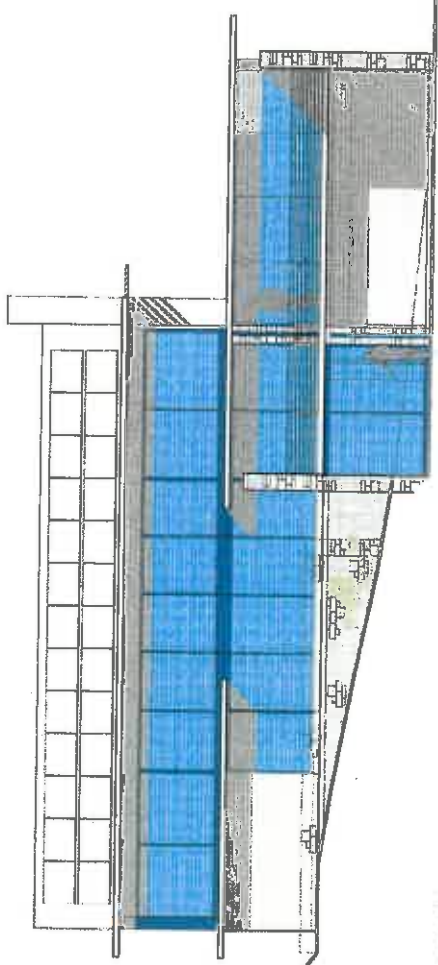
drawing title  
 FLOOR PLANS

date  
 June 2016

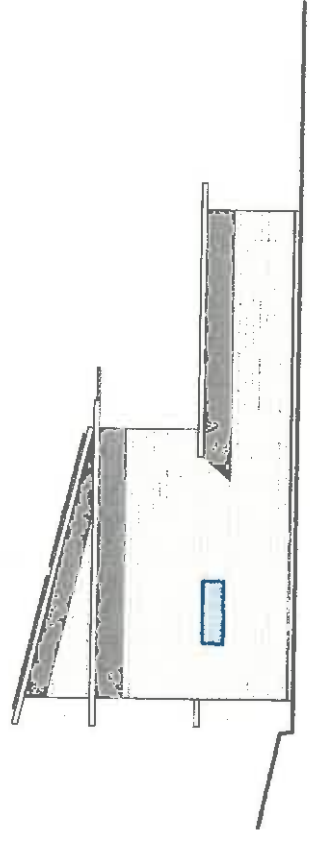
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drwg No  
 1513/PLNG/02(B)

project



south west elevation

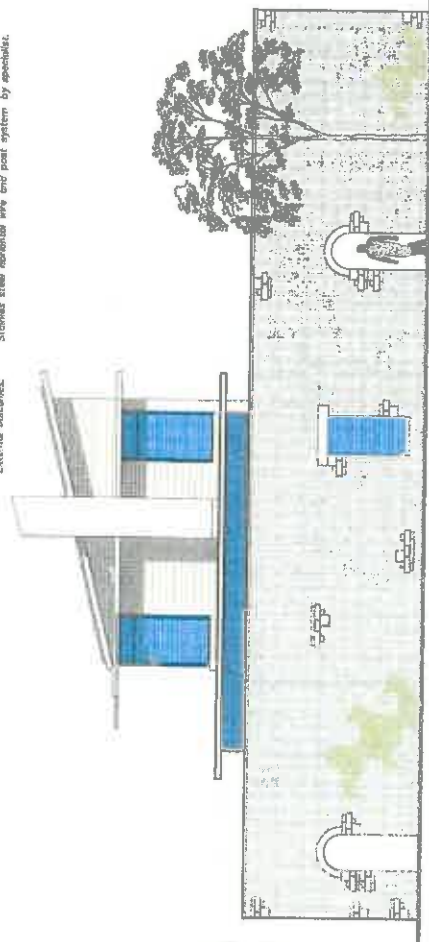


north west elevation

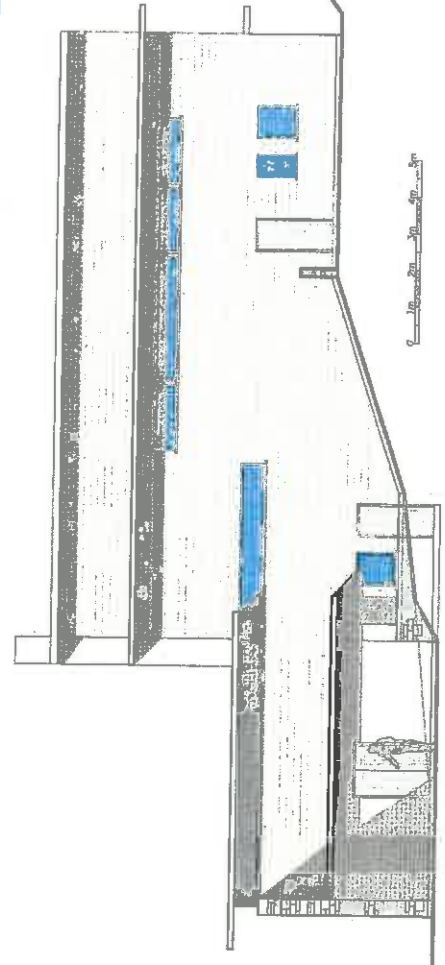
- FINISHES:**
- pitched roof: aluminium roof with electrically and water Spar panel system. Extended eaves overhang with aluminium roof eaves.
  - Flat roof: Aluminium green roofing system with extended eaves overhang as above with aluminium roof eaves and fascia.
  - Brk Solid: Aluminium flat solid system fitted to eaves overhang on south west fully glazed steel/stone as shown.
  - Note: Color cladding system, as shown on drawings with natural, weather bleached finish.
  - Return stone walling to areas to replicate existing boundary stone walling.
  - Windows / Doors: Powder coated aluminium with sliding door systems to ground floor rooms facing terrace and patio areas.
  - External balconies: Cover cladding to steel frame and trim in matching aluminium.
  - Stitches steel horizontal slip end post system by specialist.

Mr 01634 21971

18 AUG 2016  
Architectural Drawing  
Architect: Penryn



south east elevation



north east elevation

**REVISIONS:**  
(A) 1st fl windows north east elevation made high level - Aug 2016

DRWG No	1513/PLNG/03 (A)	date	June 2016	drawing title	project
		scale	1:200@A2		Proposed new dwelling at Zion Gardens, Tenby
					David J P Morgan BSc BArch RIBA County Chambers, Warren Street, Tenby SA70 7JG Tel 01634 21971 (m) 07675986905 Email david@tdjpmorgan.com