

Application Ref: NP/16/0314/FUL

Case Officer	Kate Attrill		
Applicant	Mr & Mrs A Watkins		
Agent	Mr C Kimpton, CK Planning		
Proposal	Retrospective application for change of use of land for siting of timber lodge, cesspit & concrete slab.		
Site Location	Land adjacent to Villa St Helens, Cliff Road, Wisemans Bridge, Narberth, Pembrokeshire, SA67 8NU		
Grid Ref	SN15000655		
Date Valid	24-Oct-2016	Target Date	10-Feb-2017

This application is brought to Committee as the officer recommendation differs from that of the Community Council.

Consultee Response

Amroth Community Council: Objecting - The Council cannot support this application as the developers are not replacing 'like for like'. The original caravan sited there (which at the time requested a Cert of Lawfulness) was a much smaller tourer therefore did not require a cesspit. It has now been replaced by a large log cabin. The Council also expressed concern regarding the cesspit and the water coming from it - that would likely run off down to Villa St Helens

PCNPA - Tree and Landscape Officer: Conditional Consent

Coal Authority: Conditional Consent

PCC - Drainage Engineers: Conditional Consent

PCNPA - Ecologist: No adverse comments

Public Response

The application was originally advertised by site notice and by neighbour notification letter on the 22nd July 2016 in accordance with the requirements of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

The application was then amended by the applicants, at the Authority's request to include the timber lodge structure, and the neighbouring properties were written to again on the 25th October 2016 to notify them of the amendment.

Several objections to the development have been received which cite concerns relating to:

- the principle of a caravan being replaced with a building,
- the adequacy of the cesspit & the safety of the concrete slab,
- underhand methods being employed to achieve a permanent dwelling,
- the removal of the hedgerow and trees along the southern boundary.

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 04 - Saundersfoot Local Centre
LDP Policy 07 - Countryside
LDP Policy 08 - Special Qualities
LDP Policy 09 - Light Pollution
LDP Policy 11 - Protection of Biodiversity
LDP Policy 12 - Welsh Language
LDP Policy 15 - Conservation of the Pembrokeshire Coast National Park
LDP Policy 29 - Sustainable Design
LDP Policy 30 - Amenity
LDP Policy 32 - Surface Water Drainage
LDP Policy 37 - Self-Catering Development
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 05 - Conserving and Improving Natural Heritage and the Coast
PPW8 Chapter 08 - Transport
PPW8 Chapter 09 - Housing
SPG05 - Sustainable Design
SPG08 - Affordable Housing
TAN 12 - Design
TAN 22 - Planning for Sustainable Buildings

Constraints

Special Area of Conservation - within 500m
Special Protection Area - within 500m
Biodiversity Issue
ROW Coast Path - within 10m
Nat Trust Covenants
Recreation Character Areas
Surface Coal
High Coal Risk

Officer's Appraisal

This application is brought to Committee as the officer recommendation differs from that of the Community Council.

Site and Context

The site lies on the western side of Cliff Road between residential properties on sloping land. The upper part of the site has been levelled, and a substantial mature tree and hedgerow removed to facilitate the concrete base and cesspit for the proposed development.

The site occupies a triangular plot of land immediately above and to the south of a residential dwelling known as The Hollies.

For the purposes of the Local Development Plan, the site lies outside of any defined settlement boundary and is considered to be open countryside.

Relevant Planning History

A previous consent for a Certificate of Lawfulness was granted in 2015 under NP/14/0502. This certificate was granted on the basis of the previous use of the touring caravan on site having been occupied as holiday accommodation over the previous 30 years.

NP/15/0180 was approved in May 2015 for the extended holiday occupation of the caravan, which was previously granted only for use between the 1st June and 30th September in any year, but is now able to be occupied for holiday purposes throughout the year.

Description of Proposal

The application seeks retrospective planning consent for a timber lodge measuring 6.1 by 13.7 metres and 2.56 metres high, engineering operations, namely a reinforced concrete slab measuring 6.1 metres by 13.7 metres, and the insertion of a cesspit to the eastern end of the site.

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
- Land Drainage
- Other Material Considerations

Policy:

The principle of a caravan on the site has been established by the granting of a Certificate of Lawfulness in 2014 under NP/14/0502. The statutory definition of a caravan is found within the Caravan Sites and Control of Development Act 1960 as supplemented by sec.13 of the Caravan Sites Act 1968.

The 1960 Act at sec. 29 states that a “caravan “means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any other motor vehicle so designed or adapted.

Section 13 of the Caravan Sites Act 1968 is not as clearly worded as it might have been. Under the heading “Twin-unit caravans” the section states that twin-units are composed of not more than two sections, constructed or designed to be assembled on site by means of bolts, clamps or other devices, and should not exceed 60 feet in length, 20 feet in width and 10 feet in height overall. This represents the maximum size of structure qualifying as a caravan within the statutory definition that can be located on the site under the terms of the existing Certificate of Lawfulness.

Any structure which falls outside the portability and dimensional criteria of the definition of a caravan in the Caravan Sites Acts of 1960 and 1968 and Amendment Order 2006, or has a sufficient degree of permanence through physical attachment to the ground or to main services, will involve operational development.

If operational development has occurred, this requires planning consent. In the circumstances here, the addition of a concrete slab and cesspit are classed as engineering operations which mean that the ‘caravan’ is classed as a building for the purposes of this application on which basis the application has been revised to include the above development.

Policy 7 of the Local Development Plan seeks to resist new development in the open countryside, unless it is for sensitive infilling (i.e. rounding off) of small gaps or minor extensions to isolated groups of dwellings, or is housing for essential farming or forestry.

Although a new building would usually be resisted on this site due to the open countryside location, the fall-back plan on this site would be for a twin-unit static caravan, which could be placed (albeit without a concrete slab) to a maximum size of 20 metres by 6 metres, which would be larger than that the cabin currently present on site, and could have a more significant visual impact. Based on this consideration, and that the use proposed is for holiday use only and that the use of the land for this purpose has already been established, the application is considered to be supportable on a policy basis.

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

Policy 8 of the Local Development Plan relates to the special qualities of the National Park and reads as follows:

The special qualities of the Pembrokeshire Coast National Park will be protected and enhanced. The priorities will be to ensure that:

- a) The sense of remoteness and tranquility is not lost and is wherever possible enhanced – see Policy 9.
- b) The identity and character of towns and villages is not lost through coalescence and ribboning of development or through the poor design and layout of development. The identification of Green Wedges will assist in achieving this priority.
- c) The pattern and diversity of the landscape is protected and enhanced – see Policy 14 and Policy 15.

Local Development Plan Policy 15 relates to the conservation of the Pembrokeshire Coast National Park and reads:

Development will not be permitted where this would adversely affect the qualities and special character of the Pembrokeshire Coast National Park by:

- a) causing significant visual intrusion; and/or,
- b) being insensitively and unsympathetically sited within the landscape; and/or
- c) introducing or intensifying a use which is incompatible with its location; and/or
- d) failing to harmonise with, or enhance the landform and landscape character of the National Park; and/or
- e) losing or failing to incorporate important traditional features.

The key impact this application has had on the special qualities of the National Park has come about through the removal of the boundary hedgerow and trees and replacement with a 2m high vertically boarded timber fence.

Had the applicant sought pre-application advice from the Authority, the Authority would have advised the retention of the hedgerow and trees, but in this instance, the applicant has been asked (at the time of writing the report) whether they will consider replacing the fence with a traditional timber fence, and conditions are recommended requiring the further submission of a landscaping scheme which will soften the visual impact of the fence.

Amenity and Privacy:

Policy 30 of the Local Development Plan refers to development not being supported if they are considered to be:

- a) for a use inappropriate for where people live or visit; and/or
- b) of a scale incompatible with its surroundings; and/or
- c) 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.

There is a distance of approximately 30 metres between the facing elevations at the property to the rear, The Hollies, and the application building, which is considered to be an adequate distance for the purposes of overlooking. Furthermore, there is a steep slope between the two properties which is currently screened by a number of large evergreens, which fall within the adjacent owners curtilage, and which were reputedly planted to provide screening in relation to the siting of the previous touring caravan.

However, based on these falling outside the control of the applicant's land ownership, the Authority has suggested conditioning a scheme for landscaping to provide screening between the rear of the Hollies and the development site, to ensure that if these trees are removed/or die, there is an adequate privacy screening between the two garden areas.

Turning to part (d) of Policy 30, the visual intrusion caused by the unsympathetic timber fence could be remedied by either its replacement with a Pembrokeshire hedgebank or a planting scheme to 'green' the fence. As this can be remedied by an appropriate condition and is not considered to be a sufficient reason for refusal as advised in the Welsh Government's Circular 'The Use of Planning Conditions for Development Management':

Paragraph 1.3 of the circular details the six tests that must be applied when drafting a planning condition. The chapter stresses that conditions should only be imposed where they are "both necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted". Paragraphs 3.2 to 3.9 of the Circular advise that in considering whether a condition is necessary authorities should ask themselves whether planning permission would have to be refused if the requirements of that condition were not imposed. If it would not, then the condition needs special and precise justification. Accordingly, the conditions to request a landscaping scheme are considered to be proportionate, and reasonable in light of the proposed development.

Other Material Considerations:

Building Regulations:

Both Pollution Control and Building Regulations at Pembrokeshire County Council were consulted as part of this application. Building control have classed the building as falling within the definition of a caravan for the purposes of their regulatory function, and thus the building and its drainage are considered exempt from Building Control. The distinction between operational development which has rendered the caravan a building for planning purposes does not extend to Building Control.

It therefore falls to planning control to ensure that there is no increased risk of pollution as a result of the proposal. A condition requiring full details of soakaways for rainwater discharge, and a management programme to ensure maintenance and emptying of the cesspit has been suggested to address this issue. [Note: a cesspit

is a sealed unit which requires periodic emptying and is not a septic tank which has a drainage facility attached to it].

Coal Authority

The Coal Authority has been consulted as the site lies within the 'High Risk' development area. The Coal Authority have considered the specifics of the reinforced concrete slab and do not object to the proposed development but have suggested an informative relating to any future development.

As the site does not benefit from any permitted development rights, it can be replicated as an informative, but any such engineering operations would require planning consent in any event.

Conclusion

The application proposes the retention of a timber lodge used for holiday purposes, reinforced concrete slab and cesspit. The lodge is located a sufficient distance away from adjoining residential properties so as to not cause a detriment to residential amenity.

Subject to an amended boundary treatment/or planting scheme and a replacement tree planting scheme to mitigate for the loss of hedgerow and mature tree, the long term negative impact on visual impact can be ameliorated. As such, the application is recommended for approval subject to conditions.

Recommendation

APPROVE, subject to the following conditions:

1. The development shall be carried out in accordance with the following approved plans and documents:
Location & Block plan dated June 2016
Lodge elevations A & B received 25th October 2016
Lodge elevations C & D received 25th October 2016
Reason: In order to be clear on the approved scheme of development in the interests of protecting visual amenity and the special qualities of the National Park. Policy: Local Development Plan – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 15 (Conservation of the Pembrokeshire Coast National Park) and 29 (Sustainable Design).
2. The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of 30 days in any calendar year. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

Reason: In order to ensure that the accommodation is occupied solely for holiday letting purposes only and not for any other residential purpose.

Policy: Local Development Plan - Policy 37 (Self Catering Development).

3. Within 3 months of the date of this consent, a scheme for both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include:
- i) A statement setting out the design objectives and how these will be delivered;
 - ii) earthworks showing existing and proposed finished levels or contours;
 - iii) means of enclosure and retaining structures;
 - iv) other vehicle and pedestrian access and circulation areas;
 - v) hard surfacing materials;
 - vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.), and water features.

Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; and implementation programme (including phasing of works where relevant). The agreed scheme shall be implemented within the next appropriate planting season following grant of consent.

Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value. **Policy:** Local Development Plan - Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 11 (Protection of Biodiversity), 15 (Conservation of the Pembrokeshire Coast National Park) and 30 (Amenity).

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of protecting the visual amenity and special qualities of the area. **Policy:** Local Development Plan - Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 11 (Protection of Biodiversity), 15 (Conservation of the Pembrokeshire Coast National Park) and 30 (Amenity).

5. Within three months of the date of this consent, a scheme shall be submitted and approved in writing by the local planning authority to show details of the implementation, maintenance and management of the soakaways and cess-pit required for the disposal of rainwater. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the

development

Reason: To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment.

Policy: Local Development Plan – Policy 29 (Sustainable Design).

6. Within 3 months of the date of this consent, a scheme for a revised boundary treatment to the southern boundary shall be submitted to and approved by the Local Planning Authority to enhance or replace the close boarded fence. Such scheme as is agreed shall be implemented within 6 months of the date of this consent.

Reason: In order to provide an appropriate boundary treatment which is not detrimental to the character of the area, and in accordance with Policy 15 of the Local Development Plan (Conservation of the Pembrokeshire Coast National Park).

INFORMATIVES:

The attention of the applicant is drawn to the following notes:

Drainage:

Pembrokeshire County Council Drainage Engineers have advised that all impremeable areas created by the development should be disposed of to soakaways or some other form of sustainable drainage system.

Coal Board:

The development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/coalauthority.

EXISTING SITE PLAN
SCALE 1:200

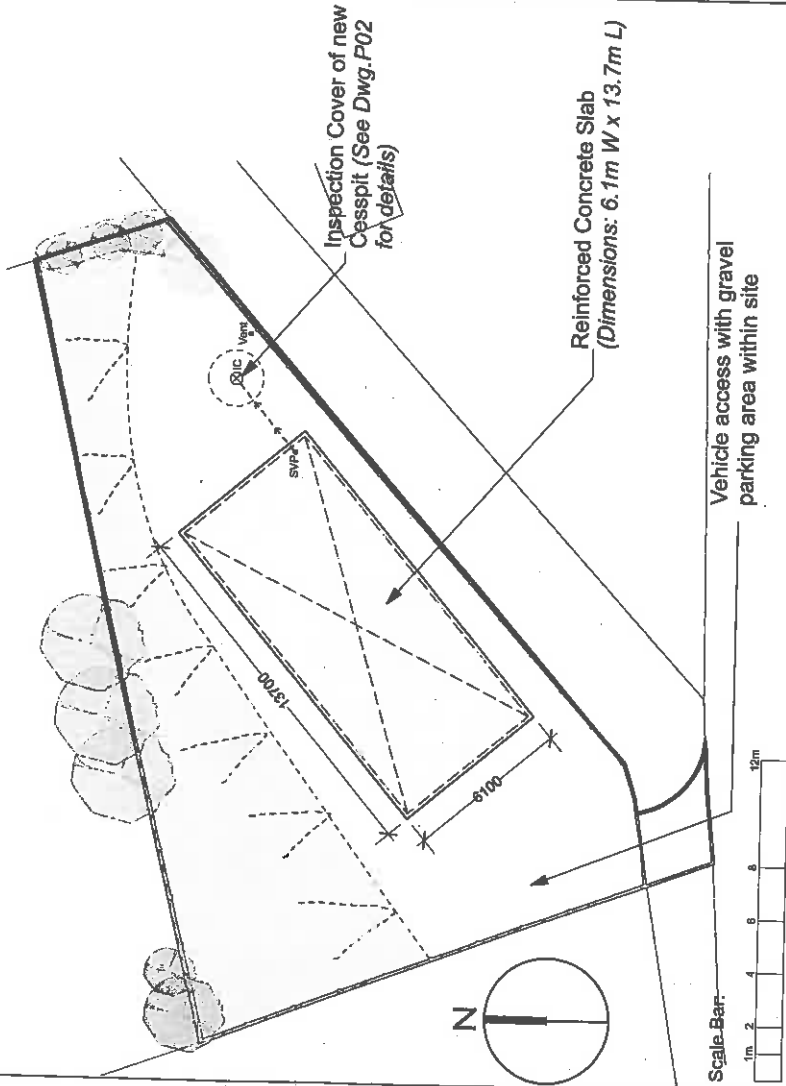


Photo 1: Mobile Accommodation Unit (North-West Aspect)



Photo 2: Mobile Accommodation Unit adjacent to South-East boundary fence



Photo 3: Reinforced Concrete Slab referred to (South-East corner)



LOCATION PLAN
SCALE 1:1250



Public Highway providing vehicular & pedestrian access to Wisemans Bridge

SITE ADDRESS
Land adjacent to Villa St. Helens
Cliff Road
Wisemans Bridge
SA67 8NU

Notes:
(Photos of drawings not true to scale)

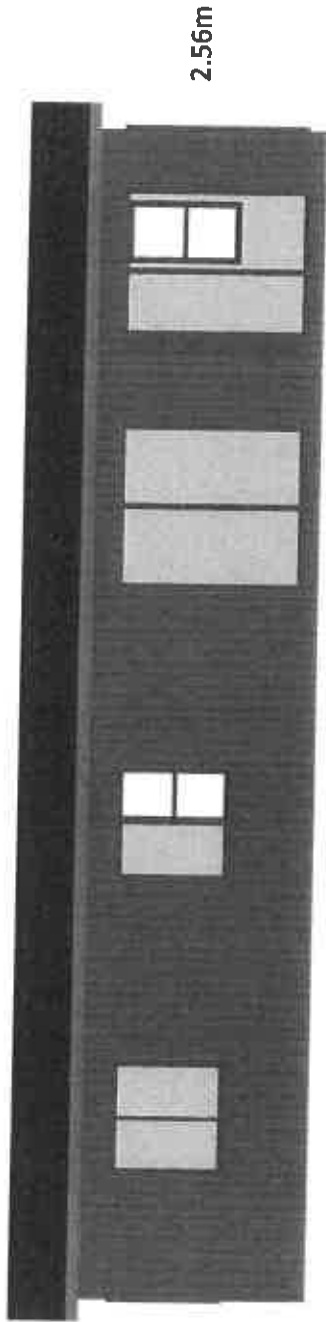
Rev	
Drawing	Location Plan & Existing Site Plan
Client	Mr A Watkins
Project / Title	RETROSPECTIVE APPLICATION FOR NEW CESSPIT & CONCRETE SLAB FOR HOLIDAY CARAVAN; LAND ADJACENT TO VILLA ST. HELENS, CLIFF ROAD, WISEMANS BRIDGE
<p>Chris Kimpton Chartered Town Planner Telephone: 0789 614 3152</p>	
Drawing Number	As Shown
Revision	1
Scale	1:1250
Drawn by	www.penntrekeishireplanning.co.uk

Pembrokeshire National Park
25 OCT 2016
Awdur
Awdur

Mr A. Watkins

Timber Lodge Elevations

Elevation A



NP 16 3 14

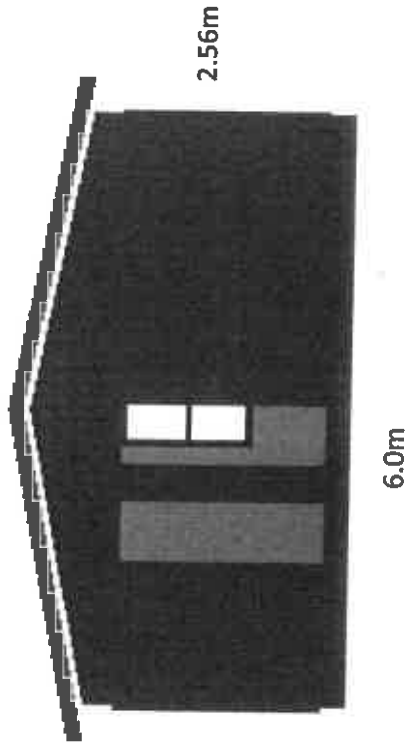
13.7m

Elevation B

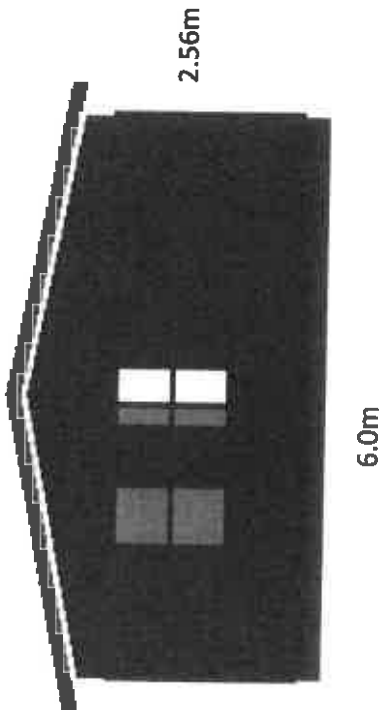


13.7m

Pembinaan dan Pengawasan
Nasional Bina Karya
25 OCT 2016
Awdurana Pando Mero
Apludin Permana



Elevation D



Elevation C

NP 16 3 14