# Application Ref: NP/18/0542/S73

Case Officer	Caroline Bowen
Applicant	Mr P Morgan Construction
Agent	Mr W Harries, Harries Design & Management
Proposal	Variation of Condition no. 2 of NP/15/0194/FUL to amend the layout of the affordable housing unit no's 3 to 9 inclusive
Site Location	Land off Feidr Eglwys, Newport, Pembrokeshire
Grid Ref	SN05933893
Date Valid	11-Sep-2018 Target Date 23-Jan-2019

This application is being reported to the Development Management Committee as it relates to an application which has previously been determined by you.

# Consultee Response

**Dwr Cymru Welsh Water**: No comments to make on Variation of Condition 2, but request that any drainage related conditions are maintained on any new consent granted.

PCNPA Planning Ecologist: No comment

PCC - Transportation & Environment: No objection

Natural Resources Wales: No objection

Dyfed Archaeological Trust: No objection

PCNPA Tree and Landscape Officer: Conditional Consent

PCC - Head of Public Protection: No adverse comments

PCC - Drainage Engineers: No adverse comments

**Newport Town Council**: Recommend Refusal - Further email received 11-12-18 regarding inclusion of footpath of paramount importance and should be reinstated

# Public Response

The application has been advertised by means of site notice and by letters to neighbours immediately surrounding the site. Responses from 2 individuals have been received, which raise – in summary, the following issues;

'The second planning variation....proposes to amend the layout of the affordable housing units 3 to 7 to form one terrace. This will result in the affordable houses appearing even more to be a different area to the main site.'

'The affordable houses already have their own separate access off Feidr Eglwys and under the new proposals, will be the only terraced units on the entire site.

This goes against good planning practice which should integrate the affordables throughout the whole site allowing them to blend in with the open market housing.'

# Policies considered

Please note that these policies can be viewed on the Policies page Pembrokeshire Coast National Park website -<u>http://www.pembrokeshirecoast.org.uk/default.asp?PID=549</u>

- LDP Policy 01 National Park Purposes and Duty
- LDP Policy 03 Newport Local Centre
- LDP Policy 07 Countryside
- LDP Policy 08 Special Qualities
- LDP Policy 11 Protection of Biodiversity
- LDP Policy 15 Conservation of the Pembrokeshire Coast National Park
- LDP Policy 20 Scale of Growth
- LDP Policy 29 Sustainable Design
- LDP Policy 30 Amenity
- LDP Policy 32 Surface Water Drainage
- LDP Policy 44 Housing
- LDP Policy 45 Affordable housing
- LDP Policy 52 Sustainable Transport
- LDP Policy 53 Impacts on traffic
- PPW10
- SPG04 Planning Obligations
- SPG08 Affordable Housing
- TAN 02 Planning and Affordable Housing
- TAN 12 Design

# **Constraints**

Contaminated Land LDP Allocation LDP Mineral Safeguard Biodiversity Issue Historic Landscape Ancient Monument - within 500m Potential for surface water flooding LDP Centre:70pc aff housing;30 units/ha Recreation Character Areas Article\_4\_Directions Landscape Character Assessment Seascape Character Assessment

### **Officer's Appraisal**

Pembrokeshire Coast National Park Authority Development Management Committee – 23<sup>rd</sup> January 2019

# Background

The application site is located to the south east of the main settlement of Newport. The site falls within the Centre Boundary for Newport, as detailed in the Key diagram and Proposals Map which accompanies the Pembrokeshire Coast National Park Local Development Plan. The site was allocated in the Plan for housing.

### **Current Proposal**

The development comprises the following elements;

Plots 3 to 7 of the 13 affordable dwellings set out in a mews configuration will be re-arranged so that plots 3 and 4, 5 and 6 become the central terrace with plot 7, and plots 8 and 9 become a semi-detached pair. All other parameters remain as originally approved.

#### Site description

The land subject of this application is comprised of five field parcels partitioned by existing mature hedgebanks, with the prevailing ground levels sloping down from south to north. The site is bordered on three sides by rural roads - Goat Street lies to the north, with residential development beyond; Feidr Bentick lies to the east, with a small number of dwellings located on the eastern flank of the road, opposite the site; and Feidr Eglwys lies to the south, with residential dwellings along the southern flank. To the west, between St Mary's Church, the cemetery and the application site, runs a minor watercourse (Nant Ysgolheigon) which is bordered by existing trees.

The site measures approximately 1.5 hectares and is currently pasture. There is an existing access onto the site via Feidr Eglwys.

### **Planning History**

Planning permission was granted in 2016 for a residential development comprising 35 dwellings on land adjacent to Feidr Eglwys, Newport. Of the 35 dwellings proposed, 14 were affordable units, accessed via Feidr Eglwys, a further 2 market dwellings will be accessed via Feidr Eglwys, and the remaining dwellings will be set out in two 'cul-de-sacs' both accessed via Feidr Bentick. The existing field boundaries were to be retained, with the housing development laid out between them.

The pre-commencement conditions were discharged under NP/16/0634/DOC; with Condition 22 originally varied under NP/6.0585NMA and subsequently removed under NP/17/0702/S73.

#### **Key issues**

#### The principle of the development

Pembrokeshire Coast National Park Authority Development Management Committee – 23<sup>rd</sup> January 2019 The principle of the residential development – which was for 35 dwellings, including 14 affordable housing units - has been accepted under the application NP/15/0194/FUL. This proposal seeks to re-arrange the layout of plots, which would not be considered a material change to the approved residential use of the site. However, since the grant of the original planning permission, the 10th version of Planning Policy Wales (PPW) has been released (December 2018), which is relevant to the determination of this application.

Paragraph 1.21 of PPW 10 reiterates that all applications are to be determined in accordance with the development plan, unless material considerations indicate otherwise. The new version of PPW also takes account of the requirements of the Well-being of Future Generations (Wales) Act 2015. Paragraph 1.2 states that;

'The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.'

Of the seven well-being goals, resilience and equality are particularly important - good housing, access to services, green spaces and community facilities help to create the right conditions for better health and well-being, and a more Equal Wales can be achieved by recognising the strengths of existing communities and securing socially inclusive development so they become desirable places in which to live and work for all members of society.

Officers consider that the amendment of the affordable housing element of the development remains within the spirit of the original planning permission, and would not harm well-being goals for the local population.

### Siting

In respect of siting this would include both the site in the wider landscape setting, and the proposed site layout itself. Policy 8 – Special Qualities states that the priorities will be to ensure (amongst other criteria) that 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 (b), that the pattern and diversity of the landscape is protected and enhanced (c) and that the historic environment is protected and where possible, enhanced. In the SPG in Landscape Character Assessment, which supports this policy, the application site falls within Landscape Character Area 23 – Newport, within which the management guidance includes the conservation and enhancement of the coastal character of the town through sympathetic building, siting, layout, form and materials for any new development and to ensure that future

building changes respect the historic value and the setting of the key buildings and historic sites.

The application site falls to the south east outskirts of Newport, but does not encroach past the existing developed part of the town. The site layout itself will not significantly change as a result of the proposed amendment, and would still be considered to relate acceptably to the general character of development to the south of the main town.

# Design

In the Local Development Plan, policies 15 and 29 seek to ensure that development does not have an adverse impact on the qualities and special character of the Park, and that proposals demonstrate an integrated approach to design and construction.

The affordable dwellings are based on a number of types, which are varied in height and level of accommodation. The traditional detailing of the houses will be unchanged by the application, and the dwellings remain of an external appearance that would be appropriate within the existing range of architectural styles at this location.

#### Access and parking

Policies 52 and 53 relate to sustainable transport and the impacts of traffic. Following consultation, the Highways Authority have recommended conditional consent advising (in summary) that the changes to the units do not change the consented development in terms of traffic, the means of access or the final parking layout.

### Landscaping

No changes are proposed as a result of this application - the Authority's Tree and Landscape Officer has been consulted on the proposal, and has advised that he has no further comments to add to those on the original application.

#### **Biodiversity**

No alteration is proposed to the details previously approved.

Both the Authority's Ecologist and Natural Resources Wales were consulted, and advised that there were no objections to the application.

#### Amenity – physical and visual

In respect of privacy, the amended site layout still demonstrates adequate separation between the new dwellings themselves, and from the existing

dwellings surrounding the site, so as not to result in unacceptable overlooking, overshadowing or loss of privacy within private amenity spaces.

### Surface water, drainage and contaminated land

Policy 32 – Surface Water Drainage requires developments to incorporate sustainable drainage systems for the disposal of surface water on site. No amendments are made for the drainage arrangements previously consented.

## Other matters

The comments received as a result of the public consultation have been carefully considered. The issue of the integration of the affordable housing and market housing was fully considered at the time of the consideration of the original 2015 planning application. The mews layout chosen would enable the affordable housing to be built as one of the first phases of the overall development – this is confirmed in Condition 3 of NP/15/0194/FUL and agreed for the discharge of this condition under NP/16/0634/DOC.

# Conclusion

The proposed amendment to the layout of plots 3 to 9 is considered to be acceptable, as the proposed amendment would not result in a material different development to that originally proposed. The application would, therefore, accord with both National and Local planning policy.

### Recommendation.

That the application be approved subject to the following conditions:

1. The development shall begin not later than five years from the date of this decision.

**Reason**: Required to be imposed pursuant to Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

 The development shall be carried out in accordance with the following approved plans and documents: drawing numbers DQR1, DQR2, DQR3, DQR5, DQR6 Rev B, DQR7 Rev A, DQR8, DQR9 and 1200 19 Rev B dated 11th September 2018; and the Protected Species Surveys updated report March 2015 by Hartley Preserve.

**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).

 Full details of the phasing arrangements for each constituent part of the development hereby approved shall be submitted to and approved in writing prior to the commencement of development on any part of the site.
 Reason: To ensure that the constituent parts of the development are developed in a systematic and coherent manner. Policy: Local Development Plan Policies 8 (Special Qualities), 15 (Conservation of the Pembrokeshire Coast National Park), 30 (Amenity) and 44 (Housing).

4. Following site clearance and prior to the commencement of any construction work on the respective phase of the development, site profiles of the external ground and internal finished floor levels for that phase of the development shall be set out on site for approval by the National Park Authority. The works shall thereafter be carried out and retained in accordance with the approved plans.

**Reason**: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area. Local Development Plan - Policies 1 - National Park Purposes and Duty, Policy 8 - Special Qualities, 15 - Conservation of the Pembrokeshire Coast National Park, 29 - Sustainable Design and 30 - Amenity.

5. Prior to the construction of the dwellings hereby approved, samples of the materials to be used in the construction of the external surfaces of the dwellings shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

**Reason**: To ensure a proper standard of development and appearance in the interests of conserving the amenities and special qualities of the area. Policy: Local Development Plan – Policies 1 (National Park Purposes and Duty), 15 (Conservation of the Pembrokeshire Coast National Park) and 29 (Sustainable Design).

- 6. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;

iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

v) wheel washing facilities;

vi) measures to control the emission of dust and dirt during demolition and construction; and

vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

**Reason**: To reduce the likelihood of obstruction of the highway, danger to road users, to conserve public health and local amenity, to ensure satisfactory standard of sustainable development and in order to ensure a proper standard of development and appearance in the interests of conserving the amenities and special qualities of the area. Policy: Local Development Plan – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 15 (Conservation of the Pembrokeshire Coast National Park), 25 (Recycled, Secondary and

Waste Materials), 29 (Sustainable Design), 30 (Amenity), 31 (Minimising Waste) and 53 (Impacts of Traffic).

7. No development shall take place, nor any demolition works or site clearance, until there has been submitted to and approved in writing by the local planning authority details of a scheme for the protection of trees shown on the approved drawings. The approved scheme shall be carried out during the demolition of the buildings and throughout the course of the development and shall include:

a) a plan, at 1:2500 showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed;

b) and in relation to every tree identified a schedule listing:

• information as specified in paragraph 4.4.2.5 of British Standard BS5837:2012 - Trees in Relation to Design, Demolition and Construction - Recommendations;

• any proposed pruning, felling or other work;

c) and in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:

• any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area;

• all appropriate tree protection measures required before and during the course of development (in accordance with BS5837:2012).

d) areas of existing landscaping to be protected from construction operations and the method of protection.

**Reason**: To prevent detrimental impact to trees, hedges and other landscape features which contribute to the amenity, landscape & biodiversity of the site and surrounding area. Policy: Local Development Plan - Policy: 1 (National Park Purposes and Duty), 8 (Special Qualities), 11 (Protection of Biodiversity), 15 (Conservation of the Pembrokeshire Coast National Park) and 30 (Amenity).

8. 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).

9. If within a period of 5 years from the date of the planting of any tree proposed as part of the landscaping scheme, or any tree planted in replacement of it, is removed, uprooted or destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place during the next planting season immediately following the

death/removal/destruction of that tree.

**Reason**: To prevent detrimental impact to trees, hedges and other landscape features which contribute to the amenity, landscape & biodiversity of the site and surrounding 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)

10. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved, in writing, by the National Park Authority, prior to development commencing. The written scheme of investigation shall be drawn up with due regard to the phasing arrangements as set out in condition 3.

**Reason**: To assess the archaeological value of the site and the Local Development Plan - Policy 8 - Special Qualities and PPW3 Chapter 6.

- 11. Before any housing construction is commenced, on any individual phase of the development as set out in condition 3, the access, estate road and turning area of the respective phase of the development must be constructed up to and including road base level and be suitably drained for the use of construction traffic, and approved visibility splays constructed. **Reason**: In the interests of road safety and to ensure that no deleterious material is carried into the road. Policy: Local Development Plan Policy 53 (Impacts of Traffic).
- 12. Before any construction work is commenced on any individual phase of the development, adequate and suitable areas shall be provided within the phased area for the parking and turning, loading and unloading of all vehicles attracted to the site and for the storage of building materials clear of the public highway.

**Reason**: To reduce the likelihood of obstruction of the highway or danger to road users. Local Development Plan, Policy 53 (Impacts on Traffic).

13. Before any dwelling is occupied on any individual phase of the development, the access roads and footways within the phased area to the existing public highway shall be laid out and constructed to at least surface base course levels up to that dwelling, all to the satisfaction of the Local Planning Authority.

**Reason**: In the interests of public amenity and convenience. Local Development Plan - Policy 53 - Impacts of Traffic.

- 14. All surface water to be trapped and disposed of so as not to flow onto any part of the public highway.**Reason**: In the interests of road safety. The Local Development Plan, Policy
- 15. There shall be no growth or obstruction to visibility over 0.6m above the level of the crown of the adjacent carriageway within 2.1m of the near edge of the

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53 - Impacts of Traffic.

carriageway, over the frontage of the site to the County road. **Reason**: In the interests of road safety. Local Development Plan Policy 53 - Impacts of Traffic.

- 16. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied and thereafter retained for that purpose. **Reason**: To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area. The Local Development Plan, Policy 53 Impacts of Traffic.
- 17. Detailed plans shall be submitted showing levels, gradients and construction for the access roads within the individual phases of the development, and to include details of the collection and disposal of surface water from the access roads. These plans must be approved before any construction work commences on site on any individual phase of the development. **Reason**: To ensure a satisfactory standard of estate road design. The Local Development Plan, Policy 53 - Impacts of Traffic.
- 18. The alterations at the junction between Feidr Eglwys and Feidr Bentick shall be fully complete before any open market dwellings on the development are first occupied.

**Reason**: In the interests of road safety. The Local Development Plan, Policy 53 - Impacts of Traffic.

19. Foul water and surface water discharges must be drained separately from the site.

**Reason**: To protect the integrity of the Public Sewerage system. Local Development Plan - Policy 32 - Surface Water Drainage and Planning Policy Wales Edition 5 - Chapter 12.

20. No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system unles otherwise approved in writing by the Local Planning Authority.

**Reason**: To protect the integrity of the Public Sewerage system. Local Development Plan - Policy 32 - Surface Water Drainage and Planning Policy Wales Edition 5 - Chapter 12.

- 21. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the Public Sewerage System.
  **Reason**: To protect the integrity of the Public Sewerage system. Local Development Plan Policy 32 Surface Water Drainage and Planning Policy Wales Edition 5 Chapter 12.
- 22. Prior to the construction of the walls of the first dwelling to be constructed on site, a scheme for the supply of potable water to the development shall be submitted to and approved in writing by the local planning authority. The scheme shall include a hydraulic modelling assessment of the public water supply system and a proposed connection point to that system; together with any necessary off-site improvements to enable that connection. The scheme

shall be implemented prior to the occupation of any of the dwellings. **Reason**: To ensure that the development is served by an adequate supply of potable water to protect the health, safety and amenity of the residents of the development. Local Development Plan - Policy 30 (Amenity)'

23. Details of the external lighting for the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. The details shall include proposed external lighting to individual dwellings and full specification of the lighting shown on the approved plan.

**Reason**: To ensure a proper standard of development and appearance in the interests of conserving the amenities of the area, and to ensure that animal and plant species listed under the Conservation of Habitats and Species Regulations 2010 are adequately protected. Policy: Local Development Plan - Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 11 (Protection of Biodiversity) and 15 (Conservation of the Pembrokeshire Coast National Park).

- 24. The development and works hereby permitted shall be implemented in accordance with drawing No. 25 'Dormice Mitigation Plan' Revision B, 7th July 2015 and drawing No. 26 'Protected Species Enhancement', 27th March 2015. Prior to any development commencing on site, details of a dormouse Management Plan shall be submitted to and agreed in writing by the National Park Authority. The Management Plan shall be prepared in accordance with the principles set out in the 'Protected Species Surveys Updated Report ', Hartley Preserve, dated 27th March 2015. The Management Plan should include details for timing of works, method of works, monitoring scheme and details of hedgerow management to maintain habitat suitability. Reason:To ensure that animal and plant species listed under the Conservation of Habitats and Species Regulations 2010 are adequately protected. Policy: Local Development Plan Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 11 (Protection of Biodiversity) and 15 (Conservation of the Pembrokeshire Coast National Park).
- 25. If evidence of contamination is found in or around the development area, development must not proceed until a report on potential contamination of the site has been prepared by an appropriately qualified person and submitted to and approved by the local planning authority. The report shall include a phased investigation approach, incorporating risk assessment, to identify the extent of contamination and any measures required to remediate the site, including post-development monitoring. Where remediation works are required, the development shall not be occupied/used until a Validation Report to show that the works have been satisfactorily carried out, has been submitted to and approved in writing by the Local Planning Authority. Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Policies - Local Development Plan Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 11

(Protection of Biodiversity) and 15 (Conservation of the Pembrokeshire Coast National Park).

26. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or reenacting that Order) any electricity or telephone supplies to the site shall be by underground cables.

**Reason**: To preserve the character of the area. Local Development Plan -Policies 1 - National Park Purposes and Duty and 15 - Conservation of the Pembrokeshire Coast National Park.

27. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995, (relating to extensions to, and changes to the external appearance of, the dwelling and to development or the siting of a caravan within the curtilage of the dwellinghouse), no development of Parts I, 2, 5 and 40 of Schedule 2 to that Order (or any Order revoking or re-enacting that Order) shall be carried out without specific planning permission being obtained.

**Reason**: To preserve the character of the area. Local Development Plan -Policy 1 - National Park Purposes and Duty, 8 - Special Qualities, 15 -Conservation of the Pembrokeshire Coast National Park and 30 - Amenity.



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