

**Application Ref: NP/19/0361/OUT**

<b>Case Officer</b>	Nicola Gandy		
<b>Applicant</b>	Mr C Pratt		
<b>Agent</b>	Mr L Hopkins, The Urbanists		
<b>Proposal</b>	Outline application with all matters reserved for 102 affordable residential units, 8 shared ownership residential units and 34 open market residential units together with associated access, drainage & landscaping.		
<b>Site Location</b>	Land at Brynhir, Tenby, Pembrokeshire, SA70 8TT		
<b>Grid Ref</b>	SN1277		
<b>Date Valid</b>	27-Jun-2019	<b>Target Date</b>	30-Mar-2020

The application is referred to the Development Management Committee for consideration as the application is classed as major development.

Members will recall that the application was subject to a Committee site visit which took place on 2<sup>nd</sup> September 2019.

The application was on the agenda for the committee meeting of 18<sup>th</sup> March 2020, which was cancelled due to Covid19.

Since that time, the Inspector's final report on LDP2 has been received from Welsh Government and is now a material consideration. However, LDP 1 remains the current adopted Local Development Plan until such time LDP2 is formally adopted. The report has amended to reflect the weight that LDP2 has in the decision making process.

The report has also been amended to reflect updates and further information received since 18<sup>th</sup> March 2020.

**Consultee Response**

**Tenby Town Council:** Approve

**Tenby Civic Society Chairman:** Objecting

**Natural Resources Wales:** Conditional Consent

**PCNPA Ecologist:** Acceptable Appropriate Assessment

**PCC - Public Protection:** Conditional consent

**PCC - Head of Cultural Services:** The development is of sufficient scale that we would wish to have a contribution towards libraries. We would not require a contribution towards public art.

**PCC - Education Dept:** No contribution required

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

**PCC - Drainage Engineers:** Conditional Consent

**Dyfed Archaeological Trust:** Conditional Consent

**Coal Authority:** Conditional Consent

**Dwr Cymru Welsh Water:** Conditional Consent

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**PCNPA Access Manager:** Conditional Consent

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

**PCC - Waste & Recycling Manager:** Standard Advice - Requested an informative to attached to any permission granted.

**Mid & West Wales Fire Brigade:** Standard Advice - Requested an informative be attached to any permission granted.

**Wales & West Utilities:** Standard Advice

**CADW - Protection & Policy:** No adverse comments

### **Public Response**

The application has been advertised as being out of accord with the Local Development Plan, as the access road is located outside of the housing allocation within the LDP.

The application has been advised on site, in the press and by neighbour notification.

In excess of 120 letters of objection have been received to the application and a few letters offering comments on the application.

The key points from objections are summarised as follows:-

- Loss of Green Space
- Adverse impact on ecology and wildlife
- Viability of the scheme
- Adverse visual impact on immediate area and wider area
- 2/3 storey buildings will be out of keeping
- Increase in traffic
- Highway and pedestrian safety concerns
- Pollution
- Pressure on existing schools
- Pressure on local health services
- Flooding
- Overdevelopment of site
- Loss of views
- Loss of tranquillity
- No demand for housing
- Climate change emergency
- The allocation has been removed from LDP2
- Inappropriate use of materials
- Adverse impact on privacy
- Anti social behaviour from potential future occupants
- Noise pollution
- Light pollution
- Impact on historic environment and ancient monuments
- Loss of protected/non protected trees and hedgerows
- Impact on sewage system
- Adverse impact on special character of Tenby

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- Concern that the housing will not be affordable and not for local people
- Lack of employment opportunities in the area
- Query on the future maintenance of the play equipment
- Change in the skyline
- Construction phase disruption
- One field is protected as an ancient hay meadow
- Contrary to National Park purposes
- Adverse impact on mental health and well being

The objections and comments received can be viewed in full on the application file . The majority of the objections are addressed in the main body of the report, however, the following comments are offered in respect of those not covered:-

- In respect of the concerns raised in regard to pollution, a condition will be attached to any permission granted requiring a Construction Environmental Management Plan and construction times, which will be considered by both NRW and PCC prior to the commencement of any works on site.
- Loss of view is not a material planning consideration
- The design, scale, materials and layout of the proposed development are reserved for future consideration.
- Whilst the fear of crime can be a material planning consideration the comment in respect of potential anti-social behaviour from future occupants is not and cannot be considered as part of this application. The applicant at design stage has indicated that they aim to achieve 'Secured by Design ' standards.
- Whilst it is noted that additional population will increase numbers registered at local health centres, the NHS is funded in a different way to education and monies cannot be sought for the NHS through the planning system.
- In respect of the comment relating to employment, this application proposes affordable housing for which there is an identified need within the National Park. Furthermore, the construction phase will generate some short term employment opportunities.
- The future maintenance of the equipped areas would be secured via a legal agreement.
- The affordable housing will be operated by PCC as a Local Housing Authority
- The proposed development is not considered to give rise to such levels of noise pollution as to warrant refusal of the scheme. The Public Protection team at PCC has not objected on these grounds. Any future potential issues of noise pollution from individual properties can be dealt with by PCC under separate legislation.
- The concern relating to viability of the site refers to the use of Council Tax money, this is a matter for PCC and is not a material planning consideration.

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- A Climate Emergency has been declared by Welsh Government. It is anticipated that at reserved matters stage the design of the residential units will maximise opportunities for sustainable design and renewable energy.

### **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 02 - Tenby Local Service and Tourism Centre

LDP Policy 08 - Special Qualities

LDP Policy 09 - Light Pollution

LDP Policy 11 - Protection of Biodiversity

LDP Policy 15 - Conservation of the Pembrokeshire Coast National Park

LDP Policy 16 - Open Space and Green Wedge

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

LDP Policy 48 - Community Facilities and Infrastructure Requirements

LDP Policy 52 - Sustainable Transport

LDP Policy 53 - Impacts on traffic

PPW10

SPG04 - Planning Obligations

SPG06 - Landscape

SPG08 - Affordable Housing

SPG22 - Seascape Character

TAN 02 - Planning and Affordable Housing

TAN 12 - Design

LDP2 Inspectors report

The Inspectors Report on the soundness of LDP2 was received by this Authority on the 13<sup>th</sup> May 2020. The requirements are that the Plan should be adopted within 8 weeks of its receipt due to the persisting exceptional circumstances relating to the Corvid-19 restrictions limiting public access to documents, the Plan will be reported to a future National Park Authority meeting for Adoption.

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In the interim the Inspector's report has been made available on the National Park Authority website to help provide a context for Development Management Committees and applications determined through the delegated powers process.

The findings in the Inspector's Report are binding on the Authority and although not yet formally adopted by the Authority, the policies in LDP2 now become a material consideration of significant weight

### **Constraints**

Special Area of Conservation - within 500m  
Contaminated Land  
LDP Allocation  
LDP Green Wedge  
Rights of Way Inland - within 50m  
Ancient Monument - within 500m  
ROW Coast Path - within 10m  
LDP Centre:60pc aff housing;30 units/ha  
Recreation Character Areas  
Low Coal Risk  
High Coal Risk  
Affordable Housing Submarkets  
Seascape Character Areas

### **Officer's Appraisal**

#### **Site/Application Description**

The application seeks outline planning permission with all matters reserved for future consideration for the following:-

102 x Affordable houses (to be controlled by PCC)  
8 x Shared ownership houses  
34 x Open market houses  
1 x Multi Use Games Area (MUGA)  
2 x Local Equipped Area of Play (LEAP); and  
Associated open space and a 5m ecological buffer around the central field

The development will be served by associated open space areas and highway infrastructure. Access to the site will be gained by a new access road to the north west of the site from the A478.

All matters of detail, which include, appearance, scale, access, landscaping and layout, are reserved for future consideration.

Scale parameters have been provided, the site will be comprised of a mixture of single and two storey dwellings ranging from 5.5m- 9.8m in height and flats ranging from 8.5m – 12.5m in height (3 storey).

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The application site is currently a green field, located to the north and east of Upper Hill Park. Footpaths provide pedestrian access to the site from Upper Hill Park and a bridleway provides access from the A478 highway to the north-west. Slippery Back lane runs along the eastern boundary of the site and a footpath runs along the western boundary.

There are a number of protected trees to the northern boundary of the central field which are proposed to be retained as part of the development.

The site is owned by Pembrokeshire County Council and is agricultural land, however it is understood that local residents have used this site as a recreational/dog walking space for many years and some benches have been placed at the top of the site.

### **Relevant Planning History**

None

### **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
- Highways
- Ecology
- Historic Environment
- Landscaping
- Drainage & Flooding
- Other Material considerations

### *Policy and Principle of Development*

LDP1

The application site lies partly within housing allocation HA377 as defined in the Local Development Plan 1. The allocation requires a minimum level of 60% affordable housing on the site. The principle of housing on this allocated site has already been accepted in the adoption of the LDP 1 in 2010.

The application site is located within the Local Service and Tourism Centre of Tenby, identified in Policy 2 of the Local Development Plan, where one of the land use priorities is to aim to meet the housing, and in particular affordable housing needs of the local area.

The application proposes a total of 144 dwellings within the Centre boundary of Tenby. LDP1 housing strategy identifies that there is not a need for market housing in the National Park as the population projections show the Park population to remain static. At paragraph 4.201 the LDP1 states:

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*‘Though there is no reason to allocate housing land in order to house an increasing population, there is in order to build more affordable houses so that the proportion of affordable to market housing better reflects the housing needed in the National Park’*

In terms of housing need, the need identified for Tenby is stipulated in the 2014 Local Housing Market Assessment which shows an annual affordable housing need for Tenby is 88 units. The proposed development providing 102 affordable dwellings, 8 shared ownership and 34 open market dwellings, goes some way to achieving this figure.

In accord with the adopted Supplementary Planning Guidance to Local Development Plan 1 on affordable housing these would need to be provided to match as closely as possible the housing needs of those on the housing register. The application is for outline permission only, which allows a developer sufficient flexibility to provide design of house types at reserved matters stage to meet the housing need at that time.

The affordable housing, including shared ownership housing, will be secured by means of a legal agreement.

The proposed access is located outside of the LDP1 allocation and, as such, the application has been advertised as being out of accord with LDP1 for this reason only. The access runs to the north west of the site and is located within an area defined as a Green Wedge by Policy 16 of the LDP1. The subtext at para 4.83 of the LDP1 states that Green Wedges play an important role in maintaining the landscape setting of urban and rural settlements and preserving openness. The area of the application site within the Green Wedge is the access road only, and the road is located towards the southern boundary of the Green Wedge. The Green Wedge was allocated as it was considered important that Tenby, New Hedges and Saundersfoot retain their individual characters. The introduction of the access road with associated landscaping located to the southernmost part of the Green Wedge is not considered to result in harm to the character of Tenby, New Hedges or Saundersfoot. The Green Wedge is of such scale to ensure that this area continues to represent a rural break between the Centres, consequently, the departure from LDP1 is considered to be acceptable in this instance. Any future reserved matters application should be accompanied by detailed landscaping and levels to ensure that the access is suitable in visual terms.

Many objections relate to the loss of green/open space. The application site is not identified as formal open space, although it has been used by residents on an informal basis for some time. The site has been allocated for residential development for 3 development plan periods, so it has long been anticipated that the site will be developed for housing. Furthermore, the site is proposing a sufficient amount of open space, equipped play areas and a MUGA to meet the anticipated need created by the development. A public access circular path will also be provided. Having regard to the above, it is considered any loss of formal open space is effectively mitigated.

The principle of the proposed development is considered to be acceptable at this location in terms of the adopted Local Development Plan 1.

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### Local Development Plan 2(LDP 2)

Members will be aware that the Authority has received the Inspector's final report in respect of LDP2.

Whilst LDP1 remains the adopted development plan until such time as LDP2 is adopted, consideration needs to be given to the weight that should be attributed to LDP2 as a material consideration. The Welsh Government's Development Management Manual at para 9.4.8 states "*Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. In considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, LPAs will need to consider carefully the underlying evidence and background to the policies. National planning policy would be a material consideration in these circumstances*" Given the binding nature of the Inspector's Report, Officer's view is that LDP 2 carries significant weight as a material consideration. It should also be appreciated that any grant of planning permission would be subject to a legal agreement and by the time of any grant of permission, LDP 1 may no longer be the extant development plan. This adds to the weight that should be attributed to LDP 2.

LDP2 does not include an allocation for housing on the application site, and as such the site is considered to be located within the countryside. Policy 7 Countryside of LDP 2 would then become a material consideration. Policy 7(j) of the submitted LDP2, as amended by Matters Arising Change (MAC)15 states "There is an exceptional land release adjoining Centres for affordable housing to meet an identified local need" New Policy (Affordable Housing Exception Sites) set out in the submitted LDP2 as amended by MAC15 allows for affordable housing sites within or adjoining the Plan's Centres where the site is solely for affordable housing which can be secured as such in perpetuity; a genuine need for affordable housing has been identified and the site is of a size and scale that is commensurate with the defined need and is keeping with the form and character of the Centre. LDP2 would therefore allow 100% affordable housing development at this location. The proposal is not for 100% affordable housing provision and would, therefore, not comply with this policy requirement.

It is however noted that the reason for the site allocation not being included in LDP2 related to the failure of it coming forward for development and not because it was considered inappropriate for development.

The Inspector's Report provides an analysis of the issues surrounding housing land supply and affordable housing delivery in the Plan and in Tenby itself.

It is recognised that based on the evidence available at Examination that the housing land supply would not meet the level of affordable housing need in the National Park – paragraph 10.10 of the Inspector's Report. The Inspector recommended the inclusion of additional text regarding supporting the delivery of affordable housing led sites on suitable public land (ie., at least 50% affordable) in accordance with the Minister for Housing and Local Government's let of the 8<sup>th</sup> July 2019 – MAC72. Please note the Inspector's text relates to 'suitable public land'. In this context the proposed site is not allocated in Local Development Plan 2 or included in

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the Centre Boundary. In providing evidence to the Examination for the potential for publicly owned land becoming available Officers advised regarding Brynhir (Ref HS7/AP1) that: ‘ *Site Reference 112 Brynhir, Tenby: Pembrokeshire County Council :Housing: The site is allocated in the current Local Development Plan and the suitability of the site for development is established. The landowner, however has not demonstrated a strong commitment to bringing the site forward for development to date and deliverability is uncertain. The site is considerably larger than any other allocated site in the current Local Development Plan and the number of units it can accommodate would be a significant proportion of the land supply for the National Park. The lack of security of its deliverability would undermine the strategy of the Replacement Local Development Plan. A planning application to develop the site for housing is currently being considered by PCNPA. ’ ‘It has been suggested by representors that as the Tier 1 Centre, Tenby should accommodate a significant proportion of the new housing development proposed by the Replacement Plan. However, as the findings of the Candidate Site process demonstrate, there are currently no suitable, unconstrained and deliverable sites available within the centre. Instead the Replacement Plan places reliance for the provision of new market and affordable housing in Tenby on completed sites and the development of windfall sites. As discussed later in my report, it is envisaged that 186 new dwellings will be delivered in this manner in the centre over the Plan period. This quantum of development exceeds that provided, individually, in the Tier 2 and 3 centres. Whilst the allocation of a site would be desirable, I am content that the approach outlined in the Replacement Plan will ensure that a suitable supply of new affordable and market housing will be available in Tenby for the period up to 2031.’ Paragraph 3.20 of the Inspector’s Report*

In reaching these conclusions the Inspector did not recommend edits to the Local Development Plan 2 text as submitted for Examination at paragraph 4.266 ‘Historically Tenby’s completion figures have benefitted from opportunities to convert and redevelop existing sites and buildings within the town itself. The majority of sites that have been allocated in previous development plans in Tenby have however not progressed (see Joint Housing Land Availability Report 2016). They were potentially substantial contributors to the land supply. Although it would be preferable to make most provision in this Town, given its level of affordable housing need and the ability of the market to support affordable housing development, it is now constrained by lack of developable land, sea to the south, a tight National Park boundary and landscape setting. The candidate site process did not identify any new sites. The provision is predominantly based on two sites that will remain as allocations in Local Development Plan 1 until replaced by Local Development Plan 2. The assumption is that such an action will provide the impetus to bring these sites forward. The owners have advised of their intention to bring the sites forward.’ This text refers to the Brynhir allocation under Local Development Plan 1 (Reference HA377) and another allocated site at Tenby.

In summary the proposal is caught between the strategy and policies of Local Development Plan 1 and those of Local Development Plan 2, as recommended by the Inspector, in terms of housing land supply and the delivery of affordable housing which is a primary objective. One of the main reasons for reviewing Local Development Plan 1 was to improve the delivery of affordable housing provision by reviewing land supply with increased emphasis placed on deliverability. Under these

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circumstances the inclusion of Brynhir given issues of deliverability historically could not be argued. Local Development Plan 2 however contemplates the possibility that the site could add to the housing supply during the life of Local Development Plan 2 (paragraph 4.266). The exclusion of the site has provided the impetus to bring the site forward to outline planning permission stage. An approval of the planning permission will add substantially to the potential for affordable housing provision on publicly owned land in the Tenby area. In terms of Green Wedge designation, the area of land where the access road is proposed remains in a Green Wedge designation as identified by New Policy 'Green Wedges' of LDP2 as amended by Matters Arising Changes (MAC 34).

Referring back to the guidance contained with the Development Management Manual ' *In considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, LPAs will need to consider carefully the underlying evidence and background to the policies. National planning policy would be a material consideration in these circumstances*'. Having carefully considered the policy background and taking a balanced view in respect of local and national policy, LDP2 background papers and the Inspector's final report on LDP2, officers consider that the development should be accepted in principle if considered solely against the policies in LDP2 due to the high proportion of affordable housing being delivered in an area where there is an identified need, which are a material consideration of sufficient weight to outweigh any departure from LDP2.

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

Policies 8 and 15 of LDP1 seek to protect and enhance the special qualities of the National Park.

Policy 8 (Special Qualities) lists 9 priorities - the most relevant to this application being:

- a) to ensure that the sense of remoteness and tranquillity is not lost and wherever possible enhanced;
- b) the identity and character of towns and villages is not lost through coalescence and ribboning of development or through poor design and layout of development
- c) the pattern and diversity of the landscape is protected and enhanced;
- e) that development restores or wherever possible enhances the National Park's ecosystem; and
- g) to ensure that local biodiversity action plan species and habitats are protected for their amenity, landscape and biodiversity value.

In addition, Policy 15 seeks to prevent development that causes significant visual intrusion, is insensitively and unsympathetically located within the landscape, introduces / intensifies a use that is inappropriate to its location, that fails to harmonise with the landscape character of the National Park, and that loses or fails to incorporate important traditional features.

The application site is within Landscape Character Area 2 as defined in the Landscape Character Assessment Supplementary Planning Guidance. Area 2 states '*the town features an attractive Georgian architectural seafront overlooking the adjacent beaches and harbour, and a traditional old walled town and castle remains. These are surrounded by dense urban development.*'

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Whilst the design, layout and scale of the development are reserved for future consideration, the applicant has indicated that the proposal will comprise of 144 dwellings, of a mixture of single storey, two storey and some three storey properties. Whilst the surrounding built form is mainly a mixture of one and two storey dwellings, with careful consideration of layout at reserved matters stage it is considered that the site could also accommodate three storey properties, as such the proposed development is not considered to raise any concerns in respect of scale as to warrant refusal of the scheme.

The design and layout of the scheme at reserved matters stage will have to ensure that the site is not overdeveloped, in order to address the applicant has indicated that flats are proposed to make best use of land available. The LDP at policy 44 sets a minimum density of 30 dwellings per hectare and not a maximum density, the Authority should be supportive of efficient use of land where it does not give rise to any unacceptable impacts.

The applicant submitted a Landscape Visual Impact Assessment after the initial submission of the application. The LVIA found the overall landscape sensitivity to be high, due to the site being located in a National Park, however the landscape sensitivity of the local context has been reduced due to the existing adjacent residential developments surrounding the site. The LVIA found the magnitude of change to the site itself to be major and the overall magnitude and level of landscape effect to be major adverse, as the proposal will lead to a loss of openness to the site itself, however it will have a use which is compatible with the surrounding land uses and the character of the settlement edge. The LVIA found that the magnitude of the landscape effects on the wider locality to be minor adverse. The LVIA concludes that the development will appear as only a minor extension of the existing urban edge of Tenby, comfortably assimilated into the wider landscape by a combination of existing and proposed planting.

There will be a step change in the immediate landscape and dependent on design and layout, which are reserved for future consideration, there may also be a change in the skyline. The site is a long-standing allocated site for residential development within the current LDP and previous plans, the principle of development has previously been agreed as part of the LDP process and as a consequence a change in the landscape has been accepted at this location.

NRW have commented on the landscape impact of the development and whilst they consider the details submitted by the agent in respect of landscape impacts are somewhat underestimated, NRW do not consider effects of the development would be significant other than on the immediate site and consider that the development would not have an adverse impact on the Special Qualities and purposes of the National Park.

The proposed development is not considered to have an adverse impact on the special qualities of the National Park.

There are no substantive changes in policy analysis arising from LDP2.

### *Amenity*

Policy 30 of LDP1 seeks to avoid development that is inappropriate for where people live or visit, of an incompatible scale with its surroundings, leads to an increase in traffic or noise or odour which has a significant adverse impact.

Design and layout are reserved matters, only once these details have been submitted can amenity issues in respect of neighbouring properties be properly considered. The future reserved matters scheme should be designed so as to ensure there is no adverse on privacy, overshadowing or dominance and that the properties are served by sufficient level of private amenity space for future residents.

In terms of construction impacts, the scale of development is likely to result in construction activities that will last for a significant period of time. As noted the site is in proximity to residential properties and accessed through residential streets. This combination of circumstances is considered to give rise to a potential detrimental impact on residential amenity from construction. Appropriate locating of onsite operations such as earth moving, aggregate mixing, crushing, screening, and onsite storage and transportation of raw material will help to reduce impacts. Appropriate locating of the storage of heavy plant and equipment, including vehicles and car parking facilities for construction site operatives and visitors and appropriate working practices will also reduce amenity impacts. These measures can all be secured through the imposition of a planning condition requiring a construction management plan. Construction and demolition operations, (including deliveries) can also be restricted to between the hours of 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday with no operation on Sunday or public holidays. It is considered that subject to the submission of appropriate management and hours of operation the impact on neighbouring properties will be mitigated to an acceptable level.

There are no changes in policy analysis arising from LDP2

### *Highways*

Although access is a reserved matter for future consideration, a Traffic Assessment (TA) has been submitted with the application for assessment.

In terms of accessibility the application site is located 2000m from Tenby. The National Cycle Network runs along the eastern perimeter of the site, a bridleway runs from Spericomb Lane to Slippery back and bus stops are located at Upper Hill Park and Serpentine Road.

The application proposes that all vehicular traffic will solely access and egress the site via the proposed access to the north west linking to the A478. A formalized priority junction is proposed to serve the development at this point. All 3 existing pedestrian links to the neighbouring residential area of Lady Park/ Upper Hill Park will be retained and the northern and mid-point accesses to the west will be developed further into 3m wide footpath links. The existing communal walkway bordering the site will be retained.

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The submitted TA found that the development will have a negligible impact on the highway network surrounding the proposed site, the site is located in a sustainable location with good accessibility to public transport.

The Highway Authority was consulted on the development and raised no objection subject to conditions.

A number of objections received raise concerns in respect of construction traffic, in order to address these concerns a condition requiring a Construction Management Plan to be submitted with any future reserved matter application is recommended. All construction traffic should enter and serve the site via the proposed new access road and not through the existing residential area of Upper Hill Park/Lady Park.

Concerns were also raised in respect of parking provision, the application is in outline and design and layout are reserved for future consideration, details of parking spaces will be considered at this stage.

Having regard to the above the proposed development is not considered to result in an adverse impact on highway or pedestrian safety subject to conditions.

There are no substantive changes in policy analysis as a result of LDP2

### *Ecology*

Policy 11 of LDP1 refers to the protection of biodiversity and requires that development that would impact on habitats and species will only be permitted subject to suitable mitigation.

The application site proposes a 5m wide wildlife corridor along the boundaries of central field.

The application site itself is not located within any European Sites but is located within close proximity to a number of Special Areas of Conservation (SAC) and Special Areas of Scientific Interest (SSSI). However, the nearest component of a SAC, the Waterwynch SSSI, is located approximately 760m south of the site. Consequently, the application was accompanied with a series of ecological surveys, which identified at least 11 bat species using the site for foraging and commuting and identified that Dormice were present.

The surveys found, in the absence of mitigation, there was the potential for impacts on nearby SACs and SSSIs and mitigation was required. The proposed appropriate mitigation measures include:-

- Construction Environmental Management Plan
- Ecological Management Plan
- Specific/targeted mitigation measures to avoid or minimise the impacts of construction and operational disturbance on bats
- Pollution prevention controls
- Landscape Strategy; and
- Lighting Strategy

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Given the sensitivity of the site the appropriate screening under the Habitats Regulations is required. An acceptable Appropriate Assessment has been signed and both NRW and the Authority's Ecologist have no objection to the development subject to conditions.

NRW have assessed the proposed mitigation in respect of protected species, together with the native tree and scrub planting proposed along the access road, which will act as an ecological buffer zone, and consider that the development is not likely to be detrimental to the maintenance of the population of the species concerned.

Although landscaping is reserved for future consideration a condition is recommended which includes a belt of thorny shrubs which skirts the retained hedgerow habitat, the details of which will be agreed at reserved matters stage.

NRW highlighted the importance of minimizing any illumination of the northern section of the wildlife corridor and reducing the impacts of street lighting, security lighting and lighting at MUGA, as such a condition in respect of a lighting plan is required. Again, this will be considered in detail at reserved matters stage.

At reserved matters stage ecological enhancements will be expected to form part of the design.

In terms of the ecological impact the scheme is considered acceptable subject to conditions.

There are no substantive changes in policy analysis as a result of LDP2

### *Historic Environment*

The application site lies within immediate proximity to 'Howells Castle' a prehistoric defended enclosure and a second defended enclosure 'Meadow Farm' lies to the north east, however these are not scheduled ancient monuments. Tenby Conservation area adjoins the site to the south.

Dyfed Archaeological Trust were consulted on the application and raised no objection to the proposal subject to a condition requiring a written scheme of investigation.

Cadw were also consulted on the scheme and advised that there are no scheduled ancient monuments that would be affected by the proposal.

The application site is screened from Tenby cemetery, an element of the conservation area, by trees, which are to be retained, it is therefore considered that the development will not have an adverse impact on Tenby Conservation Area. Furthermore, the impact of design, layout and landscaping on the conservation area will be considered in detail at reserved matters stage. Subject to a condition requiring a written scheme of archaeological investigation the proposed development is not considered to have an adverse impact on the historic environment.

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There are no substantive changes in policy analysis as a result of LDP2

### *Lighting:*

Policy 9 of LDP1 relates specifically to light pollution and states that proposals that are likely to result in a significant level of lighting shall include a full lighting scheme and will be permitted where the lighting relates to its purpose and where there is not a significant adverse effect on the character of the area, local residents, vehicle users, pedestrians and the visibility of the night sky.

It is noted that there is a significant amount of lighting columns in the neighbouring residential development and along the adjoining highway. As previously mentioned in order to ensure there are no adverse ecological impacts or impacts on landscape a condition will be attached to any permission granted requiring a detailed scheme of lighting to be submitted to and approved in writing, consideration of the scheme will be done in conjunction with the Authority's Ecologist, NRW and the Highway Authority.

There are no substantive changes in policy analysis resulting from LDP2.

### *Landscaping*

The application site is currently comprised of a field and part of two adjoining fields. The main central field is surrounded along all boundaries by dense trees and hedgerows. The trees surrounding the boundary of the central field are protected by a Tree Protection Order as are a number of trees along the bridal path located to the north east of the site.

Whilst landscaping is a matter reserved for future consideration the application has been accompanied with an Arboriculture Impact Assessment, which states that a total of 31 trees will have to be removed to accommodate the proposed development. An indicative landscaping plan was also submitted which indicate that additional native tree planting and scrub planting will take place, however, as this is a reserved matter the detail will be considered at a future stage. The plan also indicates that hedgebanks will be provided along the proposed access route and species rich grassland areas and wildflower areas will also be incorporated in the landscaping of the scheme.

There are no substantive changes in policy analysis as a result of LDP2

### *Drainage*

Policy 29 of LDP1 requires all development proposals to be well designed in terms of water and drainage (criterion 'h'), Policy 32 requires development proposals to incorporate sustainable drainage systems for the disposal of surface water on site.

The application was accompanied with a drainage strategy developed following on site infiltration tests for soakaways, which suggested permeability and therefore infiltration. It is proposed that surface water will be channelled to a watercourse to the south west corner of the site.

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Foul water drainage from the site is proposed to connect to the existing public sewer network operated by Dwr Cymru Welsh Water. Mains water is also proposed to be provided by Dwr Cymru.

The Infrastructure department at PCC have assessed the details submitted and have advised that permission will be required from PCC if watercourses are proposed to be filled in, culverted or the flow impeded and advised that Sustainable Drainage Approval will be required from PCC. PCC have also advised that they are not aware of any historic flood event affecting the site.

Dwr Cymru have assessed the application and have raised no objections to the proposal subject to a condition. Separate consent will be required under the Water Industry Act 1991 in respect of connections and water supply. The developer will be advised to contact Dwr Cymru to arrange such consents.

The application site is located outside of any flooding zone.

There are no substantive changes in policy analysis resulting from LDP2.

### *Other material planning considerations*

Part of the application site has areas of thick coal seam outcrops which may have historically been worked. The Coal Authority have assessed the application and recommend a condition be attached to any permission granted requiring a scheme of intrusive site investigations in order to properly assess the ground conditions on site and details of any required remedial work required.

A land contamination report was submitted with the application. Although the land has historically been used for agricultural purposes there is evidence of coal seams with the potential to have been mined. Consequently, with this and the historic agricultural use there is a risk of contamination, a number of investigation conditions are, therefore, recommended to address this issue.

### *Planning Obligations*

PCC education department were consulted in respect of potential contributions to education based upon the open market houses, PCC advised that there is sufficient capacity in both primary and secondary schools in Tenby to accommodate pupils, as such, there is no requirement for a contribution.

### **S106 Requirements: - Heads of Terms**

1. 102 x Affordable units and 8 x shared ownership to be provided on site and, including the timing of their completion
2. Management scheme for open space, MUGA and equipped play areas
3. Contribution towards libraries

### **Conclusion**

Notwithstanding the objections raised, following careful consideration of the policies contained within the current adopted Local Development Plan, , LDP2 Inspectors report, National Planning Policy in the form of Planning Policy Wales (Edition 10,

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2018)and having regard to all material considerations, it is considered that, on balance, it the proposal to provide a significant number of new affordable as well as open market residential properties, whilst sustaining the local character of the National Park and not adversely impacting on ecology or highway safety is acceptable subject to a S106 Agreement and a schedule of suitable conditions.

### **Recommendation**

That the application be delegated to the Chief Executive/Director of Planning / Team Leader to grant planning permission subject to, conditions as set out below and completion of a S106 Agreements in respect of the heads of terms as set out above. The completed Section 106 legal agreements will be required within three months of the date of the meeting.

1. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. Reason: Required to be imposed pursuant to Section 92 (2) of the Town and Country Planning Act 1990
2. The development shall be accried out in accordance with the following approved plans/documents:-  
BRYNHIR, PEMBROKESHIRE - Bat Activity Survey, by WSP (December 2019)  
BRYNHIR, PEMBROKESHIRE - Bat Roost Survey Report, by WSP (December 2019)  
BRYNHIR, PEMBROKESHIRE - Dormouse Survey Report, by WSP (December 2019)  
GC3509-CAP-79-XX-DR-E-1301 - Preliminary Street Lighting, dated 17 December 2019, by Capita Civil Engineering  
Landscape Strategy (1807 URB LA XX XX GA 90 01 00) REV C', dated: 10.01.20, by The Urbanists Ltd  
**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).
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later. **Reason:** Required to be imposed pursuant to Section 92 (2) of the Town and Country Planning Act 1990.
4. Details of the appearance, landscaping, layout, access and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved. **Reason:** The application, in outline form, does not give sufficient detail for consideration of these matters at this time.

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5. The reserved matters submission shall be in accordance with the parameters of scale for the development and broadly in accordance with other considerations as set out on Plan No. R462 0P04 **Reason:** In order to be clear on the scale of development approved in principle in the interests of visual amenity and the special qualities of the National Park. Policy: Local Development Plan - Policies 8 (Special Qualities), 15 (Conservation of the Pembrokeshire Coast National Park) and 30 (Amenity).
6. No development shall commence until a qualified and competent archaeologist has submitted a written scheme of investigation (WSI) for approval in writing by the local planning authority . This WSI will describe the different stages of the work and demonstrate that it has been fully resourced and given adequate time. On behalf of the local planning authority, Dyfed Archeological Trust will monitor all aspects of this work through to the final discharge of the condition. This work will not be deemed complete until all aspects of the WSI have been addressed and the final report submitted and approved in writing. **Reason:** To protect the historic environment interests whilst enabling development. Policy: Local Development Plan - Policies 8 (Special Qualities), 15 (Conservation of the Pembrokeshire Coast National Park).
7. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system. **Reason:** To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment. Policy: Local Development Plan Policy 29 Sustainable Design & Policy 32 Surface Water Drainage.
8. Prior to any development work hereby approved commencing on site the undertaking of the scheme of intrusive site investigations, designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity, shall take place. A report of the findings arising from the intrusive site investigation and any remedial works and/or mitigation measures considered necessary shall be submitted to and approved in writing by the local planning authority. The mitigation measures and/or remedial measures shall be implemented as approved. **Reason:** In the interests of public safety . Policy: Local Development Plan – Policy 30 (Amenity).
9. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in

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writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development work begins. **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 off site receptors. Policy: Local Development Plan - Policies 30 (Amenity).

10. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby approved shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. **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. Policy: Local Development Plan - Policies 30 (Amenity)
11. Following completion of measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be 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. Policy: Local Development Plan - Policies 30 (Amenity)
12. If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied. **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. Policy: Local Development Plan - Policies 30 (Amenity)
13. Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to and approved in writing by the local planning authority. Following completion of an approved monitoring scheme, in the event that gases are being generated the proposed detail of appropriate gas protection measures to ensure the safe and inoffensive

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dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing by the local planning authority.

All required gas protection measures shall be implemented as approved and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the local planning authority agrees in writing that the measures are no longer required. A copy of the verification certificate should be submitted to the local planning authority prior to the first beneficial use of the site. **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. Policy: Local Development Plan - Policies 30 (Amenity)

14. During the construction phases of the development works (including deliveries) shall not take place outside 08.00 hours to 18.00 hours Mondays to Fridays and 09.00 hours to 13.00 hours Saturdays and at no time on Sundays and Bank Holidays. **Reason:** To protect the amenity of local residents from excessive noise, vibration and dust. Policy: Local Development Plan - Policies 30 (Amenity).
15. As part of future reserved matters application detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the dwellings shall be submitted. Development shall be carried out in accordance with the agreed details. **Reason:** To ensure that the proposed materials of construction are appropriate for use on the development so as to enhance and protect the visual amenity 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).
16. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (relating to extensions to, and changes to external appearance of, the dwelling and to development within the curtilage of the dwelling house), no development of Parts 1 and 2 of Schedule 2 to that Order (or any Order revoking or re-enacting that Order) on the dwellings hereby approved shall be carried out without specific planning permission being obtained. **Reason:** To preserve the character of the area and in amenity interests. Local Development Plan – Policies 1 (National Park Purpose and Duty), 15 (Conservation) and Policy 30 (Amenity).
17. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 195 (or any order revoking or re-enacting that order) any electricity or telephone supplies to the site shall be by underground cables. **Reason:** To preserve the character of the area.

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Policy Local Development Plan - Policy 1 National Park Purposes and Duty and Policy 15 Conservation of Pembrokeshire Coast National Park.

18. As part of the reserved matters application for the development full details of the proposed vehicular access shall be submitted to and approved by the Local Planning Authority and prior to commencement of development of the proposed access it shall be completed in all respects in accordance with the details approved under this condition, and shall be retained as such thereafter. **Reason:** To ensure an adequate vehicular access in the interests of highway safety. Policy: Local Development Plan Policy 52 & 53( highways)
19. As part of the reserved matters application for the development full details of the vehicular parking and turning facilities shall be submitted to and approved by the Local Planning Authority and prior to commencement of development of the proposed access it shall be completed in all respects in accordance with the details approved under this condition, and shall be retained as such thereafter. **Reason:** To ensure an adequate vehicular access in the interests of highway safety. Policy: Local Development Plan Policy 52 & 53( highways).
20. The proposed development shall be served by an estate road laid out and constructed, including pedestrian links and crossing points and a means of surface water disposal, in accordance with the current Pembrokeshire County Councils Highway Requirements for Development and guidance contained within Manual for Streets, details of which are to be submitted to and approved in writing by the Local Planning Authority and prior to first occupation the road will be brought up to base course level and prior to final occupation the road shall be surfaced to wearing course level. **Reason:** To ensure an adequate access in the interests of highway safety. Policy: Local Development Plan Policy 52 & 53 ( highways).
21. As part of the reserved matters application, a fully detailed scheme of transportation infrastructure works in relation to the development shall be submitted. Such a scheme shall include:
- Provision shared use path links to NCN 4 Slippery Back and Lady Park
  - Footways up to and uncontrolled crossing point of the A487 junction to ensure continuous pedestrian linkage from the development to the existing footway network .
- The scheme shall be implemented as approved prior to first beneficial occupation of the dwellings and retained as such thereafter. **Reason:** To insure the multi modal access to the development is achieved in order to mitigate the impact of the development on the local highway network in the interests of highway safety. Policy: Local Development Plan Policy 52 & 53.
22. No development shall commence until a Landscape and Ecological Management Plan (LEMP) for the provision, management and maintenance of the landscaping and ecological features at the site has

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been submitted to and approved by the Local Planning Authority. The LEMP should include:

- Details of habitats and environmental and ecological features present, or to be created, at the site
- Details of the desired conditions of features (present and to be created) at the site
- Details of scheduling and timings of activities
- Details of short and long-term management, monitoring, and maintenance of new and existing environmental and ecological features at the site, to deliver and maintain the desired condition
- Details of monitoring of landscape and ecological features
- Details of replacement measures, should any landscape or environmental features die, be removed, or become seriously damaged or diseased
- Details of management and maintenance responsibilities, and the means of securing them.
- Details of timescales, length of plan, the method to review and update plans (informed by monitoring) at specific intervals as agreed

The LEMP shall be carried out in accordance with the approved details.

**Reason:** In the interests of protecting the visual amenity of the area, to maintain the special qualities of the landscape and habitats. 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), 30 (Amenity).

23. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP) detailing all necessary pollution prevention measures for the construction phase of the development has been submitted to and approved in writing by the location planning authority. **Reason:** In the interests of protecting the visual amenity of the area, to maintain the special qualities of the landscape and habitats. 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), 30 (Amenity).

24. Prior to the commencement of development, a construction management plan, shall be submitted to and approved in writing by the Local Planning Authority. The construction management plan will detail how the site will be accessed, site accommodation and storage to be provided, wheel washing and details of phasing of the works. The plan shall be implemented as approved. **Reason:** In the interests of highway safety Policy: Local Development Plan 30 (amenity) 52 & 53 (highways).

25. Prior to its installation, full details of the lighting shall be submitted to and agreed in writing by the Local Planning Authority (LPA). The Lighting Plan should include:

- Details of the siting and type of external lighting to be used.
- Drawings setting out light spillage in key sensitive areas, in particular all of the retained hedgerows; the proposed buffer planting along the access

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road; and the northern wildlife corridor, including the gap created for access.

- Details of lighting to be used both during construction and operation.
- Measures to monitor light spillage once development is operational.

The scheme shall be implemented as approved.

**Reason:** In the interests of Biodiversity and the Special qualities of the National Park. Policy: Local Development Plan Policy 8 (Special Qualities), 9 (Light pollution) and 11 (Biodiversity).

26. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

