
 Item 6 - Report on Planning Applications

Application Ref: NP/13/0019

Application Type	Outline
Grid Ref:	SM85841297
Applicant	Executors Estate of late Mr R Llewelin
Agent	Mr R Banks, Owen Banks Planning & Development Ltd
Proposal	Outline application for single dwelling with consideration of means of access and layout only (all other matters reserved)
Site Location	Land adjacent to 7 Walton Hill, Little Haven, Haverfordwest, Pembrokeshire, SA62 3LA
Case Officer	Julia Evans

Summary

This is an outline application for the erection of a single dwelling with consideration of means of access and layout only (with all other matters reserved), at land adjacent to 7 Walton Hill, Little Haven. On balance the application is recommended for permission subject to standard conditions, a traditionally styled two storey dwelling, removal of permitted development rights, parking and access conditions, drainage conditions, tree protection and landscaping conditions, and an affordable housing commuted sum requirement. As such the proposal is considered acceptable under national and local policy and is not considered to be harmful to the special qualities of the National Park.

The application is referred to the Development Management Committee because the Community Council has a contrary view to the recommendation.

Consultee Response

The Havens Community Council: Objecting

Conservation Officer: Objecting

Coal Authority: Standard Advice

Environment Agency Wales: No objection

MOD: No objection

PCC - Transportation & Environment: Conditional Consent

Dwr Cymru Welsh Water: Conditional Consent

Ecologist - Pembrokeshire County Council: No adverse comment

Public Response

The application has been advertised and neighbour notifications undertaken.

Two responses have been received, making the following comments:-

- The application does not specify the full contribution to be made to the affordable housing scheme;

Item 6 - Report on Planning Applications

- There will be legal difficulties achieving a connection to the public sewer as it needs to be sited through neighbouring properties;
- The sewer will result in significant excavation and damage to the environment, including the Conservation Area;
- There are already surface water drainage problems on the site as it currently waterfalls out of the strata;
- The house will be built across the contours of the land, not along them as the other properties do in the area;
- Just because the site is in the village settlement boundary does not mean it should be developed. It does not respect or protect the amenities of the Conservation Area, and is a very visible site
- The privacy of neighbouring properties will be lost through overlooking, and boundary treatments will not address these concerns;
- The proposed house would tower over the neighbouring properties, and having a property built above the roof lines of them will not enhance the character or appearance of the Conservation Area; and
- Construction of the dwelling will cause significant damage to land and vegetation.

Policies considered

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

Circular 61/96 - Conservation Areas

LDP Policy 01 - National Park Purposes and Duty

LDP Policy 06 - Rural Centres

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 21 - Minerals Safeguarding

LDP Policy 29 - Sustainable Design

LDP Policy 30 - Amenity

LDP Policy 31 - Minimising Waste

LDP Policy 32 - Surface Water Drainage

LDP Policy 44 - Housing

LDP Policy 45 – Affordable housing

LDP Policy 52 - Sustainable Transport

LDP Policy 53 - Impacts on traffic

PPW5 Chapter 04 - Planning for Sustainability

PPW5 Chapter 05 - Conserving and Improving Natural Heritage and the Coast

PPW5 Chapter 06 - Conserving the Historic Environment

Item 6 - Report on Planning Applications

PPW5 Chapter 08 - Transport

PPW5 Chapter 09 - Housing

PPW5 Chapter 12 - Infrastructure and Services

PPW5 Chapter 13 - Minimising and Managing Environmental Risks and Pollution

SPG06 - Landscape

SPG08 - Affordable Housing

SPG11 - Coal Works - Instability

SPG12 - Parking

SPG17 - Conservation Area Proposals

TAN 02 - Planning and Affordable Housing

TAN 05 - Nature Conservation and Planning

TAN 06 - Planning for Sustainable Rural Communities

TAN 12 - Design

TAN 22 - Planning for Sustainable Buildings

Officer's Appraisal

Background

This is an outline application for the erection of a single dwelling with details of access and layout only (all other matters being reserved), at land adjacent to 7 Walton Hill, Little Haven. The site lies to the north of Little Haven, on a plot of land that was previously used as an area of residential garden. It slopes steeply downhill towards the village which lies below it to the south. To provide level areas there are a series of small terraces which are currently overgrown and grassed over. A stone wall defines the western boundary of the site, with a wooden shed located to the north western corner. A row of mature conifers runs along the northern boundary. The southern boundary of the site drops steeply away and is vegetated with a mix of trees and bushes. The sloping nature of the land provides extensive views into and out of the site, including village and sea views. Access to the site is from the north eastern corner, which leads onto the gravelled access track that services White Gates (a detached dwelling), and the caravan field located to the north of the track. This eventually leads out onto the public highway.

Constraints

The site lies within the village centre and just outside the Conservation Area for Little Haven. It also lies over an area for Coal Referral, and is within a Ministry of Defence Safeguarding Zone.

Relevant Planning History

The previous applications relating to the site are:-

- NP98/356 – Dwelling – Refused - November 1998;

Item 6 - Report on Planning Applications

- NP99/095 - Dwelling – Refused - April 1999 – Appeal dismissed 12th August 1999;
- NP00/211 – Change of use to restaurant (retrospective) - Refused – September 2000;
- NP02/187 – Dwelling – Refused – May 2002;
- NP02/477 – Dwelling – Refused – December 2002;
- NP03/400 – Garden steps – Refused - Appeal dismissed 14th April 2004; and
- NP11/497 – Outline application for erection of three bedroom house with approval sought for access and layout – Refused 28th May 2012 – Appeal dismissed 28th December 2012.

Current Proposal

The current application seeks outline planning permission for the means of access and layout only for a single dwelling. All other matters are reserved. The site measures approximately 0.1 hectares in size, and the application proposes a two storey dwelling. The property would be orientated across the contours of the site, with its ridge aligned in a north-south orientation. The existing access that also serves the camp site would be used. This runs from the highway into the site, adjoining it on its north-eastern corner. In accordance with the requirements of the Development Management Order 2012 the applicant has provided the following dimensions for the proposed dwelling on the submitted illustrative drawings and the Design and Access Statement:

- Height to roof ridge - 7.3 and 7.7m;
- Width 6.9 to 7.2m;
- Length between 17.2 and 17.8m.

The application has been supported with the following information:-

- A Design and Access Statement, including a written commitment to providing the affordable housing contribution;
- A Code for Sustainable Homes Pre-Assessment Report, stating that the proposed dwellings would reach a Code 3 Level;
- An arboricultural report.

Key Issues

The application raises the following planning matters:-

- Principle of the development;
- Impact on the special qualities of the National Park, setting of the Conservation Area, and Landscaping;
- Affordable housing matters;
- Sustainable design;
- Highways matters;
- The water environment and drainage matters;
- Privacy and amenity matters;
- Ministry of Defence Safeguarding matters; and
- Coal Mining issues.

Item 6 - Report on Planning Applications

Principle of the Development and Planning History:

The site lies within the centre boundary for the village of Little Haven and the principle of new residential development is acceptable, subject to it satisfying the other policy requirements of the Local Development Plan. The site has a lengthy history for the erection of a single dwelling on the site, culminating in the dismissed appeal for a three-bedroom house in December of last year. The Authority refused the application for four reasons, which are summarised as follows:-

- The cross contour layout of the house would be contrary to the pattern of existing development;
- It would result in unacceptable loss of amenity and privacy to Mount Pleasant and Pendyffryn;
- It would have a harmful impact on the character and appearance of the adjacent Conservation Area; and
- No commuted sum was offered to meet the affordable housing requirements specified under Policy 45 of the Local Development Plan.

The applicant took the matter to appeal, and it was dismissed because of the lack of provision of an affordable housing commuted sum. All other matters were considered acceptable, and not upheld. The current application is identical to that dismissed on appeal, apart from an agreement by the applicant to provide the required commuted sum.

Impact on the Special Qualities of the National Park, Setting of the Conservation Area, and Landscaping Matters:

Policies 8, 15, 29, and 30, in particular, in the adopted Local Development Plan seek to protect the special qualities of the National Park, including the pattern, diversity, and character of the landscape and villages, nature conservation habitats, and the historic environment. Development that is visually intrusive, that fails to incorporate traditional features and is insensitively sited in the landscape will not be supported.

Although letters of objection have been received from neighbouring properties concerning the visual impact of the proposal on the village, and the Authority's Conservation Officer has raised objection to the proposal in that it harms the setting of the village's Conservation Area by reason of its cross contour layout, the Inspector found that the proposal was acceptable. He stated that the proposed layout and orientation would not appear incongruous or out of place, and that the height, width, and length of the proposed dwelling would be in keeping with others in the vicinity, and so would be visually acceptable. He concluded that the proposed development "would be in keeping with the landscape character of Little Haven, and would not have an adverse effect on the character or appearance of the area, or the setting of the Conservation Area." As the same scheme has been resubmitted again following this decision, an objection on the grounds that were rejected on appeal cannot be sustained in relation to this application Subject to conditions concerning

Item 6 - Report on Planning Applications

materials, and the removal of permitted development rights concerning extensions, the proposal is recommended for approval.

The application has been supported with an arboricultural report and landscaping is a reserved matter. There are a number of trees within and adjacent to the site that are integral to the landscape character of the area, including the screening of parts of the site from distant views. The Inspector's acceptance of the proposal in terms of its impact on the special qualities of the National Park and the setting of the Conservation Area means that subject to conditions requesting tree protection measures and landscaping, no objection is raised to the proposal on these grounds.

Affordable housing matters:

Policy 6 of the Local Development Plan states that the land use priorities will be to aim to meet the housing, in particular, local affordable housing needs. Policy 45 states that "To deliver affordable housing the National Park Authority will as part of the overall housing provision" require under caveat (d) "seek a commuted sum to help with the delivery of affordable housing on housing developments below the threshold of 2 units (ie on proposals for single residential units)." In light of the Inspector's dismissal of the earlier scheme solely for the non-provision of affordable housing, the applicant's agent has stated with the current application that they are willing to accept a formal condition or enter into a Section 106 Legal Agreement to provide the commuted sum. Under the terms of the Affordable Housing Supplementary Planning Guidance this would be at £150 per square metre of floor space, and has been suggested as a conditional requirement.

Sustainable design:

Both national and local Development Plan Policy requires sustainable design. Policy 29 of the Local Development Plan expects all proposals for development to demonstrate an integrated approach to design and construction, whilst Policy 32 requires sustainable drainage systems for the disposal of surface water. The application has been supported by a Code for Sustainable Homes Pre-Assessment Report. This states that the dwellings will meet a Code Level 3 rating. Subject to the standard conditioning requiring compliance with these levels, the proposal is acceptable in terms of the sustainable requirements of national and local policy requirements.

Highways and Rights of Way Matters:

Policies 52 and 53 of the Local Development Plan refer to traffic impacts of proposed development. Access is a matter for consideration at the outline stage, and it is proposed to use the existing access that serves the camp site and the other residential properties beyond it. The consultation response from the County Council's Highways Section has raised no objection to the proposal, subject to conditions concerning access gate provision, and parking and turning space provision. These are recommended for inclusion in any consent.

Item 6 - Report on Planning Applications

The Water Environment and Drainage Matters:

Policy 32 of the Local Development Plan requires development to incorporate sustainable drainage systems for the disposal of water on site. The application has stated that the property would be connected to the mains sewer, and that surface water would be drained via a soak-away. Both the Environment Agency and Welsh Water have been consulted on the application. The former have raised no objection to the development, whilst the latter require standard foul and surface water drainage conditions to be attached to any permission. Neighbours have raised concerns that joining the property to the mains sewer can only be undertaken by going through land not within control of the applicant, and that the site already experiences surface water drainage problems. The Inspector considered these matters at the appeal and determined that although these are matters for the detailed design stage, the possibility that connection to the sewer might give rise to land ownership issues is not a matter for the planning system to address.

Privacy and amenity matters:

Policy 30 of the Local Development Plan refers to amenity in a general sense, seeking to avoid incompatible development and significant adverse impact upon the amenity enjoyed by neighbouring properties. The previous application cited loss of amenity and privacy to neighbouring properties as a reason for refusal, and they have been raised again with this application. The Inspector considered the matter and on the basis of the layout proposed for consideration at the outline stage, felt that due to the dwelling's orientation and distances between habitable rooms it was not harmful. He also felt that loss of privacy to neighbouring gardens could be addressed through appropriate boundary treatments and the detailed design of the house. He concluded that "the level of mutual privacy would then be not less than may be reasonably expected in a settled area. Similarly, the privacy of other dwellings in the vicinity could be adequately protected by the normal reserved matters conditions. Although the proposed house would be on higher ground than other properties it would not be so close, tall or bulky that it would appear unpleasantly or unacceptably overbearing." In addition to the standard reserved matters conditions, a further one is suggested removing permitted development rights for the property in terms of windows, openings, and extensions, so as to ensure that neighbouring amenity is protected.

Safeguarding Matters:

Policy 19 of the Local Development Plan states that development within safeguarding zones around hazardous installations will be permitted where there is no unacceptable risk to public health or safety, the operation of the hazardous operations, and access to them. The site lies within a Military Safeguarding Zone, and the Ministry of Defence have been contacted for their views. They have considered the proposal and raise no objection to it.

Item 6 - Report on Planning Applications

Coal Referral Area Matters:

The site lies both over a Coal Referral and Standing Advice Area, whereby Planning Policy Wales confirms that the responsibility for determining the extent and effects of unstable ground remain with the developer, and that the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and / or landowner (paragraphs 13.8.3 and 13.9.2 respectively). The Coal Authority is a statutory consultee for development within defined coal mining areas, and there is a duty on the National Park Authority to consider ground stability issues when determining applications within these areas. The Coal Authority has raised no objection to the proposal, apart from requiring its Standing Advice as an informative on any planning permission.

Conclusion

The application has been carefully considered against national and local policy, and raises no sustainable objections that cannot be overcome by planning conditions. On balance, it is recommended for permission subject to standard conditions, details of materials, the requirement for a traditionally styled two storey dwelling, the removal of permitted development rights, parking and access conditions, drainage conditions, tree protection and landscaping conditions. In addition, an affordable housing commuted sum will be required. As such the proposal is considered acceptable under national and local policy and is not considered to be harmful to the special qualities of the National Park.

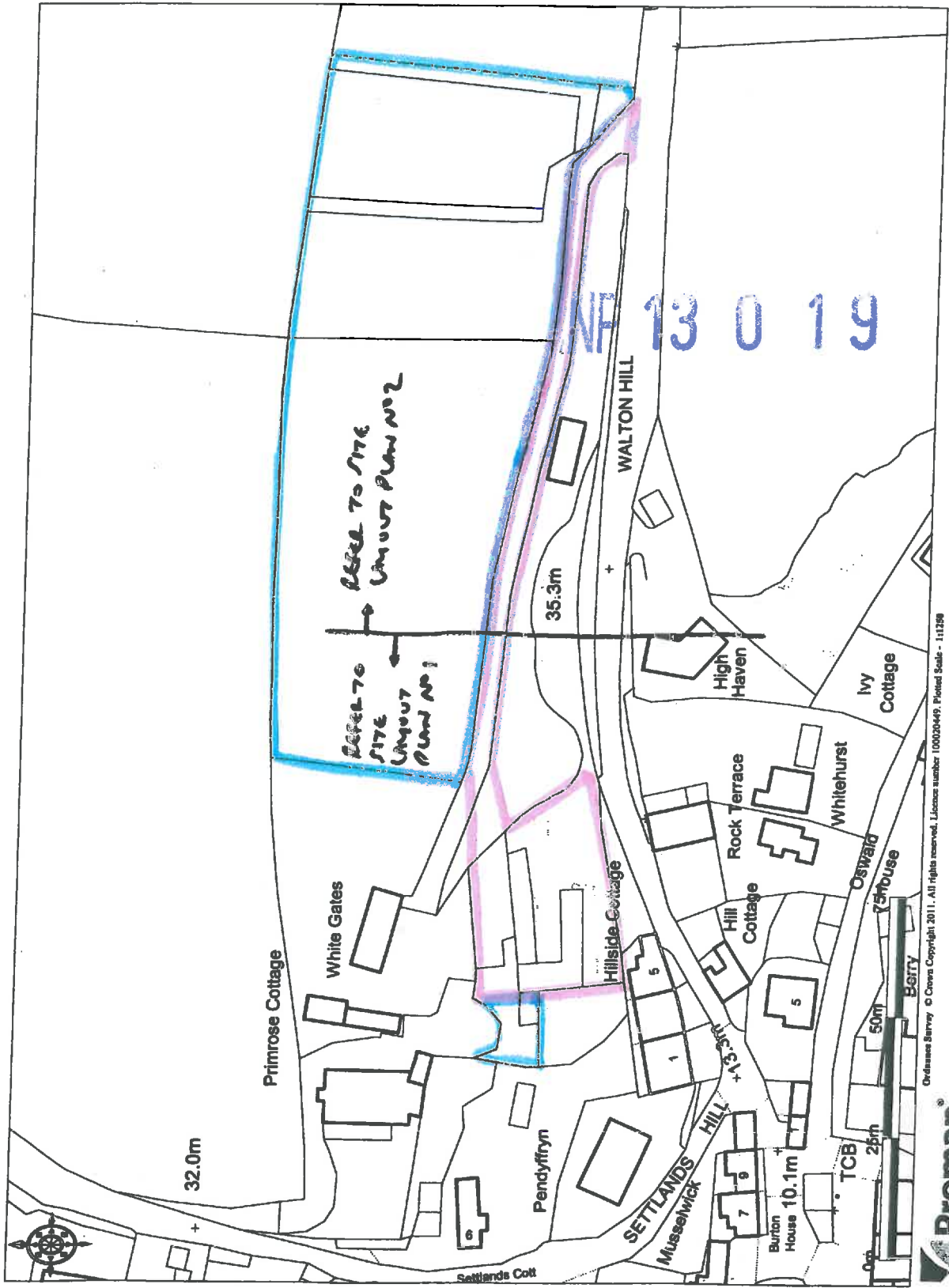
Recommendation

Permission, subject to conditions, affordable housing contribution and informatives:-

- Time period;
- Reserved matters;
- Approved drawings;
- Traditionally styled dwelling;
- Samples;
- Sample panel;
- Roof materials;
- Tree protection;
- Landscaping;
- Code III conditions;
- Access gates;
- Parking and turning requirements;
- Foul and surface water drainage arrangements.

Suggested informatives concern the requirements of the Environment Agency and the Coal Authority.

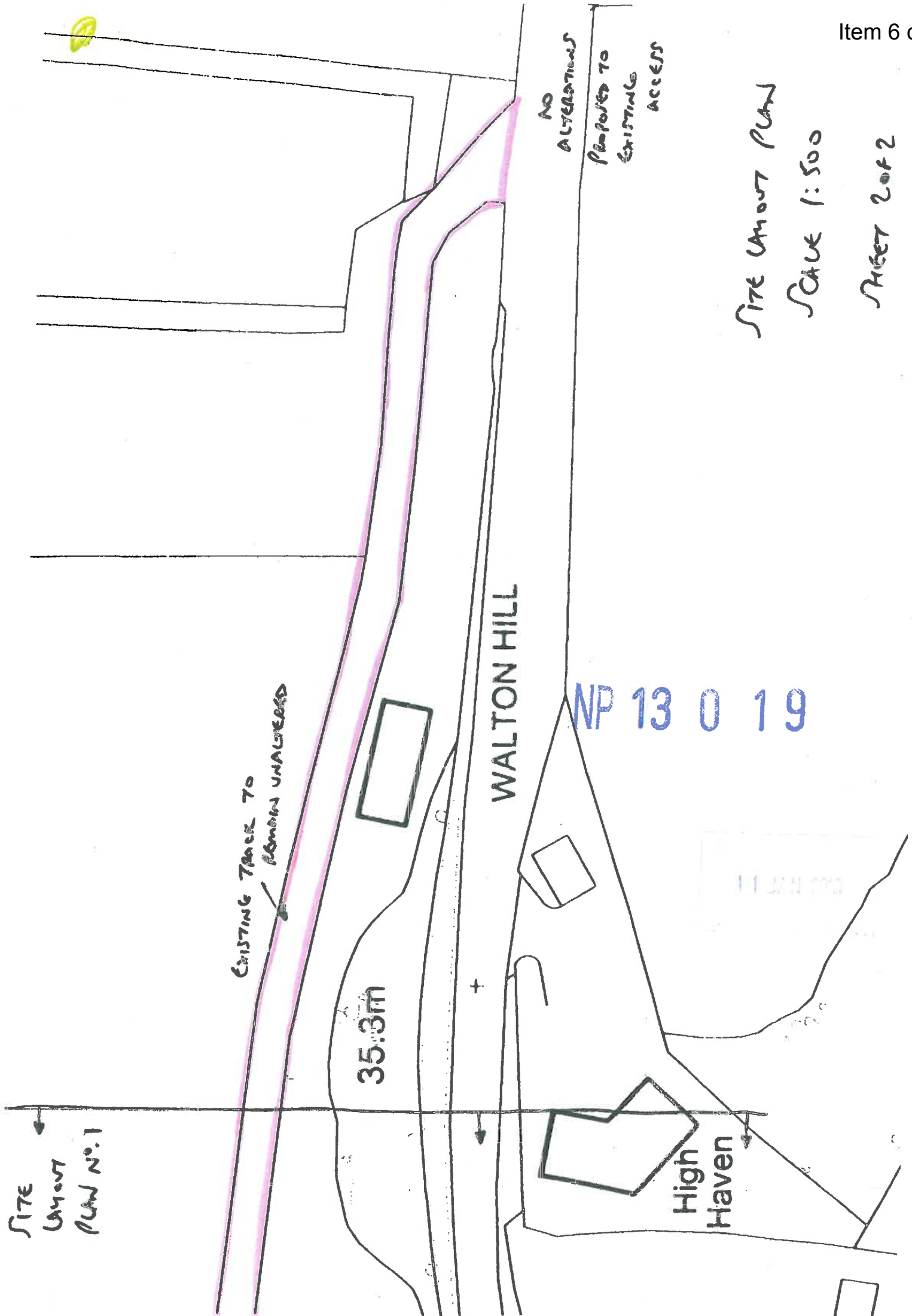
Land Adjacent to 7 Walton Hill, Little Haven, Pembrokeshire



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OWEN BANKS PLANNING & DEVELOPMENT LTD. SCALE 1:1250



SITE LAYOUT PLAN

SCALE 1:500

SHEET 2 OF 2

NO ALTERATIONS PROPOSED TO EXISTING ACCESS

WALTON HILL

EXISTING TRACK TO BOMBS UNALIGNED

35.3m

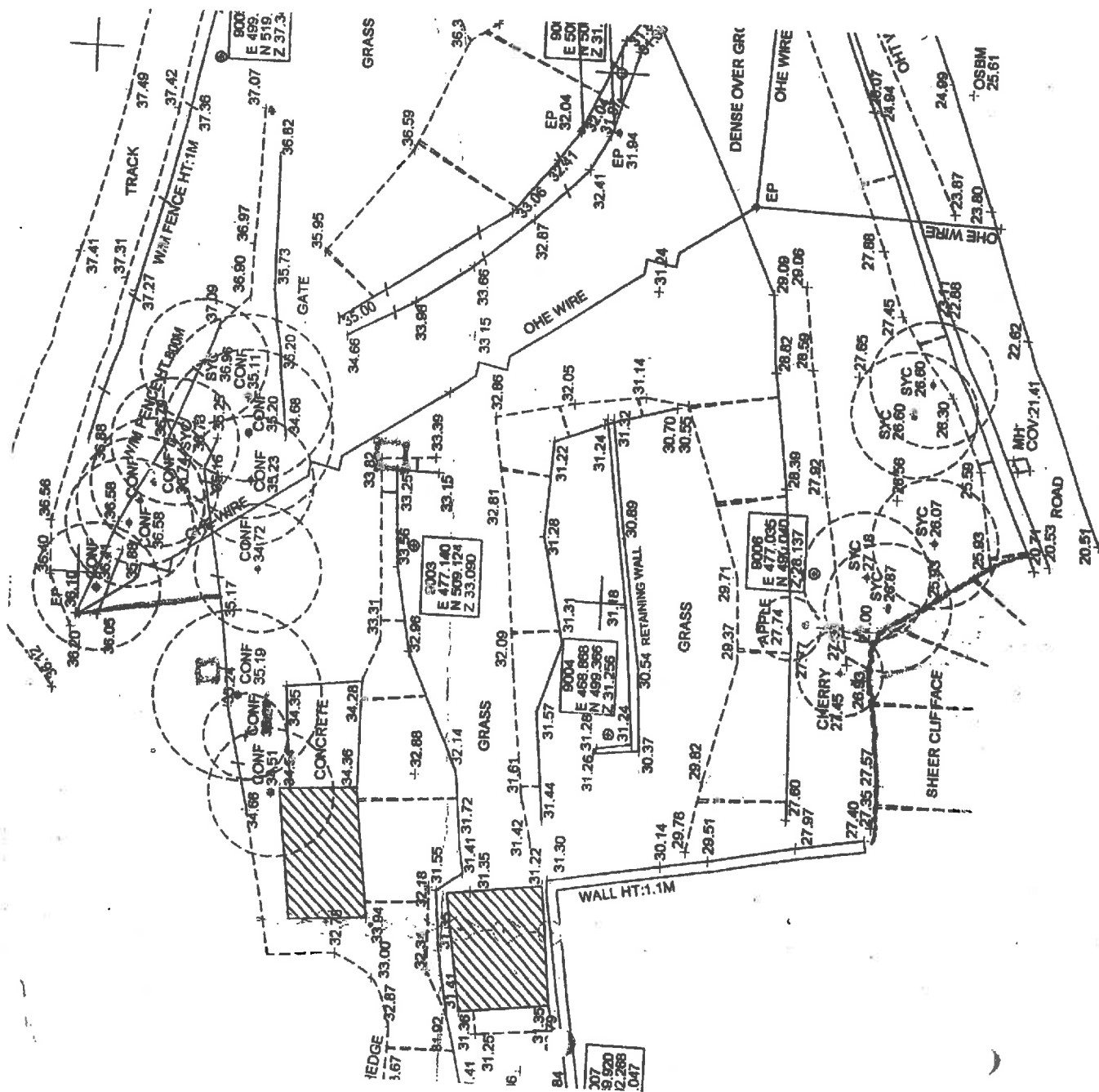
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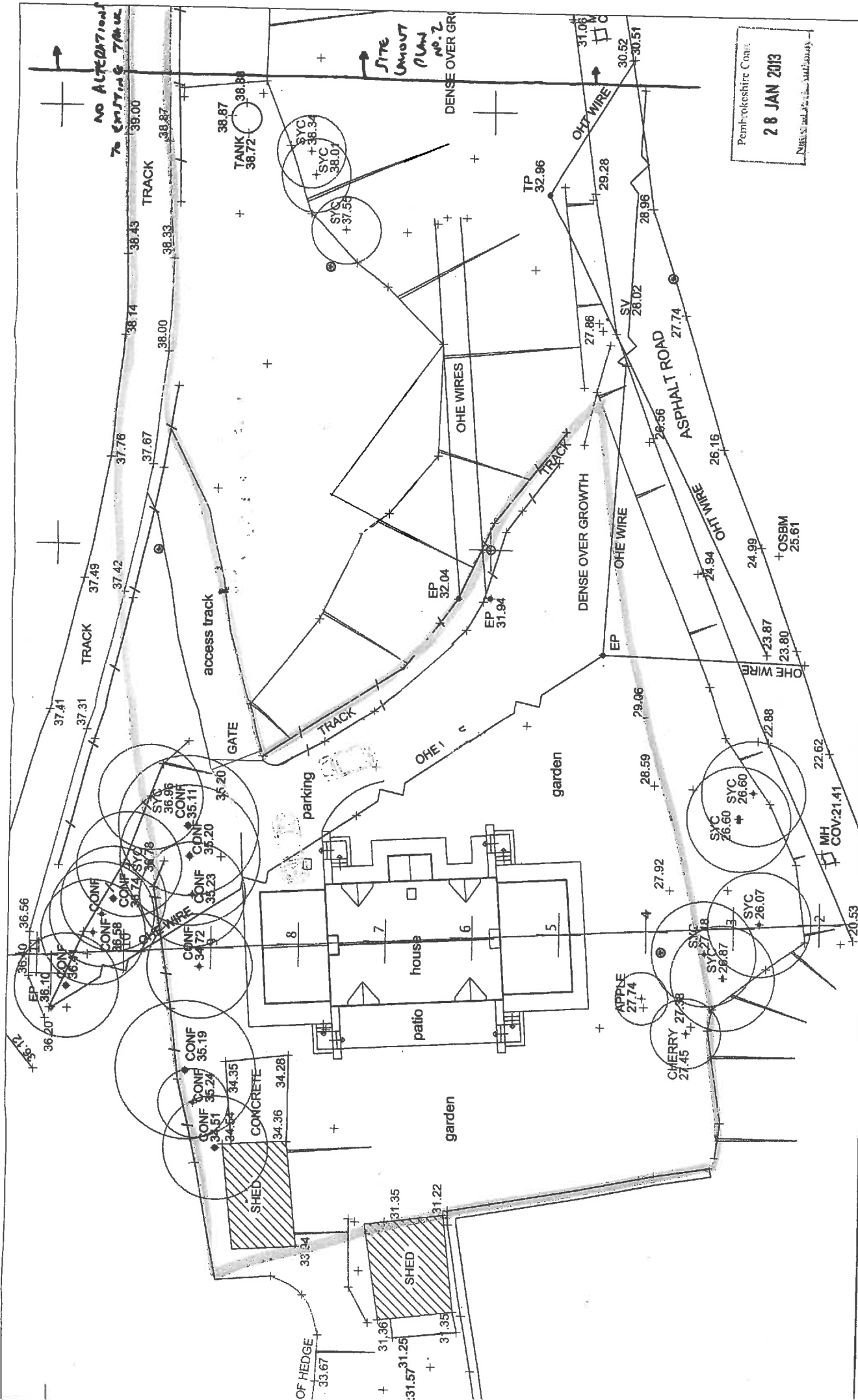
High Haven

SITE LAYOUT PLAN NO. 1

NP 13 0 19

EXISTING
TOPOGRAPHIC
SURVEY
SCALE 1:200





Pembrokeshire Council
 28 JAN 2013
 NILES & PARTNERS ARCHITECTS

PROJECT	BUILDING PLOT ON LAND ADJACENT TO 7 WALTON HILL, LITTLE HAVEN.
DATE	APR 11
SCALE	1:200
NO.	04
<p>PROPOSED SHEET 1 of 2 SITE LAYOUT</p>	

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