

Application Ref NP/24/0622/FUL
Case Officer Bethan Gledhill
Applicant Mr J Edwards
Agent
Proposal Variation of Condition no.2 of NP/16/0247/S73 - Revised plans
Site Location Plot 1, Broadway, Haverfordwest, Pembrokeshire, SA63 3HX
Grid Ref
Date Valid 01- Feb-2024 **Target Date** 27-March-2024

This application is being presented to the Development Management Committee as it is a Departure from the Local Development Plan 2, and the recommendation is to grant permission subject to conditions.

Summary

This application is submitted under Section 73 of the Town and Country Planning Act 1990 and seeks to vary condition 3 of application ref NP/16/0247/S73 to allow for a change of design for a proposed new dwelling located on Plot 1, Broadway. All other details remain as previously granted.

The location of the plot is in an area which the current LDP2 does not identify as a suitable location for new dwellings, however the existing planning permission which is in place is a significant material consideration.

The application is being presented to the Development Management Committee as it is a departure from the adopted local plan, and a recommendation to grant is being made.

No adverse comments have been received from any of the consultees, and no third-party representations have been submitted.

A new legal agreement has been submitted to the Authority in relation to a commuted sum towards off-site affordable housing, and, for the use of the attic space to remain as such in perpetuity.

The design of the new dwelling, whilst quite different from that which was originally proposed, is deemed to be acceptable. Overall, the proposal is considered acceptable and a recommendation to grant planning permission, subject to conditions, and a legal agreement, is made.

The relevant plans and supporting documentation can be found online at [Citizen Portal Planning - application details \(agileapplications.co.uk\)](https://citizenportalplanning-agileapplications.co.uk)

Consultee Responses

The Havens Community Council: No comments received

PCC Highways: Conditional consent

Tree and Landscape Officer: Further information required

Planning Ecologist: No comments

Dwr Cymru Welsh Water: Conditional consent

Cadw: No comments received

Coal Authority: No objections

Public Response

A site notice was displayed, neighbour notification letters were posted, and a notice was placed in the local press (Western Telegraph) in accordance with requirements of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, which requires that proposed developments are advertised by way of either neighbour letters or a site notice. In this case, both methods of notification were utilised in order to ensure notification in an area where many dwellings are only occupied seasonally.

No third-party representations were received as a result of publicity.

Policies considered

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

LDP2 Policy 01 - National Park Purposes and Duty

LDP2 Policy 07 - Countryside

LDP2 Policy 08 - Special Qualities

LDP2 Policy 11 - Nationally Protected Sites and Species

LDP2 Policy 14 - Conservation of the Pembrokeshire Coast National Park

LDP2 Policy 29 - Sustainable Design

LDP2 Policy 30 - Amenity

LDP2 Policy 48 – Affordable Housing

LDP2 Policy 50 – Housing Development Proposals

PPW12

SPG - Biodiversity

SPG -Sustainable Design and Development

SPG – Affordable Housing

TAN 5 – Nature, Conservation and Planning

TAN 12 – Design

Future Wales - The National Plan 2040 (FW which was adopted on 24th February 2021)

Constraints

Safeguarding Zone

Hazardous Zones

Ancient Monument - within 500m

Recreation Character Areas

Low Coal Risk

Surface Coal

High Coal Risk

Affordable Housing Submarkets

Landscape Character Area

Seascape Character Areas

Officer's Appraisal

Site and current proposal

The application site is located in a countryside location, in Broadway, approximately 1km east of Broad Haven. The site is directly north of a plot which currently has extant planning permission for the construction of two dwellings. One of these has already been constructed.

This is an application made under Section 73 of the Town and Country Planning Act 1990 and is proposing to vary condition 2 of the previous application – NP/16/0247/S73. The proposal is for an amendment to the previously granted design of the proposed dwelling on Plot 1 of the application site.

Relevant Planning History

NP/10/164 - 2 infill dwellings & new access to The Bungalow – Approved 30-Jul-2010

NP13/0237 - Construction of 3 dwellings (one of which is an affordable house), provision of new access and associated landscaping – Approved 20-Nov-2013

NP/13/0287 - Reserved matters application with consideration of appearance, landscaping, layout and scale for two dwellings and new access (pursuant NP/10/164) – Approved 03-Dec-2013

NP/14/0176/FUL - Construction of 2 storey 4 bed dwelling & detached garage/store together with a 2 storey 3 bed (LCHO Affordable dwelling) & associated landscaping & highway drainage – Approved 30-Jun-2014

NP/15/0512/FUL - Change of use to provide two new detached dwellings, to include a large 4 bedroom dwelling with integral garage and a small 3 bedroom dwelling both with separate vehicle access points and associated external works – Approved 30-Nov-2015

NP/16/0110/S73 - Vary condition 2, 7 and 10. Remove condition 11 of NP/15/0512 – Withdrawn 15-Apr-2016

NP/16/0247/S73 - Variation of Condition no.2 of NP/15/0512 to vary access arrangements in order to provide improved highway safety & amenities to Plot 2 & improve house design in relation to market feedback & scale of plot – Approved 08-Sep-2016

NP/17/0475/DOC - Discharge conditions 4, 6 & 15 of NP/16/0247/S73 – Discharged 16-Oct-2017

NP/23/0641/MOD - Modification of Unilateral 106 Agreement associated with NP/16/0247/S73 – Pending consideration at time of writing report

NP/24/0063/FUL – Temporary change of use of land for the siting of a caravan during construction of new dwelling – Granted 22-May-2024

Key Issues

The application raises the following planning matters:

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

Policy and Principle of Development:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the National Park comprises Future Wales (the National Plan 2040) and the Local Development Plan 2.

Within Future Wales Policy 4 Supporting Rural Communities states that Strategic and Local Development Plans must identify their rural communities, assess their needs and set out policies to support them. On page 104, Future Wales states that: “National Park Authorities are unique planning entities with a specific remit to reflect the distinctive characteristics of their areas...” and that “Future Wales policies respect the functions of National Parks in terms of their statutory purposes...”

Policy 1 of the Pembrokeshire Coast National Park Local Development Plan 2 (LDP) sets out the National Park’s purposes and duty, in order to ensure that development within the Park is compatible with these.

Policy 7 of the Pembrokeshire Coast National Park Local Development Plan 2 (LDP) relates to development within the countryside and states that development outside the identified Centres must be strictly controlled.

Case law has established that an application under Section 73 is an application for planning permission. The local planning authority can grant permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original condition(s) should continue. The original planning permission will continue to subsist whatever the outcome of an application under Section 73.

Since the practical effect of a Section 73 Consent is that of granting a fresh planning permission, the guidance of Welsh Government Circular 016/2014 - The Use of Planning Conditions for Development Management is relevant. The guidance states that, as a general rule, an application that would extend the life of a consent should be considered against the following criteria:

- Whether there has been some material change in planning circumstances since the original permission was granted.
- Whether continued failure to begin the development will contribute unacceptably to uncertainty about the future pattern of development in the area; or

- Whether the application is premature because the permission still has a reasonable time to run.

There has been a material change in planning circumstances since the previous permission was granted, in the form of the adoption of the Local Development Plan 2, the implications of this will be discussed later in the report.

It is not considered that the failure to begin the development would contribute unacceptably to uncertainty about the future pattern of development in this location, and the application is not considered premature. The criteria relevant to consideration of a 5-year new permission for a Section 73 application are met.

This application seeks consent for the variation of condition 3 from application NP/16/0247/S73 in order to allow for an amended design to the proposed dwelling. The original consent for both plots 1 and 2 was granted under application 15/0512/FUL. At the time, the local plan was the Local Development Plan 1, adopted in 2010.

Policy 7 of the LDP1 related to development within the countryside and stated:

Outside the identified Centres of the Local Development Plan area development will only be permitted where: a) it constitutes sensitive filling in of small gaps or minor extensions (ie rounding off) to isolated groups of dwellings is proposed. Priority will be given to meeting affordable housing needs. Release of land will depend on the character of the surroundings, the pattern of development in the area and the accessibility to the Centres identified in the hierarchy.

The footnote to infill stated the following:

“Footnote to infill says - i.e. where there is a physical cohesion of dwellings. Infill is defined as development of one or two units of a size compatible with its setting in a small gap in an otherwise continuous, built-up frontage. 'Rounding off' which would complete or consolidate the built-up perimeter of no more than one or two dwellings.” Since the plot was situated in the middle of a row of existing properties, and that it was considered that the development fell into the category of “infill”.

Since the granting of this permission, and the subsequent applications made under Section 73, the Local Development Plan 2 has been adopted. The site is located within the countryside as defined by the LDP2. Therefore Policy 7 is relevant. Policy 7 (Countryside) lists all the development which are considered to be acceptable in the countryside.

Whilst the development does not come under any of the criteria listed within Policy 7 of the LDP, the original permission, and the subsequent amendments to that permission, have been implemented. Therefore, there is a strong fall-back position, as the applicant would be able to lawfully construct the dwelling on plot 1 in accordance with the plans that were granted under application reference NP/16/0247/S73.

Overall, it is not considered that the current proposal would have an adverse impact upon the countryside given that an extant permission, subject to a unilateral undertaking in relation to affordable housing exists.

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

Policy 8 of the Pembrokeshire Coast National Park Local Development Plan (LDP2) is a strategy policy which refers to the special qualities of the National Park and lists priorities to ensure that these qualities will be protected and enhanced.

Policy 14 of the LDP seeks the conservation of the Pembrokeshire Coast National Park, resisting development that would cause significant visual intrusion, be insensitively or unsympathetically sited within the landscape, and/or fail to harmonise with, or enhance the landform and landscape character of the National Park.

Policy 29 of the LDP requires all development proposals to be well designed in terms of place and local distinctiveness.

The land subject to this application is currently an empty plot. The property on plot 2, known as Taskers Cottage, has already been constructed.

The amended design to plot 1 would see a slightly reduced floor area from the originally granted property, and it would be one and a half storeys in height, as opposed to two storeys.

The property would have a more contemporary design than the previously approved house. The use of raised stonework panelling and zinc corrugated cladding are proposed. However, given that the design of Taskers Cottage has also been amended to have a more contemporary appearance than was originally granted, it is not considered that it would have an adverse impact upon the appearance of the area. Rather, it would better complement the design and appearance of Taskers Cottage. It would also follow the design of The Farmhouse, a property located approx. 118m to the west of the application site in terms of the glazed entrance hall. Given that it would be possible to build a two-storey property on this plot under the extant permission in the same location on the plot, it is not considered that the currently proposed would result in visual intrusion, and the design is considered to comply with Policies 8, 14 & 29 above.

Amenity and Privacy:

Policy 30 of LDP2 seeks to protect the amenity of people living in the National Park and states that development will not be permitted where there is an unacceptable adverse effect on amenity.

The amended design proposed as part of this application would see the proposed dwelling located approximately 13m from the western wall of "Rosemont". Whilst there is a window proposed in the eastern elevation of the proposed dwelling, it would be to serve a bathroom and would be obscurely glazed. Therefore, it is not considered that there would be harmful overlooking from this window.

There is a first-floor window proposed on the western elevation. However, this is to serve an attic space rather than habitable accommodation. Therefore, there are no concerns as regards any overlooking from this window. In addition, as part of the

legal agreement submitted to the Authority, it is stated that the attic space will remain as such and will not be converted into living accommodation.

Overall the development is considered to have an acceptable impact on residential amenity and accords with Policy 30 of the LDP, and the relevant paragraphs of the Supplementary Planning Guidance.

Affordable Housing

Policy 48 of LDP2 states that where on-site provision of affordable housing is not appropriate alternative forms of contribution, including off-site provision and commuted sums will be sought.

The commuted sum is calculated according to location and is based on the figures set out in Table 11 of the Authority's Supplementary Planning Guidance on Affordable Housing. It is calculated by considering the internal area of the individual dwellings and garages, excluding balconies, car ports and other external spaces.

The development of one new dwelling attracts a financial contribution towards off-site affordable housing of £100 per square metre of floorspace. This results in a total contribution of £19,700.

This application is accompanied by a Unilateral Undertaking (a legal agreement) to ensure that the appropriate financial contribution towards off-site provision of affordable housing is secured. This has been submitted to the Authority and has been checked by the PCC Legal Team.

Biodiversity

PPW12, TAN5, the Authority's Biodiversity SPG and LDP Policy 11 require biodiversity considerations to be taken into account in determining individual applications. The presence of a species protected under UK or European legislation is a material consideration when dealing with applications that are likely to result in disturbance or harm to the species or its habitat.

In order to comply with Planning Policy Wales (2024) and the Environment (Wales) Act 2016, planning authorities are expected to ensure every development positively contributes to biodiversity.

When the development was originally granted, conditions were imposed in terms of landscaping and external lighting. These conditions have been discharged under application NP/17/0475/DOC. A Green Infrastructure Statement has been submitted with the application which makes reference to the previously discharged conditions, and that all landscaping will be carried out as per those conditions.

However, since the granting of an application made under Section 73 is, in effect, the granting of a new permission, a new landscaping scheme, for Plot 1 will be required.

Other Matters

It should be noted that all other elements of the development are to remain as per the details granted under application NP/16/0247/S73. As such, the remaining conditions of that permission, where applicable, will be imposed as part of this currently proposed development to ensure that this will be the case.

Any relevant informatives will also be included within the decision notice.

Conclusion

For the reasons given above, and having regard to the matters raised, the scheme is considered to be acceptable in terms of scale, nature and use. The development will not cause an unacceptably detrimental impact to the special qualities of the National Park. It is not considered that the development will cause an unacceptable impact upon privacy or amenity of neighbouring properties. Ecology and landscape features will not be adversely affected by the development.

In reaching a recommendation, regard has been given to the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. It is considered that this recommendation is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

As such, the proposal complies with policies 1, 7, 8, 11, 14, 29, and 30 of the adopted Local Development Plan 2 (2020) and can be supported.

Recommendation

APPROVE, subject to the following conditions:

1. The development shall be carried out in accordance with the following approved plans and documents:

001 A – Location Plan, received 2nd January 2024

003/D – Proposed Site Layout received 29th April 2016

004 – Combined Access Details, received 29th April 2024

T02 Rev B – Proposed site plan, received 24th April 2024

T03 Rev A – Proposed Floor Layout/ Section, received 2nd January 2024

T04 Rev A – Proposed Elevations, received 2nd January 2024

T05 Rev A – Proposed Roof Plan, received 2nd January 2024

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 2 – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 11 (Nationally Protected Sites and Species)14 (Conservation of the Pembrokeshire Coast National Park) and 29 (Sustainable Design).

2. No development, demolition or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme relating to the immediate landscape. The approved scheme shall include the following details:

Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value of the site and surrounding area. Local Development Plan 2 – Policies: 1 (National Park Purposes and Duty), 8 (Special Qualities), 14 (Conservation and enhancement of the Pembrokeshire Coast National Park), 30 (Amenity), SPG – Biodiversity, Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009), Technical Advice Note (TAN) 10: Tree Preservation Orders.

- 3 All planting, seeding, and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of the development, fail, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority give written consent to any variation.

Reason: In the interests of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area. Policy: Local Development Plan 2- Policy 14 (Conservation of the Pembrokeshire Coast National Park).

4. Before any housing construction work is commenced adequate and suitable areas shall be provided within the site 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 meet the objectives of the Planning Policy Wales (Feb 2024) and Policy 60 (Impacts of Traffic) of the Pembrokeshire Coast National Park Local Development Plan 2 (2020).

5. The parking and turning area shown on the submitted drawings shall be completed before the development is brought into use and thereafter shall be retained for no purpose other than parking and turning.

Reason: To meet the objectives of the Planning Policy Wales (Feb 2024) and Policy 60 (Impacts of Traffic) of the Pembrokeshire Coast National Park Local Development Plan 2 (2020).

6. Before any construction work is commenced adequate and suitable areas shall be provided within the site 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. Policy: Local Development Plan 2, Policy 60 - Impacts on Traffic.

7. The shared access road shall be left open unimpeded by gates or any other barrier.

Reason: To reduce the likelihood of obstruction of the highway or danger to road users when vehicles are entering the premises. Policy: Local Development Plan 2, Policy 60 (Impacts of Traffic).

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

Reason: To protect the integrity of the Public Sewerage system. Policy: Local Development Plan - Policy 32 (Surface Water Drainage) and Planning Policy Wales Edition 12 (February 2024).

9. The development shall utilise soakaways/infiltration type SuDS to dispose of surface water. If, however, ground conditions are not suitable for the use of soakaways/infiltration type SuDS, an alternative method of disposal will be required, which shall be agreed, in writing, with the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system. Policy: Local Development Plan 2 – Policy 29 (Sustainable Design).

10. 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. Policy: Local Development Plan 2 - Policy 32 (Surface Water Drainage) and Planning Policy Wales Edition 12 (February 2024).

11. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (relating to extensions to and alterations to the external appearance of the dwelling) no additional windows, or other openings shall be provided in the first floor of the eastern elevation of Plot 1 without specific planning permission being obtained.

Reason: In the interest of privacy and amenity. Policy: Local Development Plan 2, Policy 30 (Amenity).

12. 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. This 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 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 2 – Policy 30 (Amenity) and Planning Policy Wales (Edition 12, February 2024).

INFORMATIVE: UNILATERAL UNDERTAKING

This permission is the subject of a Unilateral Undertaking in relation to the contribution towards affordable housing and the use of the attic space within the dwelling.

INFORMATIVE: COAL MINING LEGACY

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

<https://www.gov.uk/guidance/get-a-permit-to-deal-with-coal-or-coal-mines>

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

Plot 1, Uzmaston Projects, Broadway, Haverfordwest, Pembrokeshire, SA62 3HX
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Parc Cenedlaethol
Arfordir Penfro
Pembrokeshire Coast
National Park

Graddfa/Scale: 1:1,250

