

PLANNING COMMITTEE
1 NOVEMBER 2011

DP

PLANNING AND RIGHTS OF WAY COMMITTEE

Report of: Director of Development

Date: 1 November 2011

Application No.: 11/0583/PA

Proposed Development: Erection of 41 affordable dwellings

Location: Land East of Dale Road, Milford Haven

Applicant: Persimmon Homes West Wales

THIS APPLICATION IS FOR COMMITTEE CONSIDERATION AS IT INVOLVES A DEVELOPMENT WHICH IS CONTRARY TO THE DEVELOPMENT PLAN WHICH IS BEING RECOMMENDED FOR APPROVAL (PARAGRAPH 1(i) OF DELEGATION AGREEMENT)

1. Main Issues:

1.1 The main issues raised by this application are whether:

- The principle of development is acceptable (Policies 44, 46 and 51).
- The proposal delivers well designed development without undue impact on amenities (Policies 7, 46, 66, 68, 71, 76, 78, 85 and 122).
- The proposed access is acceptable and associated transportation matters appropriately addressed (Policy 100).

2. Description of site, proposal and planning history:

Description of site

2.1 The application site comprises 1.6 hectares of land at the north-western edge of Milford Haven. The site is of an irregular rectangular shape with its western boundary facing Dale Road. Land to the north and east is agricultural. Land immediately to the south is allocated for housing (policy 44) and benefits from planning permission for residential development. Opposite the site, on the west side of Dale Road, are a golf club and two residential properties.

2.2 The site itself slopes gently from north to south. Formerly comprising overgrown scrub and grassland, earthworks are currently being undertaken on the site associated with a recently approved planning consent for a borrow

pit to serve the adjacent residential development. The site is bounded along Dale Road by a hedgerow with mature hedgerows also along the northern and north-eastern boundaries.

Current Proposal

- 2.3 The application seeks full planning permission for the erection of 41 affordable dwellings with associated works including access, roads and landscaping. The units would comprise a mixture of semi-detached and detached houses - 17No. 2-bed (including 5No. bungalows), 20No. 3-bed and 4No. 4-bed dwellings. The proposed access point would be from the consented residential land to the south. Buildings would be of traditional form and materials would be rendered under slated roofs. A detailed landscaping scheme has been submitted in support of the application as well as a wildlife survey.

Planning History

- 2.4 Planning permission was approved on 31 May 2011 for the use of the application land as a borrow pit (ref. 10/0633/PA). The approved borrow pit is to service the development of the allocated housing land to the south that was subject to a resolution by The Planning and Rights of Way Committee to grant full planning permission for 168 dwellings on 24 May 2011 (ref.10/0615/PA).
- 2.5 At the time of considering application ref. 10/0615/PA, and as reported to the Planning and Rights of Way Committee, it was confirmed that the development would not be viable should the normally required planning obligations and affordable housing be pursued. Indeed, the level of non-viability would be substantial. There were a number of reasons for this, most notably:
- the exceptional costs relating to this specific development,
 - the condition of the housing market and the sale values expected at this location, and
 - the unavailability of social housing grant to support the provision of affordable housing.
- 2.6 In the above circumstances, Supplementary Planning Guidance states: "When it can be proven that a proposal is not financially viable in terms of all the policy requirements of the JUDP, priority will be given to the delivery of affordable housing". Similar guidance is contained in the Affordable Housing Delivery Statement: "If it is not viable to require all planning obligations to be met ... affordable housing will take precedence". The supporting text to policy 50 states: "The precise number of affordable units to be provided will be negotiated at an individual site level and will vary according to site characteristics and the economics of development". Therefore, the maximum level of affordable housing (and other planning obligations, but with the priority being affordable housing) that would still achieve a viable development was sought.

- 2.7 As the non-viability of the development was substantial, the level of affordable housing that could be achieved in this case was very limited and precluded the provision of on-site affordable housing. In light of this, it was agreed that the current application land, adjacent to the site and owned by the applicant, shall be gifted to Pembrokeshire Housing Association once planning permission had been approved for affordable housing on this land. Hence the current application has been made to secure planning permission for the affordable housing prior to transfer to the Housing Association. This approach was considered an appropriate balance between ensuring delivery of the development and providing for affordable housing.

3. Evaluation:

Principle of Development

- 3.1 Policy 51 (Exception Sites for Affordable Housing) states that such development will be permitted where the site is within or adjoining a settlement, there is an identified need for the housing and the community has the facilities to serve the proposed development. The application site is outside of the settlement but adjacent to it and there are clearly adequate facilities available to serve the development (the site is also on a bus route).
- 3.2 The adopted Affordable Housing Delivery Statement (AHDS) is an interim document, operating in tandem with the Affordable Housing in Pembrokeshire SPG, which is required to provide the framework for delivering affordable housing through to the adoption of the Local Development Plan. The AHDS and SPG both explain that the exception policy is specifically applicable to rural areas; thus, not readily applicable to the current proposal that relates to a main settlement. The AHDS also explains that a Housing Needs Survey (HNS) report should form the main evidence base when considering exception sites. A Housing Needs Survey has not been completed albeit that the Common Housing Register indicates a need across the County that is generally reflective of the proposed mix of sizes, a mix that has been agreed by Pembrokeshire Housing Association.
- 3.3 The proposal therefore does not wholly accord with the intentions of policy 51 (nor does the proposal benefit from being an allocated housing site (policy 44) or within the settlement (policy 46)). In these circumstances it is important to identify whether there exist any other material planning considerations of such weight to justify the departure from policy 51 (i.e. in that the site does not relate to a rural area and the absence of a Housing Needs Survey).
- 3.4 In order to secure a level of affordable housing commensurate to the scale of development approved on the allocated housing site (168 dwellings), because of the development viability issues explained above, the only option is to secure this additional land for affordable housing for future development by a housing association. The substantial need for affordable housing in Milford Haven and across the county is well established. In the absence of any objection on environmental or infrastructure grounds, its appropriateness in terms of access to facilities, the fact that the site physically and visually forms

part of the wider residential site, and because granting consent would facilitate the delivery of a large allocated housing site (in a current economic climate where house building has significantly slowed), the delivery of 41No. affordable homes in the manner proposed is considered to be of sufficient material weight to offset the departure, in part, from policy 51. Without this solution there would be nil affordable housing provision for this development.

- 3.5 Should planning permission be granted the applicant would be obliged, by way of the section 106 agreement to be attached to planning permission ref. 10/0615/PA on the adjoining land, to transfer the land to Pembrokeshire Housing Association who will deliver the development. In addition, the section 106 agreement also requires the viability of providing on-site affordable housing (and other planning obligations, but with the priority being affordable housing) to be re-assessed prior to each future phase of development.

Design and Layout

- 3.6 The proposed layout comprises dwellings fronting streets with relatively strong building lines extending the principles established as part of the consent on the adjacent site. The layout with regard to street pattern and building frontages is appropriate and the mix of different dwelling types is satisfactory. A layout is thus achieved that accords with policies 7, 46 and 76 and also Principles of Good Design in Residential Development SPG.
- 3.7 With regard to landscaping, existing landscape features comprising the Dale Road frontage hedge and other boundary hedgerows will be retained. The planting that forms the detailed landscaping scheme submitted with the application offers a mix of tree and shrub planting. A planning condition is necessary to agree full details, including incorporation of relevant restoration details relating to the use of the site as the borrow pit and future management. Boundary treatment will include freestanding walls within the public domain. Subject to appropriate conditions therefore, the proposal accords with policies 66, 68 and 71. 85
- 3.8 The dwellings can be regarded as traditional in appearance and are similar in appearance to those already approved on the adjacent land. They would be finished in render under slated roofs. Specific materials could be agreed by planning condition. Details to buildings include cills and lintels and solid front doors displaying a traditional form. An appropriate detailed design is thus achieved in accordance with policies 7, 46, 76 and 78 and also Principles of Good Design in Residential Development SPG.
- 3.9 The interrelationship with proposed units is acceptable in amenity terms. There are no neighbours that will be directly affected to any significant degree.
- 3.10 Planning Policy Wales requires the development to achieve Level 3 of Code for Sustainable Homes and 1 dwelling emission rate (Ene1) credits. Information, including a Code pre-assessment, submitted in support of the

application indicates that this can be achieved. The site has already been registered with BRE. Conditions are recommended to ensure compliance. The Design and Access Statement submitted in support of the application is fit for purpose and addresses relevant matters as prescribed in TAN12 – Design.

Access/Transportation

- 3.11 The proposed access provides for an appropriate level of visibility and is considered acceptable, as are the details of road widths, radii, footpaths etc. The development indicates adequate off street parking. Detailed plans of the estate road will be required by planning condition, as will details of construction methodology in terms of access, parking and siting of temporary accommodation buildings. Subject to planning conditions the proposal accords with policy 100.

Other Matters

- 3.12 The Environment Agency raise no objection subject to the imposition of planning conditions. Subject to planning conditions, there thus exists no objection having regard to policy 111. No adverse issues are raised in respect biodiversity subject to implementation of appropriate landscaping and compliance with relevant wildlife legislation (policy 65).

Summary

- 3.13 The material circumstances described in paragraph 3.4 are considered to outweigh the partial departure from policy 51 in this instance. The departure from policy however is not considered to be so significant as to require the application to be referred to Council or the Welsh Government. The design and highway arrangements are appropriate and meet the detailed tests of relevant policy.

4. Recommendation:

It is recommended that the application be APPROVED subject to the conditions set out in paragraph A3.

Annex

A.1 The Development Plan/Other Material Considerations.

A.1.1 The Joint Unitary Development Plan (Adopted 2006) for Pembrokeshire.

Policy 7	Quality of Design
Policy 44	Allocation of Housing Sites
Policy 46	Settlement Boundaries
Policy 50	Affordable Housing
Policy 51	Exception Sites for Affordable Housing

Policy 76	Design
Policy 78	Amenity
Policy 84	Archaeological Remains
Policy 85	Historic Landscapes
Policy 100	Access to Development
Policy 111	Sewage and Surface Water Disposal Facilities.
Policy 127	Infrastructure Related to Development

A.1.2 Other material considerations/weight attached.

Affordable Housing Delivery Statement -
significant weight

Affordable Housing in Pembrokeshire SPG -
significant weight

Need for Affordable Housing -
significant weight

Application 10/0615/PA including development viability -
substantial weight

A.2 Consultation Responses

A.2.1 Head of Highways and Construction

No objection subject to conditions.

A.2.2 Environment Agency

No objection subject to conditions.

A.2.3 Milford Haven Town Council

No objection subject to conditions.

A.3 Conditions of Approval

- 5-year consent
- Affordable housing only (in accordance section 106 agreement of planning permission ref.10/0615/PA)
- Drainage details
- Landscaping (including hedgerow protection and management)
- Materials (surfacing) to be agreed
- Details/implementation of vehicular access and estate road
- Construction phase – highway details
- Provision of car parking/turning
- Wheel washing
- Methodology to deal with contamination

- Permeable paving
 - Removal of Japanese Knotweed
 - Code for Sustainable Homes - Level 3 & 1 Ene credits
 - Code for Sustainable Homes - Design Stage Certificate
 - Code for Sustainable Homes - Post Construction Certificate
 - Pollution prevention measures
 - 3m buffer from watercourses
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Background Documents:

- Consultation replies from Head of Highways and Construction, Environment Agency (Wales) and Milford Haven Town Council