

## DEVELOPMENT MANAGEMENT COMMITTEE

2 September 2020

Present: Councillor R Owens (Chair)

Councillor P Baker, Mrs D Clements, Councillor P Harries, Dr M Havard, Dr R Heath-Davies, Mrs S Hoss, Mrs J James, Councillor M James, Mr GA Jones, Councillor P Kidney, Councillor PJ Morgan, Dr RM Plummer, Councillor A Wilcox and Councillor S Yelland

[Councillor M Evans and Councillor M Williams joined the meeting during consideration of the Minutes of the previous meeting [Minute 3 refers]; Councillor K Doolin joined the meeting during consideration of NP/19/0522/FUL [Minute 6(b) refers], however due to technical problems he did not vote on any of the applications; following consideration of NP/19/0512/FUL [Minute 6(a) refers] Mr G Jones suffered intermittent connection problems and did not vote on the remaining items on the agenda].

[Virtual Meeting, 10.00am – 11.50am; 12.00pm – 13.55pm]

### 1. Apologies

There were no apologies for absence, although a number of Members had contacted officers to advise that they were having difficulty in connecting to the meeting.

### 2. Disclosures of interest

The following Member(s)/Officer(s) disclosed an interest in the application(s) and/or matter(s) referred to below:

<b>Application and Reference</b>	<b>Member(s)/Officer(s)</b>	<b>Action taken</b>
Minutes 6(b) below NP/19/0522/FUL – Buttyland Caravan & Camping Park, Manorbier	Councillor M Evans	Withdrew from the meeting while the application was discussed
<i>Minute 6(e) below</i> NP/20/0279/FUL – Apple Tree Gallery, The Ridgeway, Saundersfoot	Councillor P Baker	Remained in the meeting and played a full part in the discussion and voting thereon



### 3. Minutes

The minutes of the meeting held on the 15 July 2020 were presented for confirmation and authentication.

With regard to NP/20/0222/FUL (Minute 6(a) refers) Members asked that it be recorded that with regard to their concerns that the 10m depth of cable on the beach be referenced to a datum point, the developer had explained that they had undertaken a number of surveys to ascertain a suitable depth, and had sought to reassure Members that this would be sufficient for the cables not to be exposed at a future date.

The draft minute with regard to the Appeals (Minute 7) was also queried, however it was confirmed that it reflected the verbal update given on the report presented at the previous meeting in that the appeal had been allowed.

It was **RESOLVED** that the minutes of the meeting held on the 15 July 2020 be confirmed and authenticated subject to the above amendment.

#### **NOTED.**

[Councillor M James tendered his apologies and left the meeting at this juncture]

### 4. Right to speak at Committee

The Chairman informed Members that due notification (prior to the stipulated deadline) had been received from interested parties who wished to exercise their right to speak at the meeting that day. In accordance with the decision of the National Park Authority of 7<sup>th</sup> December 2011, speakers would have 5 minutes to speak (*the interested parties are listed below against their respective application(s), and in the order in which they addressed the Committee*):

<b>Reference number</b>	<b>Proposal</b>	<b>Speaker</b>
NP/19/0522/FUL <i>Minute 6(b) refers</i>	Outline planning permission for 14 affordable housing units. Full planning permission for the change of use of land from 85 tents & tourers to 85 static caravans with associated landscaping, distributor roads and new sewage pumping station – Buttyland Caravan & Camping Park,	Melanie Priestley – Manorbier Community Council



## Manorbier

NP/19/0616/FUL & NP/19/0617/CAC <i>Minute 6(c) and 6(d) refers</i>	Replacement dwelling and ancillary potting shed - Porth Y Rhaw, 22 High Street, Solva, Haverfordwest	Victoria Barker – Solva Community Council Chris Isles - Objector
NP/20/0279/FUL <i>Minute 6(e) refers</i>	Development of Apple Tree Gallery and Penydre/Apple Tree Gallery parking bay. New doorway. Additional windows/roof lights. Partial change of use to residential – Apple Tree Gallery, The Ridgeway, Saundersfoot	Melanie Priestley – Saundersfoot Community Council Maryellen Doyle – Objector on behalf of local residents Jeremy Mannings - Agent

### 5. Members' Duties in Determining Applications

The Solicitor's report summarised the role of the Committee within the planning system, outlining the purpose of the planning system and relevant considerations in decision making, the Authority's duty to carry out sustainable development, Ecological considerations, human rights considerations, the Authority's guidance to members on decision-making in committee and also set out some circumstances where costs might be awarded against the Authority on appeal.

Additionally the Solicitor clarified that ownership and private rights were not a material consideration in the determination of any of the applications before the Committee that day.

One Member wondered whether, under the section on Ecological Considerations, it was worth including a more generic point that as a National Park, the Authority had a more general purpose of conservation. The Solicitor agreed to give the request consideration.

Finally a question was asked regarding progress in adopting the Local Development Plan. The Director of Planning and Park Direction advised that the Authority had previously been unable make progress on this matter due to the difficulties of undertaking the necessary publicity during the Corona Virus lockdown period. However further guidance had now been received and it was hoped a report would be presented to a meeting of the National Park Authority in the near future.

### NOTED



## 6. Report of Planning Applications

The Committee considered the detailed reports of the Development Management Team Leader, together with any updates reported verbally on the day and recorded below. The Committee determined the applications as follows (*the decision reached on each follows the details of the relevant application*):

- (a) REFERENCE: NP/19/0512/FUL  
APPLICANT: Mr J Meyrick  
PROPOSAL: Replacement of authorised residential caravans with linked managers dwelling associated with the adjacent holiday let units  
LOCATION: Manor Farm, Lydstep, Tenby

It was reported that this application was before the Committee as the officer recommendation differed to that of the Community Council, and at the request of the Chair following consultation through the extended scheme of delegation.

The site was an existing group of buildings on the northern edge of Lydstep. The complex contained the main farmhouse and linked outbuilding conversion, both of which had permission to be used as holiday lets. To the rear and the western side of the farmhouse was a range of undeveloped outbuildings which were subject of a planning permission for conversion to further holiday lets.

The application was for the erection of a single managers dwelling at the property to replace two static caravans – one used for full residential purposes between Easter and October and then for holiday let purposes, the other for ancillary storage. This would be linked to the holiday lets.

Within both LDP 1 and LDP 2 Lydstep lay outside any Centre boundary, and the application therefore fell in the countryside for policy consideration. However the site of development was considered to amount to a rounding off of the built form on land that had already been development. The site had a partial residential use through the siting of the residential / holiday accommodation caravan. Therefore on balance, subject to a requirement to remove the existing caravans and a condition limiting occupancy to a manager of the business, it was considered that a dwelling in this location was acceptable in principle.

Manorbier Community Council had objected on the grounds of highway safety, and their concerns had been carefully considered. However for matters concerning highway safety, officers would defer to the advice of the Highway Authority, which had recommended conditional consent. In



the absence of evidence to contradict their advice, the proposal was considered acceptable in terms of highway safety.

Notwithstanding the objection raised, based upon the existing permission for the residential use of the site, the proposed development was considered to be acceptable, and was not considered to have an adverse impact on the host dwelling or the special qualities of the National Park in terms of its scale, siting and design. It was also considered to be acceptable in terms of neighbouring amenity and other issues and as such it was recommended that the application be delegated to officers to grant permission subject to the submission of a section 106 agreement tying the managers accommodation to the farmhouse and holiday lets at Manor Farm and requiring the removal of caravans, and conditions as set out in the report.

It was reported at the meeting that officers would like to add a biodiversity enhancement condition to those already listed. Members supported this addition, hoping that maintenance of the hedgerow and increasing biodiversity at the site would be beneficial.

Members asked whether the dwelling could be sold on the open market if Members were minded to approve the application, and the Director of Planning and Park Direction reassured them that a Section 106 Agreement would be sought prior to granting permission to tie the proposed dwelling to the holiday let properties. Permission would have to be sought to remove that condition before the dwelling could be sold on the open market. It was also questioned why the dwelling was not a single storey property and one Member believed this was out of proportion to other properties. Officers replied that the application could only be determined as submitted, and it was a matter of planning judgement whether the proposed dwelling was appropriate to its context.

Concern was also expressed regarding the access onto the highway given that there was a nasty bend in the vicinity and it was suggested that traffic calming measures might help. Officers replied that the Highway Authority had been consulted but had raised no objection, however Councillor P Baker, who was the Cabinet Member at Pembrokeshire County Council (PCC) with responsibility for Infrastructure, Licensing and Major Events agreed to ask PCC officers there to explore the possibility of putting these in place.

**DECISION: That the application be delegated to Team Leader Development Management/Director of Planning & Park Direction/Chief Executive to grant permission subject to the submission of a legal agreement, tying the managers accommodation to the farmhouse and holiday lets at Manor Farm**



**and requiring the removal of caravans, within 3 months of the date of the resolution to approve the application. If the legal agreement was not forthcoming the application would be refused as it was contrary to Policy 7 & 44 of the LDP. The application would also be subject to conditions relating to timing of development, accordance with plans and documents, occupancy condition, parking, archaeology, lighting, approval of materials, removal of the caravans, removal of permitted development rights and biodiversity enhancement.**

*[Councillor M Evans disclosed a prejudicial interest in the following application and withdrew from the meeting.]*

- (b) REFERENCE: NP/19/0522/FUL  
APPLICANT: Mr D Brown & ATEB  
PROPOSAL: Outline planning permission for 14 affordable housing units. Full planning permission for the change of use of land from 85 tents & tourers to 85 static caravans with associated landscaping, distributor roads and new sewage pumping station  
LOCATION: Buttyland Caravan & Camping Park, Manorbier, Tenby

It was reported that the application site was a long established caravan site located on the road running towards Manorbier Station. The caravan site area straddled the Rural Centre boundary as defined by Policy 6 of Local Development Plan (LDP) 1, with the eastern part of the site (the caravan and camping site) falling in the open countryside.

It was noted that this was a hybrid application, that is one that sought outline planning permission for one part and full planning permission for another part of the same site. The application was reported to the Committee as the officer recommendation of approval was contrary to the views of the Community Council. The application was also classed as a major development and had received third party objections. The material objections received were summarised and addressed in the report before the Committee.

In considering the principle of development, it was reported that the area of the site within the centre boundary for Manorbier Station had been allocated in LDP1 for mixed use to allow for a possible extension to Manorbier School, however this was no longer required. It was therefore considered appropriate to use the entire allocation for residential development, subject to the usual matters of layout, design, access, etc which would be considered in future reserved matters application(s).



The remainder of the application site, outside the Centre boundary, was currently used as a camping and caravanning site which had increased in size incrementally. The visual impact of the site locally was significant in views from the north. The proposal was to amend the type of caravans on the site from touring and tent pitches to static pitches. The Authority had permitted such a change on other sites where the number of overall units had been reduced or where environmental improvements had been made to help reduce the overall impact of the site. It was noted that much improved landscaping proposals had been submitted as part of the current application which would help to mitigate and enhance the overall environmental visual impact of the development when viewed from within the site and surrounding landscape. Therefore the proposal, including the improved landscaping and removal of two market dwellings from the site, was considered to be compatible with the policies of LDP1.

The Inspector's Report on the soundness of LDP2 had been received on 13 May 2020. The findings in the report were binding on the Authority and although not yet formally adopted, the policies in LDP2 had now become a material consideration of significant weight. The site was no longer allocated for residential use and had been taken out of the Centre boundary for Manorbier Station. However Policy 7, as amended by MAC15 set out the types of development that might be permitted in the countryside and this included the release of land adjoining centres for affordable housing to meet an identified local need. It was reported that the proposal, including the improved landscaping and the removal of the two market dwellings from the site was considered to be compatible with the policies of LDP2. Delivery of affordable housing was a priority of the Authority and certainty of delivery would be assisted by means of a S106 Agreement to ensure early and appropriate transfer of the housing site to a housing association.

Turning to visual amenity and the special qualities of the National Park, Natural Resources Wales (NRW) had advised that the site was of high sensitivity, lying as it did within the National Park and comprising open fields and hedgerows, though with touring caravans and tents during the summer months. This would change to permanent housing and static caravans, roads and hard surfacing. It was considered that the impact on the site would be major / moderate adverse, reducing with time as landscape mitigation took effect. The applicant had submitted an amended landscaping scheme in order to provide mitigation against the visual impact of the proposed 85 static caravans. While the site boundaries comprised hedgebanks with lots of trees which were mainly to be retained, many of the boundaries were thin with lots of gaps and provided very little screening in the winter months. Officers considered that the amended scheme provided sufficient landscaping to mitigate and enhance the existing visual situation. NRW were content with the



landscaping proposed and its impact on the surrounding landscape and were content that it fully addressed the previous concerns raised. Planning conditions would also be imposed on any permission granted to control other elements of the scheme.

Notwithstanding the objections received, following consideration of the policies contained within LDP1 and LDP2 and National Planning Policy, the development was considered to be in keeping with their aims in that the development would conserve and enhance the existing character of the site and the special qualities of this area of the National Park. As such, and subject to a S106 Agreement to secure the transfer and delivery of the 14 affordable housing units and to revoke any other consents or lawful uses on this site, together with a schedule of suitable conditions to control the development, the application was considered to be acceptable and it was recommended that it be delegated to officers to grant part outline and part full planning permission.

Noting that the application had been recommended for refusal in the report to the postponed meeting of the Development Management Committee in March 2020, one Member asked what had caused officers to change their recommendation to one of approval. The officer replied that in the intervening months the applicant had addressed the principal concerns set out in the report i.e. that of landscaping. As a result of the Authority's receipt of the Inspector's Report into LDP2 which removed the land allocation, the two full market dwellings previously proposed had also been removed from the current application. The delay in bringing the application to the Committee had been caused by the need to re-advertise it due to the amendments made and additional information

Members sought clarification on a number of points, including the reference to cladding of the caravans, which officers explained referred to the custom made metal casing of the caravan. Concern was expressed that other colours could be introduced over time as caravans were replaced; also that the size of the caravans could lead to quite a lot of cars being present on the site when it was fully occupied.

While Members were pleased to learn of the scheme of biodiversity enhancement, a question was asked regarding ongoing maintenance. The officer replied that this would be included in the scheme of landscaping which would be maintained in the longer term by being linked to the S106 Agreement.

Members asked about occupancy of the caravans and were advised that the standard condition suggested by Welsh Government allowed for occupation of the caravans for 52 weeks of the year, but not as a primary residence. The Member noted that this could lead to an increase in traffic





throughout the year. The officer advised that the Highway Authority had been consulted and it did not consider that there would be increase in traffic movements as the change from static from tourers would result in only vehicles, not caravans, would be being moved.

Turning to the affordable housing, one Member noted that the dwellings were on a small footprint. Officers replied that the application had been submitted jointly by Mr Brown and ATEB, who would be providing the housing which would be to design quality standards. However the affordable housing element of the application was in outline and therefore indicative only and all matters would be reconsidered when Reserved Matters application(s) were submitted. It was at this stage that the Secured by Design Standard would be implemented, which aimed to design estates in such a way as to minimise anti-social behaviour and improve amenity. Officers also clarified that the application could only be determined as a whole and that the caravans and the housing would either both be approved or refused.

Melanie Priestly, Clerk to Manorbier Community Council then addressed the Committee. She noted that there had been numerous applications and amendments on this site in recent years and believed that there had been a lack of respect for the plans and conditions imposed on previous permissions as evidenced by the need for enforcement and contravention notices. Previous applications had also been recommended for refusal by the Highway Authority due to the access, and this was the Community Council's main concern. She noted that the road served the school, the Country Park, Garden Centre and a site with permission for 20 affordable houses; it was also used by agricultural vehicles. The road was narrow, with no pavements for those walking, and it continued past the site to an unmanned level crossing. The access was on a bend in the road which hampered the visibility of those leaving the site; given that each caravan had two designated parking spaces, there could be an additional 120 cars using it. A traffic order had been enacted in March 2019 resulting in double yellow lines being painted on the road between the school and the junction with the main road. Concern was also expressed that additional traffic could be generated if the Clubhouse was open to the public, and that those leaving late at night would disturb the amenity of neighbouring properties. The proposed pumping station would also disturb the peace and tranquillity of the area and the community was also opposed to the loss of hedgerow that would result from its building. She stated that the Community Council would like the application to be refused due to the impact on the safety of a busy road adjacent to a school; the impact on the landscape; the danger of setting a precedent for more camping sites in the village and fears that the caravans could be used as permanent residences.



One Member expressed grave concerns over the road and proposed that the application be deferred to allow the Committee to visit the site.

**DECISION: That the application be deferred and a Site Inspection carried out.**

*[The Meeting was adjourned between 11.50am and 12.00pm]*

- (c) REFERENCE: NP/19/0616/FUL  
APPLICANT: Mr & Mrs Silvester  
PROPOSAL: Replacement dwelling and ancillary potting shed  
LOCATION: Porth Y Rhaw, 22 High Street, Solva

It was reported that the application was before the Committee as the officer recommendation of approval was contrary to the views of the Community Council and at the request of the Chair through the extended delegation scheme.

The property in question formed part of a terrace of cottages which lay within the local centre of Solva and within the Conservation Area. The cottage was in existence by 1838 but was extensively altered during the late C20 such that very little of the historic form and character of the property remained apparent. An application for Conservation Area consent was also before the Committee for consideration (*Minute 6(d) refers*).

The proposal for demolition and rebuilding of this mid-terrace residential dwelling was considered to be acceptable in principle, maintaining the special qualities of the National Park when viewed from the immediate and wider landscape and meeting the policies set out in the Local Development Plan 1 and Local Development Plan 2 as amended by the Matters Arising Changes received from the Inspector.

It was reported that correspondence had been received, including that from Solva Community Council, indicating that the proposed scheme had an unacceptable design, scale and height. However officers considered the amended scheme to be appropriate for the site and would also enhance the character of the terrace. The current design would address the previous unfortunate alterations that had resulted in a disjointed appearance when compared to the other properties along the eastern side. The small increase in height was not considered to detract from the historic appearance of the terrace as at its western end there was a full height two storey dwelling and the small increase would assist in bridging this large step up in height. Whilst initially the proposed fenestration materials had raised some concerns, these had been amended to include



timber painted windows and door to the front elevation which addressed this matter.

Correspondence had also been received which indicated that the proposed scheme would result in the loss of privacy, light/overshadowing and that the ancillary structure had the possibility of being used as additional accommodation. However officers considered that, given the nature of the current proposal, privacy and amenity of neighbours would be protected along with the character, light and amenity of the site and the surrounding area. The use of potting shed would be restricted by condition to prevent any overnight accommodation together with one ensuring that the fenestration controls were maintained in perpetuity.

Other concerns addressed in the report included highway safety and access and landscaping. The Highway Authority had indicated that there should be no traffic problems on the adjacent A487 road during demolition and construction as there was an alternative access which would assist within bringing in and taking away materials. While there would be some limitations to vehicular traffic, this would be limited to the short demolition for safety reasons and was considered appropriate. The proposed replacement of the rear boundary hedge with a timber fence was not considered to result in any significant adverse impact to the overall character of the area.

In conclusion, following consideration of the policies contained within Local Development Plans 1 and 2 and National Planning Policy and having regard to all material consideration, officers considered that the development offered an opportunity to demolish the existing dwelling and provide a replacement with a sustainable design that provided modern living accommodation. The development would conserve and enhance the existing character of the site and the special qualities of this area of the National Park. As such, and subject to a schedule of suitable conditions to control the development, the recommendation was one of approval.

Members asked questions regarding the height of the front of the property and were advised that the proposal was 600-700mm higher than existing. It was estimated that the extension and proposed decking at the rear would be between 4 and 4.5m beyond neighbouring properties. An assessment of the light/overshadowing likely to result from the rear extension was included in the report.

With regard to the effect of noise/dust on neighbouring properties, the officer advised that a construction method statement had been submitted as part of the application which detailed how the existing dwelling would be demolished.



The first of two speakers was Victoria Barker from Solva Community Council (SCC). She noted that their objections were set out in the report, however she wished to emphasise that their main concern was the size of the property and in particular the rear extension. She stated that this was not a big plot, however the proposal was for an estimated 50% increase in the size of the dwelling. SCC understood that increases of up to 30% were acceptable and this was considerable larger. She stated that while the plans looked good on paper, and would be ideal for a detached dwelling on a larger plot, SCC believed it would be overbearing for neighbours in this terrace and the proposed dwelling was too big for the site in its current form. The application tried to fit a large modern build into a small, older terrace. Concern was expressed regarding the proposed floor to ceiling window at first floor level which would cause overlooking such that no amount of raised hedges could combat it. SCC believed that there was room at the rear of the property for an extension – the current single storey kitchen could be extended both upwards and outwards, however an extension of 4.5m was too much and would be detrimental to the terrace as a whole. There was also a danger of setting a precedent for other buildings in the area and this could lead to overbuilding.

Ms Barker stated that the building dated to 1820 which was old enough for Solva, and it mattered. Referring to the statement in the report that “the property had been significantly altered in the twentieth Century and very little of its historic form was apparent”, even so, the building sat harmoniously in the terrace. She disagreed that the rear extension was low impact and believed it would have a high impact on the surrounding properties. Concluding, it was stated that the Community Council did not object to development of the site and believed there was scope for a considerable extension, which could be modern in design, which would make the property better to live in, however what was proposed was too great. She understood that the applicants were not willing to compromise on this matter. Therefore she asked that the application be rejected and a revised plan be developed that was more in keeping with the terrace, as the consequences of a decision to approve the application would last a long time.

One Member sought clarification on the issue of overlooking and Ms Barker advised that as the gardens were long and thin, there would be overlooking of the further parts of adjacent gardens.

The second speaker was Mr Chris Isles. He thanked officers for addressing a number of the points he had raised, including the placing of a restriction on the potting shed to prevent overnight accommodation. However he stated that many other concerns remained. He was



concerned about the impact on his privacy and also access to light; with regard to the latter it seemed that consideration had been given to loss of light on the horizontal plain, but not to the vertical plain, and he believed there would be an impact on his kitchen/dining area. The doubling in size of the property was a major concern, with the back extending 4.5m; he understood that as a property in the Conservation Area in a National Park, the extension should not extend more than 3m beyond the wall. He was also concerned about the proposed chimney which appeared to be solely on his neighbours' roof, however he acknowledged that this was a Party Wall issue and he would follow it up outside of the meeting. While he agreed that the previous alterations were unfortunate, he disagreed that the proposal would conserve the character of this part of Solva and believed they would start a worrying trend for similar building along the terrace. He stated that there was a groundswell of opinion against the proposals, and that if the National Park Authority wished to retain any credibility in the Conservation Area it needed to reconsider whether this development conserved and maintained the history of this terrace.

Mr Isles was asked the source of his statement that extensions should not be greater than 3m, however he was unable to provide this. Officers were not aware of any such provision.

Members asked about the visibility of the back of the property from other dwellings in the surrounding area and the officer advised that the terrace was quite low in the landscape and properties were set well back from the road to the rear. Nevertheless Members believed that a site visit to this sensitive part of Solva would be helpful.

**DECISION: That the application be deferred to allow the Committee to visit the site.**

- (d) REFERENCE: NP/19/0617/CAC  
APPLICANT: Mr & Mrs Silvester  
PROPOSAL: Replacement dwelling and ancillary potting shed  
LOCATION: Porth Y Rhaw, 22 High Street, Solva

It was reported that the application was before the Committee as the officer recommendation of approval was contrary to the views of the Community Council.

The property in question formed part of a terrace of cottages which lay within the local centre of Solva and within the Conservation Area. The cottage was in existence by 1838 but was extensively altered during the late C20 such that very little of the historic form and character of the property remained apparent.



This was an application for conservation area consent for the demolition of an existing dwelling in order to allow a proposal for a replacement dwelling and ancillary potting shed under NP/19/0616. Such consent was required for the demolition of a building over 115 cubic metres. The application for Planning Permission had been deferred by the Committee earlier in the meeting (*Minute 6(c) refers*) in order that a site visit could be undertaken.

**DECISION: That the application be deferred to allow the Committee to visit the site.**

[Councillor Mrs D Clements tendered her apologies and left the meeting prior to the vote being taken on the following application.]

- (e) REFERENCE: NP/20/0279/FUL  
APPLICANT: Mr & Mrs D & Y Mannings  
PROPOSAL: Development of Apple Tree Gallery and Penydre/Apple Tree Gallery parking bay. New doorway. Additional window/rooflights. Partial change of use to residential  
LOCATION: Apply Tree Gallery, The Ridgeway, Saundersfoot

The application was reported to the Committee as the recommendation was contrary to the recommendation of refusal by Saundersfoot Community Council and was referred at the discretion of the Director of Planning and Park Direction.

It was reported that permission was sought for extension, alteration and change of use of the property known as Apple Tree Gallery, Saundersfoot. The material change of use proposed was to include living accommodation within the building but to retain the use of part of the building as a gallery. The application had been considered on the basis that the living accommodation proposed would form an annex to the adjoining property known as Pen-y-Dre, which was in the same ownership, and would not form a separate unit of accommodation.

An extension was proposed on the east elevation of the building, on a site that it was understood to have previously been occupied by a garage. New openings were also proposed in the existing building. Alterations were also proposed to the wall to Pen-y-Dre which it was proposed to demolish and move approximately 2.5m to the east to allow for an improvement to the current parking area.

Twenty seven representations had been received objecting to the proposal and these were set out in the report, together with the officers' response where appropriate.



A previous application had been the subject of an appeal against non-determination, however this appeal had been dismissed.

Notwithstanding the objections raised, the proposal was for the change of use to a part ancillary residential use of the building from a gallery; this was considered acceptable in principle. Alterations and an extension to the building were considered to have an acceptable impact on the character of the building and would preserve or enhance the character of this part of the conservation area. The recommendation was therefore one of approval subject to conditions as set out in the report.

It was reported at the meeting that four roof lights were proposed, not seven as stated in the report.

There were three speakers listed, however Saundersfoot Community Council, who were present, informed the Committee that they did not wish to make representations at this time.

The second speaker was Maryellen Doyle who was speaking on behalf of residents opposed to the application. Their biggest issue was with the door as she contended that the applicant did not have permission to access the private lane from it. She noted that there had previously been a door to the northern elevation and stated that this should be re-used. The private lane served 21 properties and she believed that it would be dangerous for people to exit onto the lane which she described as hazardous at the best of times. She noted that the Solicitor's report had referred to the rights of landowners and she asked that Members take into consideration the rights of the owners of the private lane and also matters relating to highways, loss of privacy, layout and design as well as the provisions of the Human Rights Act. The second issue was that sewerage from the property came into a neighbouring garden through a grate and she requested that this matter be addressed as a matter of urgency. The third issue related to the proposed rooflights in the eastern elevation. She stated that there were already three windows to the eastern elevation and these overlooked neighbouring properties. She stated that this had not been an issue when the property was used commercially, but now that a residential use was proposed, overlooking would be a problem. She concluded by saying that residents were not concerned with the inside of the property, as long as the work complied with building regulations.

The third speaker was the agent, Jeremy Mannings. He believed that the main word in determining the application was balance, with all elements of the Local Development Plan taken into consideration. He stated that he was pleased with the doorway, however others disagreed and everyone was subject to bias. However he noted that there was expert



opinion in that the design of the doorway had been approved by the Planning Inspectorate, which was a material consideration. Also the report stated that it preserved and enhanced the Conservation Area. Mr Mannings went on to say that the building had planning permission for residential use when it had been purchased, however it had been used for public amenity as an art gallery which provided a visitor attraction and preserved the architectural legacy. He believed the building enhanced the area and contributed to the vitality of the historic village centre as well as integrating the arts and preserving skills in the area. He stated that it was also a material consideration that he was reliant on making a success of the business and that in order to do that it needed a public doorway that was visible. He stated that by using the doorway he would not be trespassing as the deeds stated he had access rights. He concluded by saying that he intended to continue to run the gallery, with only a modest portion used for accommodation, however the building needed to be adapted to allow its owners to gain access.

One Member asked whether consideration had been given to re-opening the original doorway and Mr Mannings replied that he had, however he believed that people would feel invited into the building by seeing the doorway in advance rather than coming upon it suddenly and this would improve footfall to, and sustainability of, the building. He was also asked about access to the first floor space as this appeared to be via the residential accommodation. Mr Mannings replied that a commercial studio area would be retained, however the public could be invited into it via the private area in order to attend classes.

The Solicitor clarified that with regard to concerns about the door, issues of highway safety such as people walking out of the door into the path of traffic were planning matters, however any questions about whether those persons would be trespassing was a civil matter and not material to this application.

Another Member asked about Saundersfoot Community Council's concerns, as they had declined to speak. The officer replied that these included the door opening onto private property and whether there would be steps or ramps placed outside; the partly retrospective nature of the application; the proposed materials to be used in the conservation area; protection of the special qualities of the National Park; that the development did not enhance the Conservation Area; the alterations to the fenestration; concern that the a separate dwelling would be created; concern regarding parking close to the road junction; and highlighting correspondence received from neighbours and users of the lane and the potential for conflict with those parties.





In response to a question regarding overlooking, officers advised that as neighbouring properties were already overlooked by windows, the additional rooflights were not considered to exacerbate the situation sufficiently to refuse permission. It was also noted that the location of the door had been considered by the Inspector at appeal and he had not considered it to be a problem. The Highway Authority had also been consulted and had raised no objection. With regard to the issue of sewerage, Welsh Water had been consulted on the application and were happy; it was noted that drainage from the site would be covered by building control regulations.

While happy to support the continued use of the gallery, Members remained concerned about the door, and as officers had advised that a decision on the application could not be split with some elements receiving permission and others not, it was proposed that the application be refused. The reasons given were traffic safety, overlooking, loss of amenity, wellbeing of the neighbourhood and community cohesion going forward (residential amenity) . It was hoped that discussions could continue with the applicant/agent to find an acceptable solution.

The Solicitor reminded Members of the applicant's rights of appeal, referring them to paragraphs 14 and 15 of his report regarding circumstances where payment of costs might arise. Thanking the Solicitor, the Chair replied that the Committee did not take decisions lightly.

#### **DECISION:**

**That the application be refused for the following reasons:**

- 1) The proposed roof lights on the east elevation, by virtue of their siting and design will result in overlooking of the rear elevations and private amenity spaces of neighbouring properties along Milford Terrace, to the detriment of the residential amenities of the area , contrary to Policy 30 of the LDP and PPW.**
  - 2) The insertion of the door on the west elevation results is a harmful impact on highway safety, affecting the free flow of traffic along the Ridgeway and introducing pedestrian conflict on the private road to the east of the Apple Tree Gallery. This is contrary to policy 53 of the LDP and results in an adverse impact on highway safety and residential amenity of the immediate area, contrary to Policy 30 of the LDP.**
- 7. EC19/0020 – Land adjacent to Castle Hill, Newport**  
It was reported that an Enforcement Notice had been issued by the Authority on 15<sup>th</sup> July 2019 relating to the material change of use of land



from agriculture to a mixed use for agriculture and residential by the siting and use of two caravans to provide living accommodation and the storage of a camper van.

As the development had been used for human habitation the report also considered the rights of the occupier(s) under the Human Rights Act 1998 and in particular the rights under Article 8 to the respect for private and family life.

An appeal had been made against the serving of the Enforcement Notice but this was dismissed by the Planning Inspectorate in their decision dated 4<sup>th</sup> December 2019. Following the appellant's unsuccessful appeal against the Enforcement Notice they then proceeded to seek to judicially review the Planning Inspectors decision in the High Court but permission was refused by the High Court on 21<sup>st</sup> January 2020.

The period for complying with the Enforcement Notice had now expired, and at the time of writing the report the Enforcement Notice had not been complied with. Authorisation was therefore sought for officers to instruct solicitors to commence prosecution proceedings in the Magistrates Court for non-compliance with the Enforcement Notice.

It was noted at the meeting that the camper van had been removed, however the two caravans remained. One caravan could remain on site to provide shelter for those working the land, as long as it was not used for residential purposes.

Prior to the meeting, Members had received a letter from the landowner which indicated that one caravan would be removed at the end of September. It was therefore proposed that the officer recommendation be amended to authorise officers to instruct Solicitors to commence prosecution proceedings in the Magistrates Court for non-compliance with the Enforcement Notice if the caravan had not been removed by the end of the month.

**DECISION: That the Chief Executive / Director of Planning and Park Direction / Development Management Team Leader be authorised to instruct Solicitors to commence prosecution proceedings in the Magistrates Court for non-compliance with the Enforcement Notice if the caravan had not been removed by the end of September 2020.**

**8. NP/20/0284/TPO – Works to trees – Beachbank, Freshwater East, Pembroke**

This application was referred to the Committee for determination as the application was made on land in which the Authority had an interest as landowner.



The application sought consent to reduce the height of a stand of ash and sycamore trees that were partially located on PCNPA land. The trees were all protected by Tree Preservation Order No. TPO 18 (W3).

It was reported that the proposed works were to reduce the exposure of the trees through a reduction in height, which would retain the features and alleviate the exposure to reduce the trees in question to a similar height to that of the adjacent woodland canopy. The proposed works were considered to follow good arboricultural management and would improve the health of the trees and the recommendation was one of approval subject to conditions.

**DECISION: That the application be approved subject to conditions relating to timing of the work and accordance with the approved tree location plan.**

