

Development Management Committee

26 January 2022

Present: Councillor R Owens (Chair)

Mrs D Clements, Councillor K Doolin, Councillor P Harries, Dr M Havard, Dr R Heath-Davies, Mrs S Hoss, Mrs J James, Councillor M James, Councillor P Kidney, Councillor PJ Morgan, Dr RM Plummer, Councillor M Williams and Councillor S Yelland

[Mr GA Jones joined the meeting prior to consideration of the minutes (Minute 3) refers) and Councillor A Wilcox joined the meeting during consideration of application NP/21/0591/TPO (Minute 6a) refers]]

[Virtual Meeting: 10.00am – 11.30am; 11.45am – 12.45pm]

1. Apologies

Apologies for absence were received from Councillor P Baker BEM and Councillor M Evans.

2. Disclosures of interest

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

Application and Reference	Member(s)/Officer(s)	Action taken
Minute 6(a)below NP/21/0591/TPO - Works to trees at TPO133 – Land at Middlekilns Road, Herbrandston	Councillor R Owens	Disclosed a personal interest only and remained in the meeting, playing a full part in the discussions and voting
Minute 6(b) NP/21/0133/FUL - Rebuild, increase in floor level and roof height and alternative front & rear disable access - Sands Cafe, Newgale	Councillor D Clements Dr R Plummer	Disclosed a personal interest only and remained in the meeting, playing a full part in the discussions and voting

3. Minutes

The minutes of the meetings held on the 8 December 2021 and 10 January 2022 were presented for confirmation and authentication.



Referring to the final paragraph of Page 5 of the minutes of the meeting held on 8 December 2021 (NP/21/0651/FUL), a Member asked that the words “to the client” be added to the sentence “however a new building would have many more benefits”.

It was **RESOLVED** that the minutes of the meeting held on the 10 January 2022 be confirmed and authenticated and that the minutes of the meeting held on 8 December 2021 be confirmed and authenticated subject to the above amendment.

NOTED.

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 7th December 2011, amended 16 June 2021, speakers would have 5 minutes to speak unless they had spoken on the same application previously when they would have 3 minutes in which to present new information (*the interested parties are listed below against their respective application(s), and in the order in which they addressed the Committee*):

Reference number	Proposal	Speaker
NP/21/0591/TPO <i>Minute 6(a) refers</i>	Works to trees at TPO133 – Land at Middlekilns Road, Herbrandston	Henry Lloyd – Objector
NP/21/0133/FUL <i>Minute 6(b) refers</i>	Rebuild, increase in floor level and roof height and alternative front & rear disable access - Sands Cafe, Newgale	Mark Carter - Objector Bruce Sanderson - Applicant
NP/21/0508/FUL <i>Minute 6(d) refers</i>	Erection of a dwelling – Dandre, Feidr Ganol, Newport	John Griffiths – Newport Town Council

5. Members’ Duties in Determining Applications

The Solicitor’s report summarised the role of the Committee within the planning system, with particular focus on the purposes and duty of the National Park. It went on to outline the purpose of the planning system and relevant considerations in decision making, the Authority’s duty to carry out sustainable development, ecological considerations which



included the role of the Environment Wales Act 2016, 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.

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*):

The Chair advised that the final application on the agenda – NP/21/0591/TPO would be considered first, as the speaker had another commitment later in the morning.

- (a) REFERENCE: NP/21/0591/TPO
APPLICANT: Mr & Mrs Cristafaro
PROPOSAL: Works to trees at TPO133
LOCATION: Land at Middlekilns Road, Herbrandston, Milford Haven, Pembrokeshire, SA73 3TE

[As the Chair had disclosed an interest in this application, the Deputy Chair, Dr M Havard, took the Chair for this item.]

It was reported that TPO133 related to an area of woodland containing a Grade II listed limekiln thought to have been constructed c1800 as well as other walls and structures from the inter-war period that did not appear to be part of the direct listing. The application sought to remove or coppice various specimens, some of which were growing directly from the limekiln masonry.

Herbrandston Community Council had objected to the application and two letters of objection had also been received, with the issues raised summarised in the report.

Officers considered that removal of some of the trees was justified as their retention was detrimental to the protection of the listed limekiln. Others were failed specimens and the works could be interpreted as meeting the Dead, Dying and Dangerous (DDD) exemption. However removal of other trees was not justified at the current time in terms of management of the woodland or for reasons of health and safety. The recommendation was therefore one of partial approval and refusal subject to a condition relating to the timing of the work, and also to an additional condition



detailed at the meeting requiring a method statement for the work to be undertaken around the limekiln.

A Member asked a question regarding the removal of deadwood from woodland, and the Tree and Landscape Officer stated that an Advisory Note would be added to any approval to the effect that deadwood should be left to maintain biodiversity where possible, however due to the site's proximity to the estuary, this would be at the discretion of the landowner, to minimise the danger of flooding caused by deadwood being carried downstream.

There was one speaker, Mr Henry Lloyd, who believed that the application was a request for the Authority to make a 'U' turn and remove a TPO on an area of woodland. He described this woodland as an integral part of the woodland margin on the shores of Sandy Haven Estuary, and a vital and natural asset which stood shoulder to shoulder with the best saltmarsh in the UK. He stated that there had been no significant development in the area around Sandy Haven footbridge for well over 100 years and it formed a varied and unique wildlife sanctuary providing vital and sustainable habitat for both native and migratory species. The area was of national importance, having been designated as a Special Area of Conservation, over and above the Site of Special Scientific Interest that protected the Milford Haven Waterway. He believed that protection of that habitat was of paramount importance to the protection and preservation of world wildlife.

Mr Lloyd went on to explain that the Herbrandston community had been made aware of a potential threat to the woodland in 2015 and had succeeded in getting a permanent Preservation Order in 2017, providing long term protection for the whole of the woodland perceived to be under threat of destruction and clearance. The land was offered for sale in 2021 and a realistic bid to purchase it and secure and protect its function was submitted, however this was beaten by one from a developer, whose aspirations were before the Committee. Mr Lloyd did not believe there was any justifiable reason to overturn any of the protection provided by the TPO. He stated that world wildlife had never been under such threat from development by mankind and had to be preserved. Therefore he believed that Members' response to the proposal must be a unanimous refusal, and that should there be a future application for the restoration of the limekiln, only then should the removal, by hand, of specified amounts of growth that had established itself on the stonework and masonry be permitted, and this under the guidance of a suitably qualified and experienced architect. Otherwise he urged that it be left alone.

Commending Mr Lloyd for his passion, which he knew was echoed by others in Herbrandston, one Member agreed that he saw no need for the



woodland to be touched at all, and described the sea creek as a jewel in the crown of the National Park. He proposed a site visit and this was seconded.

In response to a question, the Director of Planning and Park Direction noted that protection of a listed building was the responsibility of the landowner, although the Authority could serve a notice on a building that it considered to be at risk. However she added that the type of work proposed was considered to be good practice. Another Member commented that if the growth within the limekiln was not addressed, the limekiln would be destroyed and hoped that this could be done carefully and considerately. The officer recommendation was moved and seconded.

There then followed a procedural discussion, when officers concluded that a vote on the motion to undertake a site visit be taken before that proposing the officer recommendation as the latter would negate the former.

DECISION: That the application be deferred to allow a site visit to be undertaken.

[Mrs S Hoss tendered her apologies and left the meeting during consideration of the following application]

- (b) REFERENCE: NP/21/0133/FUL
APPLICANT: Mr B Sanderson
PROPOSAL: Rebuild, increase in floor level and roof height and alternative front & rear disabled access (partially retrospective)
LOCATION: Sands Cafe, Newgale, Haverfordwest, Pembrokeshire, SA62 6AS

It was reported that this application for a rebuild and remodelling of this property included increases in floor and ridge heights (part retrospective) as well as alterations to access and entrances, fenestration, external finishes, addition of rooflights, mechanical vents and a rear canopy, also enlargement of the outdoor customer seating areas. It was before the Committee as Brawdy Community Council had objected to the application due to accuracy of plans, public safety and impact on neighbouring properties.

The site was located within the Rural Centre boundary for Newgale, also the Newgale Coastal Change Management Area and a C2 flood zone. It was widely known that the coastal defences at Newgale were predicted to



fail in the short-term with the shingle bank migrating inland affecting several properties and businesses. A Flood Risk to Life Mitigation Report had been submitted as part of the application and this declared that there would be no increased threat to life or property as there would be no intensification of the current use at the site as a result of the development, and that the raising of the slab and terraces would sufficiently mitigate the risk of inundation. With no specific objection being raised to the scheme by NRW, The Coastal Change Engineer or the Emergency Planning Team in this regard, and as the A3 café use was deemed a suitable low-risk use within the C2 flood zone, the proposal was considered to comply with policies 34 and 35 of LDP2.

Officers had also considered issues of design, amenity, privacy and overlooking, and, subject to conditions, did not consider that the development would cause an adverse impact on the privacy or amenity of neighbouring properties to an unacceptable degree. The proposal, in its current form was also considered to accord with Planning Policy Wales 11's fundamental principles of achieving inclusive design for all and equality of access, and now met the Authority's standards on inclusive design. Matters relating to highways and parking, biodiversity, land instability and land drainage could be dealt with through the inclusion of suitably worded conditions or informatives should permission be granted.

In conclusion, officers considered that the scheme represented successful contemporary commercial design within the National Park, and was of a scale, appearance and use which was compatible with the landscape, context and surroundings. As there was considered to be no increased threat to life or property caused by the scheme, and that the raising of the slab and terraces would sufficiently mitigate the risk of inundation, the application therefore could be supported and the recommendation was one of approval.

At the meeting, the officer explained that planning permission for remodelling of the café had been granted in 2018 for a scheme that was similar to the application before the Committee, however it had not been built in accordance with the plans and therefore the current application sought to regularise the development and to make amendments to inclusive access arrangements. The main issue of concern was the raising of the slab level by approximately 0.5m, leading to an increase in the ridge height of the property by just over 0.5m. This caused the obscuring of a window in an adjacent property. The room served by the window was dual aspect, with French doors to the rear, and Members were advised that it was for them to decide if - this degree of obscuring was acceptable.



One Member asked whether there was a diagram which showed the degree of shadow on the neighbouring property that would be caused by the increased roof height. The officer replied that in her opinion, the level of obscuring was minor, however it was clarified that no such diagram had been submitted by the applicant/agent. It was also noted that, apart from the neighbouring property, no representations had been received from other neighbours and due to the distance between them it was not considered that they would suffer any adverse impact; the obscuring of a view was not a material planning consideration. In response to another question, the officer also advised that the Flood Risk Mitigation Report stated that the slab had been raised to bring the building out of the flood area, however she suggested that the applicant might be able to provide further clarification on the reason for doing so. Finally she clarified that there had been no increase in the height of the rear extension, however it was now matched by the increased height of the main building.

The first of two speakers was Mark Carter, who said that, although he was a County Councillor, was before the Committee as a private neighbour to highlight his concerns with the application. He stated that he was in favour of the café being rebuilt in a sensitive manner, however he believed the plans were inaccurate, a 'copy and paste' from the 2018 application which was for a structure 2m lower than that currently built. As the application was partly in retrospect, it was to be assumed that the structure on site was the basis for development and as he did not believe this matched the plans, the structure would not be in accordance with any permission granted; he believed that the officers had worked from the plans rather than the photographs submitted or a site visit.

Mr Carter was pleased to note that the officers' report acknowledged that, in addition to its commercial use, Newgale House also contained a residential flat which was approximately 1m away from the development. In 2019 he had become concerned that the structure was being rebuilt higher than permitted, with the consequence that the upstairs flat's living room window would be blocked by about 60%, leading to a loss of sunlight and amenity. He did not consider this to be minimal. He had suggested to his neighbour that the roof could be lowered or the pitch reduced, however he had been told that this was not possible as the height was needed to accommodate an upstairs seating area and rooflights. He was further concerned that these rooflights would allow overlooking of the flat, and the officer's report had acknowledged this by recommending that the use of the internal mezzanine level be limited to commercial storage and requiring the rooflights to be obscured glazing. Mr Carter therefore asked why the roof now needed to be so high, and suggested that if the level was dropped, the roof would not obscure his window, would also limit the use of the mezzanine level and would look more like a traditional cottage. He had also been told that the girders



currently in place would delineate the maximum height of the building, however he suggested that the addition of purlins, insulation, etc would add at least 300mm to this. Concluding that he believed the application was misleading and the structure was higher in reality than shown by the plans, he suggested that the Committee should visit the site.

The second speaker, the applicant Bruce Sanderson, had a problem with his microphone, therefore the meeting was adjourned for 15 minutes to allow this to be resolved.

Following a short break, Mr Sanderson addressed the Committee. He explained that he had taken over the lease for the café in 2011 and subsequently purchased it in 2014. He had tried to maintain a friendly and welcoming café but soon realised it needed a facelift to make it fit for visitors and local people, and a better place for staff to work. An architect had been engaged and planning permission granted in 2018. The building was over 100 years old and had had many uses; when the builder started work on the building, asbestos was found, one of the gable ends was very weak and had to be taken down and the front (western) elevation was found to be sinking by 6” into the sand. To rectify this, a flat concrete base had to be put in and a ring beam inserted on top of the existing foundations and it was this that had raised the height of the building, although it had always been the intention to raise the height by 10cm. The steelwork was ordered and then an enforcement notice was received to say that too much of the building had been taken down. The architect therefore submitted new plans, and Mr Sanderson stated that they had measured the building and he trusted those measurements. He believed the building as presented was as it was going to be; the builder had been asked to mark the finished height of the building and this was correct, because the rafters and insulation would drop into the RSJ (rolled steel joists), rather than sitting on top of it as suggested by the previous speaker. Mr Sanderson said that he understood the application was before the Committee due to Brawdy Community Council’s recommendation of refusal, however he noted that there was no representation from them, only from Mark Carter who was their Chair; he questioned whether this represented a conflict of interest. He concluded that he wanted only to build a nice café to last for the next 30-40 years.

The Chair confirmed that Mr Carter had said he was speaking as a neighbour and not on behalf of the Community Council.

In response to questions from Members, Mr Sanderson confirmed that the roof timbers would sit within the roof girder. Having viewed the roof from the window in question at Mr Carter’s request, he believed that the window would look across the roof and he was not concerned that there would be a detrimental impact on either view or light, considering the



change to be less than 6%. He also reiterated that the height had been raised due to the introduction of the ring beam, although this also had the benefit of an improvement to the buildings flood defences and a slightly better view.

It was proposed and seconded that the Committee undertake a site visit.

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

- (c) REFERENCE: NP/21/0435/FUL
APPLICANT: Mr & Mrs Platel
PROPOSAL: Retrospective application to Change of use of field to residential curtilage, creation of separate vehicular access through existing field gate to serve dwelling and laying of associated track to form driveway.
LOCATION: Haulfryn, Nine Wells, Solva, Haverfordwest, Pembrokeshire, SA62 6UH

It was reported that this application had been withdrawn.

Noted.

- (d) REFERENCE: NP/21/0508/FUL
APPLICANT: Mrs M Jenkins
PROPOSAL: Erection of a dwelling
LOCATION: Dandre, Feidr Ganol, Newport, Pembrokeshire, SA42 0RR

Members were reminded that this application had been deferred at the previous meeting of the Committee to allow for a site visit to be undertaken (Minute 3 refers); the principle issues raised by third party objectors were highway safety and parking and the impact on views from Feidr Ganol identified in the Conservation Area Statement.

At the meeting, the officer advised that following the correspondence received by Members on 17 January, relating to the impact of the proposals on views, she had reconsulted the Building Conservation Officer, who had advised that as long as a view to the Parrog, rather, than a narrow glimpse, was retained, the principle of a modest dwelling was acceptable, this area being of low intrinsic value to the setting of the Conservation Area. She reminded Members that in planning terms there was no right to a private view, however the loss of a view from a public vantage point was a material consideration. However in this instance the weight to be given to this was not sufficient to warrant a refusal.



Turning to the matter of highway safety and parking, the officer stated that the Highway Authority had been consulted twice and believed that sufficient parking would remain at Dandre with the removal of the car port allowing car parking further into the site. They had advised that this was a 30mph stretch of road and there were no highway safety issues as a result of this proposal. It was also noted that the lowering of the curtilage wall would improve visibility in addition to the ability to glimpse views to the land behind. However the officer stated that the applicant's fall-back position was that a six foot wall could have been erected at the rear of the property, therefore she proposed an additional condition to not allow any fences, gates or walls over 1m high within the curtilages of both Dandre and the new dwelling (this would include the wall to be lowered fronting Feidr Ganol) to be retained as such thereafter. This would protect the Conservation Area in a way it was not protected at present. A Member suggested that the names of the properties be included within the condition for clarity.

Officers considered that the proposed scheme as amended was acceptable in terms of scale, form, use and design. The development would not cause an unacceptably detrimental impact to the special qualities of the National Park and was not considered to cause an unacceptable impact upon privacy or amenity of neighbouring properties. Ecology and landscape features would not be adversely affected by the development. It was noted that the title document for the land was currently being changed, and once this was completed a Unilateral Undertaking would be submitted. Therefore the recommendation was one of delegation to approve, subject to receipt of a completed S106 Agreement in respect of a commuted payment towards affordable housing also subject to conditions as set out in the report and the additional condition proposed at the meeting.

One speaker had registered to speak on this application, John Griffiths from Newport Town Council who, having spoken at the previous meeting, had three minutes in which to address the Committee. He stated that the Town Council had nothing further to add to the points they had made previously.

One Member noted that she had found the site meeting to be helpful, and had particularly noted the small size of the plot. She therefore asked about the guidelines relating to overdevelopment. The officer explained that due to concerns that this was a cramped form of development, the application had been amended since it had first been submitted to increase the amenity area for the property and allow side by side parking and an area for pulling in. She noted that the area consisted of a mix of terraced housing, small and large housing plots, and given this character she did not consider the amended application was inappropriate.



The Solicitor noted that the site plan contained within the papers was for a different property, however the correct plan had been shown on the screen and Members were requested to take note of the correct plan. The officer apologised for this administrative error.

A motion proposing the officer recommendation of delegation to approve subject to the conditions set out in the report and the additional condition proposed at the meeting, and also subject to the receipt of a S106 Agreement was made and this was seconded. One Member did express their doubts over the effect of the development on the special qualities of the National Park and remained concerned about the issue of parking.

DECISION: That the application be delegated to the Director of Planning and Park Direction for approval subject to receipt of a completed S106 Agreement in respect of a commuted payment towards affordable housing and conditions relating to timing of the development, accordance with plans and documents, construction method statement, parking, lighting, biodiversity, surface water drainage and limiting the height of fences, gates or walls within the curtilage of the properties.

[Councillor D Clements tendered her apologies and left the meeting at this juncture]

7. Appeals

The Development Management Team Leader reported on 6 appeals (against planning decisions made by the Authority) that were currently lodged with the Welsh Government, and detailed which stage of the appeal process had been reached to date in every case.

Appeal decisions were attached in respect of NP/19/0678/S73 Ty Gwyn, Marloes and NP/20/0230/FUL Maes Gwenyn, Cilgwyn, Newport which were both allowed and NP/20/0421/OUT Former GWLA Concrete Works, Rear of 89 Nun Street, St Davids which was dismissed.

Members noted that in the appeal regarding Maes Gwenyn, the Inspector had given considerable weight to a landscape and visual appraisal that had not been submitted to the Authority at the time of the decision, and there followed a discussion on the difficult position in which officers were placed when assessing late information. The Solicitor added that it was not possible in Wales to make an amendment to an application once an appeal had been submitted, however further information could be submitted. The Inspector was also placed in a difficult position, as he/she had to take account of everything that was material in reaching their determination.



Members asked that this issue be raised with PEDW (Planning & Environment Decisions Wales), formerly the Planning Inspectorate, and additional guidance sought.

Another Member asked about progress on the ongoing Trewern Farm Appeal which had been lodged in 2018. The Director of Planning and Park Direction advised that additional information in respect of the Habitats Regulation Appropriate Assessment had been received before Christmas and a meeting was awaited with Natural Resources Wales to discuss. PEDW had held the appeal in abeyance for a further 3 months, until March 2022.

NOTED.

<p>The Minutes of this meeting were confirmed at the meeting of the Development Management Committee held on 9 March 2022 without amendment</p>

