

## Development Management Committee

19 April 2023

### Present (In Person)

Dr M Havard (Chair)

Councillor Steve Alderman, Councillor Mrs D Clements, Dr R Heath-Davies, Councillor R Jordan, Councillor M James, Mr GA Jones, Councillor PJ Morgan, Dr RM Plummer, Councillor Mrs S Skyrme-Blackhall, Councillor Mrs M Wiggins, Councillor A Wilcox and Councillor C Williams.

### Present (Remotely)

Councillor Dr SL Hancock, Mrs S Hoss and Mrs J James,

[Llanion Park, Pembroke Dock and Virtually 10.00am – 11.30am;  
11.40am - 12.55pm]

#### 1. **Apologies**

An apology for absence was received from Councillor R Owens.

#### 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>
Minute 6 below – general declaration as an NRW Board Member and Plantlife Trustee	Dr RM Plummer	Remained in the meeting and played a full part in the discussions and voting
<i>Minute 6(a)below NP/21/0593/FUL Demolition of existing building &amp; construction of 34 residential units incorporating class A1/A2/A3 and D2 floorspace at ground level &amp; all associated development – Former Royal Mail Delivery Office, Warren Street, Tenby</i>	Councillor C Williams	Remained in the meeting and played a full part in the discussions and voting



<p><i>Minute 6(c) below NP/22/0684/S73 Variation of condition No's 5 &amp; 6 of NP/21/0431/FUL – Change to closing time &amp; use of rear garden for external seating area – Ye Old World Cafe, Bosherston</i></p>	<p>Councillor S Alderman Councillor A Wilcox</p>	<p>Remained in the meeting and played a full part in the discussions but abstained from voting</p>
<p><i>Minute 6(d) below NP/22/0647/FUL Re-arrange car parking spaces to enable construction of a bin store, Beach Court, The Strand, Saundersfoot</i></p>	<p>Councillor C Williams</p>	<p>Withdrew from the meeting while the application was discussed</p>
<p><i>Minute 7 below Enforcement: Highlands View Fold, The Ridgeway, Manorbier Newton</i></p>	<p>Councillor A Wilcox</p>	<p>Remained in the meeting but abstained from voting</p>

### 3. Minutes

The minutes of the meeting held on the 8 March 2023 were presented for confirmation and signature.

It was **RESOLVED** that the minutes of the meeting held on the 8 March 2023 be confirmed and signed.

**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 7<sup>th</sup> 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*):



<b>Reference number</b>	<b>Proposal</b>	<b>Speaker</b>
<i>NP/21/0593/FUL Minute 6(a) refers</i>	<i>Demolition of existing building &amp; construction of 34 residential units incorporating class A1/A2/A3 and D2 floorspace at ground level &amp; all associated development – Former Royal Mail Delivery Office, Warren Street, Tenby</i>	<i>Mollie Neate – Objector Mr Rob Mitchell – Agent</i>
<i>NP/22/0684/S73 Minute 6(c) refers</i>	<i>Variation of condition No's 5 &amp; 6 of NP/21/0431/FUL – Change to closing time &amp; use of rear garden for external seating area – Ye Old World Cafe, Bosherton</i>	<i>Dr Steve Deegan – Objector Andrew Vaughan-Harries – Agent</i>

## **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, and the Solicitor added that consideration also needed to be given to the National Development Framework - Future Wales: The National Plan 2040 adopted by the Welsh Government on 24 February 2021 as well as its own Local Development Plan 2. The report also noted that the Authority also had a 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*):



- (a) REFERENCE: NP/21/0593/FUL  
APPLICANT: Trillium (RMF) Ltd  
PROPOSAL: Demolition of existing building & construction of 34 residential units incorporating class A1/A2/A3 and D2 floorspace at ground level & all associated development  
LOCATION: Former Royal Mail Delivery Office, Warren Street, Tenby, Pembrokeshire, SA70 7JR

Members were reminded that this application had been reported to the previous meeting of the Committee when it had been deferred to allow further information to be provided to Members in respect of the implications of imposing an occupancy control condition and for highway safety and roof top terrace matters to be addressed.

The report set out the additional research that had been undertaken regarding the possibility of restricting the use of the development to Use Class C3 (primary residence) only and therefore removing permitted development rights to prevent Use Classes C5 and C6 (second home and holiday let).

It was noted that that placing additional restrictions on new homes to exclude use for holiday letting may affect the market value of properties built as it limited the number of buyers by excluding all prospective second home and short-term letting owners. Any reduction in a development's viability would be likely to have negative implications for the Authority's affordable housing numbers which was a key strategic objective of Local Development Plan 2. The report therefore set out three options depending on the number of units subject to a C3 only restriction and the number of social rented properties that could be supported. Officers recommended that Option 2 (applying a condition to 75% of the market properties and providing 4 social rented properties) would deliver the best overall scheme in terms of a mix of housing types to support Tenby's role as a Service and Tourism Centre.

With regard to highway safety matters, the agent had provided additional drawings showing visibility splays and these had been forwarded to the Highways Officer, however they were not considered to fully address the issue. However, it was considered that there was a solution, and it was recommended that condition 10 be retained which would require details of the pedestrian visibility splays that could be achieved to be submitted for approval and thereafter the approved scheme implemented.

In addressing Members concerns in respect of the roof top terrace, the agent had agreed to a condition restricting its use to the four apartments



on the 4<sup>th</sup> floor, should Members deem that necessary. They had noted that all communal areas would be monitored by CCTV.

The recommendation was one of delegated approval subject to receipt of a completed legal agreement to cover the affordable housing delivery, its retention in perpetuity and subject to the conditions set out, including an additional condition suggested at the meeting requiring that sufficient evidence be kept by the occupiers as required for the C3 use in the restricted units. Also if no completed legal agreement was received within three months of the decision that delegation was also given to allow refusal of the application due to a lack of mechanism of securing affordable housing.

The first of two speakers was Mollie Neate who was speaking on behalf of the Minister and members of St John's Church which was opposite the proposed development. She restated the objections submitted in August 2021 and noted that members attending St John's had witnessed a wide variety of short-lived businesses on the corner of the street, most of which had failed to thrive or enhance the area and surmised that this was due to duplication or lack of footfall. They considered that the new proposal was overdevelopment of a small site, located on the corner of a busy traffic crossroads with poor sight lines for both pedestrians and drivers. As Tenby residents they were concerned that the construction of 34 units, five or fewer of which would be affordable units, would not translate to the sort of housing that residents needed ie affordable homes, not holiday lets. They were also concerned at the inadequate provision of just 10 parking spaces, noting that the spaces in Warren Street were largely residents parking or disabled spaces, with insufficient parking for local shoppers. While they were pleased to see redevelopment of the site, which Ms Neate described as an eyesore, and accepted that there would be noise, dust and general disruption during demolition and rebuilding, they remained concerned that the noise, litter and lack of parking that could result if certain outlets, such as takeaways and holiday lets were allowed in a quiet corner located between two Places of Worship, would impinge on local people's enjoyment of the exhibitions, concerts and charity events held in the Churches and the clubs and societies which met there throughout the year. She clarified for Members that they were happy for the site to be used for housing, as long as this was available for local people.

The second speaker was Rob Mitchell, the agent. As he had addressed the Committee at the previous meeting, he was given 3 minutes in which to make his presentation. He re-iterated that he and his clients had worked closely with officers in delivering what he considered to be a sympathetic and high-quality development which balanced many planning and design objectives. He noted that the site had been vacant for over



four years and had become a blot on the town centre. The time for it to be brought back into beneficial use was long overdue. Mr Mitchell noted that the site would deliver affordable units, and that the Local Development Plan recognised that the level would always be subject to a viability assessment. An additional assessment had been undertaken since the previous meeting and this had informed the options presented in the officer's report. Turning to other matters, he advised that the applicant was agreeable to a condition to secure pedestrian visibility splay improvement works to the site's access. He confirmed that the management company would control and monitor access to the rooftop terrace which would be screened to protect the privacy and amenity of neighbours as per condition 6. He added that Environmental Health had powers to ensure there was no statutory nuisance and that the applicants would accept a condition to limit access to the terrace to the four apartments on the fourth floor should Members deem that necessary.

Some Members remained concerned about the level of parking to be provided on the site and Mr Mitchell confirmed that the parking would be allocated to certain apartments and the remainder would be sold on the basis that they had no parking. The Highway Officer, Mr Bengler, was present at the meeting and he confirmed that the Authority's Supplementary Planning Guidance on Parking recognised that the site's location in the Town Centre meant that no parking was required. This, together with the provision of public parking in the vicinity meant that the best use of the land was to deliver housing, rather than car parking and the Highway Authority supported this approach which also encouraged active travel.

Mr Bengler went on to note that the concerns regarding visibility at the entrance / exit of the site were not sufficient to request it be moved, however the current visibility for pedestrians was inadequate and a condition was included requiring this to be improved. He confirmed that there was sufficient space for the footway to be widened as part of the improvement.

Members were supportive of Option 2, and felt that restricting access to the roof terrace as suggested would be helpful. It was also hoped that the Construction Environmental Management Plan would give consideration to management of incidental waste and litter on the site.

**DECISION: That the application be delegated to the Chief Executive, Director of Placemaking, Decarbonisation and Engagement or to the Team Leader to issue consent upon receipt of a completed legal agreement to cover the affordable housing delivery, its retention in perpetuity and subject to conditions relating to timing of the development, accordance with approved plans and documents,**



**delivery/collection times for the commercial units, extraction system for any premises with an A3 use, fenestration, screening of the roof top terrace and limiting its use to 4 of the units, details of external finishes, approval of a Construction Traffic Management Plan and a Construction Environmental Management Plan, pedestrian visibility splays, access, parking and turning, surface water drainage, arboriculture, photographic survey, drainage scheme and details relating to provision and monitoring of C3 Use Class (limiting 27 homes to use as Class 3 only with no permitted development rights to move to use Class C5 or C6 or a mix thereof). Delegation was also given to allow refusal of the application if no completed legal agreement was received within 3 months.**

- (b) REFERENCE: NP/21/0594/CAC  
APPLICANT: Trillium (RMF) Ltd  
PROPOSAL: Demolition of existing building in tandem proposed construction of 34 residential units incorporating class A1/A2/A3 and D2 floor space at ground level & all associated development  
LOCATION: Former Royal Mail Delivery Office, Warren Street, Tenby, Pembrokeshire, SA70 7JR

This application sought conservation area consent for the demolition of the Former Royal Mail Delivery Office, Warren Street, Tenby. The demolition was required to allow the construction of residential and commercial units granted permission under NP/21/0593 (Minute 6(b) refers). The existing complex of buildings, opened in 1958, was not considered to be of high architectural, aesthetic or historic merit and it was further considered that the proposed demolition would preserve the character and the appearance of the conservation area. Concerns had been raised regarding neighbour amenity during construction, however these could be dealt with through conditions.

Consent for the proposed demolition was therefore recommended, subject to a conditional requirement that NP/21/0593/FUL was implemented.

**DECISION: That Conservation Area Consent be granted, subject to the approval of the planning application NP/21/0592 (including the approval of all associated reserved matters), and subject to conditions relating to timing of the development, accordance with approved plans and documents, demolition methodology, restriction on times of demolition, archaeological scheme of investigation and building recording**



[The meeting was adjourned between 11.30am and 11.40am.]

[Mrs J James tendered her apologies and left the meeting during the course of the following debate.

- (c) REFERENCE: NP/22/0684/S73  
APPLICANT: Mr & Mrs K & S Weston  
PROPOSAL: Variation of condition No's 5 & 6 of NP/21/0431/FUL  
- Change to closing time & use of rear garden for external seating area  
LOCATION: Ye Old World Cafe, Bosherton, Pembroke, Pembrokeshire, SA71 5DN

It was reported that planning permission had been approved under NP/21/0431/FUL for Demolition of part of existing rear kitchen extension, garage and removal of chalet. Construction of new kitchen and dining room, replace flat roof to gents' toilets with pitched roof, at this Grade II listed property situated in the centre of Bosherton.

This S73 application proposed the amendment of conditions 5 and 6 of NP/21/0431/FUL to change the closing time to 11.00pm and use of rear garden for external seating area. A large number of objections had been received, and these were summarised in the report, however many expressed concerns regarding the amenity of surrounding properties and also in respect of highways and parking.

Since submission of the application, and in response to the objections, the Applicant had agreed to a compromise, in principle, of reducing the evening hours to 8pm for that part of the rear garden used only as a picnic area; no tables or chairs would be permitted in this area. Officers noted the strong fallback position of the existing operation which was on an unrestricted basis as it pre-dated planning control; however NP/21/0431/FUL could not be implemented without some restrictions. At the meeting, officers also proposed two additional conditions: that the windows would be of timber construction and painted in a colour matching the main property and that the car parking area be retained in perpetuity and used for no other purpose.

The first of two speakers was Steve Deegan who owned a neighbouring property and was also representing the views of residents of the village. He noted that the conditions on the original application were intended to protect the residential amenity and that there had been a large amount of correspondence on the matter, however he acknowledged that some of the concerns had been addressed by the officer.





Mr Deegan noted that much confusion had been caused by the coloured markings on the site plan, particularly in respect of the car park and the rear garden, and the fact that these were not clearly defined on the ground. It was also unclear whether the general public would be allowed to eat their own picnics on the area marked yellow – he didn't feel that this would make business sense and would increase traffic.

Mr Deegan also disagreed with the statement in the report that his property was separated from the rear boundary by circa 10m, as that distance formed his garden, and he felt that he was entitled to enjoy the amenity of his garden. He believed that the impact on him of the picnic area would be greater as his property was behind it, however he was pleased that no seating would be permitted in the rear garden.

Turning to traffic, he noted that this had been an issue for many years, with the village grid-locked in summer when access for residents was disrupted. There was also an impact on access for emergency vehicles. He believed that longer opening hours would have an impact on traffic.

In response to Mr Deegan's question regarding use of the picnic area by the general public, officers advised that the wording 'member of the public' was taken from the Welsh Government Circular on the use of planning conditions. Mr Deegan clarified that he had no objection to café customers using the area for access, however he hoped it could be demarcated.

The second speaker was Andrew-Vaughan Harries, the Agent. He noted that the building had been a café for 90 years and that it was a charming café that operated as a hub of the community. There had been no environmental or other issues in that time. However improvements to the kitchen and toilets were now needed and planning permission had been obtained to bring the café/restaurant to a higher standard. Additional jobs would also be created. He noted that his clients wanted to get on with the community and had been shocked that there had been 26 objections. They were happy with the amended and additional conditions proposed and had given up a greater fallback position which he hoped would alleviate concerns and allow the business to continue to be an integral part of the community.

With regard to the highways concerns, he noted that it was busy in the summer and his client had created a car park to meet the demand. Congestion in the village was a policy matter. He pointed out that both the Conservation and Planning Officers were happy and considered that the sensitive extension on a listed building would prolong the life of an important community facility.



In response to the presentations, the officer suggested an additional condition which would require submission of a scheme for boundary treatments at the site. This was considered to be helpful, and the recommendation of approval, subject to conditions including the additional conditions suggested, was moved and seconded.

One Member noted that there had been traffic problems in the village for 30 or more years, however more recently this had become worse as a result of irresponsible parking by visitors which caused problems for emergency vehicles. He proposed that the Members should visit the site, however this was not seconded.

**DECISION: That the application be approved subject to conditions relating to timing of the development, accordance with approved plans and documents, archaeological written scheme of investigation, tree and hedge protection, hours of use, provision of external seating, lighting, finishes for roof and windows, retention of car park and scheme of boundary treatment.**

[Councillor C Williams disclosed an interest in the following application and withdrew from the meeting while it was being considered.]

- (d) REFERENCE: NP/22/0647/FUL  
APPLICANT: Beach Court Management Co Ltd  
PROPOSAL: Re-arrange car parking spaces to enable construction of a bin store  
LOCATION: Beach Court, The Strand, Saundersfoot, Pembrokeshire, SA69 9EU

It was reported that this application was before the Committee as a Member of the Committee had a material interest in the application.

Bin storage for this four-story block of 27 apartments currently provided for full bins to be stored to the rear with empty bins to the front, however the system was abused by unknowing passers-by who used the bins for their own rubbish. The application sought permission to rearrange four car parking spaces in the front car park to enable the construction of a bin store capable of accommodating 1100 litre wheelie bins. The bin store would be located adjacent to and in front of the existing lean-to store adjacent to the external stairwell on the building's west elevation.

The Highway Authority had noted that although the proposed parking spaces were not designed to current standard, the proposal would have no detrimental impact to the existing parking arrangements, access or local Highway Network.



It was considered that the proposed bin store, sited on land already used as a parking area, would not create any harm to the village's special qualities and could serve to protect and enhance these special qualities by removing colourful, and obtrusive bins to a more discrete location. The proposal was considered to be appropriate in terms of design, scale, form and use to the host building and setting and it was not considered that the development would cause an unacceptable impact upon the privacy or amenity of the occupiers or of neighbouring properties. Ecology and landscape features would not be adversely affected by the development. As such, the proposal complied with the relevant policies of the adopted Local Development Plan and national planning policy and could be supported.

Members were happy to support enhancements in respect of waste management and the proposal was moved and seconded.

**DECISION: That the application be approved subject to conditions relating to the timing of the development, accordance with approved plans and documents, biodiversity enhancement scheme, and permanent use and retention of the parking spaces solely for the benefit of the occupants of the dwelling and their visitors.**

- (e) REFERENCE: NP/22/0695/FUL  
APPLICANT: Mr & Mrs P Harries  
PROPOSAL: New roof covering & slate hanging to existing dormer roof structure, new kitchen flat roof coverings, structure & roof lights, replace glass roof panel with roof light, make good area of removed chimney stack  
LOCATION: Gwalia, East Street, Newport, Pembrokeshire, SA42 0SY

It was reported that this application was reported to the Committee for Members to note that it had been issued in error. As the applicant had been a serving Member in the 12 months before the application had been made, it should have been presented to Members for a decision, however the decision had been issued on 6<sup>th</sup> February 2023.

The Development Management Manager apologised for the error and would try to be more alert to applications submitted by former Members in future.

**NOTED.**



## 7. **Enforcement: Highlands View Fold, The Ridgeway, Manorbier Newton**

Following a range of Planning Breaches outlined in the report, the Authority had issued two Enforcement Notices and two Temporary Stop Notices in 2015 in relation to land at Highlands View Fold, The Ridgeway, Manorbier Newton. These had not been complied with and in March 2019 the Authority had commenced a criminal prosecution. Despite the defendant pleading guilty to the offences, and being sentenced to a total fine of £15,000, the breaches of planning control had not been remedied. Following a site visit by officers in February 2023 it became clear that the situation had exacerbated since the prosecution in March 2019.

It was reported that Officers had sought legal advice and it had been identified that there were two options available. The first was to take direct action to remove unauthorised development and seek to recover the costs of doing so from the landowner. These costs would be significant, and the exercise would be resource intensive. Officers therefore recommended the alternative option of obtaining an injunction under 187B of the Town and Country Planning Act 1990, which could result in committal proceedings for the parties involved if there was an ongoing failure to comply. Authority was therefore sought to approve the making of an application for an injunction.

As a part of the preparations for the making of an injunction application the Authority's legal advisers had requested that a site visit be carried out. While entry powers of the Authority were delegated in respect of the Authority's staff, it was not clear whether this extended to its legal advisers. Accordingly, delegation was sought for the Director for Placemaking, Decarbonisation and Engagement to authorise the Authority's Solicitor Mr Charles Felgate and Counsel Mr Matthew Graham Paul to enter this particular site pursuant to section 196A of the Town and Country Planning Act 1990.

Members noted that it was important to continue to take a robust view in respect of enforcement and the recommendations were proposed and seconded. There was a question regarding costs, and the Solicitor advised that this was a complicated area and there was no guarantee that these could be recovered, however the Chief Executive added that an allocated reserve had been created to cover such instances as it was considered important for the integrity of the planning system that the Authority was able to take appropriate action in cases of non-compliance.

It was **resolved** that:

- a) the making of application for an injunction in relation to land at Highlands View Fold, The Ridgeway, Manorbier Newton and the subsequent service of the injunction on such parties as may in the



opinion of the Director for Placemaking, Decarbonisation and Engagement, be appropriate be approved; and

- b) authorisation be delegated to the Director for Placemaking, Decarbonisation and Engagement for the Authority's solicitor Mr Charles Felgate and Counsel Mr Matthew Graham Paul to enter the above mentioned site.

## **8. Appeals**

The Development Management Manager reported on 4 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.

Referring to the decision in respect of NP/20/0614/FUL for 6 affordable houses in association with 6 woodworking workshops, a community facility and a timber processing and drying facility at Pantmaenog Forest, Rosebush which had been dismissed, the officer advised that the Minister's decision letter had not been included with the inspector's report and this would be circulated for Members' information.

Members wished to congratulate the Development Management Manager for her work on this appeal, which had been complex and contentious, and noted the protracted time it had taken for a decision to be reached due to the Welsh Government's call-in of the decision.

**NOTED.**

