

# Development Management Committee

7 June 2023

## Present (In Person)

Dr M Havard (Chair)

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

## Present (Remotely)

Councillor Dr SL Hancock, Mrs S Hoss and Councillor R Owens

[Llanion Park, Pembroke Dock and Virtually 10.00am – 11.20am;  
11.30am - 2.00pm]

### 1. Apologies

There were no apologies for absence.

### 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 7 below</i> EC21/0170 – Land at Overhaven House, Blockett Lane, Little Haven	Councillor P Morgan	Withdrew from the meeting while the application was discussed

### 3. Minutes

The minutes of the meeting held on the 19 April 2023 were presented for confirmation and signature.

It was **RESOLVED** that the minutes of the meeting held on the 19 April 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>
NP/23/0134/S73 Minute 6(a) refers	Amendment to Condition no. 1 of NP/18/0396/OUT to extend time limit for submitting reserved matters until 8th August 2024 – Land off Trewarren Road, St Ishmaels, Haverfordwest, Pembrokeshire, SA62 3SZ	Andrew Vaughan-Harries – Agent
NP/23/0124/FUL Minute 6(b) refers	Change of use of surplus public toilets to takeaway ice cream parlour/coffee bar & beach themed retail with small rear extension to create kitchen together with new public disabled toilet as required by Pembrokeshire County Council – Redundant Toilet Block, Adjacent to Newgale Campsite, Newgale, Haverfordwest, Pembrokeshire, SA62 6AS	Mike Harries – Applicant
NP/23/0080/ADV Minute 6(c) Refers	Erection of an interpretation board on a wooden plinth type stand – Land Adjacent to, 9, Heol Crwys, Trefin, Haverfordwest, Pembrokeshire, SA62 5AF	Jill Simpson – Applicant



## 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, take account of 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. Finally, the Solicitor noted that the Committee's decisions could be subject to scrutiny by the Courts, and that decisions could be quashed by Judicial Review if Members were found to have behaved unlawfully.

### 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/23/0134/S73  
APPLICANT: Mr W & D Marshall & Warren-Davies  
PROPOSAL: Amendment to Condition no. 1 of NP/18/0396/OUT to extend time limit for submitting reserved matters until 8<sup>th</sup> August 2024  
LOCATION: Land off Trewarren Road, St Ishmaels, Haverfordwest, Pembrokeshire, SA62 3SZ

Members were reminded that outline permission for 14 residential dwellings on this site was approved in August 2019 under NP/18/0396/OUT. The application before the Committee, made under Section 73 of The Town and Country Planning Act 1990 (as amended), sought to modify condition No. 1 of that permission by seeking an extension of time for submission of reserved matters in relation to residential development until 8th August 2024.

The report explained that an application under Section 73 of the Town and Country Planning Act 1990 (as amended) was an application for



planning permission. The Local Planning Authority's duty was to determine the application in accordance with the development plan unless material considerations indicated otherwise. Of relevance in this case was whether there had been any change in the planning policy position, or any other material circumstances since the granting of the previous outline permission.

It was noted that the period for the submission of reserved matters controlled by Condition no. 1 of NP/18/0396/OUT had lapsed on 10th August 2022, and as a result of the adoption of Local Development Plan 2, the site no longer formed part of a housing allocation and was outside of the settlement boundary. It had therefore been concluded that there was an in-principle objection to the development of this site for market led residential use. The adoption of Local Development Plan 2 in September 2020 represented a significant change from the previous planning position in place when the original outline permission had been granted. Current planning policy did not support residential development in this location which was now located outside of the Centre Boundary for St Ishmaels and its countryside status and Best and Most Versatile Agricultural Land classification were both important considerations that supported the retention of this site as open countryside. Other material considerations, including the impact of the Covid-19 pandemic, had been assessed in coming to this view, but were not considered of sufficient weight to justify a departure to the Local Development Plan 2.

The report went on to note that an updated S 106 agreement would be needed to tie it to any S73 permission if the Committee were minded to grant approval for the application, contrary to officer recommendation. However it was reported at the meeting that further consideration of the existing S106 agreement had concluded that it was written in such a way as to cover such an eventuality and no new S106 would be required.

It was also noted at the meeting that correspondence had been received from the agent which referred to advice from officers that the applicant may wish to submit a S73 application. However it was noted that this was informal advice, not provided as part of a pre-application, and it had gone on to state that consideration of such an application would take account of any change in circumstances since the previous application had been granted.

There was one speaker, the Agent Mr A Vaughan-Harries. He referred to documentation that he had circulated to Members prior to the meeting and emphasised the unique circumstances of the application. In particular he noted that the Covid pandemic had had huge implications as there had been no marketing of the site, etc during that time and he asked that the Committee give significant weight to the delays that this had caused. He



stated that within 8 days of the application having lapsed, the Estate Agent had contacted the Authority, and the advice had been that a S73 application could be submitted. Turning to the other reason for refusal – the agricultural land classification – the Agent noted that as the land was steep in places and contained a lot of gorse, and he did not feel this was a strong reason for refusal.

Referring to a similar situation in Tenby where permission for a major development had been granted, Mr Vaughan-Harries noted that this development would deliver 4 affordable houses, which were needed and would benefit the community and help to sustain the school; he said that he could not recall any affordable houses being built in the village over many years, and he believed that St Ishmaels was a sustainable location for development.

Finally he referred to the allocation adjacent to the site and the potential for both sites to be developed as one to provide 8 affordable and 30 market houses, potentially within the next 12 months. He therefore asked Members to give further consideration to the application and in particular the repercussions of Covid.

One Member asked the agent whether other options had been considered in respect of the entrance, such as access to the site through the adjacent development, as the proposal would lead to the loss of hedgerow and there was local concern over disturbance to otters. The Agent replied that while some developers would like to develop the two sites together, the current LDP did not include such a link, and the application before the Committee was to extend the life of the permission. However such a scheme could be considered in future. He went on to note that the proposed access had been designed in consultation with Pembrokeshire County Council and it had been deemed safe from a highways and pedestrian point of view.

Councillor Owens noted that St Ishmaels was a thriving village which needed more affordable housing and did not consider that the land was suitable for agricultural use; he proposed that the application be approved. Councillor Morgan asked whether there was any indication of what affordable housing was needed in the village and the Director replied that she didn't have that information to hand, however 183 affordable homes had been delivered across the National Park since the 2015 base date of the LDP from a total of 529 completions; the target at 31 March this year was 184 affordable units. Councillor Morgan seconded the proposal. Reasons given for the proposal, which was contrary to the officer recommendation, were insufficient provision of affordable housing and the economic benefit to the community.



The Director noted that should the motion be carried, she would invoke the Authority's cooling off procedure and would also have to notify Welsh Government of the potential departure from LDP policy.

Other Members were sympathetic to desire for more affordable housing, however they noted that there was already a site in the village with planning permission and were concerned that too much open-market housing could push up prices more generally; also it was important to protect agricultural land and to maintain biodiversity.

When put to the vote, the motion to approve the application was lost. On the proposal of Dr Plummer, seconded by Dr Heath-Davies a motion to refuse the application was won.

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

- 1. The application site is outside the Centre Boundary for St Ishmaels and is in a countryside location. Residential development in this location is contrary to Pembrokeshire Coast National Park's adopted Local Development Plan 2 Policies: 7 Countryside, 50 Housing Development Proposals and Planning Policy Wales Edition 11 paragraph 3.71 and 3.73.**
- 2. The application site includes a large area (approximately 50% of the site) which is agricultural land of Grade 2 of the Agricultural Land Classification system and is classed as best and most versatile land which should be conserved as a finite resource for the future. Development of this land would be contrary to the provisions of Planning Policy Wales Edition 11 paragraphs 3.58-3.59.**

[The Committee was adjourned between 11.20am and 11.30am]

- (b) REFERENCE: NP/23/0124/FUL  
APPLICANT: Mr M Harris  
PROPOSAL: Change of use of surplus public toilets to takeaway ice cream parlour/coffee bar & beach themed retail with small rear extension to create kitchen together with new public disabled toilet as required by Pembrokeshire County Council  
LOCATION: Redundant Toilet Block, Adjacent to Newgale Campsite, Newgale, Haverfordwest, Pembrokeshire, SA62 6AS

It was reported that the existing single storey building was constructed of concrete block with pebbledash render under a slated roof and located to the northwest of the campsite. It was proposed to extend and refurbish



this building to provide a takeaway/ice cream parlour and one disabled toilet for public use. The application site lay outside any Centre boundary as defined by Local Development Plan 2 and was therefore classified as Countryside where development must be strictly controlled.

Public toilets were deemed a community facility within the Local Development Plan (LDP) and the nearest alternative disabled toilet was located within the Pembrokeshire County Council (PCC) Car park some 490 metre away. The building in question had historically been provided and used by PCC for the purpose of providing public toilets with the land on which it was built being under freehold ownership of the applicant. PCC had advised that they would relinquish the toilets at the request of the landowner following protracted discussions in relation to the ownership of land on which the toilets were constructed. It had been suggested that this would come with the proviso that a single cubicle, accessible for all was retained for public use within the building and open daily from Easter to the autumn half-term holiday, although it was not clear whether this would only be the case if the proposed development took place, or not.

The retail element of the proposal did not meet the requirements of Policy 57 or Policy 54 of the LDP2 in terms of its location which was not well suited to meet the community's needs and was outside a Rural Centre. Insufficient information had been provided in relation to any potential commercial impacts on other village shops or retail centres in the local area.

The application site was within a C2 flood plain. While the reasons given in the planning statement submitted with the application related to there being economic benefits in providing some employment, officers considered that this would be of very limited scale and did not fulfil the requirements of the justification tests set out in TAN15 which allowed for less vulnerable development in C2 zones.

The site also lay within a Coastal Change Management Area defined in LDP2. While new residential development within these areas was not permitted, non-residential development could be permitted if it was demonstrated that there would be no increased risk to life or significant increase in risk to property. Whilst re-use of the toilet block might not increase flood risk, the proposal to extend the building had the effect of increasing risk as there would be a larger building within the coastal change management area. This would be contrary to national and local policy which was to reduce risk over time.

Officers had concluded that the policy conflict was not outweighed by the potential for provision of an accessible toilet facility in this location, having



regard to the Authority's duties under the Equalities Act 2010 and the recommendation was one of refusal.

It was reported at the meeting that letters had been received from Stephen Crabb MP and Paul Davies MS asking the Committee to carefully consider the application and a letter of support had been received from Bay View Stores in Solva. Members had also received communication from the agent.

In response to Members' questions, officers provided clarification on a number of points, including the hierarchical nature of the Authority's retail policy and the current policy of managed realignment of the road, which would in future become one of no active intervention. Subject to funding, completion of the diverted highway was anticipated in 2025/26. Members noted that Natural Resources Wales' (NRW) recommendation of conditional consent seemed inconsistent.

Mr Mike Harries, the applicant, then addressed the Committee. He explained that the campsite employed many seasonal staff, and benefitted the local economy, with the business bringing in 16,000 tourists to Newgale in 2023. He said he had been disappointed with the officer's report as he had been led to believe at two site meetings that plans for the change of use would be looked on favourably. In response to the question about whether the toilet was currently open, Mr Harries noted that the building had been last used in October 2021 and only a shell of a building remained, currently being used as a storeroom without planning permission for change of use, and it would continue to decay. He added that the Welsh Government's National Toilet Map was incorrect as it stated the toilets were currently open, and noted that there were currently 4 female toilets, a male toilet, a urinal and a radar accessible toilet at the south beach and central car parks in Newgale, however closure of the former toilet block in question had led to a loss of 50-75% of toilets in the village. He hoped Members had received a copy of the rebuttal letter from his Agent which addressed the points made in the officer's report and highlighted the response from NRW offering no objection. He also considered that the proposed development, at 54 square metres, would have no impact on Bay View Stores at Solva, and this was borne out by a letter from its owner. He concluded by saying that it was for Members to decide whether there would be a public toilet with a takeaway at Newgale north beach, the latter element making good use of a derelict building, and helping to finance the public toilet which would be free at the point of use. This would retain the accessible toilet at the busiest area of the beach to the benefit of tourism and the local economy and its approval would be a win-win for everyone.





Members asked about the anticipated lifespan of the building. Mr Harries replied that the lifespan given in the flood consequences assessment as 75 years, however residents recognised that the current policy was one of managed realignment and not of surrender. He believed that the worst flooding occurred once in 50 years, ordinarily the sea breached the shingle bank and the road flooded over the winter, and it sometimes took an hour for it to be cleared up. In purchasing the campsite, he had seen an opportunity, with the tourists visiting in the season from April through to September experiencing no problems. He argued that NRW were the experts on flooding and advisors to PCC, and anything else was just opinion. In response to another question Mr Harries confirmed that the toilets would be open seasonally from 8am to 8pm.

Officers clarified that NRW had looked at the current policy position set out in TAN 15, however this was currently being updated to reflect climate change predictions. The Authority's coastal change policy reflected that updated position, and this was one of the reasons for refusal. The Chair added that NRW would be invited to speak to Members once TAN 15 had been revised. PCC's Coastal Engineer, who was present at the meeting, also noted that there were issues with surface water drainage from the building and the planning officer noted that any approval would include a condition asking for drainage to be managed.

Acknowledging that this was a difficult application, one Member highlighted the importance of sustainability and noted that flooding occurred more than every 50 years and in the winter time. Councillor Owens noted that there were currently very few facilities in the centre of Newgale and that it was a fair distance to the nearest disabled toilet. He believed that the facilities were much needed and proposed that the application be approved. This was seconded by Councillor Morgan. Material planning reasons were given as the economic benefit to the local community and to the tourist economy.

The Director advised that should the application be approved, it would be subject to the Authority's cooling off procedure. The Solicitor confirmed that in following the cooling off procedure, any approval would be caveated that Members were minded to make that decision and the application would be brought back to a future meeting of the Committee when a recorded vote would be taken.

**DECISION: That Members were minded to approve the application.**



- (c) REFERENCE: NP/23/0080/ADV  
APPLICANT: Miss Jill Simpson  
PROPOSAL: Erection of an interpretation board on a wooden  
plinth type stand  
LOCATION: Land Adjacent to, 9, Heol Crwys, Trefin,  
Haverfordwest, Pembrokeshire, SA62 5AF

It was reported that this application was before the Committee as it was being made on behalf of the Authority.

Advertisement consent was sought for the installation of an interpretation board on a wooden plinth, which would be located on the grass verge between the footpath and the gable end of No 9 Heol Crwys. The application site lay in the settlement of Trefin and just outside its Conservation Area.

Officers had concluded that the proposed advertisement was considered acceptable in terms of public safety and amenity and the application was recommended for approval.

The applicant, the Authority's Interpretation Officer, addressed the Committee, explaining that 30 acres of beautiful coastal land had been purchased by the Authority in March 2021. Members of the community had shared their memories of the land being full of flowers and wildlife. Part of the reason for installation of the panel was to explain the reason for the Authority's reason for its purchase of the land – to increase its biodiversity. Meetings had been held with the Gwelliant Trefin Improvement community group and their suggestions had been sought as to the panel's location and contents. The community had also been involved as volunteers to widen the coastal strip, create a hay meadow and provide butters of trees and scrub. Allotments also formed part of the land and it was crossed by a much used public footpath. An artist had been commissioned to create a visual picture of what the area might look like in a few years time, showing more biodiversity, and this was depicted on the panel.

Members congratulated officers on the work with the local community and volunteers and the recommendation of approval was moved by Mrs James and seconded by Councillor James. The importance of interpretation boards in explaining the natural, cultural and social history of an area and in engagement of visitors and particularly children was also highlighted.

Some Members were nervous of the title shown on the picture of the board as this was in English only. The officer advised that the name didn't have a Welsh translation, but it was suggested that that the Gazette



of Welsh Place Names or the Welsh Language Commissioner's office may be able to assist in providing one. Officers confirmed that amendments could be made to the wording of the board even after planning permission had been granted.

**DECISION: That the application be approved subject to conditions relating to removal of the advertisements after 5 years, accordance with plans and documents and that the sign shall be non-illuminated.**

- (d) REFERENCE: NP/23/0077/FUL  
APPLICANT: Mr R Barnes  
PROPOSAL: Replacement of existing glass balustrade with variable height glass balustrade. Installation of two permanent parasols.  
LOCATION: Harbwr Bar and Kitchen, Wogan Terrace, Saundersfoot, Pembrokeshire, SA69 9HA

It was reported that this application had been withdrawn.

**NOTED.**

[Councillor P Morgan disclosed a prejudicial interest and left the meeting prior to consideration of the following matter]

**7. Enforcement EC21/0170 – Land at Overhaven House, Blockett Lane, Little Haven**

Members were reminded that this matter had been the subject of a report to the Committee on 22nd June 2022. At that meeting, Members had resolved to authorise instructions for Solicitors to commence prosecution proceedings in the Magistrates Court for the non-compliance with Enforcement Notice EC21/0170. This related to the unauthorised erection of 2 no. pole mounted CCTV cameras and the erection of a 2.7 metre high metal fence enclosure along the western and northern boundary of the property known as Overhaven House, Blockett Lane, Little Haven.

The report updated Members on the outcome of the Court hearing, at which the defendant had pleaded guilty for the non-compliance of the Enforcement Notice. It was understood that the defendant intended to appeal against an earlier planning application for retention of the CCTV cameras and the fence at the reduced height which had been refused on 9th February 2023.

It was reported at the meeting that no appeal had been received although officers had been told that a new application would be submitted. Officers



would write to the offender reminding him that the Enforcement Notice remained in force and requiring him to remove the CCTV cameras and fence within a short timescale (i.e. 28 days) or face further prosecution in the Magistrates Court for failing to comply with the Enforcement Notice.

Thanking officers for their work to date, Members supported this approach and asked that progress continued to be made.

**NOTED.**

## **8. Appeals**

The Development Management Team Leader reported on 3 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.

Decisions in respect of NP/22/0007/FUL - Proposed garage adjacent to driveway – Queen Victoria House, Tenby and NP/22/0357/FUL - Retrospective summerhouse space at Grey Winds, Newport were reported, both of which had been dismissed. It was noted that a subsequent scheme at Queen Victoria House had been approved and that officers were working with the applicant at Grey Winds to ensure removal of the summer house in a timely manner, taking into consideration that birds were currently nesting there.

**NOTED.**

