

Development Management Committee

19 July 2023

Present (In Person)

Dr M Havard (Chair)

Councillor R Jordan, Mr GA Jones, Councillor PJ Morgan, Councillor B Price, Councillor M Wiggins and Councillor A Wilcox.

Present (Remotely)

Councillor D Clements, Councillor Dr SL Hancock, Dr R Heath-Davies, Mrs S Hoss, Mrs J James, Councillor M James, Councillor R Owens, Councillor S Skyrme-Blackhall and Councillor C Williams

[Llanion Park, Pembroke Dock and Virtually 10.00am – 11.30am;
11.40am - 12.20pm]

1. **Apologies**

Apologies for absence were received from Councillor S Alderman and Dr RM Plummer.

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
<i>Minutes 6(c)below</i> NP/23/0220/FUL Erection of a roof covering with cubicles over existing nutrient store and a replacement roof and frame for an existing agricultural building - Pointz Castle Farm, Pen Y Cwm, Haverfordwest	Ms S Morris, Director	Withdrew from the meeting while the application was discussed

3. **Minutes**

The minutes of the meetings held on the 7 and 21 June 2023 were presented for confirmation and signature.

With regard to the minutes of the meeting held on 7 June 2023, item 2 stated that Councillor Morgan had withdrawn from the meeting while the application was discussed, however it was noted that the item was an enforcement case, not an application. It was also noted that page 8 of



the meeting stated that the proposed development would be 54 square metres, rather than 5.4 square metres.

On the proposal of Mr Jones, seconded by Mrs James, it was **RESOLVED** that the minutes of the meeting held on the 7 June 2023 be confirmed and signed subject to the above amendments.

On the proposal of Councillor Clements, seconded by Dr Heath-Davies, it was **RESOLVED** that the minutes of the meeting held on the 21 June 2023 be confirmed and signed.

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/19/0361/OUT Minute 6(a) refers	Request for a modification to a S.106 legal agreement in relation to NP/19/0361/OUT – Land at Brynhir, Tenby	Liam Hopkins – Agent
NP/23//0076/FUL Minute 6(b) refers	Proposed Phase II residential development of 15 No units to include 14 social rented new build properties and the conversion of an existing traditional outbuilding into a one-bedroom unit for market sale – Land North of Bay View Terrace, Dinas Cross, Newport, Pembrokeshire, SA42 0UR.	Dinas Cross Community 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, 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. Finally, the Solicitor added that the report didn't mention that the Authority's decisions were subject to scrutiny and could be subject to a judicial review.

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/19/0361/OUT
APPLICANT: Pembrokeshire County Council Housing Department
PROPOSAL: Request for a modification to a S.106 legal agreement in relation to NP/19/0361/OUT
LOCATION: Land at Brynhir, Tenby

Members were reminded that this outline application with all matters reserved for 102 affordable residential units, 8 shared ownership residential units and 34 open market shared units together with associated access, drainage & landscaping had been approved on 29 September 2020, in accordance with the resolution of the Development Management Committee held on 10 June 2020.

The application had been subject to a Section 106 Agreement, and the application before the Committee sought to modify this by agreement under S106A(1), and a full list of the wording variations proposed were appended to the report. The substantive changes to the agreement were to reflect the changes to the Non-Material Amendment approved in April 2023 under NP/23/0102/NMA and insert 'up to' before the numbers of affordable and low costs home ownership houses within this agreement,



and also to vary the approach to the delivery of play provision within the development.

It was reported that the developer had advised that as the detailed design for the site had developed, it had been concluded that the upper number of new homes identified in the permission was unlikely to be met, with high quality placemaking outcomes prioritised over maximising the total number of units. Indications were that a scheme of approximately 125 homes in total was likely to be submitted as a Reserved Matters application. While the proposed housing mix would still be within the parameters described in the planning permission, Officers of this Authority had advised that any amendment to the S.106 should also include the requirement that the percentage of affordable housing did not drop below 71%. and the percentage of low cost home ownership did not drop below 6%. This would ensure that in the event the developer delivered a slightly smaller scheme, the percentage proportion of affordable homes and low cost home ownership would remain in line with the original development proposal.

With regard to the open space to be provided as part of the development, this was specified in the S.106 Agreement as including one Multi Use Games Area (MUGA), two Local Equipped Areas for Play Spaces (LEAPS) and no less than 1600m² of associated open space providing informal play opportunities. For a scheme that delivered approximately 125 homes it was considered that delivering one MUGA and two LEAPS would represent an over provision, and it was proposed that the definition of open space in the S.106 should be amended to remove the requirement for the provision of the MUGA, with one of the LEAPs instead providing a multi-use space for ball games as part of its agreed specification.

Officers concluded that the proposed deed of variation largely retained the requirements of the original agreement to provide a minimum of 71% of affordable housing units and 6% of shared ownership at the site. Amendments proposed to the open space would allow an improved layout to be submitted at reserved matters stage with a Central Village Green to create a communal and social heart of the scheme. They recommended that the amended S.106 wording appended to the report be approved.

Noting the reference to high quality placemaking outcomes Members asked about the reduction in numbers expected, and the officer explained that a more generous ecological buffer was proposed around the edge of the site, leaving less room for development. She also noted that the number of units to be built would not be confirmed until a reserved matters application was submitted.



Members were also concerned at the loss of the MUGA as an all weather space was important because most of the properties would be family homes. The officer replied that it was still intended to provide an all weather ball playing area as part of the village green, however this would not fit the definition of a MUGA. She also noted that there was evidence that where a MUGA was sited away from houses, its use could become restricted to a certain age group, whereas if it was located in the centre it was more likely to be used by everyone in the community.

The Agent, Liam Hopkins, then spoke, explaining that the development was important to address local housing need in the county, but also provided an opportunity to create an exemplar placemaking scheme, and the application before the Committee sought to enhance affordable housing provision and open space at the same time as maximising design quality. The amendments to the S. 106 would ensure that the affordable housing benefit was maximised by providing a minimum of 71% affordable housing – if 125 units were delivered, 89 of these would be affordable. He did not believe that less than 125 units would be provided as the development needed to remain financially viable. He noted that the initial application had proposed 144 new homes, however detailed design and survey work had been undertaken, including trees, ecology and ground conditions. Further consideration had also been given to the mix of properties and the latest plans provided fewer apartments to provide a better mix of homes, however the detailed design would ultimately determine the numbers.

Turning to the open space provision, the Agent explained that national guidance suggested that as a result of the reduction in numbers, creation of a MUGA would be over provision. Also such a facility was required to be sited a certain distance from properties which would lead to a further reduction in residential properties on site. However the scheme would not lead to reduction in play provision as it was proposed to replace the MUGA with a more generous LEAP to be usable by all ages. This would be located in a central flat area, and would include a surfaced kick about area, as well as other play facilities and exercise equipment and it was hoped that this would become a multi-generational space, with some evidence emerging that MUGAs did not achieve that. As a result, a green perimeter could be created around the site to protect the landscape and ecology which was important for high quality place making.

Members asked the agent about the reason for removal of the MUGA, and he replied that research on mixed play spaces had concluded that MUGAs were not as inclusive to children of all ages and less likely to be used by girls, however there were no hard statistics. He added that topographic and tree surveys had shown that its provision would lead to a loss of trees, and the buffer zone needed would lead to a further reduction



in units. Another Member asked whether there would be community engagement to consider the play equipment to be included in the development and the agent replied that community engagement was ongoing and had helped inform the type and design of the open space to be provided. The specification would be agreed through the reserved matters application, with further discussions be built into future engagement events. The final questions related to the timing of the development and the ongoing viability of the site. The agent replied that it was hoped that a reserved matters application would be submitted by the end of August and that current analysis showed that the development was viable, but PCC were committed to delivering the site as part of its commitment to address housing need.

Councillor Jordan was pleased to note that the majority of the development remained as social housing and while he understood the disappointment at the loss of the MUGA, he hoped that the Council would look to invest in such a facility elsewhere in the south east of the county. He moved the recommendation and this was seconded by Councillor Clements. While Members were disappointed that 144 units would not be built, they agreed that a good quality environment was important. In response to a question about density, the officer advised that what was proposed was appropriate for the surrounding area. An amendment was proposed by Councillor Owens that the inclusion of 'up to' before the numbers of houses within the agreement be agreed but that retention of the MUGA be required. This was not seconded.

DECISION: That the request for a variation to the Section 106 Agreement by agreement as set out in the report be approved.

- (b) REFERENCE: NP/23/0076/FUL
APPLICANT: Miss Emma-Sian Davies
PROPOSAL: Proposed Phase II residential development of 15 No units to include 14 social rented new build properties and the conversion of an existing traditional outbuilding into a one bedroom unit for market sale
LOCATION: Land North of Bay View Terrace, Dinas Cross, Newport, Pembrokeshire, SA42 0UR

It was reported that the site lay opposite Bay View Terrace, on the northern side of the A487. The field was accessed through the existing site of affordable homes granted permission by virtue of planning consent 19/0548/FUL which has been developed. The current application sought permission for Phase II of the original development which would comprise 15 No Units to include 14 social rented new builds and the conversion of an existing traditional outbuilding into a 1-bedroom unit for market sale.



The site lay outside the Centre boundary of Dinas Cross Rural Centre as defined by Local Development Plan 2 and was therefore classified as being in the Countryside. However Policy 7 allowed for exceptional land release adjoining Centres for affordable housing to meet an identified local need. As the site was an exception site, a legal agreement under Section 106 of the Town and Country Planning Act was appropriate in order to ensure that the properties permitted remained as affordable housing in perpetuity.

The barn conversion lay within the centre boundary for Dinas Cross Rural Centre and was considered a suitable site within a centre boundary. In this instance, as the conversion proposal was part of the wider application to provide 14 no. affordable dwellings, a financial contribution towards off-site affordable housing would not be required in respect of the conversion of the barn.

The proposed design and layout followed on from Phase I and was therefore considered to be acceptable in the immediate context of the character of the area, and the layout of the proposed affordable rented houses and the conversion of the existing traditional building adequately protected the amenity of its occupants. An objection had been received from a neighbouring property stating that the development would damage their privacy however officers consider that the properties were adequately separated and did not adversely affect the amenity of existing properties.

It was reported at the meeting that some additional consultee response had been received since writing the report. Dŵr Cymru/Welsh Water and Natural Resources Wales (NRW) had stated that they had no objection, although Dŵr Cymru had requested inclusion of a condition already listed (Condition 10). With regard to biodiversity, the comments of the Authority's ecologist had resulted in amendments to conditions 4 and 5 in respect of lighting and maintenance of the ecological buffer; this latter point would need to be reflected in the S106 Agreement also. An additional condition to provide a sign to inform residents of the purpose of the ecological buffer was also requested. The Director also noted that the Ecologist had advised that there was no need for an assessment under the Habitats Regulations as the development was not considered likely to have an impact on a Special Area of Conservation.

Seeking clarification on the report, Members asked about the response of the Dyfed Powys Designing Out Crime Officer which objected to the Highways recommended condition. The officer replied that this was in respect of the connection of the estate to the adjacent Public Right of Way (PRoW) as they considered that this could lead to an increase in crime; however having looked at the crime statistics for the area, officers



considered that this was more likely in a built up suburban area and it was felt that a link from the estate to the PRow would be helpful to its residents.

The Clerk to the Community Council, Elin Jones, and representative Lynne Upsdell, then addressed the Committee. They explained that concerns had been expressed at their recent meeting regarding the capacity of the sewage infrastructure as they were aware that a number of planning applications in the village had been refused on this basis. They also sought assurance that people with links to the village and who met the criteria would be given a more adequate representation in allocation of the properties in phase 2 of the development. They noted that there had been little public consultation in respect of phase 2 and also asked if there would be a phase 3.

In response to their comments, officers replied that a sewage pumping station was proposed as part of the phase 2 development and they were not aware of plans for a phase 3. They also noted that the Housing Association would be applying their Rural Communities policy as part of a local letting policy in respect of those eligible to rent the properties, and its main provisions were outlined. The Director suggested that, given the small-scale nature of the rural community, that a requirement to apply this policy be included in the S. 106 Agreement and that the recommendation be amended accordingly.

Members fully supported application of the Local Lettings Rural Communities policy, noting that it was important that young people had an opportunity to remain in their communities. The recommendation to delegate approval of the application, including amendments to conditions 4 and 5, an additional condition in respect of an interpretative panel and amendments to the S.106 Agreement regarding buffer zone management and inclusion of the Local Lettings Rural Communities policy, was proposed by Councillor Morgan, seconded by Councillor Clements.

DECISION: That the application be delegated to officers for approval subject to receipt of a Section 106 legal agreement to ensure the affordable housing remains as such in perpetuity and was subject to the Local Lettings Rural Communities Policy and also to protect the management and maintenance of the ecological buffer strip and subject to conditions in respect of the timing of the development, accordance with approved plans and documents, biodiversity enhancement, lighting, Construction Environmental Management Plan, invasive species, contaminated land, highway safety, provision of estate roads, parking, drainage, protection of watercourses, link to the PRow, tree protection and landscaping.



If the Section 106 legal agreement be not completed within 3 months of the date of the Committee resolution, then delegated power was given to the Director of Placemaking, Decarbonisation and Engagement to exercise discretion to refuse the application.

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

[The Director of Placemaking, Decarbonisation and Engagement disclosed a personal interest in the following application and withdrew from the meeting while it was being considered.]

- (c) REFERENCE: NP/23/0220/FUL
APPLICANT: Mr Lawrence
PROPOSAL: Erection of a roof covering with cubicles over existing nutrient store and a replacement roof and frame for an existing agricultural building
LOCATION: Pointz Castle Farm, Pen Y Cwm, Haverfordwest, Pembrokeshire, SA62 6BA

It was reported that this proposal for a replacement, covered cattle store in place of the nutrient store, and a new replacement portal framed building in place of a similar but dilapidated building were both positioned on the same footprint within the existing farm complex and its associated facilities. This considered location would minimise impacts arising from the development and its ongoing use as far as is possible. While the development to the existing nutrient store in particular on the southern fringe of the farm complex would compound the visual bulk of the farm complex, it was considered that this bulk would blend fairly unobtrusively with the wider setting and would not cause an unacceptably adverse impact on the qualities and special landscape and seascape character of the Pembrokeshire Coast National Park.

Officers considered that despite the close proximity of numerous protected natural sites, the development of the nutrient store should only serve to reduce the potential for runoff and pollution of habitat areas. Cadw had commented that while there would be a slight visual change in views from the nearby scheduled Pointz Castle Mound, they did not consider that the development would have any impact on its setting. Overall, the proposal would improve the functional processes of the agricultural activity taking place and create acceptable impacts on ecology and landscape features. The proposal therefore complied with policies of the adopted Local Development Plan 2 2020 and national policy and could be supported.

One Member believed that there was a public footpath in the vicinity of the development and although the officer was not aware of any Right of Way,



the Solicitor advised that the existence of any such footpath was a material consideration in determining the application. He also noted that the planning ecologist had commented that there was no likely significant impact from the development on the Marine SAC and no Appropriate Assessment was required.

Noting that the application site formed part of an existing agricultural complex, the recommendation of approval was proposed by Councillor Morgan, seconded by Councillor James.

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, Construction Environment Management Plan and lighting.

7. Other Planning Matters

a) NP/23/0124/FUL – 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

The Chair, at her own discretion, reminded the Committee that the above-mentioned application had been considered at its previous meeting when Members had been minded to approve the application contrary to the officer's recommendation; as a result the Director had invoked the Authority's Cooling Off Procedure.

Following the meeting, the Authority had been informed that the application had been the subject of a request for call in to the Welsh Government by a third party. The decision had therefore been taken by the Chair, in consultation with officers, to defer the matter to allow Welsh Government time to consider the "call-in" request.

Some Members were unhappy with the delay in determining the application, considering it to be unfair on the applicant. They asked who had made the call-in application and were advised that this information was not material. The Chair advised that as Members had received correspondence from the applicant, they would be aware that he had made his feelings on the matter known to Welsh Government.

The Solicitor reminded the Committee that legislation allowed the Welsh Government to issue a direction to prevent determination of the application by the Authority, and the Development Management Manager advised that because of this it was felt prudent to have confirmation from Welsh Government that they were happy for the Authority to determine the application before bringing it back before the Committee.



Noted.

b) TPO151 – Tree Preservation Order – Land between Swallowdale & Oakhill Drive, Saundersfoot

It was reported that following consideration of application NP/22/0568/FUL the Authority's Tree and Landscape Officer had carried out an assessment of trees on land between Swallowdale and Oakhill Drive, Saundersfoot. Three oak trees had been found worthy of protection, and TPO 151 had been provisionally implemented in January 2023.

Following public consultation, one objection had been received, and the report outlined the key points and commented on these. Taking all points into consideration, it was recommended that TPO 151 be confirmed.

Members noted that there were no pictures showing the trees in their context and so the officer highlighted the important views using Google Streetview. It was agreed that photographs would be included in future.

Members noted that there were few trees in this residential area and supported their protection. The recommendation of approval was proposed by Councillor Clements, seconded by Mrs James.

It was **resolved** that Tree Preservation Order 151 relating to Land between Swallowdale and Oakhill Drive, Saundersfoot, be confirmed.

8. Appeals

The Development Management Manager reported on 2 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.

In answer to a question from a Member, the Development Management Manager advised that in respect of the long-running appeal at Trewern, Nevern she understood that a planning application may be submitted, however no timeframe had yet been supplied by the applicant for this.

NOTED.

