

DEVELOPMENT MANAGEMENT COMMITTEE

23rd February 2011

Present: Councillor M Williams (Chairman)
Mrs G Hayward; Messrs D Ellis, R Howells and E Sangster;
Councillors JS Allen-Mirehouse, RR Evans, HM George, RN
Hancock, SL Hancock, M James, PJ Morgan and WL Raymond.

*[Ms C Gwyther and Councillor ML Evans arrived before
consideration of the first application NP/10/383, Minute 6(a) refers]*

(NPA Offices, Llanion Park, Pembroke Dock: 10.00a.m. – 11.40am)

1. Apologies

Apologies for absence were received from Councillors JA Brinsden and RM Lewis, and Mrs F Lanc

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>Minute 9(a) below</i> Pembrokeshire County Council Deposit Local Development Plan Policy SP2	Councillor JS Allen- Mirehouse	Withdrew from the meeting while the item was being considered

3. Minutes

The minutes of the meeting held on the 26th January 2011 were presented for confirmation and signature.

It was **RESOLVED** that the minutes of the meeting held on the 26th January 2011 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. As agreed at the meeting of the Policy Committee held on the 26th February 2003, when the right to speak scheme was reviewed, interested parties would now be called upon to speak in the order that the applications appeared on the agenda (*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/10/383 <i>Minute 6(a) refers</i>	Demolish existing & construct 2 shops with 4 holiday flats over, 34 – 36 High Street, St Davids	Mrs E Taylor, Objector Mr D Menday, St Davids City Council, Objector Mr P Holden, Agent

5. Human Rights Act

The Head of Legal Services reminded the Committee that the Human Rights Act provided that, from the 2nd October 2000, the rights set out in the European Convention on Human Rights would be accessible direct in the British Courts.

The Act required that, as far as was possible, existing legislation had to be read and given effect in a way which was compatible with the Convention rights. Furthermore, it would be unlawful for public authorities to act in a way that was incompatible with Convention rights.

In the planning sphere, relevant rights could attach both to applicants for planning permission, and also to third parties who might be adversely affected by a proposed development. Consequently it was essential that the way in which the Authority decided planning issues was characterised by fairness, and that the Authority struck a fair balance between the public interest, as reflected in the Town and Country Planning legislation, and individual rights and interests.

Accordingly, the following reports of the Head of Development Management, which were before Members that day, had been prepared with express and due regard to the Convention on Human Rights. In particular:

- A. In assessing each application, every effort had been made to consider, and place before Members, all the arguments put forward:
 - (i) by those seeking planning permission;
 - (ii) by those opposing the grant of planning permission, and
 - (iii) by those suggesting conditions deemed appropriate if permission was to be granted.



- B. Each planning application to be considered by the Committee was the subject of an individual Appraisal and Recommendation. These embraced a balancing of any competing interest.

It was **RESOLVED** that the report of the Head of Legal Services be noted.

6. Reports of the Head of Development Management

The Committee considered the detailed reports of the Head of Development Management, wherein were listed the comments of various organisations that had been consulted on a number of applications for planning permission. Upon consideration of all available information, which included late representations that were reported verbally at the meeting, the Committee determined the applications as recorded below (*the decision reached on each follows the details of the relevant application*).

- (a) REFERENCE: NP/10/383
APPLICANT: Mr C Price, Twr y felin Ltd
PROPOSAL: Demolish existing and construct 2 new shops with 4 holiday flats over and detached stores
LOCATION: 34 – 36 High Street, St Davids

It was reported that full planning permission was sought for the demolition of an existing two-storey building and detached garage/outbuildings, which was set back from the street frontage within the Conservation Area, and the erection of a new two and a half storey building incorporating two retail units on the ground floor and four holiday units above. Associated parking and storage facilities would also be provided to the rear of the site.

The application was before the Committee as the view of St Davids City Council was contrary to the officer recommendation. Seven letters of objection had also been received and their main grounds of concern were outlined in the report.

In considering the application, the key issues were considered to be the impact of the proposal upon the character of the area and the amenity of neighbours by reason of its design and mix of uses. Given the long history of pre-application discussions and the submission of the application before the introduction of the Local Development Plan, it was not considered necessary to seek affordable housing as part of this particular scheme.

It was noted that the centre of St Davids was characterised by groups of buildings, generally two and three storey in height, with a range of



architectural styles. The High Street was similarly made up, with a mix of residential and commercial properties, and the proposed design was not considered to undermine the character of the Conservation Area or the prevailing street scene. While its size would be larger than many of its neighbours, its overall scale, height, bulk, and massing was not considered to be overpowering.

The more detailed concern of the City Council was that the shop units would be out of keeping with the High Street. While this was noted, officers considered that the modern treatment proposed was honest, legible and would offer a suitable contrast to the more traditional style found on the other, older properties in the City centre. They did, however, consider that the fenestration on the front elevation within the apex of the gables should be improved, and asked that this matter be delegated to officers should Members be minded to grant planning permission.

Detailed concerns about loss of privacy, light and noise had also been raised by objectors. Officers noted that properties fronting the High Street had little intrinsic privacy, and that the windows in the rear elevation of the building would face the courtyard, storage and parking area of the site. While there would inevitably be a degree of overlooking of adjacent gardens, as in any built environment, the design had sought to reduce this by recessing the openings. Concerns about loss of light related to the effect of the proposal upon the side facing windows of No 42 High Street which was separated from the application site by an intervening property. The rear of the building to be demolished had a flat roofed, two-storey extension and single storey lean-to; the proposed footprint would be shorter in length, but taller. Officers considered that on balance the impact of the proposal would not be significant upon the living conditions of this occupier and would not amount to a valid reason for refusal.

Concerns had also been expressed about parking, deliveries and congestion on Bryn Road, however the Highway Authority was satisfied that the level of provision was adequate for a City centre location where there were public car parks and bus routes within easy reach of the site and other commercial businesses received deliveries via the High Street.

Officers acknowledged that the application would offer a more intensive use of the site, however they considered the proposal would result in the overall enhancement of this sensitive area without causing demonstrable harm to the amenity of neighbours and as such a favourable recommendation was given, subject to improvement to the fenestration of the front elevation.

Displayed at the meeting was a revised plan which improved the fenestration on the front elevation of the property, and this superseded



Drawing 3 of the Report. Also presented was a scale model of the scheme which had been prepared by the Architect.

There were three speakers at the meeting, the first of whom, Ms Elizabeth Taylor, was also speaking on behalf of Mr Rob Marsh who had been due to speak but was unable to attend the meeting that day. Ms Taylor explained that she was representing near neighbours of the development in objecting to this particular scheme, but not to redevelopment of the site itself. She stated that currently the property comprised a shop with a flat over it, however what was proposed was overdevelopment in terms of both bulk and scale. In practical terms she believed that the existing use would necessitate 1 car (the two people who worked in the shop lived in the flat above), however the proposed use would mean there was accommodation for 16 people and 4 staff in the shops ie 6 to 12 cars. She further considered that there would be multiple cars for those staying in the flats and therefore there would be overspill parking on the roadside. No garden was provided and there was no real room for parking as the high edifice took up almost the entire plot. Ms Taylor urged a common sense approach, seeking a development of two floors that was set back at the front and particularly at the rear to allow light and parking.

Mr David Menday then addressed the Committee on behalf of the City Council. While they were pleased to see development of the site, they considered the plans to be excessive in both scale and impact and sought a reduced scheme. He wished to draw Members' attention to three points: firstly that the proposed building would be larger than its neighbours, and therefore dominant - within the Conservation Area cautious design was usual, however they considered this building to be too bulky; secondly that the retail units had very large windows when smaller, more traditional windows were usual in a Conservation Area; and finally, although the Highway Authority had supported the application, the City Council believed that there was inadequate parking, and that the scheme would exacerbate existing on-street parking problems in the area. They looked forward to development of the site with a reduced scheme.

The final speaker was Mr Peter Holden, the Architect. He clarified that holiday units were proposed. He noted that when the City Council had first considered the application in September 2010, they had resolved to support it, but following a recent amendment which reduced the scheme they had changed their minds, and now objected to it. Mr Holden then went on to counter points made by the objectors, noting that the external space would be increased from the current situation, comparable with adjacent properties, and that the existing shop had no dedicated parking. Windows would face the blank walls of existing properties and the roof



line had been amended at the rear to improve the light into the property whose windows looked into the garden. He noted that the rear of the properties faced south and therefore would not be affected by loss of light during most of the day; exposure to the sun would be increased by the removal of the existing garage.

While welcoming redevelopment of the site, and the provision of businesses which would hopefully increase tourism in the area, Members believed that the size of the proposed building was overwhelming, its projection into the street was obtrusive and the loss of the courtyard would alter the character of the street. There were views both for and against the gabled design. They also noted that parking was already a problem in St Davids, and as the City lacked any railway station, visitors were unlikely to travel there by any means other than car.

Officers noted that there was already a double gabled building in the street and also countered that the street scene was one of pavement-edge development, and therefore the proposed development reflected these elements. With regard to parking provision, the proposals avoided dominance of parking within the scheme as car parks were available in this city-centre location.

A motion of refusal was proposed and seconded, and this was won 12 votes to 1. Members clarified their reasons for refusal as the scale and bulk of the proposed building were excessive and the loss of the courtyard and detailing of the design would lead to a loss of character.

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

Policy 1 of the Local Development Plan (LDP) for the Pembrokeshire Coast National Park Authority requires development to be compatible with the conservation or enhancement of the natural beauty of the Park. Policy 5 of the Local Development Plan requires, amongst other things, development to contribute to the protection and enhancement of the special qualities of St David's. Policy 8 of the Local Development Plan requires, amongst other things, development to protect and where possible enhance the historic environment. Policy 15 of the Local Development Plan states that development that adversely affects the qualities and special character of the National Park will not be permitted. Policy 29 of the Local Development Plan, requires amongst other things, all proposals to be well designed in terms of place and local distinctiveness. Policy 30 of the Local Development Plan requires, amongst other things, development to respect the amenity of its surroundings in terms of its scale and visual impact. The proposal, by reason of its scale, bulk, detailed design and associated loss of



the existing courtyard at the front of the site, would be detrimental to the character of the St David's Conservation Area and the special qualities of the National Park. As such the development would fail to meet the local policy requirements set out above and is therefore considered to be contrary to the provisions of the Local Development Plan for the Pembrokeshire Coast National Park Authority and the related national planning policies of Planning Policy Wales (July, 2010).

7. Enforcement and other planning matters

(a) Appeals

The Head of Development Management reported on 7 appeals (against planning decisions made by the Authority) that were currently lodged with the National Assembly for Wales, and detailed which stage of the appeal process had been reached to date in every case.

NOTED.

[Councillors ML Evans and SL Hancock were not present when the following item was considered]

(b) EC09/007 – The Chip Shop, 4 Spencer Buildings, Dinas Cross

It was reported that it was first brought to the attention of the Authority in 2009 that an internally illuminated projecting box sign had been displayed on the front elevation of the above-mentioned property without the benefit of advertisement consent. The fascia sign was also externally illuminated and required advertisement consent. The tenant was advised that the signage was unacceptable, and in February 2010 that authorisation would be sought for prosecution unless the unauthorised signs were removed. In October 2010 the Authority was advised that the lease had been reassigned. The new lessee was written to and given until the end of January 2011 to submit an application or the matter would be reported to the Development Management Committee with a view to serving a notice to secure the removal of the signs.

It was **RESOLVED** that authority be given to proceed with the service of a Notice under section 224 of the Town and Country Planning Act 1990 to require the removal of the unauthorised advertisement signs at The Chip Shop, 4 Spencer Buildings, Dinas Cross.

[Councillor ML Evans was not present when the following item was considered]



(c) EC11/005 – Unauthorised erection of a chalet, Monk Haven Manor, St Ishmaels

A letter from the owner, Mr Mathias, was circulated at the meeting, and Members were given a few minutes to read this before considering the report.

An appeal against the service of an Enforcement Notice in July 1992 found that a static caravan sited adjacent to the site the subject of this report was not development as it was located within the curtilage of Monk Haven Manor and used for purposes ancillary to that property. The appeal was therefore dismissed and the caravan remained in position.

In January this year officers noted that a flat roofed wooden clad chalet was under construction on this site without the benefit of planning permission. A Planning Contravention Notice was served on 18th January 2011, and in response the owner stated that a twin unit mobile home had been sited to replace the existing mobile home and he did not consider that planning permission was required.

However officers did not consider that the structure now being erected fell within the definition of a caravan, and planning permission was therefore required as it represented a permanent structure. The location in open countryside within an attractive wooded valley was not an acceptable location for new development. The appearance of the structure was also at variance with and detrimental to the rural character of the area.

It was **RESOLVED** that authority be given to proceed with the service of an Enforcement Notice to secure the removal of the chalet at Monk Haven Manor, St Ishmaels.

(d) EC11/002 – Field OS 839, Cilgwyn Road, Newport

It had come to the attention of officers that a caravan had been stationed on the above mentioned land and solar panels sited adjacent to it; officers were of the opinion that the caravan was being used for residential purposes. It was reported that there was no planning consent for the use of the site for residential purposes, and this was not an area where such a use would be permitted as it was within the open countryside where national and local policies advised that such development was inappropriate.

Officers went on to say that, since the introduction of the Human Rights Act, the Head of Development Management did not consider it sufficient, in her view, to rely solely on the planning position but to judge the action against the Act, especially Article 8 which provided everyone with the right to respect for private and family life and home. The necessary five



tests had been applied, and the details of which were included in the report before Members that day.

It was **RESOLVED** that the appropriate enforcement action be authorised to secure the removal of the unauthorised residential caravan in Field OS 839, Cilgwyn Road, Newport.

- (e) Delegated applications/notifications
29 applications/notifications had been dealt with since the last meeting under the delegated powers scheme that had been adopted by the Committee.

NOTED.

8. Planning applications in which the Authority has an interest

The Head of Development Management reminded Members that the National Park Authority had, at its meeting held on the 19th November 1997, resolved that all planning applications in which the Authority had an interest should be submitted to, and determined by, the Development Control Committee (now the Development Management Committee). In accordance with that decision, the application referred to below was submitted to the Committee for consideration.

The Head of Legal Services reminded the Committee that, while the Authority may have an interest in the planning application, or in the land the subject of the application, Members had to set aside this aspect and confine their consideration and determination of the application exclusively to the merits of the planning issues arising. The Authority's land owning function, or other interest in the matter, were not to be taken into account when determining the planning application.

- (a) REFERENCE: NP/11/010
APPLICANT: Pembrokeshire Coast National Park
PROPOSAL: To site new pay and display machine and signage
LOCATION: Newgale Car Park, Newgale

Full planning permission was sought for the erection of a pay and display machine and associated signage at the Authority's car park at Newgale. Officers considered that the proposal, by reason of its modest scale and nature, would not have any adverse effect upon the special character or appearance of this area, and that the sustainable technology associated with its energy requirements would also be appropriate for this rural location. It was reported at the meeting that the Highway Authority had no



objection to the proposal, and accordingly a favourable recommendation was given.

Members commented that the design of the signs was good and fitted in well, however they believed that there was a proliferation of road signs and other traffic 'furniture' around the County and many of these were obtrusive and deleterious to the special qualities of the National Park. Officers advised that this was a matter for the Highway Authority and sometimes the Highway Agency and officers were then asked to write to the County Council to raise this matter. It was also suggested that this issue could be raised with the Campaign for National Parks.

DECISION: That the application be approved subject to conditions relating to standard time limits, development in accordance with submitted plans and all equipment and fittings to be removed when no longer needed.

[As there had been a problem with the reproduction of the Appendix relating to the following item, the meeting adjourned for 5 minutes to allow Members time to read the papers]

9. Response to Pembrokeshire County Council's Deposit Local Development Plan

The Monitoring Officer began by reminding Members that they should consider the report before them objectively as Members of the National Park Authority, irrespective of who had appointed them to that role, and they were asked to avoid any impression of perceived loyalty to Pembrokeshire County Council in this matter.

The Head of Development Plans reported that Pembrokeshire County Council had published its Deposit Local Development Plan and that this was available for comment until 9th March 2011. Her report set out the issues raised by this Authority at the Pre-Deposit Stage, and she noted that many of these had been addressed in the Deposit Plan. Officers of the Authority and Council had met to discuss the remaining concerns which related to the four policy areas listed, and these were set out in the appendix to the report. Changes to the Plan were also recommended. Members proceeded to consider each area individually

[Councillor JS Allen-Mirehouse disclosed an interest in the following item and withdrew from the meeting while it was being considered]

(a) Policy SP2 Ports and Energy-related Development

The Development Plans Officer reported that this policy allowed for development within the ports of Milford Haven and Fishguard for port and related facilities and infrastructure, including energy related development,



however the geographical areas of the ports had not been defined on the Proposals Map of the Local Development Plan. Officers were concerned that this gave no certainty about the areas where potentially major development could be located and recommended that the geographic areas of the Ports considered to be appropriate for further development were shown on the Proposals Map; it was proposed that the boundaries as shown in the Joint Unitary Development Plan be used.

Mr EA Sangster considered that the above approach was unnecessary as only a limited area had deep water access and so it was likely that development would only take place on sites seaward of the Cleddau Bridge in locations that had previously been developed, as no other sites were suitable. The Head of Development Plans responded that while that might well be the case, it was still important to establish a clear rational policy framework, which was indeed the purpose of preparing the Plan. On reflection, Mr Sangster took a pragmatic approach and agreed to assist officers to demarcate these sites on a map if Members wished. While not wanting to be too prescriptive, other Members agreed that this was a sensible approach. One Member noted that there had been proposals in the 1950s for development in the upper reaches of the Daugleddau, and he therefore believed that it was imperative that areas suitable for development be mapped.

It was **RESOLVED** that:

- a) a representation be submitted to the effect that the geographic areas of the Ports considered to be appropriate for further development be shown on the Pembrokeshire County Council Local Development Plan Proposals Map, and that Mr EA Sangster assist officers in identifying these areas.
 - b) the Head of Development Plans be delegated authority to submit any supporting information required regarding the Sustainability Appraisal.
- (b) Policy GN16 Visitor Attractions and Leisure Facilities
Officers explained that as drafted, this policy could potentially allow visitor attractions and leisure facilities to be located in areas only accessible by the private car. Priority was not given to encouraging access by other means, as set out in Planning Policy Wales, particularly where developments were proposed adjacent to an A or B class road and in the countryside. They therefore considered that the policy failed to meet soundness test CE1 as in its present form it was not compatible with Policy 35 of the Pembrokeshire Coast National Park Local Development Plan. It was therefore recommended that the policy be amended by deleting the words “A or B class roads and/or” from criterion 1.

While acknowledging that the principle of reducing traffic within the National Park was correct, Members disagreed with its application in



practice, stating that the tourism economy in Pembrokeshire relied on the car due to its distance from the main population centres and limited train stations. They believed that the deletion of the words suggested would constrain new facilities or expansion of existing ones to the detriment of the economy, particularly with regard to small-scale diversification schemes in the countryside.

Officers clarified that the policy did not apply to existing businesses, and noted that a case could always be made for those businesses that needed a countryside location. They believed that it was the job of the planning authority to encourage alternatives to car travel and therefore recommended that the policy directed future provision to the County's main centres where there were alternatives to travelling by car.

It was **RESOLVED** that no representation be submitted on Policy GN16.

(c) Affordable Housing Provision

It was reported that meeting affordable housing need was a key issue for Pembrokeshire, and the approaches set out in the County's Local Development Plan were welcomed, however officers considered that there were other opportunities that could be explored which might avoid any additional pressure on the National Park to meet the affordable needs arising within the County's planning jurisdiction.

It was suggested that Policy GN29 could be amended to increase the affordable housing requirements on development sites to above 25% at locations where these were shown to be viable in the Background Paper on Affordable Housing Viability Assessment. It was also suggested that a criterion could be added to the Policy so that affordable housing contributions could be sought from market housing below the affordable housing threshold, similar to the provision included in the Authority's own Local Development Plan.

Members agreed that there was a need for more affordable housing, but queried the basis on which this recommendation was being made, given that the 25% had been supported by an evidence base. The Head of Development Plans clarified that the Background Paper had shown that development at several locations would be viable at 25%, but a smaller number would still also be viable with a higher affordable housing requirement. Assessments could also be made at an individual site or settlement level.

It was **RESOLVED** that no representation be submitted on Policy GN29.

[Councillor JS Allen-Mirehouse abstained from voting on the above matter]



(d) Policy GN38 Transport Routes and Improvements

It was reported that improvements to the A40 west of St Clears (to include dualling if a businesses case was proven) was included as Scheme 2 within this policy, which listed routes that would be safeguarded from development which would be likely to prejudice their implementation. However officers considered that as neither the potential for the scheme to be implemented, nor the geographical extent of any dualling scheme were determined, it was not possible to say whether or not it was compatible with the Authority's Local Development Plan. Policy GN38 did not therefore meet soundness tests CE4 and CE1. Consequently it was suggested that Scheme 2 be deleted from Policy GN38 and should a business case be made within the Plan period, a future review of the Plan would provide the opportunity to include the scheme and any identified route within the Council's Plan.

Members considered that dualling of the A40 was an economic imperative for the County, and while they acknowledged it was unlikely to go ahead during the Plan period, they did not wish to take any action which would prevent it happening in the future.

It was **RESOLVED** that no representation be submitted on Policy GN38.

[Ms C Gwyther abstained from voting on the above item]

