

DEVELOPMENT MANAGEMENT COMMITTEE

21st November 2012

Present: Mrs G Hayward (Chair)

Mr A Archer, Councillor JA Brinsden, Mr D Ellis, Councillor P Harries, Councillor M James, Councillor L Jenkins, Councillor R Kilmister, Councillor A Lee, Councillor RM Lewis, Councillor PJ Morgan, Councillor R Owens, Councillor D Rees, Mr EA Sangster, Mrs M Thomas, Councillor A Wilcox and Councillor M Williams.

1. Apologies

An apology for absence was received from Ms C Gwyther,

2. Chairman's Announcements

The Chairman welcomed back Councillor Peter Morgan following his recent illness. She also welcomed Mr Charles Felgate from Geldards Solicitors who were providing the Authority with legal advice on planning matters.

3. Disclosures of interest

There were no disclosures of interest.

4. Minutes

The minutes of the meeting held on the 24th October 2012 were presented for confirmation and signature.

It was **RESOLVED** that the minutes of the meeting held on the 24th October 2012 be confirmed and signed.

NOTED.

5. Matters Arising

Proposed Application for Development consent to Construct and Operate the Atlantic array of Offshore Wind Farms – Consultation Response under Section 42 of the Planning Act 2008 (Minute 10)

At the last meeting, the Committee had asked that additional research be undertaken into the potential economic impact of the proposed development on tourism in the County. The Head of Development Management reported that a study had been undertaken in Scotland in response to similar circumstances, and she understood that Pembrokeshire County Council were thinking of commissioning some research for Pembrokeshire. It was therefore hoped that the Authority would be able to work with the Council on a study. She added that due to delays in the submission of the application, consideration of it was unlikely to take place before the spring of 2013.



NOTED.

6. 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. She added that, following the decision of the National Park Authority at its meeting held on the 7th December 2011, speakers on planning applications received up to the 31st December 2011 would have 3 minutes to address the Committee, while speakers on planning applications received after the 1st January 2012 would – under the new arrangements – have 5 minutes to speak:

Reference number	Proposal	Speaker
NP/12/0023 <i>Minute 9(a) refers</i>	Conversion & alteration of existing mill to live/work unit of accommodation, New Mill, Tregwynt, St Nicholas	Mr Andrew Vaughan-Harries (Agent)
NP/12/0302 <i>Minute 9(b) refers</i>	Alterations and extension to extend existing flat roof over garage with new terrace above and new single storey extension at first floor level on rear elevation to replace existing conservatory, Whitewell House, Whitewell Holiday Park, Lydstep	Mr D Alan Jones (Agent)
NP/12/0449 <i>Minute 9(d) refers</i>	To lift the occupancy restriction to enable the disposal/sale of units 1, 3 and 4 in Block One, Newport Golf Club, Newport	Mr Chris Noot (Applicant)

7. Planning Applications received since the last meeting

The Head of Development Management reminded Members of the protocol that had been introduced whereby “new” applications would now be reported to Committee for information. These “new” applications were ones that had been received since preparation of the previous agenda and were either to be dealt with under Officers’ delegated powers or at a subsequent meeting of the Development Management Committee. The details of these 35 applications were, therefore, reported for information and Members were informed that 18 were deemed to be invalid.



Commenting that, as on previous occasions there were a large number of invalid applications, one Member asked whether an indication of why each was invalid could be provided, so that the Committee could better understand whether this was something that needed to be addressed. The Head of Development Management replied that the reasons were diverse, and it would be time consuming to report that information for each application. However she agreed to provide a report to a future meeting of the Committee outlining the main reasons for applications having been classed as invalid over the last three months. Her perception was that the applications were poorly submitted, with details and plans missing and lines drawn incorrectly. Members also asked that they receive a copy of the guidance that was provided to applicants.

Another Member, looking at the application number 15 on the list, asked that applications for multiple wind turbines be brought before the Committee. The Head of Development Management advised that this was an application for a Screening Opinion, rather than for turbines themselves, and for which the Authority had only 21 days to respond which would make it difficult to seek the views of the Committee. Another Member commented that he believed Dinas Cross Community Council, in whose area this application fell, were similarly confused about the application. The Officer replied that she did not believe that Dinas Cross Community Council had received planning training where issues such as this could be highlighted and suggested they contact the Authority to agree a suitable date.

Finally, officers were asked to point out to neighbours, when they were informed that plans were available at Llanion Park, that a copy of plans was also sent to the relevant Community Council, and that they may be able to arrange to view these instead of travelling to Llanion.

NOTED

8. Members' Duties in Determining Applications

The Solicitor's report summarised the role of the Committee within the planning system and stated that planning decisions had to be made in accordance with statutory provisions and the adopted Local Development Plan unless material considerations indicated otherwise. It stressed that non-material considerations had to be disregarded when taking planning decisions and stated that personal circumstances were only very rarely material to planning decisions. The statutory planning regime had been found to be generally compliant with the Human Rights Act 1998 provided it was applied in a fair and impartial manner. It was also important that Members applied the guidance contained in the Authority's Planning Code of Good Practice while carrying out their statutory duties. Members were advised that there were implications for the Authority if this advice



was not followed, given the rights of applicants to appeal and third parties to take judicial review proceedings following planning decisions.

One Member asked the Solicitor to clarify the role which personal circumstances could play in consideration of applications. He advised that they generally carried less weight than the development plan, which decisions must be made in accordance with unless material considerations dictate otherwise. However, they could nevertheless be considered on an individual case basis as a material consideration..

It was **RESOLVED** that the report of the Solicitor be noted.

9. Report of the Head of Development Management

The Committee considered the detailed reports of the Head of Development Management, 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/12/0023
APPLICANT: Mr & Mrs M & R Lamb & Holloway
PROPOSAL: Conversion & alteration of existing mill to live/work unit of accommodation
LOCATION: New Mill, Tregwynt, St Nicholas, Haverfordwest

It was reported that this application proposed the conversion of a group of buildings at New Mill into a new live/work unit. At present the buildings on site were used for storage purposes ancillary to the residence New Mill and had previously been used as a poultry shed and calf cot.

Officers considered the scheme would result in a sensitive conversion and although the residential unit would not provide the level of accessibility as set out in the Authority's Supplementary Planning Guidance (SPG) on Accessibility, there were considered to be sufficient material considerations in this instance which, on balance, outweighed the accessibility aspect of Policy 7 and the SPG. The scheme would provide a base for the applicant's visual effects company, allow the applicants to care for dependant relatives and provide an opportunity to save a traditional group of mill buildings at the site. As such the scheme was recommended for permission, subject to suitable conditions.

The Agent, Mr Andrew Vaughan-Harries, then addressed the Committee. He began by outlining the many reports and studies which had had to accompany the planning application, which demonstrated how onerous and complicated the planning application process had become. He hoped that the Prime Minister's recently expressed desire for simplification of the



process could be achieved. He went on to thank officers for their cooperation with this application and for the common sense approach taken with regard to the Accessibility considerations about which he expressed some concern. He concluded by saying that the building was very interesting and its conversion to a live-work unit would provide the applicants with a base in Pembrokeshire.

Members were pleased to see the re-use of traditional buildings that would otherwise fall into disrepair, and hoped that they could have a report on the building work once it had been completed. However one Member hoped that the simplicity of the buildings would be retained following their conversion. He asked that conditions be imposed to ensure that the buildings were re-pointed with lime mortar, the windows were of painted soft wood, the roof-lights of conservation style and that original roof slates and ridge tiles be sought. He also did not like the large vertical windows in the northern elevation of the property.

The planning officer replied that it was proposed to condition the materials to be used in the building by asking that samples be provided. He would therefore take the Member's wishes into consideration when agreeing these with the applicant. He could also impose a condition asking for further information on the window details to be provided.

Another Member expressed some concern about the justification for going against policy on this application, particularly with regard to tying it to the adjacent house in perpetuity. The officer replied that he was satisfied that there were sufficient material considerations to override the Authority's policy's in this instance, as set out in the report. A condition would be applied requiring the studio be maintained as part of the site, with the occupancy of the dwelling tied to the business, rather than through negotiation of a Section 106 Agreement.

DECISION: That the application be approved subject to conditions.

- (b) REFERENCE: NP/12/0302
APPLICANT: Mr D Mitchell
PROPOSAL: Alterations and extension to extend existing flat roof over garage with new terrace above and new single storey extension at first floor level on rear elevation to replace existing conservatory
LOCATION: Whitewell House, Whitewell Holiday Park, Lydstep, Tenby

Planning permission was sought for a single storey rear extension and some external alterations to the eastern elevation and existing single storey garage at Whitewell Cottage, Lydstep. It was reported that the



cottage, which is the owner's accommodation at Whitewell Holiday Park, was a traditional stone built Pembrokeshire cottage which had been altered over the years. The proposed single storey rear extension would replace an existing conservatory which was in a poor state of repair and therefore its replacement with the extension in matching materials was considered acceptable. The other external alterations included the insertion of rooflights and two pairs of double doors in the eastern elevation to allow access to the roof of the garage, including a small enclosure fence on the roof of the garage and two small steps to allow access to the garden.

Officers considered the proposed insertion of the doors in the end elevation and associated works to use the roof as a terrace to have a detrimental impact on the character and appearance of the property, and therefore, on balance, the application was considered to be unacceptable and was recommended for refusal.

At the meeting, the Head of Development Management reported that since writing the report, amended plans had been received which removed the balcony railings and replaced one of the pairs of doors with a window. The remaining door would be for an emergency means of escape. She explained that submission of such plans would not normally be allowed, but as it was for a lesser scheme upon which it was not necessary to re-consult, it had been accepted. The revised scheme was considered to be acceptable and a revised recommendation of approval subject to conditions was therefore given.

Mr Alan Jones, the applicant, then addressed the Committee. He explained that he had only recently become aware that officers were unhappy with an element of the proposed scheme, and he therefore submitted 2 sets of revised plans which removed the balcony element and reduced the scale and number of openings in the south facing gable. The property was recessed into the land and faced west into the caravan site, and he noted that there was an important element of living accommodation at first floor level. The proposed amendments would still allow his clients to have a view to the south, more light and a means of escape. He stated that officers were now satisfied with the scheme and asked the Committee to consider it for approval.

One of the Members asked whether the roof-lights of the front elevation would be of conservation style, and the Head of Development Management replied that the Authority had little control over them as they were Permitted Development. However she hoped that the applicant would want to conserve the house appropriately.



DECISION: That the application be approved subject to conditions, including being built to the amended plans with materials to match existing finishes.

- (c) REFERENCE: NP/12/0412
APPLICANT: Mr & Mrs A Malein
PROPOSAL: Renovation of existing former farm workers (dwelling) cottage to create a rural enterprise workers dwelling
LOCATION: Penpant, Nine Wells, Haverfordwest

It was reported that the application to convert an existing storage building at the above arable farm complex into a rural enterprise workers dwelling had been deferred at the applicants agent's request, as he was unable to attend the meeting that day for unavoidable personal reasons.

DECISION: That the application be deferred for one month.

- (d) REFERENCE: NP/12/0449
APPLICANT: Mr C Noott
PROPOSAL: To lift the occupancy restriction to enable the disposal/sale of units 1,3 and 4 in Block One
LOCATION: Newport Golf Club, Newport, Pembrokeshire

The application sought the modification of the Section 106 obligation imposed on planning permission NP/04/316 to remove the occupancy restriction imposed on Flats 1, 3 and 4 Dormy House to enable their disposal/sale separately from the overall golf course.

Members were reminded of the planning history of the site and that an informal request seeking the modification of the Section 106 Obligation as above had been made in August 2011. This had been considered by the Committee in September 2011 when it was resolved to refuse the modification. It was also resolved that should a formal application be received for modification of the obligation that this should be dealt with by the Committee. It was the formal application for modification of the obligation that was the subject of the report before them that day.

The report considered the main issues, which in this case were whether modification of the planning obligation would meet adopted planning policy; whether the planning obligation continued to meet the requirements of Circular 13/97; and other material considerations that would support modification of the obligation.

Officers considered that the request for a modification had not been justified and the original obligation should remain on policy grounds and having regard to national policy advice. It was not considered that other



material considerations would justify the modification of this obligation contrary to long and well established national and local policy. In addition the economic gains that were presented in the application were not considered to be sufficiently compelling or with a high level of surety that would justify the release of this accommodation from the original Section 106 requirements. The application was therefore recommended for refusal.

Mr Chris Noot, the applicant, then addressed the Committee. He wished to point out that no new building work was being proposed, neither were there any variations or alterations to the existing buildings. The Club simply wished to dispose of the suites, which were difficult to let out to visitors because of their layout; an occupancy rate of 30% was typically achieved on these flats, compared to 80% on others in the complex. It was intended to re-invest the capital into the business to make what was excellent even better. More integrated landscaping would be undertaken to improve the course to championship level. This, together with its location, would attract many more visitors. There would be great social and economic benefits to contractors and employees with a long term gain of 6 full time jobs in the first year and more in the second year. This had huge potential to benefit the local economy. He had hoped that the proposals would be welcomed subject to the undertakings made, and didn't think that control of the buildings would be lost. The business took its responsibilities seriously, and endeavoured to do things right; a discounted membership was offered to members of the armed services and the course was opened on 14 times in the previous year for charity events. Mr Noot went on to say that his grandchildren attended the local school and that it made him sad to think that it was inevitable that they would have to leave Newport when they grew up in order to find careers. What was needed was a strong local economy – the two mainstays of agriculture and tourism were both struggling and North Pembrokeshire needed all the help it could get. On that basis he hoped Members would support the application.

One of the Members began by saying that he recalled the debate when the application was first considered by the Committee and did not think that anything had changed in that time. He supported the S106 Obligation and moved the recommendation.

Other Members, however pointed out that the application did not seek to remove the S106 Obligation or make any external changes. The applicant had advised that ongoing maintenance of the flats would be covered in the lease. The money raised by sale of the property would allow investment which would create employment and bring the course into the twenty first century; this was vital to an area like Newport which was dependent on the tourism industry. Local business would carry out



the work and this would also benefit the local economy. They pointed out that the Authority had an economic responsibility and that refusal would damage the ability of the Club to obtain Championship status and thereby harm the social and economic wellbeing of the area. They considered that the S106 obligation had done its job in ensuring that the proposal benefitted the local economy and that although the contribution made by these flats was less than had been expected, a long term contribution could still be made through the release of capital and through the owners' use of the facilities. This would all serve to support the sustainability of the business. Approval of the application was therefore moved and seconded.

The Head of Development Management said that she supported Members in considering the social and economic wellbeing of the area and this was central to the original grant of planning permission. At that time, the Club had said that the flats were necessary for their future. There was no surety that releasing the flats from the agreement would have the effect that Members wanted, and there was no guarantee of reinvestment. Any agreement on maintenance would be a gentlemen's agreement with no means of enforcement. She was also concerned that if the Club were successful, further development would be requested at this sensitive location. It would also be more difficult to resist the release of other accommodation on the site. She reminded Members that the Committee had resolved to refuse the request in 2011 and she questioned what had materially changed since that time.

The Solicitor went on to clarify the legal position regarding modification of S106 Obligations – this could only be done if it no longer served a useful purpose, or if it continued to have a purpose but the purpose would be served equally well if the obligation were removed. Officers had given advice that neither of these tests were met.

Other Members agreed that it was difficult to get the right balance between the economy and policy, however officers had set out sound planning reasons for retention of the Obligation and these were still valid. Also the National Park's principle purpose was conservation and the duty to consider the social and economic wellbeing was a secondary consideration. The message that would be sent out to other businesses in the National Park that the Authority was happy to set aside its policy on development in the countryside would set a dangerous precedent.

Before taking a vote on the amendment, to approve the application, Members agreed that the Section 106 Obligation should be amended to require the capital raised to be re-invested into the Golf Club.

DECISION: That the application be approved subject to amendment



of the S106 Obligation to require the capital raised to be re-invested into the Golf Club.

As the decision had been taken contrary to the Officer's Recommendation, the Head of Development Management advised that she would be discussing with the Chief Executive whether the application should be subject to the Authority's cooling off procedure. She also required reasons from the Members why the application had been approved. These were given as compliance with Policy 1 of the Local Development Plan that there would be no negative impact as this was an existing development. It therefore followed that the Authority had a duty to promote the social and economic wellbeing of the area. Members also considered that while the agreement continued to serve a useful purpose, it would serve that purpose equally well if it had effect subject to the modifications approved.

- (e) REFERENCE: NP/12/0452
APPLICANT: Mr G Meopham, Pembrokeshire Coast National Park
PROPOSAL: Siting of surfboard and wetsuit hire concession between the hours of 8am to 8pm from 1st March to 31st October
LOCATION: Land at Whitesands Beach, St Davids

The application sought full planning permission for the use of a parcel of beach land as a surfboard and wetsuit hire concession. The application followed a history of three previous temporary approvals for the same use which was first granted in 1998. The use was very low key, relating to the seasonal renting of beach equipment which would help support the local economy and encourage visitors to use the beach. The continuation of this use would cause no lasting impact on the character and appearance of the area and officers considered it to be acceptable in line with the aims of policies of the Local Development Plan as set out in the report.

The application was brought before the Development Management Committee as it had been submitted by the Pembrokeshire Coast National Park Authority.

At the meeting it was pointed out that the report incorrectly referred to a period of 1st March to 31st March and this should have read 1st March to 31st October.

DECISION: That the application be approved subject to conditions.



9. Appeals

The Head of Development Management reported on 7 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.

Members sought clarification on the location of application NP/12/0230 and were advised that this was Adjacent to Binchurn Farm, Trefin. The Head of Development Management went on to advise that since the decision had been taken on that application, the Welsh Government had produced a guidance note on such 'One Planet' developments. A response setting out how the Practice Guidance related to the appeal case would have to be submitted shortly as part of the Authority's Statement of Case.

NOTED.

10. Delegated applications/notifications

24 applications/notifications had been dealt with since the last meeting under the delegated powers scheme that had been adopted by the Committee, the details of which were reported for Members' information. Of the 24, it was reported that 4 applications had been refused and 2 withdrawn.

NOTED.

