

DEVELOPMENT MANAGEMENT COMMITTEE

22nd February, 2012

Present: Councillor SL Hancock (Chairman)
Ms C Gwyther, Mrs G Hayward and Mrs M Thomas, Messrs A Archer, D Ellis, E Sangster; Councillors JS Allen-Mirehouse, JA Brinsden, ML Evans, HM George, M James, RM Lewis, PJ Morgan, WL Raymond and M Williams .

(Cleddau Bridge Hotel, Pembroke Dock: 10.00a.m. – 12.20pm)

1. Apologies

Apologies for absence were received from Councillors R Evans and R Hancock.

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 8(d) below</i> NP/11/520 Demolition of existing lean-to porch to front elevation & replacement by larger single-storey extension-Corrymore, Serpentine Road, Tenby, SA70 8DD	Marguerite Muskett	Withdrew from the meeting while the application was discussed
<i>Minute 11(a) below</i> EC10/004 Erection of wall in excess of 2 metres – 17 Puffin Way, Broadhaven, Haverfordwest	Cllr. Simon Hancock	Withdrew from the meeting while the matter was discussed
<i>Minute 11(a) below</i> EC10/004 Erection of wall in excess of 2 metres – 17 Puffin Way, Broadhaven, Haverfordwest	Mr David Ellis	Withdrew from the meeting while the matter was discussed



3. Minutes

The minutes of the meeting held on the 25th January, 2012 were presented for confirmation and signature.

It was **RESOLVED** that the minutes of the meeting held on the 25th January, 2012 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/11/398 <i>Minute 8 (a) refers</i>	Low impact development – Land adjacent to Binchurn Farm, Trefin	Mr Huw Edwards – Objector
NP/11/398 <i>Minute 8 (a) refers</i>	Low impact development – Land adjacent to Binchurn Farm, Trefin	Mr Tim Murray - Objector
NP/11/398 <i>Minute 8(a) refers</i>	Low impact development – Land adjacent to Binchurn Farm, Trefin	Mr Tom O’Kane - Applicant
NP/12/0019 <i>Minute 8(b) refers</i>	Variation of Conds 2 & 14 of NP/11/068 and NP/11/069 – Royal Playhouse Cinema, White Lion Street, Tenby	Mr Simon Fry – Applicant
NP/11/503 <i>Minute 8(b) refers</i>	Two storey rear extension and rear dormer window on existing roof-slope – Cilberllan, Roseneath Terrace, Dinas Cross	Mrs Margaret Jones – Applicant



5. The Chairman announced that there would be a change in order of business from that on the Agenda and Item 4 on the Agenda –the Authority’s response to Welsh Government on its consultation on revisions to Chapter 7 of Planning Policy Wales – Supporting the Economy would now be dealt with after Item 7 – the reports of the Head of Development Management on planning applications.

6. **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 41 applications were, therefore, reported for information.

Members enquired why the three applications from the National Park Authority were all status invalid. They were informed that there had been a query on some elevations and all details had not been supplied. They had to be more stringent on what information was needed and it had to be legible and easily understood or it would be marked invalid. The director emphasised that applications from within the Authority were scrutinised as strictly as any other.

Members asked if applications for wind turbines could be brought to Committee but were advised that each one had to be treated individually and there would have to be a valid planning reason for it to be brought to committee.

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7. **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 are 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.

8. 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/11/398
APPLICANT: Mr Tom O’Kane
PROPOSAL: Low impact development comprising a new dwelling, agricultural buildings, volunteer accommodation, education room, farm shop, solar panel array, polytunnel, compost toilet building and associated trackways and parking
LOCATION: Land adjacent to Binchurn Farm, Trefin, Haverfordwest, Pembrokeshire, SA62 5AE

Members were informed that the application site comprised approximately 15.2 acres of pasture and rough grazing/woodland to the east of the small hamlet of Llanon, 1 mile south of Trefin. The site was underdeveloped and was bordered by mature, native hedgerows and an area of scrub/woodland to the west. The land sloped gently upwards from north to south.

The application originally sought planning permission for a low impact development comprising a new dwelling, agricultural buildings, education room, farm shop, wind turbine and associated trackways and parking on land to the west of Binchurn Farm, Trefin.

The applicant’s vision was to create a sustainable and functional home for his family, and produce and sell a range of home grown organic products which would be sold from a new farm shop on the land and through local businesses. He would offer educational opportunities and enhance and protect the diversity of the site whilst living a low impact lifestyle. The site would be developed along permaculture principles and originally included a number of new buildings.

The house would contain three bedrooms and the volunteer barn would provide bunkhouse accommodation for groups on educational visits. The application also originally included the erection of a 9 metre high wind turbine in the south east corner of the site.

During the processing of the application, amended plans were provided and amendments made to the management plan and landscape and visual assessment to relate to these changes, and additional information was provided in relation to the impacts of volunteers engaged on the project.

The main changes to the plans involved locating the “built” area in the south east corner of the site to the east of the entrance drive with the exception of the polytunnel which would be provided for in the north west of the site. The house had been amended to be single storey, and the volunteer barn reduced in size to accommodate only two volunteers, and



the education room and barn reduced in size and altered in design. The wind turbine had been withdrawn from the application, and a new proposal for a ground mounted solar panel array in the northern part of the proposed car park had been included. Some changes had also been made to the layout of the planting and food production areas.

The application was reported to the Development Management Committee on 14th December 2011 when it was resolved that Members should visit the site prior to full consideration of the application. The site visit took place on 9th January 2012.

Over 200 objections had been received and the main issues raised were outlined in the report. Following receipt of the amended plans a further consultation was carried out and over 100 responses were received. A further seven letters had been received since writing the report.

The Head of Development Management advised that the application fell to be considered in the main against Policy 47 of the Local Development Plan (LDP), which related to Low Impact Development making a Positive Contribution. The policy contained eight tests to be met in any application, with a requirement that they must all be met to justify a proposal. The Supplementary Planning Guidance in relation to Low Impact Development was also of direct relevance.

In additional Technical Advice Note 6 contained advice in relation to One Planet Development and took forward Low Impact Development (LID) principles in the Welsh context. It provided advice on the information required with an application, and how proposals must justify the need to live on site and how the inhabitant's requirements in terms of income, food, energy and waste assimilation could be obtained directly from the site.

The main issue to be determined was whether the proposal was an acceptable low impact development in accordance with LDP Policy 47, when considered also in relation to the Welsh Government's policy and guidance, and consequently a justifiable exception to the strong presumption against development in the Countryside. Where not already addressed by consideration of Policy 47 criteria, regard was also to be made to the impact of the proposals on the special qualities of the National Park and on the landscape.

Members were advised that the starting point should be the Development Plan and that all eight criteria of Policy 47 were required to be met. The Head of Development Management then went through each criterion in turn.



a. Make a positive environmental, social and/or economic contribution with public benefit.

- Environmental benefits which the project would achieve were intended to support the development rather than to benefit the public. The SPG required wider public benefits to be demonstrated.
- There was little evidence within the application to suggest that there was either a need or a demand for training on sustainable living.
- It was unclear what level of employment was likely to be generated. There would be some during the construction phase but longer term employment was not evident.
- The training/educational visits and farm shop would result in increased movements to and from the site, and due to the site's location a number of these were likely to be by private car

Taking into account the above points it was not considered that the application met Criterion a. of Policy 47.

b. All activities and structures on site have low impact in terms of environment and use of resources.

The applicant provided information in relation to the proposed use of resources; water would be either from the mains which ran close to the site or from a borehole, water to be used for washing machine, bath, shower, and agricultural activities would be from rainwater harvesting. The house, education room and volunteer accommodation would be heated and electricity supplied by solar panels, and fuel for heating would be obtained from the planted woodland from year 4 onwards. Water heat would be supplied from PV panels whilst cooking fuel would use LPG initially with seasoned wood used in the long term. The site would be connected to the mains so that excess energy could be sent to the grid where there was oversupply.

With regard to the materials to be used for the development it was considered that these complied with the criterion in so much as they were from sustainable sources, re-useable and reversible in the main.

The overall performance of the building was less compliant, particularly in relation to their fuel and energy requirements. The application stated that LPG would be used in the short term but no indication was given of the likely timeframe for the use of wood for fuel sufficient not to rely on LPG. It was questionable whether the planting would produce sufficient fuel for the development within the required three years or even five years as required by TAN 6. There was little information in relation to the solar and PV panels and the



amount of electricity and hot water that could be produced particularly in the winter months for a development of this size. The development was to be connected to mains water and to the electricity mains for supply to the grid. It was not clear how much of the site's needs could be met by solar panels or how much would be from the grid.

The proposal would lead to increased traffic movements. It was suggested that much access to the site would be via cycle, foot, bus etc. but there was also a significant amount of access by private car. Whilst it was accepted that the figures given for the household itself were lower than those for a "conventional" development, it was inconceivable that most of the business side of the proposals would be accessed by anything other than private vehicle by virtue of the site's location in the countryside.

The combined effect of the shortfalls in the proposal as outlined result in a non-compliance with Criterion b.

c. Opportunities to reuse buildings which are available in the proposal's area of operation have been investigated and shown to be impracticable.

The site had been previously underdeveloped and as such there were no buildings within the proposal's area of operation that could be re-used.

As such the proposal complied with this Criterion.

d. The development is well integrated into the landscape and does not have adverse visual effects.

The main built form of the development was to be located in the south east corner of the site with the farm shop, car parking and solar panels located to the south west of the site and the polytunnel to the north east. The vegetable garden would be located to the immediate north of the house and buildings. The amended plans did not specifically identify the area for the seed planting which was a central part of the business element of the application. The plans, whilst scaled, were limited in detail and lacked survey and finished levels, details in respect of ground mounted solar panels and their height, and the full detail of the PV panels, and as such the full impact was difficult to assess.

Criterion d) of Policy 47 required development to fit into its landscape setting, and not have adverse impact on views particularly from public routes and viewpoints and neighbouring properties. The site was exposed when viewed from the direction of Trefin, the coast



path, local Public Rights of Way and nearby properties. There was limited effective existing screening for the development and there was doubt whether the planting schemes would provide effective screening.

It was therefore not considered that this proposal complied with Criterion d. of Policy 47.

e. The proposal requires a countryside location and is tied directly to the land on which it is located, and involves agriculture, forestry or horticulture

The main enterprise related to this proposal was the growing of seeds, fruit and vegetables for sale to local businesses and from the gate. This was clearly a horticultural enterprise that required a countryside location and therefore the principal business activity for this LID complied with this criterion.

The proposal also included a secondary element of training and education, much of which was based on the demonstration of the practices and techniques used in the horticultural activities. As such these were required to be located in the countryside. The more subsidiary elements such as Welsh classes, furniture making and weaving were not considered to be reliant on a countryside location and could be undertaken elsewhere.

On balance the main business activity required a countryside location and as such Criterion e. was met.

f. The proposal would provide sufficient livelihood for and substantially meet the needs of residents on the site.

Criterion f. required 75% of the basic household needs of the residents on site to be met by means of activities centred around the use of resources grown, reared or occurring naturally on the site. This requirement should be met by Year 3 of the project or if not, be explained in the application.

The applicant provided information in relation to his annual household needs and his household data. He also provided data in relation to his expenditure and income for the various parts of the enterprise. He stated that the business would be financed from savings.

A number of the objections received raised the issue of the unrealistic nature of the financial data provided and that an independent consultant should be employed to assess the figures. The principle of LID did not however, necessarily follow conventional



business costings, and this type of project was unlikely to generate significant levels of income nor have expenditure that would be similar to a conventional type of living. It was necessary for projects to demonstrate that occupants could derive a livelihood from a full time presence on a site which was financially secure and therefore no independent view had been sought.

However there were certain costs which were common to all developments such as council tax and insurance and where comparative data could be used, the figures included in this application were considered to be low for a property of this size.

The footprint analysis consultants had taken into account the likely self sufficiency of the site in assessing the footprint of the project. The advice received was that the estimated food reductions for the scenarios presented and the associated reduction over time of the footprint were “implausible”.

The applicant had indicated that the set up costs for the business were to be met from savings. It was unclear whether the “business” included the construction costs for the house and other buildings. It was also stated that funding would be sought for the woodland planting through the GLASTIR scheme and through other grant schemes for the educational aspects of the project. Whilst there was no objection to grant aid being given to this project this could not form part of the essential financing of the scheme where there is no guarantee of long term security for that funding. The scheme had to be able to demonstrate how it would provide for the sufficient livelihood of the residents of the site without any external funding. In the application, no information was provided as to how the enterprise would be funded in the absence of these funds, nor how the construction would be financed.

The application failed to meet Criterion f. as the likelihood of the site being able to meet 75% of the basic needs by Year 3 was inconclusive and unlikely.

g. The number of adult residents should be directly related to the functional requirements of the enterprise.

The application proposed to sustain two adult residents on the site and information had been provided in relation to the division of the functional requirements of the enterprise between the two adults concerned. It was considered that the number of adults was directly related to the functional requirements of the proposal and Criterion g. was therefore met.



- h. In the event of the development involving members of more than one family, the proposal will be managed and controlled by a trust, co-operative or other similar mechanism in which the occupiers have an interest.**

This Criterion was not applicable as the development only involved one family.

As set out above it was not considered that the proposal met Criteria a, b, d or f of Policy 47 and the policy required all criteria to be met. In the absence of compliance consideration needed to be given to whether the proposal met other policies within the adopted Development Plan.

Policy 7 in relation to the Countryside would only allow development outside identified centres where it met one of eight specified circumstances, one of which is for LID. It had been concluded that the proposal failed to meet this criterion.

Policy 29 required an integrated approach to design to be taken with regard, amongst other things, to local place and distinctiveness. It was considered that this development, by virtue of the issues raised under Criterion d. of Policy 47, failed to be compatible with the conservation or enhancement of the natural beauty, wildlife and cultural heritage of the Park, nor to provide opportunities for public understanding and enjoyment of those qualities that would override the first purpose. The development would also fail to protect the special qualities of the National Park as required by Policy 8. It would cause visual intrusion and be insensitively and unsympathetically sited within the landscape, introduce a use and design of built form which was incompatible with its location and fail to harmonise with or enhance the landform and landscape character of the National Park as required by Policy 15. The development would therefore fail to meet the more general policies within the National Park relating to its overall protection.

Technical Advice Note (TAN) 6 formed a material consideration in determining this proposal. It set out requirements in relation to the ecological footprint. Developments should be zero carbon in construction and use. In this respect, the consultants commissioned to consider the Ecological Footprint Analysis concluded that the data assumptions employed for the scenarios for reduction in ecological footprint of food consumed by the occupants was implausible and as such underestimates the final Ecological Footprint. Furthermore, the application did not enumerate how a zero carbon development would be achieved.

Applications for Low Impact Development in the context of TAN 6 should also demonstrate the need to live on site and quantify how the inhabitants' requirements in terms of income, food, energy and waste



assimilation could be obtained directly from the site. The activities should be able to support the minimum needs of the occupants in no more than 5 years. It was accepted that the development required a countryside location and by its nature would require an on-site presence. The development would provide some environmental benefits and would utilise sustainable and low impact materials for the building construction. However, it was not considered that the occupants would be able to meet their minimum needs from the development by Year 5 (or soon after) for the reasons set out under criterion f. It was therefore considered that the development failed to meet a number of the requirements of TAN6.

On this particular site it was considered that the duty to conserve and enhance the National Park's natural beauty and cultural heritage was compelling, and as such it was not considered that there were other material considerations that would justify approving this development contrary to the policies of the adopted Development Plan.

Mr Huw Edwards who was objecting to the application spoke. He said in the past the National Park had done a wonderful job in protecting the Park from inappropriate developments. He believed that the application had no environmental benefits. It proposed to use volunteers rather than create local employment and therefore failed Criterion b of Policy 47. He did not understand why it had to be located on land in the National Park and the application showed no evidence of appropriate site selection and therefore failed Criterion c. of Policy 47. The proposal was not well integrated and would have adverse visual effects owing to the number and size of structures involved and therefore failed Criterion d of Policy 47. He believed that the Business Plan was disingenuous and flawed and the project was reliant on grants and volunteers to sustain it. The crop yields were estimated and he believed that the fact that the fields were north facing and prone to water logging together with the strong winds would not be suitable for the growing of fruit and trees and therefore failed to meet Criterion f of Policy 47. He believed that the Committee were the trustees of our landscapes and would not like to see this or any similar project be allowed to proceed in the National Park.

Mr Tim Murray was then invited to speak. He said he believed that the Pembrokeshire Coastline was such a special place, several generations of committee had presided over planning applications and despite relentless pressure had preserved the landscape while recognising that people did not want to live in a museum. In 2010 the Local Development Plan had been published and this was a simple, clear and concise document. This application had been made with reference to Policy 47 of the Local Development Plan. He believed that this application failed repeatedly to meet the criteria of Policy 47. He believed that this was an application to follow a certain lifestyle and while he conceded he could not



object to someone's lifestyle he did object to this application from a planning point of view.

Mr Tom O'Kane, the applicant, then spoke. He began by saying he believed that Members should look at the background of why the low impact policy had come into existence – it had come about as people were striving for an alternative way of life. He believed that society was confronted with serious environmental, social and economic issues. He said they were a young family trying to do something positive and he had been very surprised at the number and level of objections. He believed they did have some local and national support from people who had met them and understood what they were trying to do. He stated he could provide all the evidence to say they complied with Policy 47 and TAN6. He had invested a lot of time and effort into this project and still wanted to take it forward. He then apologised for any stress or unrest that may have been caused.

Members began by congratulating the Head of Development Management on her very comprehensive report and also stated that the objections had been covered very comprehensively by the first two speakers.

While Members had sympathy with the applicant and what he was trying to do they believed that this was not the correct site to use due to its north facing and very exposed position. They believed that there was a very high possibility that crops would fail and polytunnels would be used which would have a huge impact on the landscape. The site was in any case highly visible from a great distance around. They also felt that the plans did not provide enough information on the application.

It was **RESOLVED** that planning permission be refused for the following reasons:

1. It has not been adequately demonstrated that this proposal is a low impact development making a positive contribution as defined by Policy 47 of the Pembrokeshire Coast National Park Local Development Plan (adopted 2010) and in particular fails to meet criteria a, b, d and f.
2. With due regard to Reason1, the proposal if permitted would therefore result in a creation of a new residential dwelling/educational resource in the countryside without justification and as such would be contrary to Policy 7 of the Pembrokeshire Coast National Park Local Development Plan (adopted 2010) which seeks to resist development in such locations except in exceptional circumstances.



3. The proposed development, by virtue of its position, scale and design, would have a detrimental impact on the special landscape character of the Pembrokeshire Coast National Park, and which the National Park Authority has a statutory duty to conserve and enhance. As such the proposal would fail to meet policies - 1 (criterion a), 8 (criterion c), 15 (criteria a, b, c and d) and 29 (criteria a) of the Pembrokeshire Coast National Park Local Development Plan (adopted 2010).
4. The application does not provide sufficient information to fully assess the development in respect of its full impact on the landscape character and visual appearance of the area.

(b) REFERENCE: NP/12/0019
APPLICANT: South Terrace Properties Ltd
PROPOSAL: Variation of Conditions 2 & 14 of NP/11/068 and NP/11/069 to allow for use for A1 (retail), A2 (financial) and A3 (food and drink)
LOCATION: Royal Playhouse Cinema, White Lion Street, Tenby, Pembrokeshire, SA70 7ET

Members were reminded that Planning permission and Listed Building Consent had been granted last year for the re-development of the site, formerly occupied by the Gatehouse Hotel, Playhouse Cinema and the Car Park adjacent to the cinema. The approved development included 39 apartments, a 68 bed hotel, 3 commercial units and a replacement cinema, with car parking, servicing facilities and a new access road. (NP/11/068 and 11/069).

Condition 2 of that permission required the development to be carried out in accordance with the approved plans, while Condition 14 restricted the use of Commercial Unit 1 to uses falling under use classes A1 (shops), A2 (financial and professional services) or A3 (food and drink), Unit 2 to uses falling under class A1, and Unit 3 to purposes ancillary to the cinema use. The hotel was restricted to uses falling under Class C1 (hotels and hostel), and the cinema to use class D2 (assembly and leisure).

The current application sought permission under Section 73 of the Town and Country Planning Act (as amended) to vary Conditions 2 and 14 of the above permissions to allow for the use of all commercial space, including the cinema, for uses falling under use classes A1, A2 and A3. As Unit 1 had already received planning permission for this use, the application was in relation to Units 2 and 3 and the cinema itself. The application did not expressly state that the hotel was not part of this application and that point was to be clarified.



The main issues to be considered were the loss of the D2 (assembly and leisure) use and the appropriateness of the uses applied for.

The Authority's Estates Officer had assessed the figures. He stated that despite an upturn in the cinema market during the 1990s the expansion had tailed off dramatically, but even at its peak there was never any drive for single screen sites. With regard to this particular proposal he noted that the original cinema in Tenby shut some time ago, and that there were cinemas at Carmarthen, Milford Haven, Haverfordwest and Fishguard.

A letter had also been received from a local estate agent stating that there was already surplus office accommodation in Tenby. No interest had been received for the cinema which was being marketed by his agency.

He also referred to the experience of the De Valance which was conceivably competing for a similar operator. It was largely under-used and despite the Town Council seeking expressions of interest it was understood that only one had been received. He believed the lack of interest in a cinema or events venue such as the De Valance raised basic question marks over the ability for Tenby to attract a new cinema or other events operator into the town.

Consideration also needed to be given to whether there are other D2 uses that could utilise this space. The D2 use covers a range of leisure uses, such as music and concert halls, bingo and dance (excluding nightclubs), swimming baths, gyms, skating rinks and other indoor and outdoor sports facilities. The DeValance offers similar facilities for music, bingo and dance and no interest had been shown in using the facility for this purpose.

Officers believed that in the absence of any investment into the D2 use, the overall scheme relating to the Gatehouse re-development was in jeopardy.

It was necessary to consider whether proposed alternative uses were appropriate. Policy 48 of the LDP stated that when considering a new use for a redundant community facility an employment use or affordable housing use would be prioritised. This site lay within the town centre of Tenby and only specific types of employment uses would be appropriate including office use. The applicant had been asked to provide evidence of a lack of demand or need for B1 office or sui generis employment use within the town centre. This evidence had not been received. Provided the case was made that priority had been given to employment uses,



alternative uses falling under classes A1, A2 or A3 uses were acceptable within this town centre location.

Policy 48 also required consideration to be given to affordable housing as an alternative to community use. In view of the location of the ground floor units within the general hotel it was not considered that these units would be suitable.

Officers considered that the loss of the D2 use could be justified with regard to the unique set of circumstances in relation to this development. Furthermore, it was considered, subject to the receipt of satisfactory evidence in relation to the lack of demand or need for a B1 or sui generis use at this location, that the mix of uses was acceptable. It was not considered that the ground floor of this part of the development would be suitable for affordable housing.

Policy 48 of the LDP was concerned with community facilities (which a D2 use would fall under) and stated that development which would adversely affect the operation of a community facility or result in its loss would not be permitted except where a suitable replacement or enhanced facility was to be made available or where it could be shown the facility was no longer required or was not commercially viable.

If the facility was not to be provided (and no alternative community provision shown) it was essential that the library/community facilities planning obligations were again considered. The adopted SPG on planning obligations provided for a £187 per dwelling contribution if this was to be an off-site element, as a contribution to upgrade existing facilities to serve this new residential population. A contribution of £11,594 (62 units x £187) would therefore be necessary to enable existing facilities to be upgraded/extended to fulfil this planning requirement. The developer had already verbally agreed that this would be acceptable.

The Head of Development Management concluded by saying that it was therefore considered that the loss of the D2 use could be justified in this instance with regard to the unique set of circumstances in relation to this development.

The application was therefore recommended for approval subject to receipt of satisfactory evidence in relation to employment use and the provision of a commuted sum for libraries/community use.

Officers felt there was a risk of the entire project not proceeding if there was an insistence in the cinema use being retained.



Mr Simon Fry spoke on the application. He stated that since the writing of the report he had provided evidence in relation to the marketing of the cinema. The figures used for the original application had been optimistic and even using those figures the cinema would fail to break even over 20 years. They had made some assumptions with regard to the construction costs. There were two levels of hotel accommodation above the cinema which limited the design. It also had to be designed as a box structure with no pillars and therefore needed a very robust construction which could affect the costs. They had tested the market in terms of development costs. They had some contractor's figures but were unable to appoint as it was still subject to funding.

They had been in positive talks with funders for some time on this scheme and the cost of finance was extremely high. They had secured a hotel operator for the hotel subject to funding. He believed that to reintroduce a cinema into this scheme was not viable and no lender would lend on a scheme which was not viable. As this was linked to the whole scheme it then made it difficult to secure the necessary funding. Lenders considered the risk of the cinema to be unacceptable as they would look at pre-lets on residential and pre-sales on commercial as a formula to decide on funding viability.

One Member enquired as to where the cinema had been marketed as he had seen no evidence of this in Tenby either with a board on the site or locally in an Estate Agents. The Head of Development Management replied that local estate agents Graham H Evans had marketed the property and she had seen evidence of this.

Most Members felt that they granted permission on the basis of the whole development with the cinema included, that the cinema element was a crucial ingredient in the overall mix, and should not be changed. The viability of the scheme had originally been judged on the whole site and not on its separate parts. They considered that the loss of the cinema was lamentable, particularly as this would provide a much needed facility for the town and tourist trade.

Members then asked that the site be looked at with regard to enforcement action being taken. They stated that one of the original conditions was demolition of the remaining parts of the hotel and agreement was to be made with this Authority for the hoarding and the condition of the site was to be maintained. They felt the hoardings were now in a dangerous condition and harmful to the appearance and amenity of the area. The Head of Development Management agreed to bring a report to the next committee on this issue.



Members voted to refuse the application; contrary to the Officer's recommendation and they were asked to provide their reasons for refusal. They explained that they granted permission on the basis of the whole development with the cinema included and this should not be changed, to remove it would mean a loss of a community facility which would not be beneficial to the town and also that that the marketing exercise should have been more comprehensive

DECISION: That the application to vary conditions Conditions 2 and 14 of NP/11/068 and 11/069 be refused for the following reasons:

1. Policy 48 of the Pembrokeshire Coast National Park Local Development Plan (adopted in 2010) states that development which would adversely affect the operation of a community facility or results in its loss will not be permitted except where a suitable replacement or enhanced facility is to be made available or where it can be shown the facility is no longer required or is not commercially viable. Insufficient information has been provided with this application in relation to the marketing of the D2 (assembly and leisure) use to demonstrate that the use is no longer required, nor has a satisfactory business case been provided that shows that any D2 or other community use is unviable. The proposal makes no other alternative community facility available as would be calculated as necessary in accord with adopted Supplementary Planning Guidance: Planning Obligations- Public Libraries/Community Uses adopted June 2011. As such the proposal is contrary to Policy 48 of the Local Development Plan.
2. Policy 2 of the Pembrokeshire Coast National Park Local Development Plan (adopted 2010) states that the land use priorities in Tenby will be, amongst other things, to aim to meet the affordable housing needs of the local area, to provide for employment development to meet the needs of the local area, to protect and enhance the town's facilities and town shopping centre which serve the needs of the local area, and to ensure developments permitted contribute to the protection and enhancement of the town's special qualities. Policy 42 allocates the site at White Lion Street/Deer Park for employment and mixed uses (residential, retail, hotel and cinema). Policy 50 requires changes of use, redevelopment or development of new buildings to be permitted in town and district shopping centres where, amongst other things, the proposal falls within classes A1, A2, A3, B1, C1, D1 or D2 of the use classes order or is a sui generis use normally found in such shopping centres.

The re-development of this key site in Tenby, taken together with the other linked re-development sites within the town, requires a mixture of uses to ensure the vitality, viability and diversity of the town centre is maintained and enhanced. The loss of a D2/community use from the overall re-



development of these key sites will undermine these requirements and as such will be contrary to the aims of the above cited policies.

- (c) REFERENCE: NP/11/503
APPLICANT: Mrs Margaret Jones
PROPOSAL: Two-storey rear extension and rear dormer window on existing roof-slope
LOCATION: Cilberllan, Roseneath Terrace, Dinas Cross, Newport, SA42 0XB

It was reported that the house, the subject of the application, was a traditional building with a 2 storey stone double fronted elevation and a long catslide roof at the rear to a single storey elevation. The attached property to the west was a similar design, sharing a common roof height and footprint. To the east, the attached property was much narrower with a far taller roof and its front elevation set approximately 3m further back than the application site and consequently was deeper at the rear. The properties forming the eastern extent of the terrace were of differing architectural styles and had all been extended in a variety of shapes and sizes over time.

The rear roof slope of the property was dominated by a large stone/brick chimney plus 2 no. roof lights that served the first floor accommodation. At ground floor the window openings were small and did not follow any particular pattern or design.

The proposal sought permission to construct a two storey rear extension to provide a sitting room at ground floor level with a bedroom above. The extension was proposed to have its roof set 0.8m beneath the main ridge of the house. Within the rear elevation symmetrically glazed panels with windows at first floor and patio doors at ground floor were proposed. To facilitate the extension and to continue to provide light to the existing room at first floor, it was proposed to remove the chimney and insert a roof light to the west of the extension and a small pitched roof dormer to the east.

The proposal was considered to represent an inappropriate form of development due to its size, design and location on the rear elevation in combination with the loss of the chimney that would fail to respect the scale and character of the existing dwelling. It was recommended that the proposal be refused.

The application was before Development Management Committee for consideration as the recommendation was contrary to the view expressed by the Community Council.



Mrs Margaret Jones, the applicant, then spoke. She stated that some of the rooms at the back of the property were very dark in the winter together with the fact that she needed to create more space in the property and this was why she had decided to extend the property. She had looked at some other similar properties to get some idea but she would be open to negotiations on the design. She felt she was adding to the housing stock in Dinas by providing a viable three bedrooomed family house.

She stated that the chimney stack was a problem as it leaked into her neighbour's property but it may be salvageable depending on what was found when it was investigated further.

Whilst Members had sympathy with the applicant they felt that a good conservation architect should be able to design a scheme that would provide what was needed without spoiling the house and it may also be possible to save the chimney. They hoped that a more suitable design could be re-submitted.

DECISION: That Planning Permission be refused for the following reason:

1. The proposed extension by reason of its size, design and location on the rear elevation in combination with the loss of the chimney and introduction of a dormer window, would represent an inappropriate form of development that would be insensitive to the existing property and incompatible in scale. As such the proposal is contrary to policies 15(a)(b) and 30(b)(d) of the Adopted Pembrokeshire Coast National Park Local Development Plan (September 2010).

- (d) REFERENCE: NP/11/520
APPLICANT: Mr T Rossiter
PROPOSAL: Demolition of existing lean-to porch to front elevation and replacement by larger single-storey extension
LOCATION: Corrymore, Serpentine Road, Tenby, Pembrokeshire, SA70 8DD

Planning permission was sought to demolish the existing masonry front porch at the above-mentioned property and replace it with one of cavity wall construction with a slate clad lean-to roof. The application was reported to the Committee as the applicant's partner was related to a member of staff.

Officers considered the proposed porch, although slightly larger than the existing, to be of a scale and design appropriate to the existing building and not result in detrimental impact upon the appearance of the existing



building or the amenity of neighbouring properties. As such, the proposal was recommended for approval subject to standard conditions.

DECISION: That planning permission be granted, subject to standard conditions.

9. Authority's response to Welsh Government on its consultation on revisions to Chapter 7 of Planning Policy Wales – Supporting the Economy (Report of Planning Officer – Development Plans).

The Director of Park Direction and Planning reported that Planning Policy Wales currently had 13 chapters, 9 of which were topic or subject based. Chapter 7 dealt with 'The Economy' and this was being reviewed.

The emphasis of the new approach was for planning to consider the whole of the economic sector, including retail, tourism, sport, leisure and other services not traditionally thought of as employment providers, and not just the traditional employment uses defined under parts B1 to B8 of the Town and Country Planning Use Classes Order.

The Director considered that the National Park Authority had always been aware of the need for a wide interpretation of the economy and had taken a stance that with a local economy based largely on agriculture and tourism it was well versed in the significance of how small scale additions in terms of farm diversification or extensions to existing businesses for example could make a substantial, long lasting and sustainable contribution to the local economy, the environment and the social wellbeing of the Park's residents.

She believed that the Authority would be happy to embrace this new stance from the Welsh Government, knowing that in terms of our adopted LDP policies and our dealing with planning applications this way of working and interpretation of local conditions would not be new to us. There was still to be protection for our valued landscapes and, with joint working – largely with Pembrokeshire County Council – to identify and steer economic development to appropriate locations, the changes could be supported.

One of the recommendations of the report was that there should be joint sharing of data and up to date data on which to make decisions. Officers had been in touch with Pembrokeshire County Council (PCC), and its Head of Economic Regeneration had confirmed that this was what happened already and that PCC were happy to continue this dialogue and sharing of information.

Members were pleased that the Sandford principle was highlighted in the response to Q12b, however they asked that the use of landscaping to



mitigate economic development applications be strengthened. They also felt that the responses to Q9 and Q12 should be expanded to allow the Authority to retain some flexibility to take other factors into consideration when deciding on applications.

The Director of Park Direction and Planning confirmed that these comments would be incorporated into her response, and Members requested a copy when it was sent.

It was **RESOLVED** that the Director of of Park Direction and Planning be delegated authority to reword the response to Questions 9, 12 and 12b and to submit the response to the Welsh Government's consultation on revisions to Chapter 7 of Planning Policy Wales.

10. Appeals

The Head of Development Management reported on 11 appeals (against planning decisions made by the Authority) that were currently lodged with the Welsh Assembly Government, and detailed which stage of the appeal process had been reached to date in every case.

Members discussed Mayville which had been granted planning permission at appeal. It was reported that the Head of Direction would be writing a letter to the Inspectorate to clarify the application of the Authority's policy on affordable housing. Members asked if they could have a copy of any correspondence written to the Inspector.

Cllr. Simon Hancock and Mr David Ellis declared an interest in the following item and left the meeting while it was being considered.

11. Enforcement

(a) EC10/004 17 Puffin Way, Broad Haven, Haverfordwest, SA62 3HP

At the June 2011 meeting of the Development Management Committee authority was given to serve Enforcement Notices on the owners of the above dwelling house to take down and remove from the land a wall approximately 2.5 metres high across the rear garden at 17 Puffin Way, Broad Haven.

It was noted at the meeting that the report was incorrect in that it referred to the required notices being served on the 18th October 2012 rather than 2011.

The Officer went on to explain that compliance with the notice was due by 18th January 2012, and on 20th January 2012 a site visit by Enforcement Officers revealed that the wall remained in situ as constructed.



It was **RESOLVED** that authority be given to prosecute the owners of 17 Puffin Way, Broad Haven in the Magistrates Court for failure to comply with the terms of the Enforcement Notice.

12. Delegated applications/notifications

39 applications/notifications had been issued 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.

NOTED.

13. Any Other Business

(a) Outcome of a further appeal by objectors relating to the South Hook LNG Terminal

The Chairman allowed the Authority's Solicitor to advise Members of the recent decision in respect of the above as a matter of urgency. The Solicitor reported that during 2003/2004 the Authority (and also the County Council) had granted planning permission and Hazardous Substances Consent in respect of the South Hook LNG Terminal in Milford Haven. Local objectors sought to quash those decisions by means of Judicial Review, claiming there had been a failure to carry out a comprehensive impact assessment of the project, or to take account of the risks arising in connection with the marine traffic that would be generated by the operation of the new Terminals.

Hearings were held in the High Court and the Court of Appeal, all of which the Authority successfully defended. The objectors were denied leave to make a further appeal to the House of Lords and so exhausted their legal remedies within the UK.

However they appealed to the European Court of Human Rights (ECHR), essentially on the grounds that the UK government had failed in its duties under the Convention on Human Rights regarding the regulation of hazardous activities & the dissemination of relevant information.

The Solicitor concluded by advising Members that he had recently learned that the ECHR had rejected both claims

NOTED.

