

DEVELOPMENT MANAGEMENT COMMITTEE

23rd January 2013

Present: Mrs G Hayward (Chair)
Councillor JA Brinsden, Mr D Ellis, 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, Councillor A Wilcox and Councillor M Williams.

[Ms C Gwyther arrived during consideration of Item 5, Planning Applications Received Since the Last Meeting. Mr A Archer arrived during consideration of application NP/12/0547]

(National Park Offices, Llanion Park, Pembroke Dock 10.00am – 11.25am)

1. Apologies

Apologies for absence were received from Councillor P Harries and Mrs M Thomas. Mr A Archer was delayed by snow and would arrive later in the meeting.

2. Disclosures of interest

There were no disclosures of interest.

3. Minutes

The minutes of the meetings held on the 19th December 2012 and 9th January 2013 were presented for confirmation and signature.

It was **RESOLVED** that the minutes of the meetings held on the 19th December 2012 and 9th January 2013 be confirmed and signed.

NOTED.

4. Right to speak at Committee

The Chairman informed Members that due notification (prior to the stipulated deadline) had been received from interested parties who wished to exercise their right to speak at the meeting that day. 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 after the 1st January 2012 would have 5 minutes to speak:

Reference number	Proposal	Speaker
NP/12/0542	Conversion & single storey	Mr Chris Kimpton,



<i>Minute 7(e) refers</i>	extension to vacant agricultural building to create a one bedroomed dwelling – Danygarn, St Davids	Agent
NP/12/0547 <i>Minute 7(f) refers</i>	Proposed new access road to service new residential development situated east of Cleggars Park – Land east of Cleggars Park, Lamphey	Mr John MacDonald, Objector Mr Phillip Baxter, Agent

5. **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 49 applications were, therefore, reported for information and Members were informed that 16 were deemed to be invalid.

One Member asked the height of the turbine in NP/13/0004 and the Head of Development Management agreed to advise her of this. Another Member asked whether NP/13/0009 would be coming before the Committee once valid and was advised that unless the Community Council’s views differed to those of officers, it would fall with the scope of delegated powers. However should the Member wish for it to be considered by the Committee, he could request this through the normal procedure.

The Head of Development Management advised the Committee that a paper on invalid planning applications would be presented to the next meeting of the National Park Authority on 6th February 2013.

NOTED

[Ms C Gwyther arrived at this juncture]

6. **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. Members also had to consider the Human Rights Act 1998 and provided it was applied lawfully and in a fair and impartial manner, they would have complied with their statutory duties under the Planning Acts and would thereby have acted in accordance with the Human Rights Act. 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.

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

7. 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/12/0477
APPLICANT: Mr & Mrs K & R Holmes
PROPOSAL: Construction of dormer cottage
LOCATION: Plot 1, Off Blockett Lane, Little Haven, Haverfordwest

- (b) REFERENCE: NP/12/0478
APPLICANT: Mr & Mrs N Davies
PROPOSAL: Construction of Dormer Cottage
LOCATION: Plot 2, Off Blockett Lane, Little Haven

- (c) REFERENCE: NP/12/0479
APPLICANT: Mr & Mrs T Thomas
PROPOSAL: Construction of dwelling & detached garage
LOCATION: Plot 3, Blockett Lane, Little Haven

- (d) REFERENCE: NP/12/0480
APPLICANT: Mr & Mrs G Hutton
PROPOSAL: Construction of single dwelling
LOCATION: Plot 4, Blockett Lane, Little Haven

Members were reminded that the above applications at Blockett Lane, Little Haven had been deferred at the previous meeting of the Committee, and that the site had been inspected by Members (*minutes of the meeting of the Development Management Committee held on 9th January 2013 refer*). However officers advised that although the applications had been submitted individually and the certificates of ownership had stated that they were owned by four separate owners, a land registry search had revealed that the four plots were in fact registered in one ownership. The agent had been unable to confirm whether this was indeed the case and



in the absence of any contrary evidence to show the ownership claimed was accurate, the legal advice was that the determination of the applications could not proceed. In addition, the ownership went to the heart of the consideration of the applications due to the affordable housing issue. Further legal advice was awaited on whether the applications were invalid and the Head of Development Management advised Members that should the applications be found to be invalid, they would not be reported back to the Committee.

DECISION: That applications NP/12/0477, NP/12/0478, NP/12/0479 and NP/12/0480 be deferred while further legal advice was awaited.

Members asked officers to check whether any landscaping conditions on the two dwellings already in existence on the wider site had been complied with and also whether the wall that had been erected was permitted development. Officers replied that Enforcement Officers were already investigating the wall and would check the conditions on the application for the already built dwellings. Members also wished to complement the officer, Julia Evans, for the way she had handled the site inspection and the evidence she had presented.

- (e) REFERENCE: NP/12/0542
APPLICANT: Mr Rob Cumine
PROPOSAL: Conversion and single storey extension to vacant agricultural building to create a one bedroomed dwelling
LOCATION: Danygarn, St Davids

It was reported that this application was brought before the Committee for consideration as the recommendation of refusal was contrary to the views of St Davids City Council. The application, for conversion and extension of a small agricultural outbuilding into a one-bedroomed open market dwelling, was identical to a submission refused under delegated powers in September 2012.

Officers considered that the extension of the building was too large and an incongruous addition to the small and simplistic agricultural outbuilding and its setting. Also due to the limited accessibility of the property to public transport it would be reliant on the private car. The application was therefore contrary to national and local development plan policy and was recommended for refusal.

The agent, Mr Chris Kimpton, then addressed the Committee. He stated that he believed assessment of the application was flawed with regard to the information provided in the report on accessibility, with the incorrect



bus service being referred to, and no mention being made of the provision of the school bus. He also advised that using part of the highway and a footpath, the distance to the bus stop was in fact 600m. He noted that if the application had been for holiday accommodation or affordable housing, the accessibility requirements were less onerous and the Authority was therefore promoting these forms of accommodation over open market housing. Neither did he believe that the policy was prescriptive on this point with accessibility being only a consideration, not a requirement of the policy.

Turning to other matters, the Agent stated that the caravan that was currently on site had been used for overflow accommodation for 20 years and could legitimately be replaced by another structure which fell within the definition of a caravan but which could be three times the floor area of the proposed extension. He believed that the glazed link between the existing building and the proposed extension was an excellent design solution which did not impose on the existing building and would give the appearance of a cluster of buildings making the extension, with its mono-pitch green roof, blend in. He pointed out that an extension had been allowed at a nearby property which was double the size of the host building and he asked for consistency. He concluded that no objections had been received from Statutory Consultees and invited Members, if they remained in any doubt, to visit the site.

One Member began by saying that he felt the design of the extension was inappropriate and that it was larger than the existing building. He therefore moved the officer recommendation and this was seconded. Referring to the neighbours' concerns regarding the car parking provision, another Member agreed this would block the access to neighbouring land, particularly by wide machinery. Noting this, the officer nevertheless advised that the Authority was bound by the advice of the Highway Authority which had said that the application was acceptable.

Although other Members agreed that the design of the proposal was out of keeping, they were concerned at the apparently incorrect information on accessibility that was being used to support the second reason for refusal. The officer read out the advice that had been received from the Development Plans Team, and noted that if this expert advice was incorrect, it could be challenged at appeal. Members, however, were happy that the site was served by a bus service and were unhappy to refuse the application on the basis of accessibility. Others noted that the application should be refused on the basis of design and the accessibility element could then be tested in a new application, should this be submitted. The Head of Development Management pointed out that officers were concerned at the suitability of the building for conversion not just the design approach.



The Solicitor advised that Members could refuse the application, if they were so minded, on the basis of design, and reserve their position on the accessibility issue as there was some concern over the accuracy of the professional advice received.

The Committee then voted to refuse the application based on the first reason, ie that the host building was too small for conversion without significant extension and alteration and that the size and design of the proposed extension was inappropriate. This was carried, with 12 votes in favour of refusing the application.

The Head of Development Management then pointed out that this meant that the Authority would not have the opportunity to present a case on accessibility should the matter come to appeal and she suggested that the facts should be checked and the matter brought back to the Committee. The Solicitor apologised that his earlier advice had not been helpful and advised that the best course of action would now be for Members to vote on whether to also refuse the application on the grounds of accessibility. This vote was lost 4 votes to 9 with 1 abstention.

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

- 1. Policy 7 of the Pembrokeshire Coast National Park Local Development Plan states that the conversion of appropriate buildings to a range of uses, with affordable housing being given priority in residential conversions, should not result in unacceptable impacts upon the structure, form, character or setting of the building. Policies 8 and 15 of the Local Development Plan seek to protect the pattern and diversity of the qualities and special character of the National Park by not permitting development that causes significant visual intrusion, and that which fails to harmonise with the landscape and incorporate important traditional features. The proposed conversion of this small agricultural outbuilding requires an extension that is larger than the host building. The host building is considered to be too small for conversion to a dwelling without significant extension and alteration, and is therefore not an appropriate building for conversion due to its small size. In addition, due to the size, design and use of materials, the extension is considered to be an incongruous and harmful addition detrimental to the simplistic agricultural character and form of the host building, its surrounding farmstead setting, and the special qualities of the National Park. The proposal is therefore considered contrary to adopted development plan policy.**



[Mr T Sangster tendered his apologies and left the meeting prior to consideration of the following application NP/12/0547. Mr A Archer arrived during consideration of the application]

- (f) REFERENCE: NP/12/0547
APPLICANT: Charles Church Ltd
PROPOSAL: Proposed new access road to service new residential development situated east of Cleggars Park
LOCATION: Land East of Cleggars Park, Lamphey

This was a full application for a residential access road, which would serve the allocated residential development on land outside of the National Park. The residential units were therefore being processed under an application which it was reported at the meeting had been approved by Pembrokeshire County Council at its Planning and Rights of Way Committee on 8th January 2013, subject to a legal agreement and conditions. It was also reported at the meeting that although the site lay within a mineral safeguarding area, the proximity of the site to existing residential properties meant that mineral extraction would not be required due to the harmful effect this would have.

One Member of the Committee sought the advice of the Deputy Monitoring Officer as he was a member of Pembrokeshire County Council's Planning and Rights of Way Committee and had participated in the decision to grant permission for residential development. The Deputy Monitoring Officer advised that as members of the Pembrokeshire County Council had been granted a dispensation to vote on such matters by the Standards Committee, no interest needed to be disclosed.

It was reported that the site area in the National Park was a triangular parcel of agricultural grazing which lay in the open countryside adjacent to the village of Lamphey. The planning principle for the siting of an access road through National Park land had been historically accepted and officers considered that the application would not harm the special qualities of the National Park, nor raise any other material planning concerns. It was therefore recommended for approval, subject to conditions. However Lamphey Community Council had objected to the proposal and therefore it had been referred to the Committee for consideration.

The first of two speakers was Mr John MacDonald, who lived at Cleggars Farm and owned the field next to the site. He said that drawings produced some years earlier had shown a requirement for a 70m visibility splay which would have involved the removal of 20m of hedgerow from his land, to which he had not agreed. Since that time, the speed limit signs for the village had been moved and the applicants had put in a



gateway. It was therefore considered that the entrance was now within an urban environment and the Manual for Street applied – this required only a 43m visibility splay which the applicants could accommodate on land within their ownership. Mr MacDonald considered that an entrance in this location was inappropriate. The Highway Department required a footpath and retention of the hedgebank; in order to accommodate this, the footpath would have to be located in what was already a narrow road and this would lead to a bottleneck, exacerbating the problem of traffic congestion which already existed at school times. He understood that the entrance to the site had never been intended at this location and also pointed out that the housing allocation had now been removed from the County Council's deposit Local Development Plan. He concluded by saying that this was a case of unresolved highway safety versus commercial gain.

The Planning Officer pointed out that there was an error in her report as no response had been received from the Highway Authority on this application.

Mr Phillip Baxter, the agent, then addressed the Committee. He noted that this site was unusual as it was partly within the National Park and partly within the jurisdiction of Pembrokeshire County Council. Therefore separate planning applications had been submitted. The residential allocation was long established in the Joint Unitary Development Plan (JUDP), which was currently in force in Pembrokeshire County Council, and it had therefore been approved by the Planning and Rights of Way Committee. The JUDP had also indicated that the access would be through land within the National Park. This application had been designed to minimise the effect on the National Park, with the access being kept as close to existing buildings as possible. Discussions had taken place with the Highway Authority and account had been taken of their recommendations within the application together with the provision of a financial contribution. Mr Baxter therefore wished to endorse the officers recommendation, as approval of the application would allow Charles Church, who provided good quality affordable homes to a high standard, to establish and expand their portfolio within Pembrokeshire, providing economic benefits to the area.

The Head of Development Management apologised for the error in the report, but pointed out that it was evident that the Highway Authority had supported the application considered by Pembrokeshire County Council. She advised that two options were available to Members – to defer, or debate the application with any approval being subject to a recommendation of consent from the Highway Authority.



Members considered that as 70 properties would eventually be using the access, the application should be deferred. They also asked that clarification be sought from the Highway Authority on the points made by the objector in his presentation before the application was brought back to the Committee.

DECISION: That the application be deferred for one month to allow receipt of advice from the Highway Authority.

8. 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. The Inspector's decision to dismiss the appeal at Llethyr, Cwm Gwaun, was attached for Members' information and this supported the Authority's requirement for properly scaled drawings.

Ms Hirst also drew Members attention to the Binchurn Appeal, which would take place at Croesgoch School on 13th February and said that she would welcome their support at that hearing. Members asked that an e-mail be sent to them reminding them of the details, with a location map for the hearing.

NOTED.

9. Other Matters – Bettws Newydd, Newport

Members were reminded that planning permission had been granted on appeal for the retention and completion of a dwelling at Bettws Newydd, and to quash the enforcement notice in respect of the same on 10th December 2010. In allowing the appeal, conditions were imposed on the permission, with condition 2 requiring the implementation of an approved landscaping scheme to be carried out in the first planting and seeding season following occupation of the building or completion of the dwelling, whichever was the sooner.

A landscaping scheme was subsequently approved by the Authority. Works to implement the approved landscaping scheme were carried out and the site was inspected on 7th August 2012 when spot checks of the earth banking/bunding were carried out with regard to their respective heights and compliance with the approved plans. It was evident that there were some deviations within the heights of the bunding on the eastern side of the site with the height being lower than approved within a range along the bund of 225mm to 750mm. Planting had been carried out on and around the bunding and with the exception of the height of the



bunding, the work had been carried out in accordance with the approved landscaping scheme.

An assessment done by the applicant's landscape architect and endorsed by the Authority's own Landscape Advisor highlighted that the earth banks should not be considered in isolation but in combination with planting on them. In that respect officers concluded that that the relatively minor differences in the earth bank levels would have no bearing on the overall mitigation effect of screening the building through a combination of earthworks and foliage at maturity, as it was the climatic conditions that influenced the eventual canopy height of the vegetation rather than the original ground level. Furthermore the measures needing to be taken to achieve the higher banking would also be subject to settlement over time and would be counterproductive to the longevity of the planting scheme and also in terms of time delay in achieving the establishment of the screening measures which had progressed well since their planting out.

Consequently officers did not consider that the reduced bunding height as built caused any significant loss of screening to this development and did not result in any adverse impact on the wider landscape sufficient to require the scheme to be altered to accord with the approved landscaping plans. As such it was not considered expedient to take enforcement action in this instance.

An e-mail was circulated at the meeting which set out the concerns of Newport Town Council at not having been consulted on this matter. The Head of Development Management advised that this was an enforcement issue, rather than a planning application, and that it was not the Authority's policy to advise anyone of such issues. She advised that due process had therefore been followed.

Members considered that the report provided a thorough exploration of the impacts of taking action and a clear rationale and sound reasons for the recommendation. The officer advised that the applicant was being cooperative in complying with conditions and wished to have the matter closed.

It was **RESOLVED** that no further action be taken in respect of the deviation in the heights of the eastern bunding at Bettws Newydd, Newport.

10. Delegated applications/notifications

48 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 48, it was reported that 6 applications had been refused and 2 withdrawn.

Members asked whether it would be appropriate for them to visit the site at St Ishmaels Garden Centre prior to consideration of the application, similarly that at St Davids Lifeboat Station, as these were both major applications. Officers agreed to bear that in mind when preparing reports on these matters for the Committee.

NOTED.

