

DEVELOPMENT MANAGEMENT COMMITTEE

7 September 2016

Present: Councillor RM Lewis (Chair)

Mr A Archer, Councillor ML Evans, Mrs G Hayward, Councillor S Hudson, Councillor L Jenkins, Councillor R Kilmister, Councillor PJ Morgan, Councillor R Owens, Mr AE Sangster, Councillor A Wilcox and Councillor M Williams.

[Ms C Gwyther arrived during consideration of the second application NP/16/0278]

[Llanion Park, Pembroke Dock 10.00am – 11.30am]

1. Apologies

Apologies for absence were received from Mr D Ellis, Councillor P Harries, Councillor M James, Councillor D Rees and Mrs M Thomas.

2. Disclosures of interest

There were no disclosures of interest.

3. Minutes

The minutes of the meeting held on the 20 July 2016 were presented for confirmation and signature.

It was **RESOLVED** that the minutes of the meeting held on the 20 July 2016 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. In accordance with the decision of the National Park Authority of 7th December 2011, speakers would have 5 minutes to speak (*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/16/0278/FUL <i>Minute 7(b) refers</i>	Change of use of existing open space to provide new Bed and Breakfast (C1 use) development consisting of a	Mr Norman Parry – Objector Mr Andrew Vaughan-Harries



mix of 1, 1½ and 2 storey accommodation units (7 in total) and associated 2 storey, 4 bedroomed Managers dwelling, together with ancillary facilities to support the development – Plot adjacent to New Hedges Village Hall, New Hedges – Supporter

NP/16/0323/OUT Outline application for a Joe Ayoubkhani -
Minute 7(d) single two storey dwelling – Agent
refers Keeping Stone, Fedir Ganol, Newport

5. 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 duty of the Authority carry out sustainable development in accordance with Part 2 of the Well-being of Future Generations (Wales) Act 2015 was also highlighted. Provided members applied the Planning Acts lawfully and in a fair and impartial manner they would also comply with the Authority's duties under the Human Rights Act 1998 insofar as it applies to planning decisions. 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.

NOTED

6. Report of Planning Applications

The Committee considered the detailed reports of the Development Management Team Leader, together with any updates reported verbally on the day and recorded below. The Committee determined the applications as follows (*the decision reached on each follows the details of the relevant application*):



- (a) REFERENCE: NP/16/0247/S73
APPLICANT: Mr J Edwards
PROPOSAL: Variation of condition no 2 of NP/15/0512 to vary access arrangements in order to provide improved highway safety & amenities to Plot 2 & improve house design in relation to market feedback & scale of plot
LOCATION: Land between The Bungalow and Rosemount, Broadway, Broad Haven, Haverfordwest

It was reported that this application was before the Committee for determination because the views of the Havens Community Council were contrary to the officers' recommendation.

Members were reminded of the planning history of this site in Broadway which was close to the boundary of the National Park and situated between two relatively modern bungalows. The current application sought approval for the variation of condition no 2 of NP/15/0512 to amend the access arrangements in order to provide improved highway safety and amenities to Plot 2 together with amendments to the house design in relation to market feedback and scale of plot.

It was noted that under a previous planning consent NP/14/0176, the applicant had agreed to the provision of Plot 2 as an affordable home for lost cost home ownership and had provided a Unilateral Undertaking in this respect. However the Authority had recently undertaken a review of the Affordable Housing Supplementary Planning Guidance and the outcome resulted in the requirement being reduced for this area. The applicant had therefore submitted a similar proposal to the last application with the knowledge that the affordable housing element would need to be re-considered. Therefore the current proposal would now result in no affordable housing provision on the site, but with a commuted sum payment being required instead, and a new Unilateral Undertaking had been provided.

Officers considered the proposed variation of condition 2 would provide acceptable alterations to the previous NP/15/0512 planning consent and would maintain the special qualities of the National Park when viewed from the immediate and wider landscape. The application could be supported subject to appropriate conditions.

Members were happy that the Highway Authority had recommended conditional consent with planning conditions which addressed the concerns of the Community Council and approval of the application was therefore moved and seconded.



DECISION: That the application be approved subject to the following conditions and the associated Unilateral Undertaking for the affordable housing contributions: timing, accordance with plans, samples of render and stonework to be provided, landscaping, details of fenestration, highway conditions, foul and surface water drainage, external illumination, permitted development rights and land contamination.

[Ms C Gwyther arrived during consideration of the following application, and abstained from voting on it]

- (b) REFERENCE: NP/16/0278/FUL
APPLICANT: Mr E Johnson, E Johnson Construction
PROPOSAL: Change of use of existing open space to provide new Bed and Breakfast (C1 use) development consisting of a mix of 1, 1½ and 2 storey accommodation units (7 units in total) and associated 2 storey, 4 bedroomed Managers dwelling, together with ancillary facilities to support the development
LOCATION: Plot adjacent to New Hedges Village Hall, New Hedges, Tenby

It was reported that the application site was located within the centre of New Hedges and immediately south of the Village Hall and existing play area. The site had formerly been an open space play area with play equipment, with this use ceasing around 2014. The play equipment had been relocated to an adjacent site and the land sold to a developer. The site currently lay vacant with pedestrian access only. The site was bounded by mature landscaping with several trees scattered around the site which appeared to have been amenity planted.

The application was reported to the Committee as St Mary Out Liberty Community Council had objected to the application, considering the current proposal to be over development of the site with an excessive commercial scale likely to have a detrimental visual and environmental impact on the surrounding area. This was contrary to the officer recommendation. Other objections received were outlined in the report.

Following consideration of the policies contained within the Local Development Plan (LDP) and National Planning Policy, and having regard to all material considerations, officers considered that the development offered an opportunity to protect and enhance the rural centre of New Hedges. The development would be in keeping with the aims of the LDP in that the development would conserve and enhance the existing character of the rural centre and encourage small scale employment development. As such, and subject to a schedule of suitable conditions to



control it, the development was considered to be acceptable and complied with policies of the LDP.

The first speaker on this application was Mr Norman Parry who addressed the Committee on behalf of the objectors. He stated that the officer's report was incorrect in that the land changed from an amenity area in 2008/09 when an application for a dwelling on the site was approved with many conditions. One of these related to the height of the dwelling which had to be below that of the adjacent Village Hall. He was concerned that the dwelling proposed in the current application would dwarf the 300 year old cottage located to the south, as well as introducing a commercial element which had previously been resisted and which he feared would change the area. Mr Parry also noted that bats had previously been found in the area, although he had not had a chance to see if a new survey had been conducted, and he was concerned at the impact of the loss of trees (where insects lived), and the obstruction created by the large new dwelling, on this protected species. Turning to highway matters, he was also concerned at the lack of parking within the site, meaning that cars may have to park on the road or in the Hall car park which was not acceptable, and also the lack of a pavement. Mr Parry was dismayed that the officer's recommendation for the current application was going back on planning conditions required on the site previously and that the report advocated the cutting down of trees and a lack of care for bats in the area. He believed this would be a dramatic change to the area and asked Members, if they were minded to approve the application, to first visit the site.

Mr Andrew Vaughan-Harries then spoke on behalf of the applicant. He first drew attention to New Hedges' unusual position partly within the National Park and partly within the planning jurisdiction of Pembrokeshire County Council and he did not believe that the site felt like it was in the National Park due to the presence of much modern (1970s) development. Nevertheless the site had previously had permission for a dwelling that had now lapsed and the current application provided an opportunity for an exciting development which would stimulate the village which was a rural centre and already well served with services and a public house. He believed that the proposal represented an attractive vernacular design in the style of a farmhouse and courtyard and would add to the quality of the street scene and enhance the village. He did not see the harm if the proposed dwelling was taller than the Village Hall, providing that it was a good piece of architecture and officers were happy that it would not dominate the street scene. Following discussions, the Highway Authority were also now satisfied with parking and visibility splays. Turning to concerns expressed regarding the loss of open space, Mr Vaughan-Harries pointed out that there was lots of open space in the area and although some trees would be lost, the boundary trees would be retained



which would screen the development and mitigate any overlooking for the neighbour to the south. The most recent bat survey had found no evidence of bats. In conclusion he felt that the development had an attractive design, would be located in a sustainable location and would create up to 5 jobs. The development would lift this part of New Hedges and he asked Members to endorse the officers' recommendation.

Members asked a number of questions regarding different elements of the application including protection of bats, loss of trees, storm drainage exacerbating flooding problems in the area, overlooking of the neighbouring property, the loss of open space, the height of the proposed dwelling, occupation of the guest accommodation units as holiday accommodation only and linkage of these units to the managers dwelling. Officers answered the points raised and Members were satisfied that the conditions proposed addressed their concerns. The officer confirmed that there was no fenestration which overlooked the neighbouring property and it was intended to retain the dense hedge between the two properties. With regard to the loss of open space, he also noted that there was an over provision of open space in the locality and the land was currently privately owned and could not be used by the public. Nevertheless, due to apparent contradictions between the statements of those supporting and those objecting to the application, it was moved and seconded that the Committee undertake a Site Visit; when put to the vote, this motion was lost. Supporting the provision of additional tourism accommodation and the creation of jobs, a motion to approve the application was also moved and seconded and this was won.

DECISION: That the application be approved subject to conditions relating to timing, accordance with plans, surface water drainage, external illumination, mitigation measures for Bats, trees, hedgebanks and hedges, landscaping, highways, parking and turning areas, approval of ground levels, occupation of guest units as holiday accommodation and the managers dwelling,

- (c) REFERENCE: NP/16/0303/ADV
APPLICANT: Ms D Flannery
PROPOSAL: 1 No. Fascia Sign (Retrospective)
LOCATION: 3 Pharmacy Court, The Strand, Saundersfoot

It was reported that this application sought retrospective advertisement consent for a single non-illuminated fascia sign at 3 Pharmacy Court. The sign was located above the shopfront, which had been altered and was the subject of a separate application Ref NP/16/0302 for the change of use from hot and cold sandwich shop to café bar and alterations to the shopfront. The site was within the Saundersfoot Conservation Area, and consisted of a 1970s development with retail commercial units on the



ground floor and 2 floors of flats above. The sign was approximately the same size, and in the same position as the one it replaced and consisted of a black background with red text. The Authority's Buildings Conservation Officer had been consulted and responded that the signage was acceptable, being broadly compliant with the Authority's Supplementary Planning Guidance (SPG) on shopfronts.

Officers did not consider that the proposal would have an adverse impact upon the character of the conservation area, visual amenities or highway safety and was therefore acceptable and complied with the relevant policies of the Local Development Plan and supporting SPG on shopfront design, and as such was recommended for approval.

The application had been referred to the Committee due to an objection received from Saundersfoot Community Council whose members were, it was clarified, objecting to an illuminated sign on the same building which was the subject of a separate application. Members were concerned with other elements shown in the photograph, such as the illuminated sign and A-board and officers reassured them that these were being dealt with.

DECISION: That advertisement consent be granted subject to conditions relating to timing, condition of the advertisements, removal, permission of the site owner and obscuring other signs.

- (d) REFERENCE: NP/16/0323/OUT
APPLICANT: Mr J Griffiths, Griffiths Associates Ltd
PROPOSAL: Outline application for a single two storey dwelling
LOCATION: Keeping Stone, Feidr Ganol, Newport

The Chair noted that correspondence had been received by the Authority the previous day, and these had been circulated. Members of the Committee were given a few minutes in which to read these papers before consideration of the application. Although these papers raised some material planning issues, they largely focussed on a dispute between the objector and the applicant both of whom had been appointed to manage the affairs of the owner of the property.

In relation to this correspondence, the Solicitor pointed out that although the objector suggested that the appropriate land owner notice had not been served, she also noted that she had been aware of the application since June and she had therefore had the opportunity to comment. In circumstances where the officers had considered matters carefully, even if there was any defect in the notice, it was difficult to see that the objector was prejudiced. Also the Solicitor understood from the papers provided that the applicant and objector were appointed jointly and severally. This meant that it was possible for the applicant to sign the Universal



Undertaking without the objector's consent or knowledge. Most of the points raised in the correspondence constituted a personal dispute between the two parties, in respect of which the Authority should not and did not need to reach conclusions.

It was reported that this site was located on the corner of Feidr Brenin and Feidr Ganol adjacent to a two storey detached dwelling built in the 1970s which lay in a large plot. The application was submitted in outline, proposing a two storey detached dwelling with a new access off the enlarged access for Keeping Stone onto Feidr Brenin. Although an indicative new enlarged access was shown, all matters, including access, were reserved for a future application.

The key policy to determination of this proposal was Policy 7 for development in the countryside which required development to constitute sensitive filling in of small gaps or minor extensions to isolated groups of dwellings. Officers did not consider that the site formed a gap, but was the end of a frontage within a clearly defined garden area which formed a clear break between the character of the bungalows along Feidr Brenin and the terraces and semi-detached houses along Feidr Ganol. It was considered that the subdivision of the land to incorporate an additional plot would result in the loss of the sense of space which was a characteristic of the original dwelling, built to take advantage of the views, and of the low-scale and openness of the area.

It was reported at the meeting that an arboricultural survey had now been received and the Tree Officer was satisfied regarding the relocation of the hedgerow. The height parameters of the proposed dwelling had also been changed to single storey and thus the second and third reasons for refusal set out in the report were no longer appropriate.

A Unilateral Undertaking had also been received, however this was not accompanied by a title deed and therefore officers were presently unsure if this was valid.

The officer concluded that development of the site would set a precedent for further ribbon development along Feidr Brenin and she wished to include this as a separate reason for refusal as well as it being contrary to policies of the Local Development Plan and being a sporadic form of development which was detrimental to the setting of the dwelling and character of the area. It was therefore recommended for refusal.

There was one speaker on this application, Mr Joe Ayoubkhani, the agent. Taking the reasons for refusal, he noted that both the tree and landscaping and the height of the proposed dwelling had now been resolved, which left the key issue of whether the site represented a



sensitive infill plot. He contended that the location of the proposed plot had been chosen to be sensitive and complied with Policy 7. There was adequate screening which would limit views into the site, no overlooking, and the positioning of the plot would allow the views from Keeping Stone to be retained. He noted that the site was not subject to any technical constraints, with a potential planning gain from improvements to visibility from a relocated access. Newport Town Council had also recommended approval.

The application had been submitted in outline and therefore the detailed design could be considered and assessed at the reserved matters stage. With regard to the issue of precedent, Mr Ayoubkhani did not believe there were any other opportunities for infill in the area and the Authority would have control through the Local Development Plan to limit any further development. He asked Members to disregard the personal issues raised in the correspondence and to approve the application as a sensitive infill plot.

Members agreed that the site lay in a special part of the National Park, the character of which should be protected, and did not constitute infill.

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

- 1. Policy 1 of the Pembrokeshire Coast National Park Local Development Plan requires development to be compatible with the conservation or enhancement of the natural beauty, wildlife and cultural heritage of the National Park. Policy 7 of the Pembrokeshire Coast National Park Local Development Plan seeks to only permit development where it constitutes sensitive filling in of small gaps to isolated groups of dwellings. Policy 8 of the Pembrokeshire Coast National Park Local Development Plan seeks to protect the special qualities of the National Park, including amongst other things, ensuring the pattern and diversity of the landscape is protected and enhanced. Policy 15 of the Pembrokeshire Coast National Park Local Development Plan states that development that adversely affects the qualities and special character of the National Park will not be permitted. The principle of the proposal, being outside of the allocated area for development within Newport, and by reason of its plot size and layout is considered to be out of character with the surrounding area to the detriment of the special landscape character of this part of the National Park which the National Park has a statutory duty to conserve and enhance. The proposal is therefore considered contrary to Policies 1 - National Park Purpose and Duty (Strategy Policy), Policy 7 - Countryside (Tier 5) (Strategy Policy), Policy 8 - Special Qualities, Policy 15 - Conservation of the Pembrokeshire Coast National Park and of Policy 30 - Amenity.**



2. **The application site lies outside of the Local Development Plan boundary for Newport. The proposed development would set an undesirable precedent for ribbon development in this area, contrary to Policies 1 and 7 of the Pembrokeshire Coast National Park Local Development Plan, also contrary to guidance within Planning Policy Wales (Edition 8, 2016) for sustainable development.**
3. **The applicant had failed to submit a valid Unilateral Undertaking, as required by Policy 45 of the Local Development Plan and the Affordable Housing Supplementary Planning Guidance. Although a draft Unilateral Agreement was submitted the day prior to Planning Committee, it was not accompanied by a valid title to allow confirmation of its validity. As such, the proposal failed to comply with Policy 45 of the Pembrokeshire Coast National Park Local Development Plan.**

- (e) REFERENCE: NP/16/0330/FUL
APPLICANT: Mr D John
PROPOSAL: Alterations to roof to enable rooms to loft & provision of detached garage with fitness area above
LOCATION: Trem-y-Mor, 18 Little Castle Grove, Herbrandston

This application sought approval for the raising of the roof of the existing bungalow to provide additional living accommodation together with 3 No front facing roof lights, a single rear facing roof light and 3 No rear dormers, the central one of which being full height and including a Juliet balcony, as well as first floor French doors with a Juliet balcony on the west side elevation. A detached garage with fitness area above was also proposed within the rear garden.

Amended plans had been submitted to address the concerns raised by both officers and the Community Council regarding overlooking of the neighbour from an area of roof terrace leading off the central rear dormer extension. This element had now been removed, with a Juliet Balcony proposed.

Officers did not consider that the proposals would have an adverse impact upon the amenity or privacy of neighbours due to the dwelling's siting, design and orientation, in relation to neighbours, with the rear and side facing dormer windows and Juliet balcony looking out at trees and open countryside. There would also be no adverse impact upon the character of the property or street scene due to the proposals being well proportioned and of a common roof pitch within Pembrokeshire at approximately 40 degrees. The application therefore complied with the



relevant policies of the Local Development Plan and was recommended for approval.

The application had been referred to the Committee due to an objection from Herbrandston Community Council and Members hoped that the adjustments made would alleviate the concerns raised.

DECISION: That the application be approved subject to conditions relating to timing, accordance with plans and use of the roof area of the existing rear extension.

- (f) REFERENCE: NP/16/0394/FUL
APPLICANT: Mr & Mrs RV Jones
PROPOSAL: Add to existing extension to provide staff area
LOCATION: The Shed Tea Room, Porthgain, Haverfordwest

This application was to be determined by the Committee because the building was owned by the Authority. A consideration of the works requiring listed building consent were contained within application NP/16/0395 (*Minute 6(g) refers*)

It was reported that the Shed Tea Room was a lean-to structure attached to the west of Ty-Mawr, a prominent Grade II listed building in the centre of Porthgain Conservation Area. Permission was sought for an addition to the existing extension, similar to works granted permission in 2011, which would replace the existing fenced compound with a lean-to (on the existing footprint), providing a staff area, with a fenced compound beyond for bins, a vegetable store and gas bottles.

Officers considered that the proposed scheme was in keeping with, and did not harm the special architectural or historic character of the listed building, and its setting in terms of design and form. It was also considered to be in keeping with the character and appearance of the conservation area. As such the application could be supported subject to conditions.

It was reported at the meeting that consultation responses had been received from Public Protection and Cadw, both of whom had no adverse comments.

One Member asked whether there could be a requirement to improve disabled access at the restaurant, however officers advised that no changes were proposed to the public entrance and therefore no additional enhancements could be required.

DECISION: That the application be approved subject to conditions



relating to timing and accordance with plans.

- (g) REFERENCE: NP/16/0395/LBA
APPLICANT: Mr & Mrs RV Jones
PROPOSAL: Add to existing extension to provide staff area
LOCATION: The Shed Tea Room, Porthgain, Haverfordwest

The Development Management Team Leader drew Members attention to the revised report which had been circulated prior to the meeting in respect of this application.

This application was to be determined by the Committee because the building was owned by the Authority. A consideration of the works requiring listed building consent were contained within application NP/16/0394 (*Minute 6(f) refers*)

It was reported that the Shed Tea Room was a lean-to structure attached to the west of Ty-Mawr, a prominent Grade II listed building in the centre of Porthgain Conservation Area. Listed building consent was sought for an addition to the existing extension which would replace the existing fenced compound with a lean-to (on the existing footprint), providing a staff area.

Officers considered that the proposal was in keeping with the special architectural or historic character of the listed building and its setting, in terms of design and form. As such the application could be supported subject to conditions.

DECISION: That Listed Building consent be granted subject to conditions relating to timing and accordance with plans.

7. Appeals

The Development Management Team Leader reported on 4 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.

Copies of appeal decisions for extensions and alterations at 29 Millmoor Way, Broad Haven and Upvc windows and stainless steel flue at Tower Cottage, Lower Frog Street, Tenby were appended to the report. Both appeals had been dismissed.

The Director added that with regard to the Public Inquiry for Land off Trewarren Road, St Ishmaels, the Authority had been advised to have legal assistance and this would therefore be an additional cost.

NOTED.

