

# DEVELOPMENT MANAGEMENT COMMITTEE

20 July 2016

Present: Councillor RM Lewis (Chair)

Mr A Archer, Mr D Ellis, Ms C Gwyther, Councillor P Harries, Mrs G Hayward, Councillor S Hudson, Councillor M James, Councillor L Jenkins, Councillor R Kilmister, Councillor PJ Morgan, Councillor R Owens, Councillor D Rees, Mr AE Sangster, Mrs M Thomas, Councillor A Wilcox and Councillor M Williams.

[Llanion Park, Pembroke Dock 10.00am – 11.45am]

## 1. Apology

An apology for absence was received from Councillor ML Evans.

## 2. Welcome

The Chair welcomed Ms Nicola Gandy, the new Development Management Team Leader to her first meeting of the Committee.

## 3. 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>Minutes 7(a)below</i> NP/15/0693/FUL - One Planet Development including a single family dwelling, Land at Carn Ingli, Newport	Mrs G Hayward	Withdrew from the meeting while the application was discussed

## 4. Minutes

The minutes of the meetings held on the 8 June and 15 June 2016 were presented for confirmation and signature.

It was **RESOLVED** that the minutes of the meetings held on the 8 June and 15 June 2016 be confirmed and signed.

**NOTED.**

## 5. 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 7<sup>th</sup> 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*):

<b>Reference number</b>	<b>Proposal</b>	<b>Speaker</b>
NP/15/0693 <i>Minute 7(a) refers</i>	One Planet Development including a single family dwelling – Land at Carn Ingli, Newport	Ian Ward – objector Matthew Watkinson – applicant
NP/16/0255 <i>Minute 7(f) refers</i>	Erection of Pay & Display meter – Martins Haven, Marloes	Andrew Tuddenham (National Trust) – applicant

## 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. The duty of the Authority to 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**

## 7. **Report of Planning Applications**

The Committee considered the detailed reports of the Director of Planning, 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*):

[Mrs G Hayward disclosed an interest and withdrew from the meeting while the following application was considered.]



- (a) REFERENCE: NP/15/0693/FUL  
APPLICANT: Mr & Mrs M & C Watkinson  
PROPOSAL: One Planet Development including a single family dwelling  
LOCATION: Land at Carn Ingli, Newport

It was reported that planning permission was sought for a One Planet Development (OPD) on land located on the south eastern outskirts of Newport, and just below Carningli Mountain. The applicant had already established an eco-smallholding on the land, with associated poultry arks, tyre beds, a caravan and camper van used for storage and a visitor toilet, and this proposal sought to construct a zero carbon dwelling on the land for a single family one planet development lifestyle.

Members were reminded that OPD took a different route from traditional rural enterprises in that these developments took into account an entire lifestyle, not just the use of the land, and required applicants to be broadly self-sufficient in terms of food, income, energy and waste assimilation on their site. This was to be set out in a Management Plan for the development.

Following the initial consultation process, no objections had been raised by statutory consultees, subject to suggested conditions. Newport Town Council had recommended rejection of the proposal. The application had attracted a number of letters of objection and of support to the proposal and details of these were summarised in the report. The applicant had subsequently revised the management plan in light of the comments made, and re-submitted this to the Authority. It was reported at the meeting that no further comments had been received from Welsh Water, Dyfed Archaeological Trust or the Highway Authority, while three further letters of support and 11 of objection had been received from members of the public and the new issues raised were outlined for the Committee. The comments made by the Authority's agricultural advisor were included in the report.

Officers had fully considered the proposed OPD against the relevant national planning policy framework contained in Planning Policy Wales and TAN 6 taking into consideration the policies of the Pembrokeshire Coast National Park Local Development Plan. The proposed Management Plan was considered to adequately address the requirements of a OPD in the open countryside, and as such officers could support the proposed development. The recommendation was therefore one of approval, subject to conditions.



The Chair thanked all those who had written to Committee Members for their correspondence. He then invited the first speaker, Mr Ian Ward, to speak.

Mr Ward explained that he had lived at Castle Hill for 30 years, and he understood that most Members had visited the site and noted its special location as well as its inaccessibility and the consequent need for a car to be used to access it. He remarked that many people had strong feelings about Carningli – there had been 33 objections to the original application, 12 to the amended application and 151 objectors from the Newport area had signed a petition. The Town Council had also objected.

Mr Ward stated that the OPD policy said that not all sites would be suitable due to negative impacts. He believed that the applicant's way of dealing with those impacts was to screen and hide them, rather than respecting the surroundings, and he feared that the boundary between the cultivated and uncultivated land would change. He stated that the land was grade 4 agricultural land and had never been used for anything other than grazing – it would now be used for commercial purposes. He felt the proposed structures were unsightly and these additions would constitute a fundamental change of character and use of the land which was currently remote and of natural character.

Turning to the water needs of the development, the guidance said that these should be met from the site. However Mr Ward stated that in his experience over the past 30 years the stream usually ran dry during the summer and in using it the applicant was not considering the needs of others. He claimed that Mr Shorten, who had been engaged by the applicant to undertake an appraisal of the application, had not visited the site and thus had no knowledge of whether the stream would be sufficient to provide for their water needs. His reference to food for poultry grown on land outside of the application site was also irrelevant. The soil on the site was of insufficient depth and the applicant therefore intended to grow food in raised beds within tractor tyres. Mr Ward referred to a letter from a Dr Shorrocks who was concerned both that the release of chemicals from the tyres could contaminate vegetables grown in them and also that heavy chemicals could leach into the soil and watercourses. He noted that there was a ban on tyres being sent to landfill. He concluded by saying that while he was sympathetic to the aims of OPD, he believed that this application site was in the wrong place and had soil of too poor a quality. If the application was allowed it would set a precedent for such development on unsuitable sites and he called upon the Committee to refuse the application and save Carningli for future generations.

The Chair asked Members if they had any questions for Mr Ward and one Member asked about flooding following heavy rainfall which had been



raised previously. Mr Ward replied that in winter, water flowed from Carningli down the fields which became waterlogged; it then flowed down the lane and into College Square causing problems.

The applicant, Mr Matthew Watkinson, then addressed the Committee. He explained that to ensure his proposals were sufficiently robust, he had obtained a number of pieces of independent advice. These included an ecological impact from Paddy Jenks which concluded that the land use changes would create a habitat that would improve the adjacent SSSI; a report by Bill Knight which concluded that the family's consumption figures were realistic and demonstrably plausible, that there would be limited landscape/visual impact and no impact on neighbouring properties; the business proposals had been reviewed by Siân Davies, a Welsh Government poultry expert who considered this to be a niche business that would grow. Finally Mr Watkinson referred to an independent assessment of the management plan by James Shorten which considered the development to be well integrated and not have an adverse visual impact – the access track would be constructed of mesh which would mitigate its visual impact. He had also said that the applicant had demonstrated the skills for keeping poultry and bees and the figures seemed plausible. He had concluded that the management plan complied with policy.

One Member questioned whether the petition of 151 signatures was in support of or objecting to the application, to which the officer replied that there was an error in the report as the petition was submitted by those objecting to the application.

A number of Members expressed admiration for the applicants and the principle of OPD, however they expressed concern at the location of the application on such a sensitive site. There was particular concern regarding the dwelling and whether a need for this had been justified.

Clarification was sought regarding a number of points: the positioning of the solar panels, which officers advised would be monitored as part of the yearly report; the recommendation by Dyfed Archaeological Trust for an Historic Environmental appraisal which officers advised could be conditioned to require its submission prior to commencement; and the construction method for the access track which officers advised was specified as Moorland Access Mesh which would allow native species to grow through it. There was also a question regarding the use of water at the property and whether there was any plan for a reservoir. Officers replied that there was no such plan, however OPD required that a reduced amount of water was used though for example composting toilets, no dishwashers or washing machines and a shower rather than a bath. Finally the relative importance of Technical Advice Note (TAN) 6



and OPD Practice Guidance in determining the application was questioned. Officers explained that TAN 6 was the overarching guidance while the Practice Guidance set out detailed criteria against which OPD applications should be judged. The Management Plan which accompanied the application provided the justification for living on site, rather than this having to be demonstrated through the financial and functional tests Members were more familiar with.

Referring to the previously considered OPD application on the adjacent site, one Member said that he considered the current application to be totally different with his concerns regarding the prominence of the access track having been addressed and established poultry and bee-keeping operations appearing to be viable. However it was acknowledged that the site was special and the arguments were therefore difficult to balance.

It was suggested that a further site visit would be helpful, however other Members disagreed that anything further could be gained and this motion was withdrawn. However concerns were expressed regarding the drainage of water from the site and the accessibility of the site for heavy vehicles containing construction material. Officers advised this would be the subject of a construction method statement.

Another Member felt that the issues of visual intrusion, community impact and traffic management had not been fully addressed. He also disagreed that the application conformed to the Local Development Plan Policy 1 National Park Purposes and Duty. Other Members agreed that protection of the landscape and the special qualities of the National Park was the Authority's principal duty and felt that the application before them would have a detrimental impact on the landscape. A motion for refusal of the application was then proposed by Mr D Ellis, seconded by Councillor P Harries.

Other Members, however disagreed, believing that the applicant would not be able to afford to live elsewhere and therefore a house was an integral part of the OPD. While acknowledging that the site was within a special area the application was considered to meet the policies relating to OPD and considerations such as the sustainability of the site had been addressed through the Management Plan. The Member noted that some of the objections related to development already on site which was outside the scope of the current application.

A vote was then taken on the motion to refuse the application. There were 7 votes in favour and 7 against, therefore by the Chairman's casting vote, which was in line with the officer recommendation, this motion was lost. A motion for approval of the application was then proposed and seconded and this was won.



**DECISION: That the application be approved subject to conditions relating to timing of development, accordance with plans and Management Plan, provisional of yearly monitoring report, submission of construction method statement, archaeological watching brief, no buildings to be erected other than those expressly authorised, lighting and landscaping,**

- (b) REFERENCE: NP/16/0055/FUL  
APPLICANT: Mr A Cole  
PROPOSAL: Rural Enterprise with log cabin accommodation/office  
LOCATION: Bridge Street, Llanychaer, Fishguard

It was reported that this application proposed a single rural enterprise dwelling which was to be occupied by the applicant to manage a new farm enterprise on land at Bridge Street, Llanychaer. The evidence provided in support of the proposal demonstrated that the rural enterprise would be concerned with the rearing of sheep, pigs and calves, supplemented with firewood sourced from the applicant's activities as an agricultural contractor, and eggs, fruit and vegetables to be grown on-site. Technical Advice Note 6 – Planning for Sustainable Rural Communities set out tests against which a new dwelling on a rural enterprise was to be judged, and stated that where a case was not entirely proven for a dwelling, it may be appropriate for the local planning authority to test the evidence by granting permission for temporary accommodation for a three year period. The enterprise was in its early stages, and while the evidence did not yet support a permanent permission, officers considered that a temporary consent would allow a reasonable period for the applicant to develop the enterprise toward meeting the requirements for a permanent consent. It was important to note that TAN 6 stated that it would be unsatisfactory to grant successive extensions to a temporary permission, and that a permanent permission should not subsequently be given unless the required criteria set out in TAN 6 could be met in full. In light of this, should temporary planning permission be granted, an informative would be required, stating the requirements that would have to be met if a permanent permission was to be granted.

In respect of other planning requirements, the chalet would be sited adjacent to an existing storage shed and stable on the land, thus its location would ensure that it did not stand out as an isolated structure in the rural setting.

This proposal allowed the applicant the opportunity to develop a rural farming enterprise, and could be supported by officers subject to conditions relating to a temporary three year permission, occupancy and conditions/informative suggested by statutory consultees.



Members were concerned with issues of lighting at the site as there had been reports of lighting being on at night unnecessarily and also traffic implications if the applicant intended to sell produce at the site. The importance of removal of the building after three years was also emphasised as it was felt that the structure (lightweight chalet) was unsuitable for permanent residential accommodation and was inappropriate as a permanent building in this location.

Officers replied that a lighting plan could be required as a condition of any permission and a farm shop was not included in the proposals for the site.

**DECISION: That temporary permission be granted for a period of 3 years subject to conditions relating to accordance with plans, occupancy condition, removal of permitted development rights, undergrounding of any cables and landscaping.**

- (c) REFERENCE: NP/16/0181/S73  
APPLICANT: Dr T Hardman  
PROPOSAL: Variation of Condition no 5 of NP/10/141 to allow existing toilet block to be retained & used in conjunction with the caravan & camping site  
LOCATION: Porthclais, Ffordd Porth Clais, St Davids, Haverfordwest

Members were reminded that planning permission for a new toilet block at this site had been granted as part of application reference NP/10/141. An application to remove condition 5 of that application to allow for the continued use and retention of a toilet block building had been refused by the Committee in November 2015. This application was a resubmission of that application.

The building in question was a small white rendered mono-pitched building currently used for toilet facilities with a timber fence/screen against its western elevation. This application differed from that submitted in 2015 as it now included structural landscaping in the form of a long earth bund which had been suggested in light of the previous Planning Committee's comments on the application in regard to landscape impacts.

The application had been considered in terms of visual impact on the special qualities of the National Park. Taking into account the public views, the backdrop to those views, and the character of the surrounding landscape, officers did not consider that the retention of this building in combination with the suggested landscaping would have a negative impact on the special qualities of the National Park, and the application was therefore recommended for approval.





It was reported at the meeting that the Landscape Officer had suggested the bund be reduced in height and planted with small clusters of native species so that it more closely resembled a typical Pembrokeshire Hedgebank and this had been suggested as a condition. With regard to the setting of the nearest listed building, officers did not consider there would be any detrimental impact taking into account the proposed landscaping. Photographs showed that in views from the listed building the toilet block was difficult to discern among the other farm buildings on the site.

Members agreed that the bund would provide a good solution, particularly if planted to soften its profile and that replication of a Pembrokeshire Hedgebank was appropriate in this landscape setting.

**DECISION: That the application be approved subject to conditions relating to accordance with plans, submission of a scheme for the disposal of foul and grey water from buildings on the site, and scheme of landscaping.**

- (d) REFERENCE: NP/16/0219/OUT  
APPLICANT: Mr L Richards, Vivard Ltd  
PROPOSAL: New housing development of 13 units  
LOCATION: Land adjacent to Primary School, Trewarren Road, St Ishmaels

It was reported that this application site formed part of an allocated housing site identified in the Local Development Plan. The site, along with the adjoining land to the west, had been allocated for a total of 40 dwellings. The application was submitted in outline form and sought consideration for the access of the development with the appearance, landscaping, layout and scale reserved for consideration at a later stage. The proposed access would involve the removal of a section of the existing mature hedgerow located to the front of the site.

Officers considered that the principle of developing the site for residential accommodation was consistent with the aims of the Local Development Plan which identified that the site formed part of a housing allocation. The proposed access, subject to provision of conditions relating to its formation, would be suitable having regard to surrounding visual amenity and accessibility. The indicative layout provided for an interesting development site not dominated by highway surfacing but to be supplemented by shared surfacing and planting throughout.

It was concluded that on balance the development complied with the requirements of the Local Development Plan and National Policy.



Therefore subject to legal agreements to cover affordable housing and planning obligations, as well as other conditions, the application could be supported by officers. It was noted in the meeting that the total contribution required by the PCC Education Department as set out on page 42 of the report should read £4,384.80.

Members welcomed the application, particularly the provision for self-build plots and the interesting indicative layout suggested in the application. It was requested that the contribution sought by the Pembrokeshire Community Regeneration Manager be widened to allow it to be spent on recreational and sporting facilities within the village rather than solely in the existing village play area. Officers agreed that this could be included when the S106 Agreement was drafted.

A question was asked regarding the disposal of foul and surface water from the site. Officers reported that Welsh Water had advised that the St Ishmaels Waste Water Treatment Works could only accommodate an additional 27 dwelling units. As a separate planning application for 27 units on the adjacent site had been refused recently and was now subject to an appeal, capacity would be given on a first come first served basis. Members also asked whether it would be possible to access the adjoining allocated housing site through the land the subject of the current application. Officers advised that such an access appeared to be possible as potential on the indicative housing layout.

**DECISION: That the application be delegated to the Chief Executive or Director of Planning to grant planning permission subject to receipt of completed Section 106 legal agreements to cover affordable housing and planning obligations within three months of the date of the meeting. If not received within this time, officers were authorised to exercise their discretion to refuse the application. Permission is granted subject to conditions relating to timing of the application and submission of reserved matters, accordance with plans, tree and hedgebank survey, landscaping details and management plan, trees, reptile survey, lighting plan, Landscape and Ecological Management Plan, drainage, SUDS, protection of the public sewer and access.**



- (e) REFERENCE: NP/16/0244/FUL  
APPLICANT: Ms V North  
PROPOSAL: Change of use room used as hairdressers to provide additional internal seating for existing café (accessed from existing café entrance & hallway); provision of painted timber, external seating enclosures (part retrospective)  
LOCATION: Vic North Café, Fountain House, Market Street, Newport

It was reported that this application was before the Committee due to the objection from Newport Town Council being contrary to the officer's recommendation of conditional approval. It was noted that the Town Council had not objected to the internal change of use to café, but to the appearance of the boundary treatment.

The application had been submitted in retrospect as a boundary treatment had been erected and the internal change of use had taken place. The fence erected along both frontages had consisted of 'pallet' style horizontal panels with integral planters; at pre-application stage, the Buildings Conservation Officer had not been satisfied that this style of fence adequately addressed the character of the Conservation Area and suggested a boundary treatment which was now submitted as part of the current application.

The Highway Authority had initially expressed concern over the location of the boundary fence in immediate proximity to the highway, however in response revised plans had been submitted to address these concerns and no objection was now being raised. No third party objections to the change of use or the fencing had been received. The application retained the space previously used as a hairdresser as an extension to the café and retained it in an active commercial use, complying with the Local Plan policy for primary frontages. Officers therefore supported the application subject to appropriate conditions.

**DECISION: That the application be approved subject to conditions relating to timing and accordance with plans.**

- (f) REFERENCE: NP/16/0255/FUL  
APPLICANT: Mr J Pearson, National Trust  
PROPOSAL: Erection of Pay & Display meter  
LOCATION: Martins Haven, Marloes, Haverfordwest

This application sought approval for a pay and display machine to be located in the Countryside, within the National Trust Car Park to the west of the village of Marloes. Officers did not consider the proposal had an



adverse impact upon the special qualities of the National Park, or neighbouring amenity. The application therefore complied with the relevant policies of the Local Development Plan and as such was recommended for approval, however it was before the Committee for determination due to an objection from Marloes and St Brides Community Council.

There was one speaker on this application, Mr Andrew Tuddenham from the National Trust which was the applicant. He explained that the scheme had been brought forward taking consideration of its siting and design. The location for the machine against the wall of the attendant's hut was felt to have least visual impact and it had been concluded that there was no need for a sign setting out the tariff or any lights. This would minimise visual intrusion.

With regard to security, he noted that the machine was of a sort widely used in Pembrokeshire. In accordance with The National Trust's businessmodel, it was intended to have an attendant present most of the time so that there would be interaction with visitors, however the machine would generate revenue when it was not cost effective for an attendant to be there.

One Member explained that he understood the Community Council was strongly opposed to the application as the car park was very isolated and the installation of a machine was felt to be an unnecessary urbanisation of a rural area and not in keeping. Also rural car parks did attract anti-social behaviour at night, and it was feared that presence of a pay and display machine would attract more of this behaviour.

It was acknowledged, however, that the National Trust did work with the Community Council and had offered a parking concession to those living in the Community. The Community Council had hoped to speak on this application but had not submitted its request in time. The Member therefore moved that, in the interests of democracy, the Committee defer the application so that the Community Council had the opportunity to speak and to express more passionately why it objected to the application. This motion was not seconded.

**DECISION: That the application be approved subject to conditions relating to timing and accordance with plans.**



- (g) REFERENCE: NP/16/0295/FUL  
APPLICANT: Mr D Evans  
PROPOSAL: New windows, doors & Juliet balconies, timber cladding & alterations to internal layout  
LOCATION: Meadow Lodge, 133 Castle Way, Dale, Haverfordwest

This application sought approval for the insertion of two glass fronted first floor Juliet balconies and French doors on the principal elevation of this dwelling. This was intended to compliment other alterations, which included full height fenestration on the ground floor principal elevation, ground floor French doors and the replacement of window and doors which did not in themselves require planning permission. As submitted, the proposal included timber cladding on the first floor of the principal gable, however due to an objection from the Buildings Conservation Officer, this element had been amended and now consisted of matching render.

It was reported that there were no neighbouring properties to the fore of the property and the Juliet balcony did not include a platform that extended out beyond the elevation, and therefore the proposal would have no adverse impact upon the amenity or privacy of neighbours. The alterations represented a modern update to the property which dated back to the 1950s, and did not alter the scale or form of the existing dwelling. The proposals were therefore considered to be acceptable and would not have an adverse impact upon the special qualities of the National Park, the character of the property or the setting of this group of dwellings. The application therefore complied with the relevant policies of the Local Development Plan and as such was recommended for approval.

The application was reported to the Committee because Dale Community Council had objected to the proposals, as side windows of the dwelling would look out over a public area, however this element of the application was permitted development.

**DECISION: That the application be approved subject to conditions relation to timing, accordance with plans, and details of materials of external surfaces.**

- (h) REFERENCE: NP/16/0301/FUL  
APPLICANT: Mr A Muskett, Pembrokeshire Coast National Park  
PROPOSAL: Erection of flagpole & flag at The Gatehouse Tower  
LOCATION: Carew Castle, Castle Lane, Carew, Tenby

This application was reported to the Committee as the applicant was the Pembrokeshire Coast National Park Authority.



Permission was sought for the erection of a flagpole within the main gatehouse to Carew Castle, which would be used to display a single flag.

Following consultation, no objections had been received from third parties or statutory consultees. The proposal was not considered to have an adverse impact on the character and setting of the castle and would not be considered visually harmful to the special qualities of the National Park landscape. The proposal would accord with the policies of the Local Development Plan, and was therefore recommended for approval.

**DECISION: That the application be approved subject to conditions relating to timing, accordance with plans and removal of the flagpole when use permanently ceases.**

## **8. Appeals**

The Director of Planning 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.

Three appeal decisions were reported to the Committee – relating to Change of use from A1 retail bakery to A3 hot food takeaway, The Old Bakery, Church Street Tenby; Retrospective planning application for the erection of 2 buildings – stables/sheds at Tresissillt, St Nicholas, Goodwick; and Installation of uPVC windows in Grade II Listed Building, Anghorfa Dawel, St Davids. She was pleased to report that all three had been dismissed.

With regard to the stables/sheds at Tresissillt, it was noted that enforcement action would now continue in respect of their removal, as authorised by the Committee in July 2015, this having been suspended pending determination of the planning application and its appeal.

**NOTED.**

