

DEVELOPMENT MANAGEMENT COMMITTEE

14 December 2016

Present: Councillor RM Lewis (Chair)

Mr A Archer, Mr D Ellis, Councillor ML Evans, Councillor P Harries, Mrs G Hayward, Councillor M James, Councillor L Jenkins, Councillor R Kilmister, Councillor PJ Morgan, Councillor R Owens, Councillor D Rees, Mr AE Sangster, Councillor A Wilcox and Councillor M Williams.

[Llanion Park, Pembroke Dock 10.00am – 12 noon]

1. Apologies

Apologies for absence were received from Ms C Gwyther and Councillor S Hudson.

2. Chairman's Announcements

The Chairman reported that this was the last meeting attended by Mr David Ellis who would have served for ten years on the Authority at the end of January 2017. He thanked him for his support and his contribution and said he would be sadly missed.

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>Minute 7(e)below</i> NP/16/0555 land to rear of Isfryn, Pontyglasier, Crymych	Cllr D Rees	Withdrew from the meeting while the application was discussed
<i>Minute 7(e)below</i> NP/16/0555 land to rear of Isfryn, Pontyglasier, Crymych	Cllr P Harries	Disclosed a personal interest and remained in the meeting taking full part in the discussion and voting
<i>Minute 8 below</i> Land at Mead Meadow, The Ridgeway, Manorbier	Mr D Ellis	Withdrew from the meeting while the application was discussed



4. Minutes

The minutes of the meeting held on the 19 October 2016 were presented for confirmation and signature.

It was **RESOLVED** that the minutes of the meeting held on the 19 October 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 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/16/0435/FUL <i>Minute 7(b) refers</i>	New 2 bedroom bungalow – Plot adjacent to 20 Sandyhill Park, Saundersfoot	Andrew Vaughan-Harries, Agent
NP/16/0536/FUL <i>Minute 7(d) refers</i>	Two storey dwelling in garden – 18 Wheelers Way, Manorbier	Andrew Vaughan-Harries, Agent Cllr Phillip Kidney, Supporter
NP/16/0555/FUL <i>Minute 7(e) refers</i>	Change of use of land and siting of shepherds hut for seasonal holiday accommodation together with associated washroom and boardwalk (partly retrospective) – land to rear of Isfryn, Pontyglasier, Crymych	Lucie Parkes, 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 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 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/15/0509/FUL
APPLICANT: PCNPA - Mr A Muskett
PROPOSAL: Proposed redevelopment of Carew Castle Walled Garden to provide new café/storage, school storage, tented performance and rose arbour structures together with hard and soft landscaping features and interpretation panels
LOCATION: Carew Castle, Castle Lane, Carew, Tenby

It was reported that this application was to be considered by the Committee as the applicant was the Pembrokeshire Coast National Park Authority. The Authority was currently undertaking a programme of works to Carew Castle, a Grade 1 listed building and Scheduled Ancient Monument, which included the proposed redevelopment of the space within the walled garden to include a dedicated access for schools. Planning permission was also sought for a café, storage building for children's equipment, a tented performance/gathering space, rose arbour and associated hard and soft landscaping works.

Following original consultation, concerns had been raised by Cadw, Dyfed Archaeological Trust and Natural Resources Wales in respect of the proposed visual impact of the tented performance space and at the impact of the proposed works on the archaeological resource. In response to these concerns, the design of the tented space had been revised to reduce the height of the structure, and further information had been provided on the methods of construction so that the impact on archaeology could be further assessed.



It was reported at the meeting that further responses had been received from the Highway Authority, Dyfed Archaeological Trust, Natural Resources Wales and the Tree and Landscape Officer all of which recommended consent subject to conditions. A response from Cadw, however, was still awaited.

Officers considered that overall the revised proposal supported and enhanced the existing visitor facilities, thus would not 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 proposals were therefore considered to accord with the policies of the Local Development Plan and could be supported. However the recommendation was one of delegation to issue consent, subject to conditions, provided no new issues were raised by Cadw as a result of the re-consultation process.

Members were disappointed that a timely response had not been received from Cadw, which they considered to be an important consultee in this instance, and asked that a letter be sent highlighting their concerns.

DECISION: That the application be delegated to the Team Leader/Director of Planning to issue conditional planning permission, subject to no new issues being raised as a result of the re-consultation on revised plans.

- (b) REFERENCE: NP/16/0435/FUL
APPLICANT: Mr A Collins, AJ Collins Building Developments Ltd
PROPOSAL: New 2 bedroom bungalow
LOCATION: Plot adjacent to 20 Sandyhill Park, Saundersfoot

Full planning permission was sought for a single storey dwelling on a triangular shaped plot, at the end of a cul-de-sac, which had been left vacant since the estate was originally built in the 1960s. The frontage of the site was originally intended as a turning head to the estate but this had never been implemented. The setting was suburban, while the style and character of the area was of rendered properties under concrete tiles. It was reported that the plot itself was small and very overgrown, but did benefit from an oak tree on one boundary which officers would wish to preserve for the benefit of biodiversity and landscaping. A number of arboricultural surveys had been submitted by the applicant to illustrate that the dwelling could be built without endangering the tree.

The site lay within the policy Centre Boundary for Saundersfoot, where development proposals for new residential development would be supported provided that all other policy requirements were met. Although



there had been a history of refusals on the site, the current proposal was for a smaller dwelling which respected the boundaries of the site and allowed the oak tree to be retained. A number of objections had been received, which were considered in the report, and the impact on privacy was considered acceptable. It was also noted that a Unilateral Undertaking agreeing payment of a commuted sum for affordable housing provision had been received. In this instance there were not considered to be any conflicts with the local policies in terms of amenity, character or biodiversity and the application was therefore recommended for approval. The application was brought before the Committee as Saundersfoot Community Council had a contrary recommendation.

There was one speaker, the agent, Mr Andrew Vaughan-Harries. He considered that although the site had a history of refusals, it was within development limits and his client had worked hard to discuss the scheme with officers which had resulted in a drop in the floor level and ridge height. He believed that both the canopy and roots of the oak tree could be kept safe and his clients had agreed to pay the affordable housing commuted sum. While there had been objections, the agent believed the dwelling was respectful of the area, which was a 1960s housing estate and therefore he felt, not a highly sensitive location. The design was appropriate and he felt improved the appearance of the estate. Privacy and amenity would be respected. Mr Vaughan-Harries concluded by saying that this was a piece of waste ground that needed to be redeveloped and he hoped the Committee would support the application.

Members agreed that protection of the tree was important and officers noted that they would be seeking protection of the tree through a Tree Preservation Order.

DECISION: That the application be approved subject to conditions relating to timing, accordance with plans, tree/hedge protection, details of soft landscaping works, parking and turning, site clearance not to be undertaken between March and September, external lighting, surface water drainage, external finishes and removal of permitted development rights.

- (c) REFERENCE: NP/16/0470/FUL
APPLICANT: Mr J Spikes
PROPOSAL: Erection of modular shelter for use by seasonal volunteers to help in conservation work on Allt Tabor, Dinas
LOCATION: Allt Tabor, Dinas Cross, Newport

It was reported that planning permission had been approved retrospectively in 2015 for a work shelter and tool store for use by the



applicant whilst undertaking the management and restoration of a 12 acre hillside south of Dinas Cross and outside of any defined policy Rural Centre Boundary in the Local Development Plan. It was therefore considered to be in open countryside for policy purposes.

The land was managed in its own right and was not associated with a dwelling nor was it part of a farm. Nevertheless, from the evidence provided, and from subsequent visits by officers to the site, it was evident that the area of land had benefited from low-impact management and enhancement. Officers could support the sustainable low-impact principles, and accordingly also the provision of a further shelter for use by volunteers working on the land. The new building itself replicated the design and scale of the existing structure and, due to its appearance and careful siting close to the original structure, was not considered to be a prominent addition or feature in the countryside landscape.

Following consultation on the proposal, Dinas Cross Community Council objected on the grounds that it was an inappropriate development in an area of natural beauty, which would set a precedent for other similar development, and that the development was outside the permitted building area as stated by the National Park Plan.

Following consideration of the policies contained within the Local Development Plan and National Planning Policy and having regard to all material considerations, officer considered that the development was acceptable for the purposes of the management of this land. It was therefore recommended that the new shelter be tied in time period to the original temporary planning permission of 5 years to allow the Authority to monitor the land management of the site, and to decide after the expiry of the temporary consent whether there was sufficient justification to grant a permanent permission.

Agreeing with the Community Council, several Members expressed concern that there was little evidence of a large number of people working on the site and therefore need for a second shelter was questioned. Some feared that the site may be used as a campsite, with people staying in the shelter overnight. Officers clarified that a restriction would be put in place to prevent use of the shelter overnight and that currently there was no evidence that the current shelter was being used in this way.

Other Members, however, felt that the applicant should be applauded for the task he was undertaking and the low-impact way in which it was being carried out; he should therefore be given a chance to try and achieve what he wanted as long as the conditions were adhered to. The recommendation of approval was moved and seconded, as was an amendment to refuse the application.



A vote was first taken on an amendment to refuse the application and this was lost. In a subsequent vote the recommendation to approve the application was passed.

DECISION: That the application be approved subject to conditions relating to removal of the building and restoration of land by 17/04/2020, occupancy, tree protection, highways, parking and turning.

- (d) REFERENCE: NP/16/0536/FUL
APPLICANT: Mr & Mrs A Case
PROPOSAL: Two storey dwelling in garden
LOCATION: 18 Wheelers Way, Manorbier, Tenby

This application was reported to the Committee at the request of a Member of the Authority.

Full planning permission was sought for a detached dwelling to be constructed on the front garden of an existing dwelling. The application site fell within the Rural Centre Boundary for Manorbier as defined in the Local Development Plan.

Following consultation, no objections had been received from statutory consultees. A letter of objection had been received from neighbours and the concerns were outlined in the report.

It was reported that the application was a re-submission following a refusal of planning permission earlier in 2016 under the Authority's delegated powers. Officers noted that the application plot was smaller in scale than the neighbouring plots, and that the proposed siting and orientation of the property, lying between and being faced by two existing dwellings, would result in an insufficient level of private amenity space for a two-storey, 3 bedroom property. Therefore, while the site fell within the Rural Centre Boundary, and the design and external materials to be used would be in keeping with the relatively modern appearance of the existing dwellings on Wheelers Way, officers considered that the proposal would result in a detrimental impact on residential amenities for both neighbouring properties and future occupants of the proposed dwelling and could not be supported. The recommendation was therefore one of refusal.

The first of two speakers on this application was the agent, Mr Andrew Vaughan-Harries. He began by setting out what he considered to be the positive elements of the application – its location within settlement limits, meeting the Authority's accessibility policy, that it was land previously



developed as a garden, the need for infill plots as there was insufficient affordable housing and the setting of the site within a former military housing estate containing properties of an aged, standard design. He believed that this was a logical plot that would provide a classic opportunity to 'finish off' the end of the estate road. Turning to the negative points that had been raised, the first of which was that the garden was too small, Mr Vaughan-Harries noted that the estate had been built in the 1950s/60 and properties of that age typically had large gardens. By today's standards of higher density development, the garden would be considered more than adequate and he referred to the application in Saundersfoot approved earlier in the meeting as an example of a small dwelling with an even smaller garden area. The other potential concern was that of overlooking and additional photographs were circulated to the Committee showing the position of the site relative to adjoining properties. He noted that the existing houses would look only at the gables of the proposed dwelling and the distances between the properties were 16m with a strong hedge to one and 10m between the other. Whilst overlooking was felt to be inevitable the agent did not feel it was sufficient to refuse the application. He believed that levels of density and overlooking were far worse on estates in other areas of the village. In response to a question from a Member Mr Vaughan-Harries clarified that his clients were happy to sign a legal agreement to make a contribution to affordable housing based on the normal sum of £250 per square metre.

The second speaker was Councillor Phillip Kidney who was supporting the applicants. He felt that the size of the plot was adequate, and that a dwelling would enhance the estate, which was of no great architectural merit. He believed this to be a good infill dwelling which sat well within the estate, rounding it off, and would provide accommodation for local people which was difficult to find.

Most Members accepted that this was an infill site and a proposal to approve the application was moved and seconded. The view of the Community Council in favour of the application was felt to be an important consideration by some. However, there were concerns expressed regarding the impact of the proposed dwelling on the amenity of neighbouring properties and that no unilateral undertaking was in place regarding payment of a commuted sum. Some Members suggested that the plot should be an affordable unit and that a smaller dwelling would have less impact on neighbouring properties. One Member felt that the open aspect at the end of the cul-de-sac was very attractive and building on the land would have a significant impact on the landscape and a detrimental impact on the setting of the National Park.

It was noted that should the application be approved, no conditions had been put forward and it was therefore moved and seconded that the



application be deferred to the next available meeting to allow further discussions with the applicant regarding design and effects on the amenity of neighbouring properties and for officers to suggest suitable conditions. It would also provide an opportunity for the applicant to submit a unilateral undertaking regarding payment of a commuted sum.

DECISION: That the application be deferred to the next available meeting to allow discussions with the applicant regarding amendments to the design of the property to address concerns regarding size and amenity of neighbouring properties and to allow for the submission of a unilateral undertaking.

[Councillor D Rees disclosed a prejudicial interest in the application, tendered his apologies and left the meeting at this juncture. Councillor P Harries disclosed a personal interest but remained in the meeting and took full part in it.]

- (e) REFERENCE: NP/16/0555/FUL
APPLICANT: Mrs L Parkes
PROPOSAL: Change of use of land and siting of shepherds' hut for seasonal holiday accommodation together with associated washroom and boardwalk (partly retrospective)
LOCATION: Land to the rear of Isfryn, Pontyglasier, Crymych

Planning approval was sought for the change of use of agricultural land to site a shepherds' hut for seasonal holiday accommodation, together with associated washroom and boardwalk (partly retrospective). The shepherds hut and associated washroom and boardwalk were currently located (without the benefit of planning permission) on a lower section of land adjacent to the stream which ran alongside the property and was within the C2 flood zone.

The proposed shepherds hut was considered to fall under the statutory definition of a caravan for planning purposes and as Local Development Plan policies 35 and 38 stated that additional camping, caravanning or chalet pitches would not be permitted the current proposal was considered to conflict with these policies.

While there was little visual intrusion to the wider landscape from the current location, the relocation of the structures to the proposed site would include an extension to the access path and also the mains water supply and electricity. No information had been submitted in the form of an implementation method for these extensions in relation to excavations in close proximity to trees, and no details of any proposed landscaping had been submitted. The proposal would therefore result in the extension of



the built form into the surrounding countryside to the rear of the residential dwelling which it was considered would lead to the development being insensitively and unsympathetically sited within the landscape, and also failing to harmonise with or enhance the landscape character of the National Park. The application was therefore recommended for refusal.

It was reported at the meeting that no response had yet been received from Eglwysrwr Community Council, and that no adverse comments had been received from Pembrokeshire County Council Drainage engineers, Welsh Water or the Authority's ecologist. The agent had responded with regard to drainage and the location of the proposed soakaways and this had been shared with Pembrokeshire County Council's Pollution Control team but their concerns remained.

Mrs Parkes then addressed the Committee stating that she had lived at the property for 10 years and loved the countryside, not wanting to do anything to adversely affect it. However, in order to have a living income she had developed a high quality micro tourism business that allowed people to stay in tranquil surroundings. She said that this small enterprise had struck a chord with her visitors who did not enjoy the bustle of a large site and who were looking for somewhere different to stay, often an 'off the beaten track' experience. The business had indeed made a noticeable difference to her household income and also contributed to the local economy as visitors ate out and visited local attractions. She said that the proposed location for the hut was not in an exposed position and was secluded, not being visible from the road or other properties. The development was also reversible and was supported by neighbouring properties, most of which did not know of its existence. She concluded that this was a low energy, ecological and unobtrusive enterprise which brought benefits to local businesses. If such developments were not allowed, the visitors would simply take their business to places other than Pembrokeshire. She hoped Members would see the merits of her application and she invited them to visit the site.

Although they had some sympathy with the applicant, Members acknowledged that this application was contrary to the Authority's policies and some therefore, supported the officer recommendation of refusal. Other Members, however, felt that the Authority's policies in this respect were not sustainable and that the application should be supported as an exception for reasons of social and economic wellbeing, particularly given its small scale nature. Concerns over the visual intrusion of the proposed location were also expressed. It was pointed out that small tourism ventures could benefit from permitted development rights by becoming 'Certificated Sites' though various recognised caravanning and camping organisations.



A motion to approve the application was moved and seconded and Members reasons for doing so contrary to the officer recommendation were therefore sought as well as any conditions. Reasons were given as support for the visitor economy, fostering the economic wellbeing of people living in the National Park and the development being in-keeping with the Pembrokeshire Destination Plan. With regard to conditions there was a request for details regarding landscaping.

The Director of Planning advised that should Members be minded to approve the application, for the sake consistency it would be subject to the Authority's 'cooling off' period. Officers asked that any further suggested conditions be forwarded to them well in advance of the next meeting to allow further consultation to take place with statutory undertakers.

A vote was then taken on the motion to approve the application, for the reasons set out above and subject to conditions and this was lost on the Chairman's casting vote.

A vote was then taken on the substantive motion to refuse the application and this was lost.

No further motions were proposed.

DECISION: As no determination had been made the application remained live and would therefore come back to the next available meeting of the Committee for further discussion.

[Councillor ML Evans tendered his apologies and left the meeting at this juncture. Mr D Ellis disclosed an interest in the following item and withdrew from the meeting while it was discussed.]

8. Other Planning Matters: Land at Mead Meadow, The Ridgeway, Manorbier

It was reported that an Enforcement Notice had been served by the Authority on 26th January 2015 following development undertaken on land at Mead Meadow, Manorbier without the benefit of planning permission. The development consisted of the erection of a timber built single storey dwellinghouse with surrounding decking and the change of use of the land from agriculture to residential storage.

An appeal was made against the Enforcement Notice which was upheld and as a result the Enforcement Notice came into effect on 6th January 2016 with a compliance period to remove the unauthorised development by 6th July 2016. To date the Enforcement Notice had not been complied with. The failure to comply with an Enforcement notice after it had taken



effect is a criminal offence answerable, in the first instance, in the Magistrates Court.

In view of the issues identified in the report, it was considered expedient to pursue action in respect of the unauthorised development carried out. The development was considered to impact to an unacceptable degree on the unspoilt character of the countryside within the National Park and failed to comply with the aims of the policies contained within the adopted Local Development Plan and National Guidance.

It was **RESOLVED** that the Chief Executive/Director of Planning/ Team Leader: Development Management be authorised to instruct solicitors to commence prosecution proceedings in the Magistrates Court in relation to the non-compliance with an Enforcement Notice requiring the:

- (i) Permanent removal of the unauthorised dwelling house and all concrete block supports from the land.
- (ii) Permanent disconnection and removal of all connections to services such as septic tank, water and electricity.
- (iii) Permanent cessation of the use of the land for the storage of an ancillary touring caravan, domestic garden furniture and children's play equipment.
- (iv) Permanent removal of the touring caravan and all domestic garden furniture and children's play equipment from the land.
- (v) Removal from the land of all building materials and rubble arising from compliance with requirements (i) to (iv) above and the restoration of the land to its former condition as a field suitable for agricultural use.

9. 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.

An appeal decision regarding removal of 2 trees at 14 Trafalgar Road, Tenby was appended to the report. This appeal had been dismissed.

NOTED.

10. Season's Greetings

The Chairman said a fond farewell Mr David Ellis and wished all Members and officers a Merry Christmas.

