

DEVELOPMENT MANAGEMENT COMMITTEE

21 June 2017

Present: Councillor R Owens (Chair)

Ms C Gwyther, Councillor P Harries, Mrs G Hayward, Dr R Heath-Davies, Councillor M James, Councillor P Kidney, Councillor PJ Morgan, Mr AE Sangster, Councillor A Wilcox, Councillor M Williams and Councillor S Yelland

[Councillor Mrs D Clements arrived prior to consideration of the Minutes of the last meeting (minute 3 refers).]

[Llanion Park, Pembroke Dock 10.00am – 11.05am]

1. Apologies

Apologies for absence were received from Mr A Archer, Councillor P Baker, Councillor K Doolin, Councillor M Evans and Mrs J James.

2. Disclosures of interest

The following Member(s)/Officer(s) disclosed an interest in the application(s) and/or matter(s) referred to below:

Application and Reference	Member(s)/Officer(s)	Action taken
<i>Minutes 6(a)below</i> NP/17/0180/FUL - Installation of 14 solar panels (2 rows of 7 panels), inverter & associated cabling on land to North of Fagwr Einon, Fagwr Einon, Llanychaer, Fishguard	Councillor P Morgan Councillor P Harries	Remained in the meeting and played a full part in deliberations on the application
<i>Minutes 6(b)below</i> NP/17/0229/S73 – Vary Condition no 2 of NP/15/0526/FUL – Alterations to clubhouse – Buttyland Caravan & Camping Park, Manorbier	Councillor P Kidney	Remained in the meeting and played a full part in deliberations on the application
<i>Minutes 6(c)below</i> NP/17/0258/FUL -	Councillor P Kidney	Remained in the meeting and played



Retention 35
 hardstandings & electric
 hook-up points;
 temporary change of use
 of existing building as a
 fish & chip shop; use of
 Portacabin as a
 temporary reception
 office – Buttyland
 Caravan & Camping
 Park, Manorbier

a full part in
 deliberations on the
 application

3. Minutes

The minutes of the meeting held on the 10 May 2017 were presented for confirmation and signature.

It was **RESOLVED** that the minutes of the meeting held on the 10 May 2017 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/17/0229/S73 <i>Minute 6(b) refers</i>	Vary Condition no 2 of NP/15/0526/FUL – Alterations to clubhouse – Buttyland Caravan & Camping Park, Manorbier	Linda Parker and John Fiddy, objectors
NP/17/0258/FUL <i>Minute 6(c) refers</i>	Retention 35 hardstandings & electric hook-up points; temporary change of use of existing building as a fish & chip shop; use of Portacabin as a temporary reception office – Buttyland Caravan & Camping Park, Manorbier	Linda Parker and John Fiddy, objectors



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 the Well-being of Future Generations (Wales) Act 2015 and the Planning (Wales) Act 2017 Part 2 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/17/0180/FUL
APPLICANT: Mr & Mrs Kilmister
PROPOSAL: Installation of 14 solar panels (2 rows of 7 panels), inverter & associated cabling on land to North of Fagwr Eionon
LOCATION: Fagwr Eionon, Llanychaer, Fishguard

This application, on the lower sloped of Mynydd Dinas was reported to the Committee as the applicant was a former Member of the National Park Authority.

It was reported that panels which were the subject of this application would be located on land adjacent to existing outbuildings and would be read as part of the main complex. Due to the topography of the land, the existing mature landscaping and their positioning close to existing development, the panels would not be visible from any public vantage points, and would not be considered to cause harm to the visual amenity or special qualities of the National Park. The Authority's Tree and Landscape Officer had advised that there were no tree preservation



orders on the site, and that subject to details of tree/hedge protection being provided, together with a method statement for the proposed cable excavations in proximity to tree and hedgerow features, there was no objection to the proposal.

Officers therefore concluded that following consideration of the policies contained within the Local Development Plan and in National Planning Policy, and having regard to all material considerations, on balance the development was acceptable and recommended approval subject to conditions.

At the meeting it was reported that the applicant had advised that the route for cabling would not impact on tree and hedgerow patterns and therefore condition 3, relating to a method statement for such excavations, could be omitted from any approval.

Members asked whether there were any similar solar panel sites in the area that could have a cumulative effect on the landscape. The officer replied that she was aware of one other small array in a field closer to Dinas Cross, however both sites had mature landscaping.

DECISION: That the application be approved subject to conditions relating to timing, accordance with plans and removal from site of panels when no longer needed.

- (b) REFERENCE: NP/17/0229/S73
APPLICANT: Mr D Brown, Seaside Inns Ltd
PROPOSAL: Vary condition no. 2 of NP/15/0526/FUL – alterations to clubhouse
LOCATION: Buttyland Caravan & Camping Park, Manorbier, Tenby

The report noted that the application site was a long established caravan site located east of the road running towards Manorbier Station. The caravan site area straddled the Rural Centre boundary as defined in the Local Development Plan with the clubhouse situated within the boundary and within the existing curtilage of the caravan site. The application was reported to the Committee as the views of Manorbier Community Council were contrary to the officer recommendation.

It was reported that Condition 2 of NP/15/0526/FUL tied the permission to the approved plans, however the building as constructed was not in accordance with the approved plans. This application sought to regularise the following alterations – increase in height of the building by 20cm; erection of a first floor balcony with fire escape staircase; and minor alteration to internal layout arrangement.



Officers advised that the clubhouse was set back from the highway and when viewed from public viewing points it appeared as previously approved and the alteration to the height did not have an adverse impact on the visual amenities of the immediate area or on the special qualities of the National Park. The balcony and fire escape were located to the rear and were screened from the neighbouring properties and wider public views by the rear two storey projection. The amendments did not therefore give rise to any overriding concerns in respect of the building's impact on the visual amenities of the immediate area or on the special qualities of the National Park.

Two letters of objection had been received from local residents and their objections were summarised in the report. However in considering issues of amenity and privacy, officers considered that the marginal increase in height of the clubhouse did not result in any adverse overshadowing or dominance given the distance of 15m between it and the nearest residential properties. Views from the balcony were restricted to the existing caravan site and would not raise any concerns in respect of privacy.

Officers therefore concluded that notwithstanding the objections raised, following consideration of the policies contained within the Local Development Plan and all material planning considerations, it was considered that the amendments to the clubhouse did not have a detrimental impact on the special qualities of the National Park or neighbouring amenity and the application was recommended for approval subject to conditions.

At the meeting it was reported that Pembrokeshire County Council's Public Protection department had no comment on the application and while the Building Regulation department had advised that they had received information regarding foul draining, this had not yet been agreed. It was therefore suggested that additional conditions be imposed on any approval to ensure the clubhouse was not brought into use until details of foul drainage had been approved and to limit use of the building until 1am to replicate the operating hours imposed by the licencing authority; this condition was suggested as there was a balcony forming part of the application.

There were two speakers, both objectors, who shared the five minutes allocated. Having circulated some photographs of the site to Members, Mrs Linda Parker explained they were both next door neighbours to the development, and were unhappy that the original application had been approved with no conditions to protect neighbouring amenity, unlike those on a previous planning application on the site which was withdrawn; she wanted those conditions to be added to this application. She was also



concerned that this replacement clubhouse was not restricted to users of the caravan site but was open to the general public. She felt this was a change of use and pointed out that the community had not had an opportunity to comment on this. With regard to foul drainage, Mrs Parker questioned the integrity of the cesspit that the applicant proposed to use and hoped that permission would not be approved until a satisfactory means of foul drainage could be found as the land was on a principal aquifer; she had been led to believe that this was a temporary solution until a pumping station was built. Finally regarding the height of the building she questioned whether the building was bigger than was granted permission, or in the right place, as part of a barn had been demolished to make way for the clubhouse. Mr John Fiddy concluded by saying that the hedge that had been removed (regardless of a warning) had screened the building from neighbouring properties and had absorbed noise. It was not felt that the wall that replaced it would be as effective. He clarified for Members that the hedge was healthy and of Leylandii trees.

Members were concerned that levels within the site were being questioned and asked whether the land had been raised. The officer explained that the land originally sloped and that the original planning permission had stated that building was to take place on a level site; these levels had been agreed in 2015. Referring to the points made by the objectors she also noted that the conditions on the 2015 application were being carried forward to the present application, and that as there were no restrictions on use of the building by the general public there could be no restriction on the present application in this regard. As the clubhouse was located in a Rural Centre, the provision of such community facilities was in any case encouraged. A condition preventing use of the building until foul drainage was agreed was proposed for this application. It was noted that the pumping station referred to is to be associated with a potential application for housing in the area; however only pre-application discussion had taken place so far, and there had been no planning application. With regard to removal of part of the barn, the agent had indicated that this had never been surveyed and thus its extent was not known. A condition had been imposed on the previous application to protect hedges on site, and a breach of condition notice had been served regarding the section of the hedge which had been removed. A 1.8m high rendered wall was considered to be acceptable as a replacement as similar materials had been used in other areas of the site and at neighbouring properties.

One Member expressed his unhappiness with the application. He said that the application had caused more bad feeling in the local area than any other. He was disappointed that the conditions had not been abided by or adequately enforced, saying that the hedge had provided a noise, as well as visual, barrier. The balcony would only add to the problems of



noise the neighbours already experienced. The community felt that the National Park was not taking appropriate action. He suggested that the only way for Members to see how close the clubhouse was to neighbouring properties and appreciate the disturbance caused was to visit the site, and he proposed that this take place. This was seconded. The Director of Planning noted that no assurances could be given that any conditions imposed would be abided by, the Authority could not prevent such breaches occurring, only try to rectify the situation afterwards.

One Member felt that account had been taken of the concerns of neighbours and believed that the Authority also had responsibility to support local businesses. He moved the recommendation of approval, however this was not seconded.

DECISION: That the application be deferred to allow the Committee to carry out a site inspection.

- (c) REFERENCE: NP/17/0258/FUL
APPLICANT: Mr D Brown
PROPOSAL: Retention 35 hardstandings & electric hook-up points; temporary change of use of existing building as a fish & chip shop; use of Portacabin as a temporary reception office.
LOCATION: Buttyland Caravan & Camping Park, Manorbier, Tenby

It was reported that the application site was a long established caravan site located east of the road running towards Manorbier Station. The caravan site area straddled the Rural Centre boundary as defined in the Local Development Plan with the temporary reception building, fish and chip shop and clubhouse situated within the centre boundary and within the existing curtilage of the caravan site. However the northern field, where the hardstandings and electric hook up points were located, fell within open countryside. The application was reported to the Committee as the views of Manorbier Community Council were contrary to the officer recommendation.

Two letters of objection had been received from local residents and their objections were summarised and addressed in the report.

It was noted that the northern field had been granted a Certificate of Lawful Use Existing (NP/13/260/CLE refers) for 35 caravans or tents between 1 March – 28 September in any one year. The current application did not propose an increase in the number of pitches or extend the holiday season but the retention of hardstandings and electric hook ups to service the existing lawful pitches. Given that these pitches had



been granted a Certificate of Lawful Existing Development the principle of the hardstandings and hook up points was considered acceptable in this instance. However in order to ensure that the visual impact of the hardstandings and electric hook up points was limited outside of the lawful occupation period, it was recommended that details of materials and colour be submitted to and agreed in writing by the Authority.

Turning to the change of use of the reception building to a temporary fish and chip shop and the siting of a Portacabin as a temporary reception, officers noted that as the principle of the proposed uses had already been accepted by granting the permission for the clubhouse (NP/15/526 refers) and as these temporary uses and building were required while construction works were on going, they were considered to be acceptable in policy terms subject to a condition restricting the use/development to a temporary period only and details of the extraction system for the fish and chip shop to be submitted to and agreed in writing by the National Park. In order to protect residential amenity, a condition was also recommended restricting the opening hours of the fish and chip shop.

It was reported at the meeting that details of the extraction systems had been submitted to the Public Protection department of Pembrokeshire County Council, and they had recommended that the hours of use be limited to 0800 until 2100 Monday to Sunday, rather than 2300 as set out in the report.

The objectors, Mr John Fiddy and Mrs Linda Parker again shared the five minutes speaking time. Mr Fiddy explained that the field in question had previously been used for tents, and he had been led to believe by one of the Authority's former Enforcement Officers that caravans would not be allowed on the field. However the applicant had obtained a Certificate of Lawfulness and had now put in hardstandings without permission. He believed that a precedent had been set, and questioned the purpose of planning rules when these could be broken without penalty.

Mrs Parker went on to say that she believed the caravans caused harm to neighbours and the National Park. They were located in an historic landscape and this had highlighted their intrusive nature. She pointed out that it was unlikely they would have received planning permission, and hard standings had now been erected. She noted that the caravans were on the site all season and she believed this was a material change of use from that granted lawful use. Grasscrete was suggested to replace the hardstanding. She also questioned the acceptability of vehicles driving on the field due to the danger of oil leakage.

Turning to the Fish and Chip shop, Mrs Parker said this was within close proximity of her property and she experienced nuisance from noise. She



believed it was also a dangerous location for children to play. She did not understand why the marquee and bar which had been erected did not need planning permission. She believed that the flue from the Fish and Chip shop was of insufficient height and caused a smell nuisance. There was no mention of foul drainage from this building on the plans and therefore there was no information whether this was causing harm. Although these buildings were said to be temporary, Mrs Parker doubted that this would be the case. She asked that the use of the Fish and Chip shop cease until appropriate flues and drainage were put in place and that the use be restricted to the hours suggested by public protection.

Members again felt that a site inspection would be useful and this was proposed and seconded. They also asked that they be circulated with the Certificate of Lawful Use. Some Members were concerned at the existence of a marquee and officers agreed to check how this was fixed to the ground and how long it had been on site as this would determine whether planning permission was required.

DECISION: That the application be deferred to allow the Committee to carry out a site inspection.

[Councillor D Clements tendered her apologies and left the meeting at this juncture.]

7. Enforcement – Land off The Ridgeway, Manorbier Newton, Tenby

It was reported that two Planning Enforcement Notices had been served by the Authority on 24 July 2015 following development undertaken on land off The Ridgeway, Manorbier without the benefit of planning permission. The breach was listed as the stationing of residential caravans, the erection of ancillary residential buildings and the change of use of the land from agriculture to the unauthorised storage of static and touring caravans, unauthorised storage of building materials, keeping of horses and change of use of the agricultural land to residential use, adversely affecting the setting of a Scheduled Ancient Monument SAMPe311 which was part of the setting of the historic Carew Beacon Tumuli.

An appeal had been made against the Enforcement Notices which had been upheld (the Appeal decision had been circulated to Members separately) and as a result the Enforcement Notice ultimately came into effect on 10 May 2016 with a compliance period to remove the unauthorised development by 10 May 2017. To date the Enforcement Notices had not been complied with.

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 unauthorised and impacted 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 in the adopted Local Development Plan and National Policy Guidance. Therefore it was requested 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 the Operational Development and Material Change of Use Enforcement Notices as set out in the report.

It was reported at the meeting that since May, the landowners had installed a track to allow better access to the property, which it was understood they lived in part time.

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 the Operational Development and Material Change of Use Enforcement Notices as set out in the report.

9. Appeals

The Development Management Team Leader reported on 6 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.

It was noted that appeals for a certificate of lawfulness of seasonal use as camping with car park, Slate Mill Lodge Dale and Retrospective application for yurt, platform and washroom, and interpretation panel, Felin Isaf, Feidr Treginnis, St Davids had both been dismissed.

Thanks were given to Marloes & St Brides Community Council for their support at the Slate Mill Lodge Hearing.

The appeal for change of use of land for siting of timber lodge, cesspit & concrete slab – land adjacent to Villa St Helens, Wisemans Bridge would take place the following day and the Chairman wished to thank those Members who would be taking part in the Hearing.

NOTED.

