

DEVELOPMENT MANAGEMENT COMMITTEE

17 October 2018

Present: Councillor R Owens (Chair)

Mr A Archer, Councillor P Baker, Mrs D Clements, Councillor M Evans, Councillor P Harries, Mrs G Hayward, Dr R Heath-Davies, Mrs J James, Councillor M James, Councillor P Kidney, Councillor PJ Morgan, Dr RM Plummer, Mr AE Sangster, Councillor A Wilcox, Councillor M Williams and Councillor S Yelland

[Llanion Park, Pembroke Dock 10.00am – 12.00pm]

1. Apology

An apology for absence was received from Councillor K Doolin.

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
Minute 6(d) below NP/18/0397 Access Jameston to Tenby Road	Councillor ML Evans	Withdrew from the meeting while the application was discussed
Minute 6(g) below NP/18/0497 Penrhiw Farm, Cilgwyn	Councillor P Harries	Remained in the meeting and played a full part in the discussion
Minute 6(h) below NP/18/0510 Harbwr, Wogan Terrace, Saundersfoot	Councillor M Evans	Withdrew from the meeting while the application was discussed
Minute 7 below EC/16/0117 Rhosson Car Park, St Justinians	Mrs G Hayward Councillor P Harries Councillor P Baker	Remained in the meeting and played a full part in the discussion
Minute 8 below S73 Appeal for Whitewell Caravan Park, Penally	Councillor M Evans	Withdrew from the meeting while the matter was discussed



3. Minutes

The minutes of the meetings held on the 5th and 17th September 2018 were presented for confirmation and signature.

It was **RESOLVED** that the minutes of the meetings held on the 5th and 17th September 2018 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/18/0397/FUL <i>Minute 6(d)</i> <i>refers</i>	Installation of agricultural access gate (Retrospective) – A4139 Jameston to Tenby road	Mr Anthony Wales – Supporter

5. Members' Duties in Determining Applications

The Solicitor's report summarised the role of the Committee within the planning system, outlining the purpose of the planning system and relevant considerations in decision making, the Authority's duty to carry out sustainable development, human rights considerations, the Authority's guidance to members on decision-making in committee and also set out some circumstances where costs might be awarded against the Authority on appeal.

Members were also reminded that if they were not present for the whole of the discussion on an application, they should not vote on that application.

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/18/0302/FUL
APPLICANT: Mr & Mrs B Wood
PROPOSAL: Demolition of existing single storey dwelling & replacement with 2 storey dwelling
LOCATION: 24 Catherine Street, St Davids, Haverfordwest

Members were reminded that this application had been considered by the Committee at its previous meeting, when it had been deferred to allow a site inspection to take place (*Minute 3 refers*). Since that visit, amended plans had been received which attempted to overcome officers' concerns in respect of amenity. These showed the lower roof lights serving bedroom 2 having been removed and replaced with a single roof light higher up the roof; the roof light had been removed from bedroom 1 and the ensuite bathroom would be fitted with obscurely glazed glass.

Having regard to the amendments made, including the reduction in height of the building by 30cm, it was not considered that the development would give rise to adverse overlooking to such an extent as to warrant refusal of this scheme.

The recommendation was therefore now one of approval subject to conditions as the proposed replacement dwelling was considered to be acceptable in terms of planning policy and the impact on neighbours and the immediate street scene.

Members thanked officers for a helpful site visit, with the marking out of the site by the agent having been particularly useful.

DECISION: That the application be approved subject to conditions relating to timing, accordance with plans, parking, surface water drainage and finished floor levels.

- (b) REFERENCE: NP/18/0346/OUT
APPLICANT: Mr & Mrs W David
PROPOSAL: Erection of 2 storey detached dwelling (outline)
LOCATION: Sirmione, Lawrenny Road, Cresselly, Kilgetty

Members were reminded that this application had been considered by the Committee at its meeting on 18 July 2018 when they had been minded to approve the application contrary to national and local policy. The Authority's 'cooling-off' procedure had therefore been invoked by the Director of Park Direction and Planning.



The key issues to be considered in this case were the principle of the development and crucially the accessibility of the site for the proposed residential use. It was reported that the applicant had now submitted a unilateral undertaking so the provision of a required affordable housing contribution had been adequately covered by this legal agreement. However, the recommendation remained one of refusal as the application was contrary to the Authority's strategic policy with regard to the location of open market housing development in the countryside. If Members were still minded to approve the application, the report set out suggested conditions to be attached. It was noted that the reason for condition 6 should have read 'in the interests of sustainable transport'.

A motion to approve the application subject to the conditions set out in the report was proposed and seconded. The Monitoring Officer reminded the Committee of the requirements of the cooling off procedure, which required the provision of material planning reasons and the taking of a recorded vote. The proposer gave the planning reason that the development provided for sustainable means of transport and therefore met the objectives of Policy 52. It was considered that too much weight was being placed on the Authority's Supplementary Planning Guidance (SPG), which was not statutory. The Director of Park Direction and Planning noted that the SPG was adopted authority policy and had been supported by inspectors at appeal as it reflected Welsh Government Policy.

One Member was concerned that there were no changed circumstances which could justify approval of the application when the same development had been refused in May 2018. Another Member argued that it was unfair that an application for social housing would be considered favourably at this location and that this policy position itself lacked consistency.

A recorded vote was then taken on the proposal that permission be granted subject to conditions, with the result being:

For: P Baker, D Clements, M Evans, R Heath-Davies, J James, P Kidney, P Morgan, R Plummer, AE Sangster, A Wilcox and S Yelland.

Against: P Harries, G Hayward, M James, R Owens and M Williams.

Abstention: A Archer

DECISION: That the application be approved subject to a legal agreement and conditions relating to outline approval, timing, design, finished floor levels, sustainable drainage, car charging point (noting the amended reason for this condition), cycle storage, parking and turning, landscaping and electricity and telephone supplies to be by underground cable.



- (c) REFERENCE: NP/18/380/FUL
APPLICANT: Mr T Harris, Ffosyficer Ltd.
PROPOSAL: Replacement milking parlour, new cattle tracks and alterations to main farm access
LOCATION: Rhosmaen Farm, Newport

It was reported that the application site formed part of the 133 hectare Rhosmaen Farm complex which ran a herd of approximately 300 dairy cattle with followers. The farm track access was currently shared with the host farm house, adjacent agricultural buildings and a dwelling known as The Cottage. There was also a public footpath leading through the farm complex.

Planning approval was sought for a replacement milking parlour with associated silo's, bins, yard and cattle runs to and from the cattle housing. In addition the proposal included the conversion of the existing access to a cattle track, the provision of a new vehicular access to the farm including new hedgebanks, two additional farm tracks and associated landscaping works. This application was reported to the Committee as it was a Major Development application.

Given the nature of the proposed works, materials, colours and extent of screening, officers considered that the proposed development would not have a significant landscape or visual impact on this area of the National Park as the site was closely related to the existing farm complex and would be of limited visibility given the existing land topography and surrounding structures. A planning condition to require a light mitigation strategy was recommended to minimise any light spillage from the proposed development. The development was therefore considered to retain and expand an existing agricultural enterprise while sustaining the local character, and would not impact on privacy or amenity of neighbours. As such it was recommended for approval subject to conditions.

Thanking the officer for a clear presentation, Members were pleased to hear that there had been discussions regarding the colour of the buildings and lighting prior to the application coming before the Committee, both of which had been highlighted in training workshops organised by the Authority in recent years. However, it was questioned whether the proposed lighting condition should also refer to any additional or replacement lighting proposed in future. This was duly noted by the officer. Members were also concerned to ensure that the landscaping scheme minimised the loss of old hedgerows and the officer replied that most would be retained, with some being trans-located, however overall sufficient detail had been provided on the submitted drawings and a separate landscaping condition was not therefore proposed. The



application was considered to be sympathetic and the importance of the farm complex to the economy of the area was also noted. Approval of the application was moved and seconded.

DECISION: That the application be approved subject to conditions relating to timing, accordance with plans, sustainable drainage, lighting (as amended at the meeting) and ecology.

[Having disclosed an interest, Councillor M Evans withdrew from the meeting during consideration of the following application]

- (d) REFERENCE: NP/18/0397/FUL
APPLICANT: Dr J Mahoney-Phillips
PROPOSAL: Installation of agricultural access gate (Retrospective)
LOCATION: A4139 Jameston to Tenby Road

It was reported that the proposed, retrospective, gated access was required to provide direct access to an agricultural holding currently accessed via a farm track positioned some 550m further east along the A4139, opposite Manorbier Station. Through agreement with the landowner, current access to the holding required passage across land under the separate ownership of Norton Farm.

The application was before the Committee as Manorbier Community Council had objected to the application due to concerns over road safety and impediment to future introduction of a footpath in this location, which was contrary to the officer recommendation of approval. However, the Highway Authority had raised no objection to the proposal – with regards to safety, it was felt that the position of the gateway just outside the settlement 30mph speed limitation area, on a straight section of road provided good visibility in both directions. The verge crossing would require further consent from the Highway Authority and this would also deal with conflicts with footpath crossings; Highways officers did not consider that a conflict would arise in this location, and an appropriate access crossing could be incorporated into any future footpath design

Officers therefore considered that the new access was acceptable in terms of siting, design and highway safety and would not cause adverse impact on the special qualities of the National Park. The proposal was considered to comply with the relevant policies of the Local Development Plan and was therefore recommended for approval subject to conditions.

There was one speaker on this application, Mr Anthony Wales. He explained that he lived close by and had witnessed on many occasions the difficulty of modern machinery in trying to negotiate its way through the existing narrow access, noting that modern farm machinery was large



and industrial in nature. He believed there had been a planning gain and enhancement in road safety since the new entrance had been created and he hoped Members would support the application. He added that he believed there would still be room for the proposed footpath referred to by Manorbier Community Council, should that be constructed.

Members agreed that it was reasonable for Manorbier Community Council to have raised concerns, however these had been considered by the Highway Authority which had advised that they could be satisfactorily dealt with. One Member remained concerned that this was a fast stretch of road, with scant attention being paid to the speed limit at this location, and he questioned whether other alternative routes had been considered. The officer replied that they had, however the alternative roads in question were considered to be too narrow.

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

- (e) REFERENCE: NP/18/0411/FUL
APPLICANT: Ms B Devonald
PROPOSAL: Rebuild of derelict cottages to form single holiday unit of accommodation
LOCATION: Waun-y-Beddau, Nr Berea, St Davids

It was reported that this application had been withdrawn.

NOTED.

[Councillor P Baker advised that while he had seen the following application at a meeting of Saundersfoot Community Council, he would listen afresh to all the information provided before reaching a decision.]

- (f) REFERENCE: NP/18/0490/FUL
APPLICANT: Mr P Lawrence
PROPOSAL: Demolition of existing single storey lean-to dining room & replace with a 2 storey extension to east side elevation together with single storey extension to north rear elevation
LOCATION: 41 Bevelin Hall, Saundersfoot

It was reported that this was a detached two storey dwelling with attached single storey garage (previously converted to a dining room) to the side, which was located centrally in a row of five dwellings in Bevelin Hall with similar layouts. It was noted that several of the adjacent properties had already been extended to the side and rear with large extensions, but these had all been single storey. The application was before the



Committee as the officer recommendation of approval was contrary to the views of Saundersfoot Community Council.

Having noted the Community Council's concerns regarding the size of the extension relative to the plot, that it was not aesthetically in keeping and that it had an excessive height compared to adjacent properties, officers considered that the proposed siting of the works within the site was acceptable and that the amended drawings had a scale, form, mass and detailed design which was in keeping with the area and provided additional accommodation which met modern standards of sustainable design. The character and amenity of the area would be maintained and protected along with the special qualities of the National Park when viewed from the immediate and wider landscape. As such the proposed development could be supported subject to appropriate conditions.

In response to questions from Members, the officer confirmed that no objections had been received from neighbouring properties and he did not believe there would be any impact upon them. He also noted that concerns raised by the Community Council regarding materials and colours of finishes could be controlled by condition.

DECISION: That the application be approved subject to conditions relating to timing, accordance with plans, sustainable drainage and external finishes.

- (g) REFERENCE: NP/18/0497/FUL
APPLICANT: Mr R Vaughan
PROPOSAL: Agricultural building (retrospective)
LOCATION: Penrhiw Farm, Cilgwyn, Newport

This application was before the Committee as the applicant was related to a member of the Authority's staff.

It was reported that the building had been built in 1997 by the applicant in the belief that the replacement of a number of smaller buildings on the same footprint would not require planning permission. The scale, size and design of the building were not considered to be out of scale for a farming enterprise, and it did not adversely affect its surroundings or the wider landscape and special qualities of the National Park. The area was recognised as being a highly sensitive location as habitat for bats and in order to protect their foraging habitat and to ensure screening of the building in this sensitive landscape, it was proposed that planning conditions eliminating any external lighting on the building and the maintenance of the screening, were imposed on any planning permission.

Whilst noting the prominence of the building, Members acknowledged that



it had been there for 20 years and were therefore pleased to see suggested conditions related to lighting and landscaping going forward.

DECISION: That the application be approved subject to conditions relating to accordance with plans, lighting and landscaping.

[Having disclosed an interest, Councillor M Evans withdrew from the meeting while the following application was considered.]

- (h) REFERENCE: NP/18/0510
APPLICANT: Ms J Jones
PROPOSAL: New retractable sun awnings on front elevation
LOCATION: Harbwr, Wogan Terrace, Saundersfoot

It was reported that the application site was an existing bar/restaurant (with A3 use) within the centre of Saundersfoot as defined in the Local Development Plan and within the Saundersfoot Conservation Area. The application was before the Committee as the co-owner of the site was a Member of the Authority.

Officers considered the proposed awnings to be acceptable and that the works would have no adverse impact on visual amenity, the special qualities of the National Park or neighbouring amenity. The application was therefore recommended for approval.

The officer went on to explain that an application for advertisement consent for the painted sign, shown on the plans, on the gable end towards High Street and the lettering on the awnings had recently been received. She therefore asked Members to delegate approval of this second application to officers subject to no adverse comments being received from Saundersfoot Community Council.

Members were happy to support both applications, noting the current trend for outside dining and that this would support the economy of Saundersfoot.

DECISION:

- a) **That the application for new retractable sun awnings be approved subject to conditions relating to timing and accordance with plans; and**
- b) **That any related application for advertisement consent be delegated to officers to approve subject to receipt of no adverse relevant planning comments from Saundersfoot Community Council.**



[There followed a short comfort break before consideration of the final two items]

[Councillor P Baker, Mrs G Hayward and Councillor P Harries disclosed a personal interest in the following matter, however they remained in the meeting and took full part in the discussion]

7. Enforcement and Other Matters: EC/16/0117 - Unauthorised Use of Land as a Car Park – Rhosson Car Park, Rhosson Chapel, St Justinians, St Davids

Members were reminded of the planning history of this site and that planning permission had been refused for its temporary use as a car park from 1 April – 31 October for a period of 3 years on 11 November 2015, on the basis that its continued use had an adverse impact on the setting of the adjacent Grade II listed buildings. Following a complaint in October 2016 that the land was being used as a car park without planning permission, an enforcement notice had been served which was subsequently appealed by the landowner. The Inspector upheld the enforcement notice, other than extending the period of time in which to comply with the requirements of the notice. The requirement to cease use of the site as a car park came into effect on 29 January 2018 and the requirement to return the land to its former condition on 24 May 2018, however complaints had been received regarding the site's continued use as a car park during July, August and September 2018.

Officers concluded that the site lay in the open countryside and the use of the land as a car park was not considered to be an appropriate use at this location, detracting from the character and appearance of the surrounding land and neighbouring Grade II listed properties. The use of the land by virtue of its scale, form, appearance and location had a detrimental impact upon the special landscape character of the Pembrokeshire Coast National Park which the Authority had a statutory duty to conserve and enhance. The car park appeared as an intrusion in an otherwise mainly open, unspoilt landscape. It was therefore recommended that authorisation be given to instruct solicitors to commence prosecution proceedings for non-compliance with the Enforcement Notice and for seizure of profits under the Proceeds of Crime Act 2002.

One of the newer Members asked whether there was a long term solution to the situation at St Justinians. Councillor Baker advised that he chaired a Stakeholder's Committee comprising officers from Pembrokeshire County Council, the National Park Authority and stakeholders, however the process of finding an answer was not easy and not all stakeholders were yet committed to a more sustainable solution. He was, however, hopeful that progress was being made and favoured a delay in taking action. Other Members agreed that timing was critical, and while they



supported the recommendation, they did not want to hinder progress towards a harmonious solution by action being taken too promptly or for there to be greater reputational damage.

The Director of Park Direction and Planning advised that two things were needed, firstly the use of the old lifeboat station needed to be secured by the boat users, and secondly sustainable transport was needed from St Davids City centre as this would provide a better overall solution for the whole of the Peninsula; the Authority had provided £10,000 towards the design and implementation of an appropriate turning bay for buses at the end of the road which would improve the current situation. It was noted that no other stakeholders had offered to make a financial contribution to a solution. She felt that in order for the current momentum to be sustained a firm line needed to be taken with regard to unauthorised parking at St Justinians. The Monitoring Officer added that it would take several months before any case was before the Magistrates Court and that the prosecution could be withdrawn at any time if it was considered expedient and in the public interest.

Other Members supported the recommendation, agreeing that the site under consideration was not one that was suitable as a car park and that prosecution was a logical next step for the Authority given the history of the site. They acknowledged that the boat trips were an important attraction for the St Davids Peninsula, however the solution proposed by officers was one that would support the wider economy and would focus minds. However, it was also suggested that a delay in undertaking prosecution proceedings until after a stakeholder meeting scheduled for November might prove helpful. Officers advised that as it would take several weeks before a solicitor was engaged they did not believe that such a delay was necessary.

Some Members expressed some concern regarding the seizure of profits under the Proceeds of Crime Act 2002, believing that this could inflame the situation. It was explained that this was a standard request in recent years as it acted as a deterrent given the low levels of fines that were generally imposed for non-compliance with an enforcement notice.

It was concluded that the problem of parking at St Justinians had been ongoing for many years, with little progress having been made. The recommendation as set out in the report was therefore proposed and seconded. It was noted that action could cease if the enforcement notice was complied with.

It was **RESOLVED** that the Chief Executive / Director of Park Direction and Planning / Development Management Team Leader be authorised to instruct solicitors to commence prosecution proceedings in the



Magistrates Court for non-compliance with the Enforcement Notice EC/16/0117 and for seizure of profits under the Proceeds of Crime Act 2002.

[Councillor M Evans withdrew from the meeting during consideration of the following item, having disclosed an interest in the matter]

8. 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.

The appeal decision in respect of removal of conditions at Whitewell Caravan Park, Penally, which had been dismissed, was appended for information. Enforcement of the conditions was now with a Solicitor for prosecution and seizure of profits under the Proceeds of Crime Act 2002 would likely be sought.

It was also reported that the appeal at Buttyland Caravan & Camping Park, Manorbier had been withdrawn.

The former Goat Shed at Pen y Mynydd Uchaf, Dinas Cross for which retrospective change of use to a holiday cottage had been sought, had burned down and the advice of the inspectorate was now awaited.

NOTED.

