

# DEVELOPMENT MANAGEMENT COMMITTEE

18 July 2018

Present: Councillor R Owens (Chair)

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

[Llanion Park, Pembroke Dock 10.00am – 12.25pm]

## 1. Apologies

Apologies for absence were received from Mr A Archer, Councillor M Evans and Dr RM Plummer.

## 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>Minute 6(a) below</i> NP/18/0134/FUL – One Planet Development for Eco-smallholding including one dwelling – Land adjacent to Castle Hill, Newport	Mrs G Hayward	Disclosed a personal interest and remained in the meeting, playing a full part in the discussion and voting thereon.

## 3. Minutes

The minutes of the meetings held on the 6<sup>th</sup> June, 18<sup>th</sup> June and 20<sup>th</sup> June 2018 were presented for confirmation and signature.

It was **RESOLVED** that the minutes of the meeting held on the 6<sup>th</sup> June, 18<sup>th</sup> June and 20<sup>th</sup> June 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 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/18/0134/FUL <i>Minute 6(a) refers</i>	One Planet Development for Eco-smallholding including one dwelling – Land adjacent to Castle Hill, Newport	Mr Ian Ward, Objector Ms Sue Gillooley, Applicant
NP/18/0198/FUL <i>Minute 6(b) refers</i>	Erection of a new bungalow – Land at Mead Lane, Manorbier	Mr Paul Griffiths OBE, Objector Mr Murray John, Agent
NP/18/0346/OUT <i>Minute 6(c) refers</i>	Erection of 2 storey detached dwelling (outline) – Sirmione, Lawrenny Road, Cresselly	Mr Andrew Vaughan-Harries, Agent

## **5. Members' Duties in Determining Applications**

The recently updated 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.

Some Members questioned the timing of the updated Solicitor's report, particularly with regard to the section on circumstances where costs may be awarded against the Authority, as they felt this was pointedly as a result of a recent decision. Mr Felgate, the Solicitor, replied that it was necessary to update the report from time to time in order to remind Members of the consequences of their decisions. The Chief Executive added that the timing of the update coincided with the identification in the Authority's performance indicators that the percentage of planning applications approved contrary to officer recommendation was approaching the Welsh Government's 5% threshold and was not therefore due to any particular planning application, but to a cumulative trend, the consequences of which were drawn to Members' attention.

## **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/18/0134/FUL  
APPLICANT: Ms S Gillooley  
PROPOSAL: One Planet Development for Eco-smallholding including one dwelling  
LOCATION: Land adjacent to Castle Hill, Newport

At the meeting, it was reported that further information had been received from the applicant, and this was circulated to the Committee with Members being given time to read it.

There was some concern that the information had been circulated at the meeting and Members asked whether, in future, this could be emailed to them the previous day when it was available. The Chair replied that it was at his discretion as to whether the information should be circulated, and he had made the decision only that morning. Officers acknowledged that this was a difficult balance, but added that the public were not encouraged to send information in to the Authority at such a late stage as this did not allow officers sufficient time to consider it. In this instance the applicant also had the opportunity to address the Committee.

Summarising her report, the officer advised that she considered the Management Plan submitted as part of the application to be incomplete in that it did not demonstrate sufficient information to justify the location of this proposed One Planet Development (OPD) in the open countryside. Neither did the applicant demonstrate sufficient evidence to support the chosen land-based activities; an accurate balance of labour with regard to the timing of growing stock as opposed to the development of the dwelling; that safe shared vehicular and pedestrian access between the site and the public highway and along the public highway could be achieved; accurate information in respect of the materials for the proposed dwelling (and thus the accuracy of the information supporting the zero carbon status of the dwelling); the reduction in transport costs and vehicle trips expected for a low impact lifestyle and a clear timeline for exiting the site should the development fail to meet its requirements. It was not considered that these issues could be addressed by planning condition as the issues were fundamental to the planning application. As such, the application would not be in accordance with requirements of national and local planning policy, and could not be recommended for approval.



The officer also updated the Committee by reporting that the Ecologist had reviewed the revised survey report and still required further information on a number of points. Whilst a statement had been submitted by the applicant to address these, it had not allayed the concerns. It was therefore proposed that an addition be made to the recommended reasons for refusal stating that there was inadequate information with regard to ecology.

Mr Ian Ward then addressed the Committee. He advised that he owned the access lane, which was designated as a footpath, and while he acknowledged that the applicant had a right of access over it, this was for agricultural vehicles only, and did not include activities associated with building, living on site or visits by tourists. He noted that this point was dealt with on page 36 of the Officer's report and was a civil matter; however the footpath was well used by those accessing Carningli and safety concerns had been expressed. He believed that a further reason for refusal should be the fact that the path was too narrow to be accessed by a fire engine, this point having been raised by the Planning Inspector in considering the Appeal. It was noted that there had been a serious fire at the Lammas Ecovillage at Glandwr in North Pembrokeshire and dry and windy conditions were not unusual on Carningli Mountain.

Mr Ward was also concerned about damage to nearby water courses as a result of runoff from the site, as these flowed onto the beach in Newport, and this could be catastrophic to its holiday trade. He went on to assert that the applicant had not demonstrated an ability to grow anything in the 7 years she had owned the site, stating that the fruit trees had not borne any fruit and the brassicas and potatoes had also been unsuccessful.

The applicant, Sue Gillooley, then spoke. She considered that anyone present at the appeal would have concluded that the decision could have gone either way, and believed that one explanation for the decision being received later than the ministerial target could have been the Inspector's difficulty in making the decision. She advised that she had been guided by the Inspector's comments in drawing up the Management Plan, especially in relation to the land based activities. She noted with disappointment that no mention had been made in the report of the eight letters of support that had been sent in during the pre-application consultation process and felt that she should have been provided with copies of the letters of objection. She believed that the report was biased and did not take account of the balance of facts and her case was therefore prejudiced.

Turning to the reasons for refusal set out in the report, Ms Gillooley stated that the OPD guidance did not require any work to have started on site



and she was therefore disappointed that the report focussed on the success or otherwise of the lavender plants; she felt she had demonstrated that these had been successfully grown, and she was also confident of the success of other planting in its more sheltered position. She added that the 6.2 work hours per day that were proposed had proved sufficient in similar OPD's. The timeline for development had been clarified, and the Ecological Footprint Analysis calculator had shown a reduction in diesel use by 50% over the 5 year period. The report questioned the use of stone and clay as finishes for buildings on the site as neither material was shown on the drawings. The applicant stated that this was correct and small amounts only of these materials would be used in construction, but not in finishes. Further details of the timeline for disposal of materials as part of the exit strategy would happily have been provided had she been asked, as would any further ecological information required. She noted that refusal reason two was consequent on the first reason being valid, which she questioned. She also disputed the third reason regarding highway safety, as this was not a new access, the gateway having been there previously, and the Highway Authority had not objected to the application.

Members sought clarification on a number of points from Ms Gillooley, and she advised that the fruit trees were still alive and produced blossom and small fruit each spring; she believed they would take time to establish and produce a crop. She did not currently work full time on the land as she had to earn a living, however if permission was granted she would hand in her notice and live in a temporary structure on site. An email to the officer had confirmed that construction and infrastructure would not take place at the expense of planting, however it would be necessary to construct the raised beds to allow the planting to take place. With regard to the access, she confirmed that there was only one access, which was currently also used by Mr & Mrs Watkinson who had already been granted permission for a OPD and she did not believe that she needed any further permission to use that access for vehicles.

Clarification was also sought from the officer on a number of points which was provided as follows: the fire risk to the property was principally covered by Building Regulations, however access for emergency vehicles could be considered by a planning authority. Dyfed Archaeological Trust had recommended that undertaking a Historic Environment Appraisal could be required as a condition if the application was successful. With regard to access, it was noted that the Highway Authority would only comment on access as far as the public highway, which ended a distance from the proposed property; however the concerns expressed by the Inspector regarding access from the site onto the single track lane remained and had not been specifically addressed in the application. Turning to the Management Plan, this had been assessed by the



Authority's Agricultural Advisor who provided an indication of whether the species chosen were likely to perform as described. Officers did not consider that the information was sufficiently robust to demonstrate the long term success of the activities.

While some Members expressed their support for the principle of One Planet Developments, they remained concerned about the sustainability of this application, its location on the fringe of Carningli and therefore its impact on tranquillity and landscape character, and the fire risk, given the proximity of the proposed dwelling to land that had previously been burnt in a wildfire. One Member did express a contrary view, believing that the applicant was taking the risk if the Business Plan did not prove sustainable, and the exit strategy meant that the land would be returned to its current condition.

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

- 1. Inadequate and conflicting information has been provided in the submitted Management Plan in respect of ecology, land-based activity and projected work hours, access for vehicles/pedestrians, the timeline for the development, transport cost and travel trips, zero-carbon buildings and a timeline for the proposed Exit Strategy. As such, the proposal is contrary to the requirements set out in Planning Policy Wales (Edition 9) Chapter 9 – Housing, Technical Advice Note 6 – Planning for Sustainable Rural Communities, and the Pembrokeshire Coast National Park Local Development Plan Policy 47.(Low Impact Development).**
- 2. The development, if permitted, would create a new unit of residential accommodation in the open countryside without adequate justification. It is the policy of Welsh Government and the National Park Authority to resist such development in the countryside in the interests of the proper planning of the area, unless there are exceptional and proven circumstances. As such, the proposal is contrary to Planning Policy Wales (Edition 9) Chapter 9 – Housing, Technical Advice Note 6 – Planning for Sustainable Rural Communities, and the Pembrokeshire Coast National Park Local Development Plan Policy 7 (Countryside).**
- 3. The application, if permitted, would result in a highway safety hazard in terms of pedestrian and vehicular conflict along the highway and the application site. The proposal fails to demonstrate adequate provision to ensure the safety of pedestrians and other road users when vehicles are entering or exiting the site, contrary to the Pembrokeshire Coast National Park Local Development Plan Policies 52 (Sustainable Transport) and 53 (Impacts of Traffic).**



- (b) REFERENCE: NP/18/0198/FUL  
APPLICANT: Ms Owen, Owen and Owen  
PROPOSAL: Erection of a new bungalow  
LOCATION: Land at Mead Lane, Manorbier, Tenby

Members were reminded that this application had been considered at the previous meeting of the Committee (as the officer recommendation had been contrary to that of the Community Council) but had been deferred to allow Members to undertake a Site Inspection. This had taken place on 18 June 2018 (*Minute 3 refers*).

Officers had concluded that the proposed dwelling was considered to be an acceptable form of development at this location, as the size, design and external materials to be used would be in keeping with the historic setting and the existing development pattern of properties in the immediate street scene. As such the proposal would be in accordance with the relevant policies of the Local Development Plan, and subject to a section 106 planning obligation and conditions it was recommended that the application be delegated to officers to grant planning permission.

The first of two speakers was Paul Griffiths OBE, an objector. He began by stating that the statutory notices had not been displayed on gates or telegraph poles and that the owners of adjacent properties had not been informed of the application; he believed that the Authority was legally obliged to communicate in these ways. He also stated that the small turnout of opponents to the scheme at the site visit was due partly to the fact that some in the village relied on Black Island Ltd for employment. *[Note: the agent later confirmed that the application was not Black Island Ltd, but Picton Estates]* He explained that he had moved to the village in 2002 when nine out of ten of its properties were occupied full-time, however now most had been converted to holiday lets. Whilst at one time Manorbier had been known as something of an artists' colony, with several famous painters and writers visiting, this was no longer the case, and despite the use of the village Reading Room by artists in residence, such an artistic spirit could not be created by building a house with a studio. Mr Griffiths stated that many of the properties in the village were Victorian in age, or later buildings that fitted in with that style. Whilst it could be argued that a new building should speak of its own times, he did not consider that the design of the proposed dwelling was in keeping with the character of the village or its role as a holiday destination. He hoped that people would be able to continue to enjoy the pleasure of open space within the village, which enhanced their appreciation of the old walls which formed part of the old manorial farmstead, and the interest and attractiveness of what was currently a kitchen garden. This, he considered, was not something to be lost lightly.



In answer to a question from Members, Mr Griffiths explained that Black Island Ltd were the owners of the castle and other properties in the village. The planning officer also confirmed that the Authority had both informed neighbours with a common boundary of the application, and displayed notices on telegraph poles.

Mr Murray John, the Agent, then addressed the Committee. He explained that he was a conservation architect, concerned with the environment and interested in vernacular architecture; he had been the architect for the Reading Room project. There had been considerable consultation with the Authority regarding the application – care had been taken to set the dwelling to the back of the site to protect visual amenity, so there would be no change to the gates, fences, trees or boundary walls apart from repairs. As the land sloped, the building would not look out on neighbours in any way, facing into the wall at the rear and being several inches lower than the bungalow situated to its right. The material to be used mirrored other buildings in the vicinity, albeit with a modern twist, and the walls would be thick and insulated to reduce energy use; windows would be small, apart from those on the south facing elevation. He stated that the owners of the site were the Picton Estate which also owned the village hall, and they had put considerable effort into its redevelopment as a Reading Room. He complimented the Community Council on the way they looked after the village, but noted that they were the only consultee to have objected to the planning application. Their concerns had been addressed in the officer report and recommended conditions and the applicant supported these. The proposed dwelling would be part of a ribbon of development, hidden from the street. As architect, he would do his utmost to make this into a beautiful building that addressed its landscape, history and ecology.

One Member asked the agent whether the proposed tenure of the dwelling was for a holiday let or permanent residential, and he replied that the application was for a permanent dwelling which would be used to support the Picton Estate financially, however he had no further information regarding its tenure. While it had been suggested it could be used for an artist in residence in conjunction with the village hall/reading room, this did not form part of the current application. Another Member asked officers what the level of housing need was in Manorbier, and received the reply that as this application was for a single dwelling a financial contribution towards affordable housing would be required and the applicant had agreed to this through a legal agreement. She did not, therefore, have information before her regarding the level of housing need in the community.

Several Members noted that they had found the site visit to be very useful, considering the development to be sensitive in this setting and the





architect was complimented on the design of the proposed dwelling which would blend in with other buildings on the frontage. One Member, however, agreed with the concerns expressed by Manorbier Community Council regarding the affordable housing contribution and that another holiday home would detract from village life.

**DECISION: That the application be delegated to the Chief Executive (National Park Officer) / Director of Park Direction and Planning / Team Leader to grant planning permission subject to the interested person(s) first entering into a satisfactory section 106 agreement or unilateral undertaking to pay an affordable housing contribution.**

**If the Agreement/Unilateral Undertaking was not completed within 3 months of this resolution then delegated power was given to the Chief Executive (National Park Officer) / Director of Park Direction and Planning / Team Leader to exercise discretion to refuse the application on the grounds of non-compliance with Policies 45, 52 and 53 of the Local Development Plan.**

**The grant of planning permission was also subject to conditions relating to timing, accordance with plans, construction method statement, archaeology, parking and turning, schedule of colours, lighting, landscaping, surface water drainage, undergrounding of cables and removal of permitted development rights.**

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

It was reported that this application was before the Committee at the request of Councillor D Clements.

It was reported that while the development of the site met the definition of a single infill plot, it was considered inaccessible for full residential use due to its location being outside a Local or Rural Centre as identified by the Local Development Plan (LDP) and served by a bus route where there were less than 5 return journeys a day. The submitted Travel Plan provided as mitigation for the lack of accessibility could not be reasonably enforced by planning conditions or obligation and therefore the application did not demonstrate the required accessibility for a full residential property at this location. The application was therefore contrary to policies 7 and 52 of the adopted Local Development Plan and was recommended for refusal.



The agent, Mr Andrew Vaughan-Harries, then addressed the Committee. He argued that the case was finely balanced as officers had stated that the application met the definition of an infill plot and as the land was currently a garden it was classed as previously developed land. He considered that the application did meet Policy 7 of the LDP, but that this needed to be balanced against the Authority's Supplementary Planning Guidance (SPG) on accessibility. According to the accessibility assessment, he stated that three or more bus movements per day (which he felt was quite good for Pembrokeshire) would allow development for an affordable dwelling or holiday home, however five movements per day were required for a full residential dwelling. He added that his clients would be happy to sign a unilateral agreement to pay a commuted sum towards affordable housing which could be built in a more sustainable location, noting that he believed there would be a large application in Lawrenny in the near future. Mr Vaughan Harries was concerned that applications were being determined on the number of bus movements when bus routes were declining, with numbers across Wales having reduced by 20% in the last 3 or 4 years. He questioned where people were going to live if no houses could be built. He therefore asked Members to make a balanced decision, considering the SPG against Policy 7, which stated that there were certain circumstances where the policy could be relaxed. He confirmed that his clients were not interested in building a holiday property and he did not think that the Housing Association would be interested in building affordable housing on an isolated plot. He therefore urged the Committee to grant permission for this infill dwelling.

One Member asked why the report noted that Carew Community Council had no adverse comments when they did not object to the application. Officers advised that this statement meant that no planning reasons had been provided.

Several Members explained that they had some difficulty in refusing this application due to the provisions of the accessibility policy. While they acknowledged that the Authority had no control over such mitigations as the provision of electric charging points, they argued that neither did the Authority have any control over the future provision of bus services in an area. They felt that due to declining numbers of bus routes this was not a realistic criteria against which planning applications should be judged and that less weight should be given to the SPG. A motion to approve the application was therefore proposed and seconded.

The Director of Planning advised that if Members were minded to approve the application, it would be subject to the Authority's 'cooling off' procedure as it would constitute an overriding strategic decision. Reasons for approving it therefore needed to be provided.



Reconsideration of the application at a future meeting would also allow the applicant to sign a unilateral undertaking regarding payment of a commuted sum before any approval was granted.

The Planning Officer (Park Direction) then reminded the Committee that it was a key objective of Welsh Government to reduce the need to travel by private car and that public transport had to provide a realistic alternative. The Authority's policy therefore assumed that people living outside of a Centre would need a bus to travel to school, work and to do their shopping, and this policy had been prepared in full consultation with Pembrokeshire County Council as the Highway Authority. She added that a holiday home would not be allowed at the location in question as new build holiday lets were not allowed in countryside locations, however the prioritisation of affordable housing in the LDP strategy meant that they could sometimes be granted permission in places that were not considered to be accessible.

Those who had proposed and seconded the motion agreed that any approval should be subject to the applicant signing a unilateral agreement, and they noted that the reason for approval was that the travel plan put forward by the applicant was sufficient to satisfy the criteria set out in Policy 52 and was a material consideration in determining the application that would make it accord with policy. Officers advised that whilst an approval might have been so conditioned by the Authority in the past, recent decisions by the Planning Inspectorate did not support this approach and questioned the enforceability of such conditions.

**DECISION: That Members were minded to approve the application subject to the signing of a unilateral agreement by the applicant and other conditions, however as the Authority's "Cooling Off" procedure had been invoked the application would be brought back to a future meeting of the Committee for a final decision. This would allow time for a unilateral undertaking to be provided.**

## 7. 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.

Appeal decisions were appended to the report for NP/16/0625/FUL – New dwelling – plot to rear of Freshwater Inn, Freshwater East and NP/17/0935/FUL – Erection of replacement two storey dwelling – Roberts Chalet, Swanswell, Broad Haven. It was reported that both had been dismissed.

**NOTED.**

