Application Ref: NP/19/0104/S73

Case Officer: Andrew Richards
Applicant: Mr M Beal, UK Corporate Housing Ltd
Agent: Mr M Hyde, MH Planning Associates
Proposal: Variation/removal of conditions
Site Location: St Ishmaels Nursery, St Ishmaels, Haverfordwest, Pembrokeshire, SA62 3SX
Grid Ref: SM82820747
Date Valid: 21-Mar-2019  Target Date: 15-May-2019

The application is referred to the Development Management Committee for consideration as it is classed as a major development.

Consultee Response

St Ishmaels Community Council: Supporting
PCC - Public Protection: No adverse comments but recommend condition 16 of NP/13/0434 relating to land contamination is reapplied
PCNPA Planning Ecologist: No comment
Dwr Cymru Welsh Water: Reply - No comments
CADW - Protection & Policy: No objection
Dyfed Archaeological Trust: No objection
PCC - Transportation & Environment: Conditional Consent
PCC - Drainage Engineers: No adverse comments
Natural Resources Wales: No adverse comments
PCNPA Tree and Landscape Officer: No adverse comments

Public Response

A site notice and neighbour notification letters were posted in accordance with requirements of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012. No responses have been received.

Policies considered

Please note that these policies can be viewed on the Policies page Pembrokeshire Coast National Park website - http://www.pembrokeshirecoast.org.uk/default.asp?PID=549

LDP Policy 01 - National Park Purposes and Duty
LDP Policy 07 - Countryside
LDP Policy 08 - Special Qualities
LDP Policy 09 - Light Pollution
LDP Policy 11 - Protection of Biodiversity
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LDP Policy 13 - Historic Landscapes Parks and Gardens
LDP Policy 15 - Conservation of the Pembrokeshire Coast National Park
LDP Policy 21 - Minerals Safeguarding
LDP Policy 29 - Sustainable Design
LDP Policy 30 - Amenity
LDP Policy 31 - Minimising Waste
LDP Policy 32 - Surface Water Drainage
LDP Policy 35 - Visitor Economy
LDP Policy 37 - Self-Catering Development
LDP Policy 38 - Camping, Touring Caravans, Statics and Chalet Sites
LDP Policy 45 - Affordable housing
LDP Policy 52 - Sustainable Transport
LDP Policy 53 - Impacts on traffic
PPW10
SPG04 - Planning Obligations
SPG05 - Sustainable Design
SPG06 - Landscape
SPG08 - Affordable Housing
SPG10 - Safeguarding Mineral Zones
SPG12 - Parking
SPG13 - Archaeology
SPG20 - Accessibility
SPG21 - Recreational and Leisure Activities
SPG22 - Seascape Character
SPG23 - Enabling Sustainable Development in Welsh NPAs
TAN 02 - Planning and Affordable Housing
TAN 04 - Retailing and Town Centres
TAN 05 - Nature Conservation and Planning
TAN 06 - Planning for Sustainable Rural Communities
TAN 12 - Design
TAN 13 - Tourism
TAN 15 - Development and Flood Risk
TAN 18 - Transport
TAN 23 - Economic Development
TAN 24 - The Historic Environment
Constraints

LDP Mineral Safeguard
Historic Landscape
Ancient Monument - within 500m
Potential for surface water flooding
Recreation Character Areas
Landscape Character Assessment
Seascape Character Assessment
Affordable Housing Submarkets
Seascape Character Areas

Officer's Appraisal

Background and History

The site is located a short distance to the west of St Ishmaels and forms part of the existing garden centre. The previous permission granted under NP/13/0434 was for “The demolition of existing redundant glass house and associated buildings, replacement of existing garden centre buildings, plus development of 18 timber clad built lodges for holiday purposes in a landscaped setting.” The permission was approved by the Development Management Committee against officer recommendation.

The holiday accommodation units approved will replace the previous glass houses on the site and are positioned around a central open space with a pond. The site would make use of the existing access road with connections to the holiday units from the front and rear of the site. The plans advise that the entrance would contain a 'private gated entrance'.

There are several different types of units proposed across the site. A single parking space is allocated to each chalet and these spaces are positioned in a varied layout throughout the site.

Each unit has internal accommodation comprising a lounge/dining area, kitchen, bathroom, with a varying number of bedrooms and one en-suite. The elevation detailing in regard to window and feature positioning varies across the types.

Permission for the whole development under NP/13/0434 was granted by the Development Management Committee contrary to officer recommendation and contrary to the policies of the Local Development Plan which seeks to resist new camping, caravan and chalet sites in the National Park. In reaching their decision to approve the development the Committee Members took into consideration the full offer – including the opportunity to improve the overall appearance of the site through the demolition of the glass houses and redevelopment of the garden centre buildings. Some of this work has been undertaken – namely the removal of the glasshouses from the site and the commencement of the access track. The garden centre has now been sold and is under separate ownership. The proposed holiday
accommodation site is also under offer by the applicant subject to approval of this
planning application.

Current Proposal

The current proposal seeks approval to vary and remove several of the planning
conditions attached to planning consent NP/13/0434. The primary purpose of this
application is to revise the design of the approved holiday accommodation units to a
variety of 5 different designs types. The proposal seeks to revise conditions 2, 4, 6,
7, 12, 14, 17 and18. The proposal also seeks to remove conditions 5, 9, 10, 11, 13,
15, 20 and 21.

Key Issues

The application raises the following planning matters:-
• Policy and Principle of Development
• Sustainable Design
• Amenity and Privacy
• Highway Safety and Access
• Landscaping
• Biodiversity
• Land Drainage and Flooding

Policy and Principle of Development:

The principle of the development has been considered previously under NP/13/0434
and was approved contrary to officer recommendation and LDP policy.

This application is seeking amendment to conditions applied to planning permission
NP/13/0434 which was for “The demolition of existing redundant glass house and
associated buildings, replacement of existing garden centre buildings, plus
development of 18 timber clad built lodges for holiday purposes in a landscaped
setting.”

The agent has advised that the primary reason for this current application is a
revised design of the 18 holiday accommodation as the applicant intends to
purchase the land.

Taking each condition attached to NP/13/0434 in turn, officers consider the following:

Condition 1 – Relates to a commencement of works on site within 5 years of the date
of permission. Work has started on site and the condition has been formally
discharged under planning reference NP/19/0021/CLP. Therefore, the condition will
be amended to take account of the commencement being made.

Condition 2 - Relates to the approved drawings and the current proposal seeks to
amend the design of the proposed holiday accommodation units from a lodge type
design with external masonry chimneys to a standard twin unit static caravan design
which will allow the units to be easily replaced if required. The design changes are considered to provide an improvement in visual terms through the standardisation of the design in line with other holiday accommodation site located throughout Pembrokeshire. No amended plans have been received in relation to the replacement garden centre. The use of more standard design methods is considered in this instance to incorporate sustainable design principles which can be supported by officers. The condition would be amended to take account of the revised drawings.

Condition 3 – Relates to the implementation and retention of landscaping. No changes to the approved landscaping are proposed. Therefore, this condition will be re-imposed.

Condition 4 – Relates to the protection of landscaping features. This condition has been discharged under NP/18/0564/DPC and given that the current proposal incorporates design changes a reworded condition has been proposed by the agent. Officers support the principle of rewording this condition to ensure that the previous details of protection for the landscaping are maintained throughout the building works.

Condition 5 – Relates to the demolition of the glass houses and their removal from site. This condition has been discharged under NP/19/0021/CLP as the works to demolish and remove the glass houses from the site have been completed and there is no need to include it on any new permission granted.

Condition 6 – Relates to external finishes and colours. This condition has been discharged under NP/18/0564/DPC and given that the current proposal incorporates design changes a reworded condition has been proposed by the agent. Officers support the principle of rewording this condition.

Condition 7 – Relates to external lighting. This condition has previously been discharged under NP/18/0564/DPC and given that the current proposal incorporates design changes a reworded condition has been proposed by the agent. Officers support the principle of rewording this condition.

Condition 8 – Relates to any new electricity or telephone supply to the site shall be provided via underground cables. No changes are proposed and therefore, this condition will be re-imposed.

Condition 9 – Relates to control on signage and advertisements. The agent has proposed the removal of this condition and officers support the removal, as controls of advertisements are covered under separate legislation. However an informative will be attached to any permission granted advising of the separate requirements under the Advertisement regulations.

Condition 10 – Relates to restrictions on the sale of hot take-away food from the site. The agent proposes the removal of this condition as they consider it is unnecessary and unreasonable. Officers support the removal as there are already controls
imposed on opening times which assist in preserving the amenity of neighbouring properties.

Condition 11 – Relates to the type of goods for sale at the garden centre. The applicant is seeking to operate the holiday accommodation site as an independent business whilst not impacting on the operation of the existing garden centre which already includes a shop selling a wide range of goods and a café which is a considerable element of the business. The agent proposes the removal of this condition as they consider it is unnecessary and unreasonable. However, officers consider that this condition was originally imposed as the consent was granted on the basis of a retail impact assessment agreed.

Planning Policy Wales (edition 10) has been published since the original proposal was considered. This places great emphasis on minimising the need to travel and reliance on the car. Whilst garden centres may be a type of retail use suited to out of centre locations for operational purposes, the gradual conversion of such premises to wider out of centre retail premises is contrary to national planning policy. Furthermore the gradual adaption of the business into a café would also be contrary to planning policy. Both these uses require the patronage of customers who would need to travel to the site. It is accepted that the village of St Ishmaels no longer has a village shop, and there is potential for people to walk from the village to use the garden centre shopping offer but the potential scale of the shopping offer and café use at the garden centre is much greater. The walking route along narrow lanes from the village to the shop is also not particularly conducive for walkers with no footpaths present on this section of road.

As there are no local bus services, the majority of those attracted would need to travel by car. Both uses are far better located in Centres where there is public transport availability and scope for cross-benefits with other businesses. The establishment of such facilities in the countryside has the potential to undermine the vitality of retail centres. No new retail impact assessment has been submitted to support the removal of this condition. Therefore, officers consider that this condition is required to be re-imposed to control the goods on sale.

Condition 12 – Relates to a restriction on the use of the accommodation for holiday letting purposes only and limiting the duration of any stay. The agent has indicated that the accommodation units will only be used for short-term holiday use and proposed that the condition be re-worded to allow up to a 90 day period. Recent case law has tested the historical use of planning conditions limiting the time that someone can stay within holiday accommodation. As such, officer supports the re-wording of the condition but not to limit the stay period as proposed by the agent but to use the relevant wording in accordance with the Welsh Government guidance.

Condition 13 – Relates to opening times for the garden centre. The agent proposes this condition should be removed as this level of control is considered to be unnecessary and unreasonable. Opening hours previously approved of 08:30 to 18:00hrs are considered to provide a reasonable operating time for a garden centre and was applied to protect the amenity of neighbouring properties. It is also noted that the above control on opening hours are in excess of the current opening hours.
of the garden centre which are 09:00 to 17:00hrs. Therefore, officers consider that this condition is required to be re-imposed to protect the amenity of neighbouring properties.

Condition 14 - Relates to parking and turning on the site. The agent proposes to combine this condition with condition 18 which relates to permeable surfaces. Officers consider that the condition should be retained and there is no merit in combining it with condition 18.

Condition 15 – Relates to adequate facilities for parking and turning within the site. The agent proposes that this is a duplication of condition 14 and is therefore unnecessary. Officers support the removal of this condition.

Condition 16 – Relates to contamination if found within the site. No changes are proposed and therefore, this condition will be re-imposed.

Condition 17 – Relates to details of fuel /oil storage within the site. The condition has been discharged under NP/18/0564/DOC. The agent proposes the removal of this condition as they consider it is unnecessary and unreasonable. Given that the current proposal incorporates design changes which will result in a change from each holiday unit having its own individual supply of gas over to a ‘gas ring’ sourced from a central on-site bulk tanks, officers suggest rewording this condition to enable the details of the new fuel storage system to be agreed in writing by the local planning authority.

Condition 18 – Relates to permeable surfaces on drives, turning, parking, patios and paths. The agent proposes to combine this condition with condition 14 which relates to parking and turning areas. Officers consider that the condition should be retained and there is no merit in combining it with condition 14.

Condition 19 – Relates to details of the associated sewage treatment works. No changes are proposed and therefore, this condition will be re-imposed.

Condition 20 – Relates to the phasing of the development for only 12 of the 18 holiday accommodation units to be provided on site prior to the garden centre building being replaced on the site. The agent proposes to remove the condition which lies the development of the 18 lodges to the replacement of the garden centre, which has been sold to and is operated by a third party.

This has clearly become difficult, with the garden centre now being in separate ownership/operation to the holiday accommodation. However, the planning gain offered through the improvement of the garden centre site was a significant element of the support given to the application and for this to be removed; the Authority would need to consider the merits of holiday accommodation units as a stand-alone application. The agent states that this condition will have significant financial implications, and is therefore considered to be unreasonable.

The applicant/agent has presented a case for the removal of the condition which appears to be selective in considering which elements of the permission already

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granted should not be delivered. It is the case that all conditions validly applied are of equal weight and therefore it cannot be justifiable to implement some without requiring the whole.

The conditions applied to the application were fully considered by the Development Management Committee in February 2014 and condition 20 was specifically addressed by the Members who amended the number of units permitted to be operated from 5 to 12 prior to the replacement garden centre being completed. This was therefore thoroughly considered at the time. This condition would also have been evident to the landowners at the time of making the decision to sell the garden centre operation and retain the holiday accommodation site.

By removing this condition the Authority would be supporting new accommodation units, which is contrary to Strategic Policy 35 and Policy 38 of the LDP.

Condition 21 - Relates to details of the associated sewage treatment works. The agent proposes that this is a duplication of condition 19 and is therefore unnecessary. Officers support the removal of this condition.

Therefore, whilst the principle of the change of design to the holiday accommodation units may be acceptable and it is agreed that some of the conditions are not required or have already been discharged, the proposed severance of the introduction of the holiday accommodation units into the site from the proposed changes to the garden centre, together with other conditions relating to opening hours, goods for sale and fuel storage cannot be accepted through the removal of the relevant conditions which were reasonably and justifiably applied to ensure the proper planning of the entire site.

**Sustainable Design:**

The design changes proposed are considered to provide an improved design on that previously approved and offer greater sustainable design principles in that the unit types are more standardised and readily available which results in the units being able to be repaired or replaced when they have been damaged or when they fail to provide the level of suitable holiday accommodation standards required on the site.

**Amenity and Privacy:**

Policy 30 of the LDP states that development will not be permitted where it has an unacceptable impact on amenity. Given the type of proposal, scale of works and location to the nearest neighbours together with the condition relating to opening times for the garden centre; it is considered that there will be no greater adverse impact on neighbours amenity or privacy in this instance.

**Highway Safety and Access:**

Pembrokeshire Country Council Transportation and Environment section indicate that support the current proposal subject to a planning condition to ensure the parking areas shown on the submitted drawings shall be completed before the
development is brought into use and thereafter retained for no purpose other than parking and turning.

**Landscaping:**

No additional landscaping details are proposed and the details have been previously approved under NP/18/0564/DOC and therefore a suitable condition will be applied to ensure that the works are carried out in accordance with the approved details.

**Biodiversity:**

PPW, TAN5 and LDP policy 11 require biodiversity and landscape considerations to be taken into account in determining individual applications. The presence of a species protected under UK or European legislation is a material consideration when dealing with applications that are likely to result in disturbance or harm to the species or its habitat.

Both Natural Resources Wales and the PCNPA Ecologist have indicated that they have no comment on the application. As such, the proposal conforms with the relevant requirements of PPW, TAN5 and LDP policy 11.

**Land Drainage and Flooding:**

Pembrokeshire County Council drainage engineers has considered the proposal and do not raise any objection to the current application.

**Conclusion**

The change of design to the holiday accommodation units is acceptable and whilst it is agreed that some of the conditions can be amended, are not required or have already been discharged, the proposal by the agent for the severance of the of the holiday accommodation units from the proposed changes to the garden centre cannot be supported through the removal of the relevant conditions together with other conditions relating to opening hours, goods for sale and fuel storage which were reasonably and justifiably applied to ensure the proper planning of the entire site.

Notwithstanding the above concerns officers consider that the current proposed scheme is acceptable subject to the relevant conditions as detailed within the report.

**Recommendation**

Approve subject to conditions

1. The development shall begin not later than five years from the date of this decision.  
   **Reason:** Required to be imposed pursuant to Section 91 (1) of the Town and Country Planning Act 1990 (as amended).  

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2. The development shall be carried out in accordance with the following approved plans and documents: Drawing Reference: 1256/1 (Received 18.09.2013)
   Drawing Reference: 1256/3 (Received 18.09.2013)
   Drawing Reference: 1256/4 (Received 18.09.2013)
   Drawing Reference: 2019_0010-00/A (Received 21.03.2019)
   Drawing Reference: 2019_0010-01/B (Received 21.03.2019)
   Drawing Reference: 2019_0010-02/A (Received 21.03.2019)
   Drawing Reference: 2019_0010-03/B (Received 21.03.2019)
   Drawing Reference: 2019_0010-04/A (Received 21.03.2019)
   Drawing Reference: 2019_0010-05/A (Received 21.03.2019)
   Drawing Reference: 2019_0010-06/A (Received 21.03.2019)
   Drawing Reference: 2019_0010-07 (Received 21.03.2019)
   Drawing Reference: 2019_0010-08 (Received 21.03.2019)
   Drawing Reference: 2019_0010-09 (Received 21.03.2019)

Reason: In order to be clear on the approved scheme of development in the interests of protecting visual amenity and the special qualities of the National Park. Policy: Local Development Plan – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 15 (Conservation of the Pembrokeshire Coast National Park) and 29 (Sustainable Design).

3. All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of the development, fail, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority give written consent to any variation.

Reason: In the interests of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area. Policy: Local Development Plan - Policy 15 (Conservation of the Pembrokeshire Coast National Park).

4. The tree protection measures contained in the previously submitted Arboricultural Method Statement prepared by ARW Tree Consultancy shall be carried out in accordance with the details approved under NP/18/0564/DOC on the 29th November 2018 and these shall be retained throughout the building works.

Reason: To prevent damage to the trees which contribute to the landscaping of the site and surrounding area. Policy: Local Development Plan - Policy 15 - (Conservation of the Pembrokeshire Coast National Park).

5. A schedule of external finishes and colours shall be submitted to the National Park Authority for approval, in writing, prior to the siting of any any holiday accommodation units. The development thereafter shall be carried out and retained in accordance with the approved details.

Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area. Policy: Local Development Plan, Policy 1 - (National Park Purposes and Development Management Committee – 31st July 2019
Duty), Policy 15 - (Conservation of the Pembrokeshire Coast National Park) and Policy 29 -(Sustainable Design).

6. The local planning authority external lighting shall not be installed other than in accordance with the details approved under NP/18/0564/DOC on the 29th November 2018.
   **Reason:** To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.
   Policy: Local Development Plan, Policy 1 - (National Park Purposes and Duty), Policy 15 - (Conservation of the Pembrokeshire Coast National Park) and Policy 29 - (Sustainable Design).

7. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or re-enacting that Order) any electricity or telephone supplies to the site shall be by underground cables.
   **Reason:** To preserve the character of the area.
   Policy: Local Development Plan - Policy 1 - (National Park Purposes and Duty) and Policy 15 - (Conservation of the Pembrokeshire Coast National Park).

8. The goods to be sold from the garden centre shall be agreed with the National Park Authority in writing prior to the replacement centre being brought into use and shall be restricted to goods related to the use of the premises as a garden centre.
   **Reason:** An unrestricted retail use would not be supported in this countryside location.
   Policy: Local Development Plan - Policy 7 (Countryside), Policy 49 (Retail in the National Park) and Policy 51 (Garden Centres).

9. The 18 accommodation units shall be occupied as holiday accommodation only and shall not be occupied as a person’s sole or main residence. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
   **Reason:** In order to ensure that the accommodation is occupied solely for holiday letting purposes and for no other residential purpose.
   Policy: Local Development Plan - Policy 37 (Self Catering Development).

10. The garden centre hereby permitted shall not be open to customers outside the following times – 0830 to 1800 hours.
    **Reason:** To preserve the amenity of neighbouring properties.
    Policy: Local Development Plan - Policy 30 (Amenity).

11. The parking areas shown on the drawing reference: 2019. 0010-01/B shall be -completed before the development is brought into use and thereafter shall be retained for no purpose other than parking and turning
    **Reason:** To reduce the likelihood of obstruction of the highway or danger to

12. Adequate facilities for parking and turning shall be made available at all times within the curtilage of the site to the satisfaction of the Local Planning Authority. These works shall be completed before the development is brought into use.

**Reason:** To reduce the likelihood of obstruction of the highway or danger to road users when vehicles are leaving the premises. Policy: Local Development Plan - Policy 53 (Impacts of Traffic).

13. If evidence of contamination is found in or around the development area, development must not proceed until a report on potential contamination of the site has been prepared by an appropriately qualified person and submitted to and approved by the local planning authority. This report shall include a phased investigation approach, incorporating risk assessment, to identify the extent of contamination and any measures required to remedy the site, including post-development monitoring. Where remediation works are required, the development shall not be occupied/used until a Validation Report, to show that the works have been satisfactorily carried out, has been submitted and approved in writing by the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Policy: Local Development Plan – Policy 30 (Amenity) and Planning Policy Wales (Edition 10, December 2018) – Chapter 6 (Distinctive and Natural Places).

14. Prior to the commencement of development full details of the proposals for fuel/oil storage shall be submitted to and approved in writing by the National Park Authority. The works shall thereafter be carried out in accordance with the approved details.

**Reason:** To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area. Policy: Local Development Plan - Policy 1 (National Park Purposes and Duty), Policy 8 - (Special Qualities), Policy 15 (Conservation of the Pembrokeshire Coast National Park), Policy 29 (Sustainable Design) and Policy 30 (Amenity).

15. Permeable paving or gravel / pebble shall be used for any proposed drives, turning and parking areas, patios and paths.

**Reason:** To prevent the increased risk of flooding and to prevent any deterioration in water quality. Policy: Local Development Plan – Policy 30 (Amenity), and Policy 32 (Surface Water Disposal).

16. The lodges hereby approved shall not be occupied until a scheme for the sewage treatment works has been approved and completed to the satisfaction of the National Park Authority.

**Reason:** To ensure that an effective foul water drainage system is provided for the proposed development and that there is no adverse effect to the

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environment. Policy: Local Development Plan - Policy 29 (Sustainable Design)

17. No more than twelve of the proposed holiday lodges shall be brought into use prior to the completion of the replacement of the garden centre buildings approved under NP/13/0434.

**Reason:** To ensure that the improvements to the overall site are carried out in a phased manner in the interests of improving and conserving the visual amenities of the area. Policy: Local Development Plan- Policy 1 (National Park Purposes), Policy 8 (Special Qualities), Policy 15 (Conservation of the Pembrokeshire Coast National Park) and Policy 29 (Sustainable Design).

18. None of the proposed holiday lodges hereby approved shall be brought into use until the details of the sewage treatment works have been submitted to and approved in writing by the National Park Authority and have been carried out in accordance with the approved details and are operational.

**Reason:** To ensure that effective drainage facilities are provided for the proposed development and that no adverse impacts occur to the environment. Policy: Local Development Plan - Policy 29 (Sustainable Design).

**Informative**
Separate advertisement consent may be required for any new signage and the applicant is advised to contact the Local Planning Authority for advice.
Red line indicates extent of application site
Blue line indicates extent of land under the ownership of the applicant