

DEVELOPMENT MANAGEMENT COMMITTEE

19 June 2019

Present: Councillor R Owens (Chairman)
Councillor P Baker, Councillor Mrs D Clements, Councillor P Harries, Mrs J James, Councillor M James, Mr GA Jones, Councillor PJ Morgan, Dr RM Plummer, Councillor A Wilcox, Councillor M Williams and Councillor S Yelland.

(Llanion Park, Pembroke Dock 10.00am –1.30pm)

1. Apologies

Apologies for absence were received from Mr A Archer, Councillor K Doolin, Councillor M Evans, Dr M Havard, Dr R Heath-Davies and Councillor P Kidney.

2. Welcome

The Chairman welcomed Mr Gwynn Angell Jones to his first meeting of the Committee following his recent appointment to the National Park Authority. He hoped Mr Jones would enjoy his term of office and was sure he would be making some valuable contributions to debate.

3. Disclosures of interest

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

Application and Reference	Member(s)/Officer(s)	Action taken
<i>Minute 7(c) below</i> NP/18/0439/FUL Conversion of existing disused church to 2 residential units of accommodation – Thomas Memorial Congregational Church, High Street, Saundersfoot	Councillor P Baker	Withdrew from the meeting while the application was discussed
<i>Minute 7(b) below</i> NP/12/0601 Review of mineral planning for Carew Quarry, Carew Newton – Thomas Scourfield and Sons,	Councillor A Wilcox	Withdrew from the meeting while the application was being discussed



Carew Quarry, Carew
Newton, Kilgetty

4. Minutes

The minutes of the meeting held on the 01 May 2019 were presented for confirmation and signature.

Mrs J James stated that, contrary to the list of those present for the re-adjourned meeting, she had been present during the afternoon.

Referring to Minute 6(d) in respect of planning application NP/19/0207/DOC (Jones & Teague, The Harbour, Saundersfoot), she wished it noted that officers had circulated swatches of the blue tones referred to in the minutes in order that Members could discern the difference before reaching their decision.

It was **RESOLVED** that, subject to the above being noted, the minutes of the meeting held on 01 May 2019 be confirmed and signed.

5. Right to speak at Committee

The Chairman informed Members that due notification (prior to the stipulated deadline) had been received from interested parties who wished to exercise their right to speak at the meeting that day. In accordance with the decision of the National Park Authority of 7th December 2011, speakers would have 5 minutes to speak.

The interested parties are listed below against their respective application(s), and in the order in which they addressed the Committee):

Reference number	Proposal	Speaker
NP/19/0153/FUL <i>Minute 7(a) refers</i>	Change of use of C3 dwellinghouse to mixed use comprising A1 shop, A3 canteen and B1 business, including single storey extensions to front and rear to provide canteen, porch, kitchen and toilet facilities – The Mount, 66 New Street, St Davids, Haverfordwest	Tracy Martin-Smith – objector; John Mansfield – applicant
NP/18/0666/FUL <i>Minute 7(d) refers</i>	Section 73A application for the sub-division of host dwelling to include a linked holiday let unit – Tŷ Gwyn,	Chris Jessop – Marloes Community Council; Nigel McKim –



6. 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.

It was **RESOLVED** that the Solicitor's report be noted.

7. Report of Planning Applications

The Committee considered the detailed reports of the Development Management Team Leader, together with any updates reported verbally on the day and recorded below. The Committee determined the applications as follows (*the decision reached on each follows the details of the relevant application*):

- (a) REFERENCE: NP/19/0153/FUL
APPLICANT: J & J Mansfield/Horton-Mansfield, Pembrokeshire Seaweeds Ltd
PROPOSAL: Change of use of C3 dwellinghouse to mixed use comprising A1 shop, A3 canteen and B1 business, including single storey extensions to front and rear to provide canteen, porch, kitchen and toilet facilities
LOCATION: The Mount, 66 New Street, St Davids, Haverfordwest

It was reported that the above-mentioned application was being reported to Committee as the officer recommendation of refusal was contrary to the views of St Davids City Council. A letter from the City Council dated the 24th April 2019, which stated that the City Council resolved by a vote of 6:5 to support the application, was circulated to Members at the start of the meeting.

The site comprised a large house within its own grounds along the one way traffic system within New Street, St Davids. It was a detached, two-storey dwelling with an attached single storey stables wing to the north and a detached single garage to the north east. Access to the dwelling was via a narrow drive and there was a small area available for parking and turning to the rear of the property, the remaining land being given over to formal amenity space.

Whilst within the Centre boundary for St Davids, the site was not within the district shopping centre for St Davids identified in the adopted Local Development Plan (LDP). The immediate area was residential in character and the site was bounded on three sides directly by the boundaries of other residential properties.

Officers considered that the proposal would be acceptable in terms of the design and siting of the proposed extensions and on landscaping grounds, and would have no additional impact on the character of the building. However the proposal would introduce business and commercial uses within an established residential area, with significant impact on the privacy and amenity of neighbouring properties. It would be contrary to policies 15, 30 and 53 of the LDP and would therefore not be supported in principle.

Concerns had also been raised with regard to highway safety and access and the Highway Authority had advised that the application should be refused as the proposal was contrary to Policy 53 of the LDP; the traffic generated by the proposed development would be using an existing access which was unsuitable because of the restricted width at the junction with the county road. The proposed development also did not make adequate provision for the parking of vehicles clear of the public highway, the dimensions of the site were insufficient to accommodate a feasible turning area within its curtilage, the slowing down and turning of traffic would adversely affect the free flow and safety of traffic on the highway, the proposed development could cause a danger to road users by reason of standing vehicles and the layout of the proposed access would endanger pedestrians.

The case officer stated that the applicant's predictions that the business would only attract pedestrians could not be agreed to. He showed the Committee aerial photographs of the site and its surroundings, highlighting business properties in the area and both public and private car parks. Parking at the Rugby Club, some 300 metres away, had been referred to, but no evidence had been submitted as part of the application that an agreement had been reached and no mechanism had been suggested to ensure that this offer could not be removed at a later date. In addition, it was considered that those walking would not find a safe pedestrian access into the site due to conflicts with vehicles using the driveway and yard.

The proposal therefore could not be supported by officers and refusal of planning permission was recommended to Members.

Ms Tracey Martin-Smith was then invited to address the Committee. She stated that she had been born and brought up in St Davids and was



representing the residents of Mount Gardens, a residential estate which was adjacent to the application site. She stated that the land surrounding The Mount had been compulsorily purchased many years ago and it was now surrounded in the main by residential properties. Residents were concerned that the proposed business would be open from 10.00a.m. to 10.30p.m. and the noise, light pollution and smells emitting from the property would be detrimental to the amenities of residents. Concerns had also been raised about the fact that strangers would be around the backs of some of the houses, and the fact that customers would be able to watch people attending funeral services at the Chapel of Rest to the rear of the site.

Ms Martin-Smith noted that St Davids was a major tourist destination, with many businesses having established themselves over a period of fifty years. However, there were currently 18 different restaurants within walking distance of each other and she queried whether there was a need for another. Residents were also concerned about the lack of customer parking on site; many older people visited the City and they were concerned that they, and those with limited abilities, would find it difficult to get from any of the car parks to the application site. They were concerned that many cars would stop on the road outside the property, causing more congestion, as there were often cars queuing in St Davids.

She went on to say that, while the prospect of new jobs was to be welcomed, it was questioned whether they would be permanent, and whether there would be career pathways for them. Staff parking was also a concern in a City where the car parks were nearly always full and many cars parking on the roads.

More housing was needed in the area and it was felt that The Mount needed to remain as a family home and not turned into yet another business.

Mr John Mansfield then addressed the Committee, firstly apologising for the fact that his wife could not be present that day. He stated that the case officer's report was thorough and comprehensive, and he noted the positive statements of St Davids City Council, Pembrokeshire County Council and the case officer himself. However, he considered there to be factual discrepancies in the report, namely that the area at the north end of New Street was obviously mixed development (not totally residential as referred to in the report) as there was a builder's merchants, a funeral director and a supermarket – all significant commercial activities – in the vicinity.

He went on to say that the proposed business was a de facto walking destination due to the lack of parking facilities on site. He referred to TYF



and a number of galleries in St Davids which were also walking destinations and he reported that a number of accessible car parks were nearby.

He quoted from the case officer's report, which agreed that the proposed extensions would be unobtrusive and did not constitute over-development. The proposed scale, form and design were considered acceptable and would not have an overbearing impact on adjacent dwellings. The planned opening hours were also considered appropriate.

He stated that the proposal was extremely innovative and said everything about the National Park and he asked Members to support the application.

In response to a query from Councillor Mrs D Clements on whether a business plan had been submitted with the application, Mr Mansfield replied that a very detailed business marketing process had been undertaken over a 5-year period. This had been done in collaboration with Landsker Business Solutions, who had advised that the project was viable.

In response to a further query from Councillor Mrs Clements, Mr Mansfield stated that a barrier would be erected in the drive leading to the property with a sign saying "No parking" as it was a walking only destination. When the case officer pointed out that no barrier had been included in the planning application, Mr Mansfield stated that he would be happy to accept a planning condition to that effect.

Dr R Plummer asked how delivery, waste removal, manufacturing, etc. traffic would be dealt with. Mr Mansfield replied that all traffic would not occur at once and he did not envisage the business to generate a huge volume of it. He added that it would not be like a normal restaurant as it would use raw materials.

Councillor A Wilcox enquired about a possible car parking agreement with the Rugby Club, to which Mr Mansfield replied that he had received a written offer for it to be used when not in use by the Rugby Club. The case officer reported that he had not had sight of such an agreement. If Members were minded to support the application, a legal agreement would have to be in place beforehand or, if not, that such an agreement be stipulated as a planning condition. He went on to say that he did not consider the parking places identified in the planning application to be adequate to enable delivery/waste vehicles to enter and leave the site in a forward gear, which was a Highway Authority requirement.



Councillor M James proposed that the application be deferred and the site visited in order to gain a better picture of the site and this was duly seconded.

Councillor M Williams was concerned about the detrimental impact the proposal would have on a mainly residential area and proposed that the application be refused. This was also duly seconded.

Other Members considered the proposal to have merit, but that it was not in the right place, particularly in amenity, privacy and highway terms.

A vote was then taken on the proposal for a site visit and this was lost.

The vote taken on the proposal to refuse the application was won.

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

- 1. The proposal would introduce a business and commercial uses within an established residential area with significant impact on the privacy and amenity of neighbouring properties and is contrary to Pembrokeshire Coast National Park Local Development Plan (adopted 2010) policies 15 and 30 of the Local Development Plan.**
- 2. The traffic generated by the development would use an existing access which is unsuitable because it has restricted width at the junction with the County Road and is contrary to Pembrokeshire Coast National Park Local Development Plan (adopted 2010) policy 53 (Impacts of Traffic).**
- 3. The proposed development does not make adequate provision for the parking of vehicles clear of the public highway and is contrary to Pembrokeshire Coast National Park Local Development Plan (adopted 2010) policy 53 (Impacts of Traffic).**
- 4. The dimension of the site is insufficient to accommodate a feasible turning area within its curtilage and is contrary to Pembrokeshire Coast National Park Local Development Plan (adopted 2010) policy 53 (Impacts of Traffic).**
- 5. The slowing down and turning of traffic will adversely affect the free flow and safety of traffic on the highway and is contrary to Pembrokeshire Coast National Park Local Development Plan (adopted 2010) policy 53 (Impacts of Traffic).**
- 6. The proposed development could cause a danger to road users by reason of standing vehicles and is contrary to Pembrokeshire Coast**



**National Park Local Development Plan (adopted 2010) policy 53
(Impacts of Traffic).**

7. The layout of the proposed access would endanger pedestrians and is contrary to Pembrokeshire Coast National Park Local Development Plan (adopted 2010) policy 53 (Impacts of Traffic).

[Councillor A Wilcox disclosed an interest in the following application and withdrew from the meeting while it was being discussed.]

- (b) REFERENCE: NP/12/0601
APPLICANT: Thomas Scourfield and Sons
PROPOSAL: Review of mineral planning for Carew Quarry, Carew Newton
LOCATION: Thomas Scourfield and Sons, Carew Quarry, Carew Newton, Kilgetty

It was reported that Carew Quarry was an operational limestone quarry. Schedule 14 of the Environment Act 1995 placed a statutory duty on the National Park Authority (NPA) to cause Periodic Reviews to be carried out of 'mineral permissions' relating to a 'mining site' every 15 years. The purpose of Periodic Reviews was to ensure that the conditions attached to mineral permissions did not become outdated with the passage of time. The application before Members that day was for the Periodic Review of the planning conditions attached to planning permission NP/97/0319: Regularise and consolidate existing and previous planning permissions, which was approved on 17 December 1997. The case officer reported that the proposal before Members that day had taken seven years to come to fruition as additional information required to successfully carry out the Habitats Regulations Assessment had had to be identified, submitted and analysed.

Members were advised that applications for Periodic Review could not be refused, but could only be granted in accordance with conditions submitted by the applicant or subject to conditions recommended by officers. However, any restriction of working rights as a result of the imposition of different conditions to those submitted by the applicant could expose the Authority to a potential compensation liability.

Consideration of this application was therefore limited to minimising the impact of the development on amenity and the environment and maximising the opportunities for enhancement of the ecosystems and biodiversity of the National Park during site restoration. In this case, officers considered that permission could not be granted subject to the conditions submitted by the applicant, but greater protection of amenity and the environment could be achieved by imposing different conditions



without any restriction on working rights. Conditions were also required in order to comply with the Habitats Regulations. None of the amended conditions recommended were considered to give rise to compensation liability.

The case officer went on to say that the principle of the operation had been established many years ago. Phase 1 had largely been completed and Phase 2 was ongoing. In terms of extraction levels, the quarry operators could generate 82 lorry movements per day (41 in and 41 out), although it was generally less than that. The hours of operation were more restrictive than most quarry sites and noise impact levels showed readings 5 decibels lower than Welsh Government guidelines permitted. The quarry was surrounded by trees, resulting in it not being really visible from the surrounding area other than from the public footpath on the quarry edge. There were further restrictions on high level working within the site and the operators proposed to enhance the tree planting around the site.

Members were advised that the Highway Authority had asked whether a S106 Agreement could be entered into regarding future highway maintenance but, as there was no proposed increase in vehicle movements, this was not considered to be necessary.

DECISION: That the application be approved subject to the 50 conditions set out in the report before Members that day.

[Councillor P Baker disclosed an interest in the following application and withdrew from the meeting while it was being discussed.]

- (c) REFERENCE: NP/18/0439/FUL
APPLICANT: Mr D Beynon, Monkstone Bay Development
PROPOSAL: Conversion of existing disused church to 2 residential units of accommodation
LOCATION: Thomas Memorial Congregational Church, High Street, Saundersfoot

Members were reminded that this application was reported to the meeting of the Development Management Committee on 1st May 2019 when it was resolved to refuse the application due to the lack of a financial contribution being secured towards affordable housing as required by Policy 45 of the Local Development Plan (LDP). Since the meeting, and prior to a formal refusal notice being issued, the applicant agreed to fulfil the requirements of Policy 45 and had now submitted a unilateral undertaking.

Officers considered that, given the strong feelings of support expressed at the previous meeting, the application should be brought back for



Members' reconsideration as to whether they would consider it appropriate to now accept this legal agreement.

As set out in the report, officers considered that the above application was now acceptable and would accord with the policies contained within the LDP and National Planning Policy in that the development was considered to provide an additional residential unit within a local centre while not impacting on privacy or amenity of neighbours and subject to conditions was considered to be acceptable.

DECISION: That the application be approved subject to conditions relating to timing, being in accordance with approved plans and subject to any licences (if required).

- (d) REFERENCE: NP/18/0666/FUL
APPLICANT: Mr K Launders
PROPOSAL: Section 73A application for the sub-division of host dwelling to include a linked holiday let unit
LOCATION: Tŷ Gwyn, Marloes, Haverfordwest

The above-mentioned application was reported to the Committee as the views of Marloes Community Council were contrary to the case officer's recommendation.

The site comprised an existing residential dwelling which had previously been sub-divided to provide a holiday let unit within the eastern end of the building and four parking spaces had been created within the front garden area. To the rear, the existing garden was retained and, in an area beyond the garden, a static caravan and a small Polytunnel were located. Retrospective planning permission was therefore sought for the retention of the sub-division of the existing residential dwelling to provide a separate holiday let unit together with the associated four parking spaces.

The site lay within the Rural Centre of Marloes as defined by Policy 6 of the Local Development Plan (LDP). Policy 37 of the LDP allowed for holiday lets on brownfield sites within centres provided that there was not an identified need for affordable housing or the site was inappropriate for affordable housing. The proposal was for the retention of the sub-division of the existing residential dwelling to a separate holiday let unit and could therefore be considered to be on a brownfield site. Although there was a need for affordable housing within Marloes, given the proximity and relationship of the holiday let to the existing dwelling it was not considered appropriate for affordable housing, therefore the principle of a holiday let at this location was considered acceptable.



Several letters of objection had been received, raising concerns on the proposal and its impact on the visual amenity of this area of the National Park; overdevelopment of the site; loss of amenity and privacy; highway safety and also further sub-division of the site at the rear to provide an additional residential unit and business use.

Officers considered that there was very little external change visible to the surrounding landscape and this would not be considered to have an adverse impact on the visual amenity of the National Park, would not result in overdevelopment of the site or result in any greater loss of privacy to neighbouring properties. While the use of the property may have intensified, the scale of the development was not considered to result in a significant amount of disturbance so as to adversely affect residential amenity. The concerns on highway safety were not shared by the Highway Authority, which supported the current proposal subject to conditions.

With regard to the existing timber shed at the rear of the garden area and a further static caravan and a Polytunnel sited on land at the rear of the garden, while officers noted that these structures might have a lawful right to remain on this site, they considered that planning conditions should be imposed to control their use as ancillary structures linked to the residential dwelling known as Tŷ Gwyn and to restrict any other uses including ancillary residential occupation.

As such, officers considered that retention of the existing development would provide a new holiday let unit and the development would conserve and enhance the existing character of the site and special qualities of this area of the National Park. The current proposal, subject to conditions, together with the relevant controls on use of outbuilding structures indicated above, was therefore considered to be acceptable.

Mr Chris Jessop, representing Marloes Community Council, was then invited to address the Committee. He wished to point out at the outset that the applicant had submitted inaccurate plans with the proposal but, that aside, the Community Council objected to the proposal on the following grounds:

1. the property was being operated beyond its maximum capacity and complaints had been received about noise levels, parking and the amount of rubbish left around the site. It was advertised as being able to accommodate 11 people, which was too many, and
2. the proposed planning condition regarding occupation of the various ancillary structures within the property's boundary was considered to be an insufficient safeguard as the owner could remove them in future and erect something else in their place.



He added that, if Members were minded to approve the proposal, planning conditions should be included to limit the accommodation to 9 people, two cars only per let with no mobile homes or boats being allowed, and permitted development rights should be withdrawn to prevent further development of any ancillary buildings.

Mr Nigel McKim then addressed the Committee, stating that he was also speaking on behalf of Ms Jill Phillips, as owners of the properties on either side of the application site. Their objections to the proposal were:

- A. overdevelopment of the site; the property was advertised on multiple websites and was available for 52 weeks of the year. There was a hot tub and a firepit in the garden and the level of noise emanating from, and rubbish generated by, occupants had had a detrimental impact on neighbours. The use had also resulted in a loss of privacy;
- B. there had been a change of use to the land at the rear of the property; the planning statement accompanying the application stated that the applicant moved out when both units were let, but he had been using the chalet as his residence and was operating a carpentry business from the back of the property, sometimes late into the night. An additional caravan had recently been placed on the land to the rear and there was now an excessive use of the right of way to the rear, with vehicles sometimes being driven dangerously along it;
- C. the property fronted a particularly busy highway and the four parking spaces to the front compromised safe access into adjacent properties. Due to the large number of occupants on occasion, vehicles were often left on the verge outside neighbouring properties and sometimes rubbish had been left on neighbouring land as there was no space in front of the application site due to the number of cars parked there.

Mr McKim added that he had had a dialogue with the Highway Authority and legal action was being considered to re-establish the turning area into a neighbouring property as it was now being used as a parking area for the application site.

The applicant's agent, Mr Andrew Vaughan-Harries, then addressed the Committee. He reminded Members that the application had to be considered on its merits, and the material considerations had been set out in the case officer's report.



He stated that his client purchased the property in 2003 and it had already been split into two units by then. Mr Vaughan-Harries himself remembered the property operating as a restaurant in the 1980s, but history showed that there was no planning permission for that either. His client had spent a lot of money on the property and was thinking of selling it, hence the need to set out the planning history for the site. He stated that his client could have applied for a Certificate of Lawfulness, but it was considered that planning permission was a stronger route as planning conditions could be set.

He was disappointed to hear the concerns raised by the proposal, but stated that his client would be prepared to revisit accommodation levels. He also accepted that there had been errors in the drawings submitted, but assured Members that these had now been resolved. However, he reminded Members that the Highway Authority had recommended conditional consent.

In conclusion, he stated that there was a presumption in favour of tourist units in the LDP and this proposal would help bring income into the village of Marloes.

Mrs J James asked the case officer for his views regarding the proposed conditions set out by Mr Jessop of Marloes Community Council. The case officer replied that the Authority could not enforce a limit on accommodation levels, nor on parking. However, a planning condition could be imposed regarding removal of permitted development rights.

Members also raised concern about the number of structures that had been erected to the rear of the property as they considered some of these to have a detrimental impact on the amenity and privacy of neighbouring properties. The case officer stated that he had enquired of the agent whether the applicant would be willing to remove the existing caravan and shed, but he was unwilling to do so.

A site visit was proposed and seconded and, upon being put to the vote, was lost by 8 votes to 4.

Members then proposed that planning conditions be imposed to remove the caravan and polytunnel from the property in order to try to reduce the intensity of use within the application site and reduce the impact on neighbouring properties. It was then agreed after some discussion, that the proposed planning conditions should only require that the caravan be removed, within six months of the date of permission.



It was also proposed that additional planning conditions should be imposed relating to removal of permitted development rights, and the strengthening of the condition relating to overnight stays.

DECISION: That the application be approved subject to conditions relating to being in accordance with approved plans, parking spaces, occupation as holiday accommodation only, the structures identified to be used as ancillary use for the property only and at no time used for any commercial use or residential occupation, removal of permitted development rights and removal of the existing caravan within 6 months of the grant of planning permission.

[Councillor P Harries tendered his apologies and left the meeting at this juncture.]

- (e) REFERENCE: NP/18/0766/FUL
APPLICANT: Mr I Bartlett, Ian Bartlett Building Design & Cons.
PROPOSAL: Extension & conversion of existing outbuilding to create a live/work unit to include a ground floor gallery/workshop (B1 use) with a first floor extension to create subsidiary residential accommodation in association with the B1 use
LOCATION: Outbuilding opposite Tŷ Mawr, Solva

Members were reminded that the above-mentioned application had been considered at the previous meeting of the Committee held on 1st May 2019, when they had been minded to approve it contrary to officer recommendation. In accordance with National Park Authority policy, a 'cooling off' period was invoked to allow further consideration of the issues raised.

The case officer reported that the site lay within Flood Zone C2, and the development proposed was considered highly vulnerable residential development. As stated at the previous meeting, officers advised that whilst use of the existing structure for commercial purposes only might be acceptable, as it would contribute to key employment objectives and was a less vulnerable use, the introduction of a residential (highly vulnerable) use was clearly contrary to National and Local planning policy.

National policy was set out in Planning Policy Wales, supported by Technical Advice Note 15: Development and flood risk, and the report before the Committee highlighted the pertinent elements of the documents.

Members had indicated at the previous meeting that they were minded to approve the application because the development would bring



regeneration and economic activity to a building in the heart of the village, however officers advised that the proposal was submitted as a discrete development and not one supporting an existing business in the locality. The ground floor business could be said to contribute marginally to the viability and vitality of Solva, but there was no basis for introducing a highly vulnerable residential development in this C2 flood risk zone.

In conclusion, officers reiterated that National Planning Policy was explicit in that highly vulnerable development should not be permitted in Zone C, although other (non-residential) types of development might, in exceptional circumstances, be permitted where particular circumstances were met. The recommendation remained one of refusal.

The Solicitor reminded Members that, if Members were minded to grant approval, they would have to provide valid planning reasons for such. He advised that as Members would be departing from policy, they would therefore need to identify material considerations as to why they were doing so. He added that the case officer had quoted advice and guidance from professionally qualified people in relation to the flood risk issues involved and Members should heed the safety implications of this advice.

He went on to say that the proposal was for a new development which was classed as being highly vulnerable in the particular circumstances and Members would be making a decision to allow someone to put themselves at risk by living there.

One Member commented that it was not a matter of life or death. The Solicitor pointed out that the designation of a C2 zone by NRW meant it was very much a matter of life being at risk.

One Member asked whether they or the National Park Authority could be liable in the event of a loss of life. The Solicitor advised that as the law currently stood, it would be unlikely for any liability to rest with Members or the Authority, but that the law was always changing and that he could not guarantee that there would never be any liability.

One Member asked the Solicitor if the Committee could be indemnified against a decision to approve if the property subsequently flooded. The Solicitor confirmed that this would not be possible.

One Member commented that the policy in TAN15 was weak in that it recommended that the Authority “should” not permit development but did not say that permission must be refused. The Solicitor advised that the policy in TAN15 was clear, but that policies would always allow for exceptions - for example he was aware of it being argued by the Welsh Government recently that it could balance the economic impacts of a



nationally important development, notwithstanding a C2 designation, albeit in entirely different circumstances.

Members were of the opinion that rural areas needed to thrive and, if proposals such as this were refused, villages would die. The application was for the regeneration of an existing property; the owners of the business would live upstairs, resulting in less traffic on the road and they could be required to develop a flood management plan with means of egress should flood waters rise. They could also sign up to Natural Resources Wales' flood warnings, which would enable them to vacate the property quickly.

Councillor M Williams reminded Members that Boscastle in Cornwall had received flood warnings, but the level of the river had risen quickly; Carmarthen had also experienced a similar event in recent years. He was of the opinion that the advice given by officers was strong and should be heeded.

A proposal to refuse the application for the reason set out in the report before Members that day was put to the vote and was lost by 7 votes to 4.

A substantive proposal to approve the application was subsequently put to the vote and carried. As this application had been subject to the Authority's 'Cooling Off' procedure this was a recorded vote, with the result being:

For: P Baker, D Clements, J James, G Jones, P Morgan, R Owens, A Wilcox and S Yelland.

Against: M James, R Plummer and M Williams.

Members indicated, when queried by the Solicitor, that their reasons for departing from policy were the regeneration and economic aspects of the development

DECISION: That the application be approved subject to conditions relating to standard conditions, the property being used for live/work purposes only, no residential use on the ground floor, the development of a flood management plan with means of egress, the occupiers having to sign up to Natural Resources Wales' flood warnings and Dŵr Cymru Welsh Water conditions.

[Councillor P Baker tendered his apologies and left the meeting at this juncture.]



- (f) REFERENCE: NP/19/0186/FUL
APPLICANT: Mr & Mrs P & T Robinson & Finnegan
PROPOSAL: Change of use to holiday let of ancillary residential accommodation
LOCATION: Sea Haze, Heywood Lane, Tenby

It was reported that the application was before the Committee as the views of Tenby Town Council were contrary to the officer recommendation.

It was reported that Sea Haze was a detached dwellinghouse located within a residential area in a long narrow curtilage plot. The building subject of this application lay to the rear of the main house and was currently a detached garage with ancillary accommodation above (the original single storey garage had been replaced with the two story structure following the grant of planning permission in 2017). The original planning permission prevented the use of the garage as sleeping accommodation, however this had been varied by a further application in the same year to a condition that the accommodation was to be used ancillary to the main dwellinghouse instead. Planning permission was now sought for the change of use of the first floor of the detached garage from ancillary accommodation to a single holiday let.

Officers considered that the use of the building as a holiday let did not deprive the existing dwellinghouse of amenity space or parking. The proposed use would have little impact upon the character of the structure, or its setting, and would provide an opportunity for an existing household to offer small-scale visitor accommodation close to a main tourist centre within the National Park. The proposed development complied with all relevant adopted policies, and as such was recommended for approval subject to conditions.

Councillor M Williams raised concerns at the gross overdevelopment of Heywood Lane over the years. What had once been a very attractive lane was now being spoilt dramatically by new developments such as this. Dr R Plummer added that Members needed to be aware of “development creep” and should take a step back when looking at these areas.

DECISION: That the application be approved subject to conditions relating to timing, being in accordance with approved plans, conversion of the first floor accommodation and its use as holiday let accommodation only.

[Councillor M Williams abstained from voting on the above-mentioned decision.]



- (g) REFERENCE: NP/19/0210/FUL
APPLICANT: Mr R Ashley
PROPOSAL: Construction of 3 car garage for private use
LOCATION: Freshwater Inn, Jason Road, Freshwater East,
Pembroke

It was reported that the above-mentioned site had been the subject of two previous applications for a 3 car garage for private use, the first of which had been withdrawn following advice that the case officer could not support the application based on design/height and siting. Following negotiation with the applicant/agent to amend the location and height, a subsequent application was approved in 2018.

The current application had been submitted in the same location as the previously approved garage but with an increased roof height and form altered from monopitch to pitch. The garage was proposed to have stained timber garage doors with horizontal cladding to match the public house and a slate roof.

The case officer advised that the village of Freshwater East had a strong linear character which extended along Jason Road, and therefore the most suitable location for a garage was adjacent to the front entrance at the top end of the car park. However, a compromised position had been agreed on the previous application in the south eastern corner of the site. The north-eastern corner was still considered to be a more suitable location for any new proposed building, but that was not in itself sufficient to refuse the application.

However, the bulk and lack of proportionality of the proposed building was considered to be of poor design and harmful to local distinctiveness. It was not considered to be of a scale compatible with its surroundings and would also be visually intrusive. The case officer had tried to seek an alternative option, but the applicant was unwilling to compromise and, as such, the proposed development was not considered to comply with policies 29 and 30 of the Local Development Plan.

DECISION: That the application be refused for the following reason:

- 1. The proposed design and height of the new garage is considered to be out of scale, poorly designed, and visually intrusive, detracting from the character of the surrounding area, The proposal is therefore contrary to Policy 1 (National Park Purposes and Duties), Policy 8 (Special Qualities), Policy 15 (Conservation of the Pembrokeshire Coast National Park), Policy 29 (Sustainable Design) and Policy 30 (Amenity) of the**



adopted Local Development Plan (2010), Planning Policy Wales (Edition 10) and Technical Advice Note 12: Design (2016).

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.

It was reported that, with regard to the Abereddy Beach appeal (EC/18/0034), the appeal had been deferred for 2 months as a planning application had been submitted. However, the application had now been withdrawn.

It was also reported that the appeal concerning unauthorised caravans at Hendre, Newport (EC/16/0124) had been withdrawn.

It was **RESOLVED** that the report of the Development Management Team Leader be noted.

