

# DEVELOPMENT MANAGEMENT COMMITTEE

4 December 2019

Present: Councillor R Owens (Chair)

Councillor P Baker, Mrs D Clements, Councillor K Doolin, Councillor P Harries, Dr M Havard, Dr R Heath-Davies, Mrs S Hoss, Mrs J James, Mr GA Jones, Councillor P Kidney, Councillor PJ Morgan, Dr RM Plummer, Councillor M Williams and Councillor S Yelland.

[Councillor M Evans joined the meeting following consideration of the first application.]

[Llanion Park, Pembroke Dock 10.00am – 11.40am]

## 1. Apologies

Apologies for absence were received from Councillor M James and Councillor A Wilcox.

## 2. Welcome

The Chair welcomed Mrs Sarah Hoss to her first meeting.

## 3. Disclosures of interest

There were no disclosures of interest.

## 4. Minutes

The minutes of the meetings held on the 2 September 2019 and the 11 September 2019 were presented for confirmation and signature.

It was **RESOLVED** that the minutes of the meetings held on the 2 September 2019 and the 11 September 2019 be confirmed and signed.

**NOTED.**

## 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 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*):

Reference number	Proposal	Speaker
NP/19/0309/FUL	A One Planet Development	Tao Paul Wimbush



<i>Minute 7(b) refers</i>	to include a cabin, shed, livestock barn, produce barn, compost toilet, greenhouse, farmgate stall and removal of hedgerow to create car parking area (part retrospective) – Lilly Pond Farm, Penally	- Applicant Representative
NP/19/0543/FUL <i>Minute 7(c) refers</i>	Provision of rural enterprise dwelling (created from existing mobile home) in association with existing established fishing business (approved under application NP/12/0614) – Driftwood Lodge, Hasguard Cross	Phill Stoddart – Objector  David Gardner – Pisces Environmental & Fisheries Business Services (support)

## 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.

### 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/17/0135/FUL  
 APPLICANT: Mr N Houston  
 PROPOSAL: Change from 36 tent pitches to 13 tent pitches and 13 touring caravan pitches  
 LOCATION: Sandy Haven Caravan Site, Herbrandston

It was reported that the application site was a long established holiday park west of the village of Herbrandston and outside of a centre boundary as defined in the Local Development plan. The site comprised both static



caravan and tent pitches and was open between May and September only.

Planning permission was sought for the change of use of 26 tent pitches to 13 tent and 13 tourer pitches.

Officers considered that the proposed change of pitches would be in accordance with the Local Development Plan and would not result in significant impacts on amenity and biodiversity.

The Highway Authority had recommended refusal on the grounds that the existing road was inadequate in terms of width, alignment and lack of suitable passing places, expressing concern that the unclassified road was not capable of handling additional traffic. However officers did not believe that the development would result in additional trips as the tourer pitches replaced existing tent pitches. The unclassified road did not restrict the type of traffic that could access the road – there were passing places and the road ended with a slipway to the estuary. It was considered that the proposal would not result in significant harm to road safety over and above that which would normally occur on country lanes and the application was recommended for approval subject to conditions.

At the meeting Members asked about the delay in processing the application and were advised that outstanding applications were monitored by the Development Management Team Leader, however in this case it was due to prolonged discussions with the Highway Authority. The officer confirmed that no further response had been received from them since writing the report.

Members also asked about the enforceability of the condition which would require visitors to be advised of the rural nature of the road network and it was suggested that this advice should be provided both on booking and the website, rather than either/or. They also questioned whether there should be a condition about lighting. The officer replied that written confirmation would be sought from the applicant that this advice was being provided, and agreed that the condition be changed from either/or to both/and. With regard to lighting, Members were advised that no additional structures, external lighting or electric hook-ups were proposed.

The recommendation of approval was moved and seconded subject to the amendment to condition 3 to refer to the advice being available both on booking and on the website.

**DECISION: That the application be approved subject to conditions relating to timing, accordance with plans and submission of a Traffic**



## **Management Plan to detail the advice to be provided regarding the rural nature of the road network.**

- (b) REFERENCE: NP/19/0309/FUL  
APPLICANT: J & L Reynolds & Lant  
PROPOSAL: A One Planet Development to include a cabin, shed, livestock barn, produce barn, compost toilet, greenhouse, farmgate stall and removal of hedgerow to create car parking area (part retrospective)  
LOCATION: Lily Pond Farm, Whitewell Lane, Penally, Tenby

Planning permission was sought for a single temporary dwelling in the form of a cabin which fitted the definition of a caravan and a number of outbuildings under the principles of One Planet Development (OPD). The application had been submitted partly in retrospect, with a shed/office/store already having been built and a barn being partly constructed, and the new access and parking area already in place. The Committee were advised that the barn had been constructed to allow the horses to have shelter over the winter.

To be assessed as OPDs, applicants were expected to be able to meet 65% of their basic food needs from their land, either by producing all of the 65% from the land, or by producing no less than 30% from their land and the remaining 35% using income derived from the sale/barter of produce grown and reared on their site. In this application for an OPD the applicant expects to derive 65% of their food directly from the land and it was reported that they were currently harvesting carrots, swede, leek and potatoes.

The officer acknowledged that this had been a difficult application to assess as the Guidance stated that the baseline survey should be carried out before any work had commenced on site. However the retrospective nature of the application meant this had not been possible. The most significant landscape impact to date had been the removal of a large section of hedgerow to create a parking area which had opened views into the site not previously possible. Officers were concerned that the proposed buildings would appear out of character with the surroundings in terms of both siting and design. It was, however, noted at the meeting that there was an error in the report as only buildings requiring building control had to meet the criteria of being zero-carbon, and none of the buildings on site fell into this category.

Details of the proposed Management Plan, which demonstrated that the applicants could live more sustainably on the site, were set out in the report. However officers did not consider that the Plan demonstrated sufficient information to justify the location of the proposed OPD in the



open countryside and therefore doubted that the site would function within the OPD guidance. It was reported at the meeting that the Authority's ecologist was content that there would be sufficient biodiversity enhancement, despite an inadequate biodiversity baseline against which this could be monitored. The recommendation was one of refusal.

Tao Wimbush, the agent, then addressed the Committee. He explained that he had extensive experience in OPDs, having worked on 18 developments and had also been elected a Member of the OPD Council. In his opinion, he had not come across a site that was more suitable due to its rich soil and well screened location, or applicants more qualified to succeed. The applicants wanted to live 'off-grid' and had already demonstrated that they were able to grow and sell vegetables from the land; there was also huge potential for ecological improvement.

Mr Wimbush noted we were in a climate emergency, but that of the applications before the Committee that day this was the only one which offered ecological improvements, yet it was the only one recommended for refusal. The applicants had provided a huge body of evidence, and believed that with further consideration the outstanding issues could be resolved; he invited Members to visit the site to see it for themselves. He concluded by saying that few people were prepared to forgo the conveniences of modern living to work towards something they believed in. If the application were approved, the applicants would have to demonstrate year on year compliance with the management plan, and all that was being sought was temporary permission for a low impact caravan and low impact farm buildings.

Members asked Mr Wimbush a number of questions regarding the adequacy of the biodiversity baseline data and yield and cost information provided. He replied that he believed the yield data had been assessed from a normal agricultural perspective but he was in no doubt that the applicants would be able to grow 30% of their food, and would also produce enough to sell. He also noted that extensive ecological reports had been provided and that the Ecologist had now agreed that enough data had been provided to demonstrate sufficient biodiversity enhancement. The officer added that the problem was that the ecological survey had not been carried out at the right time of year to assess farmland birds. One Member noted that this was a particularly important indicator.

Members expressed disappointment regarding the partially retrospective nature of the application and the fact that the buildings were not carbon neutral; also the fact that its location meant that transport to the site could only be by vehicle. The officer explained that OPD applications should be exemplars in respect of carbon neutrality, but the buildings forming part of



the application had not been designed with this in mind. While the timber was local, the clay tiles had been purchased, although the applicant had argued that they were sustainable and a natural material. Members were also reluctant to support the application when officers were not convinced that the operation was viable as an OPD, particularly given the fine balance of this type of development with landscape impact.

Members were mindful of the need for low carbon sustainable developments, but remained concerned about the application. It was proposed and seconded that a site visit be undertaken in the New Year and the applicants were encouraged to work with officers to provide the further information required.

**DECISION: That the application be deferred and a site visit undertaken in the New Year**

- (c) REFERENCE: NP/19/0543/FUL  
APPLICANT: Mr & Mrs C & K Allen, Celtic C Shellfish  
PROPOSAL: Provision of rural enterprise dwelling (created from existing mobile home) in association with existing established fishing business (approved under application NP/12/0614)  
LOCATION: Driftwood Lodge (adjacent to The Pool House), Hasguard Cross, Haverfordwest

It was reported that the application proposed to retain the static caravan originally granted temporary consent in 2012 with the addition of a raised decked area, new cladding, a new roof and a small extension for a porch as a permanent dwelling. Three year temporary approval had been granted originally in order to be able to prove there was a functional need for the dwelling to be located adjacent to a rural enterprise which operated as a 'vivier' – a livewell, or a reservoir where fish and crustaceans were placed to keep them alive until they were consumed or distributed.

A subsequent application to make the static caravan permanent had been submitted in 2018, however on visiting the site at that time, the case officer found that the storage tank approved under NP/12/0614 had not yet been used in association with the rural enterprise and there was deemed to be no functional need and the application had been refused under delegated powers. The current application was before the Committee at the request of Councillor P Morgan.

The application hinged on the need for the applicants to be on site to ensure the security and maintenance of the vivier unit. Based on the vivier unit having been in operation for less than a year since the original temporary consent (NP/12/0614) was granted to prove the functional



need, officers considered that this was an exceptional circumstance which would justify the granting of a second temporary consent, as the functional need had not yet been proven for the three year period as recommended in Technical Advice Note 6.

The recommendation was for a further temporary period of three years to be granted, however at the meeting, the officer advised that information had been received in the last few days which had led to questions regarding the application. The recommendation was therefore changed to the granting of a one year temporary consent.

The first of two speakers was Mr Phil Stoddart, an objector who owned the adjacent property. He contended that the boat belonging to the business had been taken out of the water in 2012 and had remained on the quay until 2018 when it arrived back at Driftwood Lodge. He did not believe that Mr Allen had fished since that time, but had been working as a long distance lorry driver and he noted that Celtic C Shellfish was not listed at Companies House as a fishing enterprise.

Mr Stoddart went on to question why accounts for 2011 had been submitted as part of the planning statement and not more up-to-date accounts. He also questioned the applicant's ownership of a boat, and he contended that Mr Allen was only a minority shareholder in a boat owned by a Mr Jewell. He understood that Mr Jewell owned all the fishing gear (posts, floats and ropes) and was intending to sell the boat, which in any case had a vivier on it, in the near future. He concluded by saying that he believed rural enterprise schemes were intended to help rural communities by providing necessary accommodation to profitable rural enterprises, not to allow building on cheap plots of land.

In response to this speaker, the officer confirmed that she was in receipt of registration documents which showed the boat was in joint ownership and that she had also recently spoken to Mr Jewell.

The second speaker was Mr David Gardner from Pisces Environmental & Fisheries Business Services who was speaking in support of the application. He explained that he had been a fish farm manager and had worked alongside the fishing industry for many years. As part of this latter role he had visited all the aquaculture businesses in Wales as part of a project to encourage and enable fishermen to establish small scale businesses to sell their products locally; all of these businesses had accommodation alongside them. He explained that unfortunately the project had not succeeded as fishermen liked to fish and not to market their products and so what was caught was sold to the continent with no benefit to the local market. He stated that Mr and Mrs Allen had tried to market their produce locally, and to do this they needed a vivier system.



There were two sorts of aquaculture – closed and open. An open system was based in freshwater where polluted water could be replaced. In a closed system, if there was a problem, the water would continue to become polluted until it could be replaced and thus the faster someone became aware of that, the faster action could be taken. For example if the electricity supply failed, oxygen levels would be reduced which would lead to a build-up of toxins; this would increase the stress levels of shellfish causing them to attack one another which would further increase pollution. Therefore living on site was essential to the operation of the business and to ensure that the risks were limited. Mr Gardner also pointed out that as the shellfish until had full planning permission, the need for a vivier system had already been accepted. In his professional opinion it was essential that the applicants lived on site and he had seen a steady development in setting up the system to the extent that it was now operational and could be taken forward in the future.

One of the Members asked Mr Gardner for his professional qualifications and he replied that he had a BSc in Zoology, and MA in Fish Biology and served as a fish farm manager for 6 years, having worked as a fisheries and conservation officer for most of his working life.

Thanking the officer for her report, some Members felt that more information was needed, for example clarity over ownership of the boat and more up-to-date accounts and the application should therefore be deferred. This was seconded. Other Members, however felt that consent should not be granted without the full facts being available and a motion of refusal was proposed and seconded.

The Solicitor queried the materiality of the ownership of the boat, and the officer advised that it was material to the viability of the business – the application had been presented with a different form of ownership to that which was now suggested, which called into question viability.

Members also queried the difference between a refusal and a temporary permission in practical terms. The solicitor advised that in the event of a temporary permission being granted no enforcement action could be taken, provided conditions were met. The solicitor further advised that in the event of refusal, time limits for enforcement should be considered. Officers clarified that the enforcement time limit was ten years and there was no time pressure to enforce – that could be undertaken in the normal course if necessary.

The motion to defer the application was first put to the vote and this was lost. A substantive motion to refuse the application was then considered, with the reason given that the Committee was not in a position to





determine the application due to insufficient information, and this was won.

The Director of Planning and Park Direction informed the Committee that although the application had been determined contrary to the officer recommendation, she would not invoke the Authority's cooling off period as the application was not contrary to strategic policy.

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

1. The application is considered to contain insufficient information to justify a permanent rural enterprise dwelling in this countryside location and as such is contrary to Pembrokeshire Coast Local Plan Policy 7 and Technical Advice Note 6 (Planning for Sustainable Rural Communities).

- (d) REFERENCE: NP/19/0548/FUL  
APPLICANT: Mr J Hickin, Tai Wales and West Housing  
PROPOSAL: Residential development of 17 No. affordable housing units. To include infrastructure, partial hedgerow removal, landscaping improvement, biodiversity mitigation & enhancements  
LOCATION: Land North of Bay View Terrace, Dinas Cross

It was reported that this site was partly within the centre boundary for Dinas Cross and also partly within an allocation for 12 affordable housing units as defined in the Local Development Plan (LDP). The principle of residential development within the allocated site was therefore already established as a matter of policy. Although the site extended beyond the LDP centre boundary into the countryside, Policy 45 allowed the exceptional release of land within or adjoining centres for affordable housing to meet an identified local need. As the extension to the allocated site was purely for affordable housing, this application complied with LDP policy. The provision of the affordable housing would be secured via a legal agreement which was currently being drafted.

The proposed design and layout had been amended to take account of pre-application advice given and was considered to be acceptable in the immediate context of the character of the area. It was reported that there had been four objections from local residents and a summary of these was provided. Officers had looked at issues of privacy and amenity, but considered that as there was a road between the existing houses and those proposed, the distances were considered acceptable. The Highway Authority had raised no objection subject to the imposition of conditions.



Members welcomed the application, which would increase the provision of affordable housing in the area, but asked whether a condition could be included for the Housing Association to operate a local lettings policy for the first occupants of the properties. They also asked whether any further encouragement could be given to the applicants to improve the energy efficiency, sustainability and visual appearance of the properties, given their location within the National Park. Officers advised that further improvements were difficult to achieve as the housing development was subject to grant funding.

Questions were also asked regarding the provision of further information relating to tree protection and officers advised that this had been received, but not yet been assessed by the Landscaping Officer. Natural Resources Wales had replied to the consultation with no comment.

The recommendation of approval, subject to inclusion of a clause in the S106 Agreement for a Local Lettings Policy, was moved and seconded.

**DECISION: That the application be approved, subject to conditions relating to timing, accordance with approved plans, landscaping scheme, ecology, Construction Environmental Management Plan, invasive species eradication, contaminated land, road safety audit, highway conditions, drainage, and subject to a S106 Agreement in respect of affordable housing.**

## 8. Appeals

The Development Management Team Leader reported on 5 appeals (against planning decisions made by the Authority) that were currently lodged with the Welsh Government, and detailed which stage of the appeal process had been reached to date in every case.

The following decisions were reported for Members' information:

(a) NP/18/0548/FUL – Temple Bar Amroth – allowed – Officers had found this a surprising decision as it was contrary to National Policy and with Members' agreement (although not unanimous agreement), the Director of Planning and Park Direction agreed to write to the Planning Inspectorate/Welsh Government Minister to seek an explanation. One member queried what writing to the Welsh Government would achieve. The solicitor advised that there was merit in writing to the Welsh Ministers so as to avoid the decision having precedent value. The Solicitor further advised that the decision was potentially challengeable but that the Authority was out of time to do so, due to the committee cycle.

(b) NP/19/0065/FUL – The Woodland Farm, The Rhos – allowed.



(c) EC18/0138 – Render over front stonework & insert 3 new UPVC windows – 2 New Street, St Davids – dismissed.

**NOTED.**

