

Development Management Committee

9 March 2022

Present: Councillor R Owens (Chair)

Councillor P Baker BEM, Mrs D Clements, Councillor M Evans, Councillor P Harries, Dr M Havard, Dr R Heath-Davies, Mrs S Hoss, Mrs J James, Councillor M James, Councillor P Kidney, Councillor PJ Morgan, Dr RM Plummer, Councillor A Wilcox, Councillor M Williams and Councillor S Yelland

[Mr GA Jones arrived during consideration of application NP/21/0577 (Minute 6(a) refers)]

[Virtual Meeting: 10.00am – 12.00pm; 12.15pm – 1.35pm; 2.00pm – 3.20pm]

1. Apologies

An apology for absence was received from Councillor K Doolin.

2. Disclosures of interest

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

Application and Reference	Member(s)/Officer(s)	Action taken
Minute 6(b) below NP/21/0133/FUL - Rebuild, increase in floor level and roof height and alternative front & rear disable access - Sands Cafe, Newgale	Councillor D Clements Councillor S Yelland	Disclosed a personal interest only and remained in the meeting, playing a full part in the discussions and voting
Minute 6(d) below NP/21/0591/TPO - Works to trees at TPO133 – Land at Middlekilns Road, Herbrandston	Councillor R Owens	Disclosed a personal interest only and remained in the meeting, playing a full part in the discussions and voting

3. Minutes

The minutes of the meetings held on the 26 January 2022 and 7 February 2022 were presented for confirmation and authentication.



It was **RESOLVED** that the minutes of the meetings held on the 26 January 2022 and 7 February 2022 be confirmed and authenticated.

NOTED.

4. Right to speak at Committee

The Chairman informed Members that due notification (prior to the stipulated deadline) had been received from interested parties who wished to exercise their right to speak at the meeting that day. In accordance with the decision of the National Park Authority of 7th December 2011, amended 16 June 2021, speakers would have 5 minutes to speak unless they had spoken on the same application previously when they would have 3 minutes in which to present new information (*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/21/0577/FUL (Minute 6(a) refers)	Residential development of 11 dwellings (including 2 affordable) – Land adjacent to Cefn Gallod, Trefin	Cllr Neil Prior – Community Council David Gardner – objector Cllr Neil Prior – Local Councillor
NP/21/0133/FUL (Minute 6(b) refers)	Rebuild, increase in floor level and roof height and alternative front & rear disabled access (partially retrospective) – Sands Cafe, Newgale	Andrew Vaughan-Harries – Agent Mark Carter - Objector
NP/21/0591/TPO (Minute 6(d) refers)	Works to trees at TPO133 – Land at Middlekilns Road, Herbrandston	Andrew Vaughan-Harries – Agent
NP/21/0819/FUL Minute 6 (e) refers	Full Planning permission for 5x polytunnels, tracks, yard, new access, drainage works including pond and associated works for agricultural use. – Land adjoining Penrallt, Velindre, Crymych	Peter Davies - Community Council Adam Payne - Applicant



5. Members' Duties in Determining Applications

The Solicitor's report summarised the role of the Committee within the planning system, with particular focus on the purposes and duty of the National Park. It went on to outline the purpose of the planning system and relevant considerations in decision making, the Authority's duty to carry out sustainable development, ecological considerations which included the role of the Environment Wales Act 2016, 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

6. Report of Planning Applications

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

The Chair advised that he would be changing the order of the agenda to accommodate a speaker on NP/21/0577/FUL who had another engagement.

(a)	REFERENCE:	NP/21/0577/FUL
	APPLICANT:	Mr A Compton
	PROPOSAL:	Residential development of 11 dwellings (including 2 affordable)
	LOCATION:	Land adjacent to Cefn Gallod, Trefin, Haverfordwest, Pembrokeshire, SA62 5AP

This application was before the Committee as it constituted Major development, and a site visit had been undertaken by Members on the 10th January 2022. The site was allocated for 10 residential units in Local Development Plan (LDP) 2. This proposal had increased the number by 1, but the proposal was acceptable in principle subject to other development management considerations.

It was noted that the layout of the site suggested in the LDP was a linear form along the southern boundary of the site. However because of the coming into effect of SUDS requirements and the topography of the site being such that SUDS had to drain to the south, the development was aligned to the north whilst still protecting the hedgebank, recognising the importance of this as a landscape feature, with SUDS and amenity areas to the south.



It was noted that the height and the design of the dwellings had been substantially amended since receipt of the application in light of consultee responses, in particular that of the Conservation Officer due to the potential impact on the adjacent Conservation Area. Photo montages had been submitted to show the impact and additional planting had also been suggested and this would be secured through condition. The submitted amendments were considered to negate any potential negative impact on the wider landscape and Conservation Area of Trefin.

There was a requirement to provide affordable housing on the site. It was proposed to provide 2 units, which met the 25% requirement as set out in Policy 47 of the LDP, and these would be transferred to and managed by a Registered Social Landlord. The proposed affordable housing would be 1-bed units which accorded with the greatest need identified by the Local Housing Market Assessment. The remainder of the site was proposed to be a mix of tenure types, consistent with the creation of balanced communities. As such the principle of residential development at this site was considered acceptable.

The Community Council had objected to the application and had sent a further objection stating that the most recent amendments did not address their concerns regarding the scale of the proposed development. Also they had noted that the table in Policy 47 of the LDP stated that 3 affordable units would be required, therefore the 2 units proposed were inadequate. The officer advised that the LDP contained an error in this respect: 25% of 11 was 2.75 units and the Affordable Housing Supplementary Planning Guidance stated that when the result was not a whole number it should be rounded down. Therefore 2 units was in accordance with the LDP allocation.

Letters of concern had also been received from near neighbours regarding the potential for noise and disturbance to their home working arrangements. While there had been no objections relating to privacy due to the careful design of the dwellings avoiding overlooking windows, a condition to prevent further windows was considered to be prudent to protect amenity of those existing adjoining neighbouring properties in perpetuity. Hours of construction work could be conditioned to protect standards of residential amenity. At the meeting, the officer recommended two additional conditions – one to prevent windows being enlarged and another to require details of the location of fire hydrants.

There had also been a number of local objections to the impact of the development on road safety, however the Highway Authority had been consulted and had recommended conditional consent. In respect of concerns regarding construction traffic, the applicant had provided a Construction Management Plan which had been circulated to the



Highway Authority, however no response had been received, therefore this could be dealt with by way of condition.

These proposals lay within the periphery of the medieval settlement of Trefin, and within close proximity to several sites of historical and archaeological interest including the recorded site of a medieval Bishops Palace. Consequently, there was a strong possibility that archaeological material, might extend into the application area and that any deposits surviving as buried archaeological features would clearly be adversely affected by the proposed development should consent be forthcoming. It was noted that a geophysical report had been submitted and had been sent on to Dyfed Archaeology for consultation.

There was also concern regarding the maintenance and responsibility for the historic hedgebank surrounding the site. Whilst a requirement for a management plan had been included in the landscaping condition, it might also be necessary to secure the management in perpetuity to protect against the bank being allotted piecemeal to adjoining properties through a legal agreement, to which the agents for the application had provisionally agreed.

Officers concluded that the application would benefit the local community by providing for two affordable dwellings, and was broadly in accordance with the requirements of the allocation with no harm caused to the setting of the nearby Conservation Area. As such, the proposed scheme was considered to be acceptable in terms of scale, form, and design, subject to conditions regarding materials. The development would not cause an unacceptably detrimental impact to the special qualities of the National Park; would not cause an unacceptable impact upon privacy or amenity of neighbouring properties and ecology and landscape features would not be adversely affected by the development. As such, the proposal complied with policies of the adopted Local Development Plan 2 and could be supported.

The first speaker was Councillor Neil Prior, speaking on behalf of the Community Council. He explained that it was very active and diligent in its work, responding to planning consultations, and was especially concerned about lack of housing and the impact of second homes on the community. A fifth of properties in their area were second homes and there was an aging population; employment was mainly in fishing, agriculture and tourism. Turning to the application, Councillor Prior explained that two community meetings had been held by Zoom – one prior to the application being submitted and another more recently. The mood at the first meeting was positive in respect of the provision of housing but concerns were expressed regarding traffic – both during construction and once properties were built as the access road was



narrow, however the community was less supportive at the most recent meeting. They felt that the applicant had been dismissive of their concerns in the responses that had been provided and they had objected to the application on the basis of policies 6, 8, 14, 30, 46, 47, 48, 51 and 60. There remained particular concern regarding the impact of traffic as there was a 'pinch point' and representatives had met with officers and the Highway Authority to discuss use of the existing gateway. Councillor Prior noted that the Local Development Plan suggested that a transport assessment might be required if 100 or more vehicle movements were expected, and he believed this threshold might be met in respect of the access road when movements associated with the existing 14 dwellings, 3 dwellings already granted permission at the other end of the estate and the 11 units proposed by this application.

The second speaker was David Gardner. He explained that he lived close to the proposed development and was also Trustee and Secretary of Gwelliant Trefin Improvement CIO – a Community Interest Company with a wide local membership which worked to support the well-being of local people and enhance the local area. In this capacity a number of people had contacted him to raise their concerns and fears and to express the opinion that although some changes had been made to the application, their principle objections had not been addressed. There were concerns that the application would benefit outside interests to the detriment of local people. Their main concern was regarding access, which was proposed to come through Cefn Gallod, rather than directly onto Abercastle Road. However noting that it was proposed that construction traffic use the direct access, they could not understand why that access could not be used subsequently. There was already a lack of parking on Cefn Gallod, and this increased dramatically in the evening when people returned from work, posing a safety risk to children in particular. It was suggested that using the Cefn Gallod access would allow for construction of an additional plot and that the developer was seeking to increase his return at a cost to the community.

Turning to other matters, Mr Gardner was also concerned that the design and height of the proposed dwellings was out of keeping with the rural character of the village and while there might already be some similar properties in the village, it seemed wrong to use this argument to increase the number, particularly when these were not affordable to local people. He also reiterated the point made by the Community Council that insufficient affordable housing had been provided, with 2 units rather than 3, and that this was against National Park policy. His final concern related to sewage treatment, as he believed there was already pollution of the river and beach and this development would exacerbate the problem. He requested that the application be deferred pending a review to improve the application in order to protect the local community.



One Member asked Mr Gardner whether using the existing field access would cause other traffic problems on the narrow lane, but he did not believe this would be the case as it was already used by farmers. The officer advised that the LDP had sought to use the access through Cefn Gallod in order to protect the hedgebank and the Highway Authority had advised that a significant proportion – c50% - would be lost if the existing access was improved. She advised that the application reflected what was required in the allocation in this respect.

The third speaker was County Councillor Neil Prior, speaking this time on his own behalf. He was concerned that the application did not accord with Policy HA10 of the LDP, as although it was accessed off Cefn Gallod as specified, the development was along the northern, rather than the southern boundary. Therefore the northern boundary was either protected, or it wasn't. He also didn't believe there was sufficient affordable housing, especially as Policy 38 required 35% affordable housing for the area; therefore the application was contrary to the spirit of the plan. He did not believe that the developer had listened to the concerns of the community and in their response justifying the lack of affordable housing, had said that there was a 'reasonable return for the developer', however no viability statement had been provided. Councillor Prior noted that one in five homes were second homes and there were 5,500 people on the housing waiting list and he did not believe it was acceptable to stretch what was permissible for this site without such a statement. He believed that one additional affordable property or a couple of properties provided as shared ownership could make a big difference to someone's life. He therefore asked the Committee to think about whether it would take the opportunity to get this site right. He asked that the application be deferred for the applicant to provide a viability statement and to work with the community to do what was right.

In response to question from Members, Councillor Prior said that he believed the developer was based in Wiltshire and had not yet purchased the land. The Director of Planning and Park Direction advised that a Viability Statement detailed the cost of land, works and the level of profit for a particular site. They were only requested if the developer was not providing the level of affordable housing set out in the policy, arguing that this was not viable, and were assessed independently.

Members were concerned that only two units of affordable housing were proposed – and that these were only 1 bed units, when the remaining properties were larger - and also that these were 'shoe horned' into a corner of the site. However they acknowledged that this was an application that the Authority was unlikely to be able to defend at appeal if refused on that basis. It was suggested that discussions could take place



with the applicant to address these points and the developer asked to submit a viability statement. Officers replied that through discussions they had improved the amenity space available to the affordable units and what was proposed was likely to be in accordance with the Design Quality Standards as well as meeting the requirements of the Housing Association. In respect of the request for a viability assessment, officers advised that it was unlikely to result in additional affordable units given the policy position, but might well result in fewer if the site was not shown to be viable. It was also noted that if the application was deferred, the applicant could appeal the application on the grounds of non-determination, with the attendant risk of costs being awarded. A motion to defer the application was moved and seconded, but this was lost.

Concerns were also expressed regarding the access through Cefn Gallod, and some Members believed it would be preferable to lose the Pembrokeshire hedgebank due to the impact of additional traffic on existing residents. They also asked if it was possible to prevent the garages in the proposed development from being converted to an additional room, thereby reducing the amount of parking and increasing the number of residents. A proposal was then made to refuse the application on the grounds of access/highway safety and design which resulted in the affordable units being 'shoe horned' into a corner. The Director of Planning and Park Direction advised that if such a motion was passed she would invoke the Authority's Cooling Off Procedure, however the vote was lost.

The substantive motion to delegate approval of the application to the Director of Planning and Park Direction subject to the conditions as set out in the report, together with additional conditions in respect of windows, information regarding fire hydrants and removal of permitted development rights in respect of garage conversions, and subject to a legal agreement regarding provision of affordable housing and landscaping / hedgerows was proposed and seconded, and this vote was won.

DECISION: That the application be delegated to the Director of Planning and Park Direction/Development Management Team Leader to approve subject to the submission of a completed legal agreement securing the provision of the affordable housing in perpetuity and an agreement for responsibility for landscaping and hedgerows in perpetuity and subject to conditions relating to timing of development; accordance with plans and documents; landscaping; rumble strip; parking and turning; surface water drainage; stopping up of the field access; Construction Management Plan; details of finishes and colours; removal of permitted development rights in respect of extensions, conversion of garages, enlargement of windows and construction of fences/gates/walls;



ground levels; lighting; ecology; hours of construction; dust; lighting of fires; and information on fire hydrants.

[The meeting was adjourned between 12.00pm and 12.15pm]

(b)	REFERENCE:	NP/21/0133/FUL
	APPLICANT:	Mr B Sanderson
	PROPOSAL:	Rebuild, increase in floor level and roof height and alternative front & rear disabled access (partially retrospective)
	LOCATION:	Sands Cafe, Newgale, Haverfordwest, Pembrokeshire, SA62 6AS

Members were reminded that this application for a rebuild and remodelling of this property included increases in floor and ridge heights (part retrospective) as well as alterations to access and entrances, fenestration, external finishes, addition of rooflights, mechanical vents and a rear canopy, also enlargement of the outdoor customer seating areas. The application had been deferred at the previous meeting of the Committee to allow for a Committee Site Inspection to take place (Minute 3 refers).

The site was located within the Rural Centre boundary for Newgale, also the Newgale Coastal Change Management Area and a C2 flood zone. It was widely known that the coastal defences at Newgale were predicted to fail in the short-term with the shingle bank migrating inland affecting several properties and businesses. A Flood Risk to Life Mitigation Report had been submitted as part of the application and this declared that there would be no increased threat to life or property as there would be no intensification of the current use at the site as a result of the development, and that the raising of the slab and terraces would sufficiently mitigate the risk of inundation. With no specific objection being raised to the scheme by NRW, the Coastal Change Engineer or the Emergency Planning Team in this regard, and as the A3 café use was deemed a suitable low-risk use within the C2 flood zone, the proposal was considered to comply with policies 34 and 35 of LDP2.

Officers had also considered issues of design, amenity, privacy and overlooking, and, subject to conditions, did not consider that the development would cause an adverse impact on the privacy or amenity of neighbouring properties to an unacceptable degree. The proposal, in its current form was also considered to accord with Planning Policy Wales 11's fundamental principles of achieving inclusive design for all and equality of access, and now met the Authority's standards on inclusive design. Matters relating to highways and parking, biodiversity, land



instability and land drainage could be dealt with through the inclusion of suitably worded conditions or informatives should permission be granted.

In conclusion, officers considered that the scheme represented successful contemporary commercial design within the National Park, and was of a scale, appearance and use which was compatible with the landscape, context and surroundings. As there was considered to be no increased threat to life or property caused by the scheme, and that the raising of the slab and terraces would sufficiently mitigate the risk of inundation, the application therefore could be supported and the recommendation was one of approval.

In answer to questions from Members, the officer confirmed that two additional drawings had been submitted by the applicant since the previous meeting – one detailing how the roof covering would add approximately 140mm to the height of the current ridge beam, and the other showing how the sun's shadow would fall on the window of the adjacent property. These had been circulated to Members by the agent prior to the meeting. Members sought reassurance that the drawings before them accurately represented the steel framework on site and the officer stated that the applicant had confirmed that the drawings were accurate. She added that she herself had measured the property to the rear and agreed that the drawings were accurate to within c10cm, depending on whether or not the window cill was included within the window measurement.

The Agent, Mr Andrew Vaughan-Harries, then addressed the Committee. He explained that this was the fourth application to be submitted on this site since 2017 and it provided for improvements to highway safety, mechanical ventilation, design, disabled access and development in a flood zone. Prior to its redevelopment, the building was in a poor state, with weak foundations, and therefore a strong ring beam was required by Building Regulations and this caused the floor level of the building to be raised by 500mm. This had led to concerns from a neighbour that the upper floor window of his property would be adversely affected. The agent agreed with the officer assessment that the affect would be minimal and the affected room would still receive plenty of light from patio doors on the south wall. The sun path diagram demonstrated that the window would be affected at 7.30pm at midsummer.

With regard to the accuracy of the plans, although Mr Vaughan-Harries said that his team had not drawn them, they had checked them and felt them to be accurate. He said he was not aware of the 5-10cm difference. He concluded by saying that his client wanted to invest c£250,000 in the café which would boost the local economy and enhance the National Park and he asked Members to approve the application.



One Member asked the Agent about the possibility of dropping the height of the roof and was advised that as it stood currently, the 45 degree pitch of the roof matched that of the adjacent building which would provide uniformity of design. He noted that the slab level was set, however the pitch could be adjusted, though at huge cost, and the end result would not look as good in design terms. He stated that it was for Members to judge the harm to the amenity of the window in the adjacent property.

The second speaker was Mark Carter, who, although he was a County Councillor, was speaking as a private individual and a neighbour. He restated his opinion that the plans did not reflect the structure as built, with the structure being higher, and it would therefore be in breach of planning permission, and have a detrimental impact on the window of his neighbouring property once the roof was added. He noted that neither the plans nor the shadow diagram showed finished heights. He felt that the best solution would be for the application to be refused and new plans submitted for a building of a lower height. This would reinforce the condition preventing seating at the first floor level and prevent any obstruction of his window; he stated he would be happy to support such an application. He did not believe this would be expensive and would have no affect on the viability of the application. Finally, he questioned how the officer had been able to measure the height of the window.

[The Deputy Chair took the Chair during the debate due to technical issues being experienced by the Chair]

Members were concerned to ensure that the height of the building was accurate. The officer advised that although the dimensions were not printed on the plans, there was a scale bar, and the agent had confirmed that the plans were accurate. This was sufficient to determine the application. She added that she had used a measuring stick to measure the height of the window from a point immediately below it. The Agent advised that the height of the roof, including the roof covering, was 12.12 from the Newgale datum point.

DECISION: That the application be approved subject to conditions relating to timing of the application, accordance with plans and diagrams, external finishes, hours of use of external seating, mezzanine level to be used for storage only, rooflights to be obscured, external lighting and surface water drainage.

[In response to a comment during consideration of the application, the Solicitor advised that the same was not material to the planning decision to be made and should be disregarded and the Chief Executive advised that he had confidence that the Authority acted in accordance with the



highest standards of governance, however should any conduct not meet those standards, procedures were in place to deal with it.]

[Dr R Plummer tendered her apologies and left the meeting at this juncture, while Councillor M Evans left before the vote on the following application was taken.]

(c)	REFERENCE:	NP/21/0298/FUL
	APPLICANT:	Mr Ian Bowie, Humbergrange Ltd
	PROPOSAL:	New dwelling design across all six plots (The existing site benefits from Planning consent granted (NP/10/374) for six dwellings on the large sloping site. A second application NP/12/0583) was granted for a new house design on plot 04. The site is deemed to have commenced under NP/12/0583.)
	LOCATION:	Development Site Adj to 22, St Brides View, Solva, Haverfordwest, Pembrokeshire, SA62 6TB

It was reported that this application was on a partially developed housing site in the settlement of Solva. The site had an extant planning permission for residential development, and the proposed development was for an amended design to dwellings previously approved. No additional dwellings were proposed as part of this scheme. The changes included elevational changes to the properties, changes to the materials, changes to the footprint of the dwellings and increases in height.

It was noted that the extant planning permission offered a significant fallback position for the applicants allowing them to develop the site in accordance with this permission regardless of any decision on this application. This fallback position was considered to be reasonably likely to occur and should be accorded significant weight in considering this application. The scheme had a long history, and the extant planning permission was not subject to a requirement to provide a contribution to affordable housing. This proposal would not result in any increase in housing and no affordable housing contribution could be sought. It was pointed out at the meeting that there was an error in the conclusion of the report which suggested that such a contribution could be sought.

The application was before the Committee as the officer recommendation differed from the view of Solva Community Council which objected to the application. Twenty nine representations had also been received, and the objections and concerns expressed were summarised in the report.

The site was in a prominent location, overlooking the Solva estuary and sloped down towards the southeast, with views across the estuary. The buildings were visible from the Wales Coast Path, across the estuary,



around the Gribin and from the Wales Coast Path and another footpath to the south of the site. Natural Resources Wales had expressed concerns regarding the design. Officers had sought a photo montage to better assess the impact and considered that as the general layout and positioning of properties had previously been agreed, the changes to the elevational design was considered to be acceptable. Taking into account all material considerations they had concluded that the layout, design and appearance of the development would not harm the special qualities of the National Park. It was not considered that the increase in height of the properties was overbearing, nor would they create a significant amenity impact, particularly when compared with the extant planning permission. The recommendation was one of approval subject to conditions.

It was noted at the meeting that concerns had been expressed regarding the impact of construction traffic on the narrow access lane and therefore an alternative access across the field for construction traffic had been proposed under a separate application which was yet to be determined. Should the application before the Committee be approved, a condition would be attached requiring submission of a Construction Management Plan and this would allow for an alternative access. Permanent access to the development would remain along St Brides View.

Members sought reassurance regarding the materials to be used in the application, and the officer confirmed that approval of these would be conditioned to ensure they were recessive and not prominent in the landscape. Members were also concerned about light spillage, and particularly the impact on wildlife, and the officer advised that it was proposed to include a condition in respect of external lighting and the use of non-reflective glass could be sought through the condition requiring the detail of materials. A condition in respect of inspection of slab height could also be required as requested by Members, together with one removing permitted development rights in respect of the conversion of garages.

DECISION: That the application be approved subject to conditions in respect of timing of the development, accordance with approved plans and documents, schedule of external finishes, landscaping, undergrounding of cables, removal of Permitted Development Rights in respect of extensions/changes to the external appearance of the dwelling houses and conversion of garages, parking and turning, construction management plan, wheel washing facilities, archaeology, surface water drainage, lighting, ecology and levels.

[The Committee was adjourned between 1.35pm and 2pm.]



[Councillor P Baker, Dr R Heath Davies, Councillor A Wilcox and Councillor S Yelland tendered their apologies and left the meeting]

(d)	REFERENCE:	NP/21/0591/TPO
	APPLICANT:	Mr & Mrs Cristafaro
	PROPOSAL:	Works to trees at TPO133
	LOCATION:	Land at Middlekilns Road, Herbrandston, Milford Haven, Pembrokeshire, SA73 3TE

[As the Chair had disclosed an interest in this application, the Deputy Chair, Dr M Havard, took the Chair for this item.]

Members were reminded that this application had been considered at the previous meeting of the Committee when it had been deferred to allow Members to visit the site (Minute 3 refers). TPO133 related to an area of woodland close to Sandy Haven estuary which contained a Grade II listed limekiln thought to have been constructed c1800 as well as other walls and structures from the inter-war period that did not appear to be part of the direct listing. The application sought to remove or coppice various specimens, some of which were growing directly from the limekiln masonry.

Officers considered that removal of some of the trees was justified as their retention was detrimental to the protection of the listed limekiln. Others were failed specimens and the works could be interpreted as meeting the Dead, Dying and Dangerous (DDD) exemption. However removal of other trees was not justified at the current time in terms of management of the woodland or for reasons of health and safety. The recommendation was therefore one of partial approval and refusal subject to a condition relating to the timing of the work, and also to an additional condition requiring a method statement for the work to be undertaken around the limekiln.

The Agent, Mr Andrew Vaughan-Harries, then addressed the Committee on this application. He explained that as new owners of the site, his clients were aware of their duty to look after the lime kilns and had employed an Arboriculturist to advise. His clients had also sought advice from Dyfed Archaeological Trust who had agreed that removal of trees from the structure would be a good idea. Mr Vaughan-Harries wished to allay the fears expressed by Members at the previous meeting and reassure them this his client was looking after his land in accordance with the legislation.

One Member expressed the view that this woodland was priceless to the village and was a haven for nature as no work had been undertaken on it for 80-100 years. He was concerned that removal of some trees could



not be undertaken without damage to others and believed that the fallen trees should be left as they were, providing a home for birds and insects. He believed that the application should be refused.

While they understood the passion and concern expressed, and agreed that the woodland was deserving of protection, other Members noted that change was inevitable and could occur naturally, for example as a result of storm damage, or through the natural cycle of death and regeneration of anything that grew. They hoped that the work would be carefully monitored and noted that removal of trees covered by a Tree Preservation Order other than in accordance with any consent was a criminal offence.

DECISION: That the application be partially approved and refused, with removal of trees/failed limbs from A1, A2, T8, T12 and T14 approved and removal of trees T8, T13, T14ii, T14iii, T16ii and T16iii refused, subject to conditions relating to timing of the work and submission of a detailed method statement for the removal and works to the approved trees.

(e)	REFERENCE:	NP/21/0819/FUL
	APPLICANT:	Southern Roots Organics
	PROPOSAL:	Full Planning permission for 5x polytunnels, tracks, yard, new access, drainage works including pond and associated works for agricultural use.
	LOCATION:	Land adjoining Penrallt, Velindre, Crymych, Pembrokeshire, SA41 3XW

It was reported that the site lay on rising land to the east of St Brynachs Church and Nevern Castle, above Nevern village. The application sought permission for 5 polytunnels, a concrete yard to service the two buildings applied for and approved under NP/20/0525/PNA, tracks and infrastructure relating to a proposed agricultural veg-box business. An existing site access had been widened but this was not being applied for retrospectively, rather the access was being moved further away from the corner to improve visibility.

A number of 'chattels' had been brought onto the land for amenity purposes, which comprised a shepherds hut, a mobile/timber kitchen, a compost toilet, and a shipping container which were not included within the application. As these were not considered development, they did not technically require planning permission as long as their use was only ancillary to the use of the land for agriculture.



Thirteen third party responses in support of the application had been received, whilst an objection had been received from the Community Council which was reproduced in the report.

A Landscape Visual Impact Assessment (LVIA) had been submitted, upon which Natural Resources Wales had commented. They had suggested an amended layout plan be submitted to take account of the recommendations of the LVIA and this had been done. Additional viewpoints had also been included in the LVIA and the summary assessment was that the proposal would not have a significant visual impact on the special characteristics of the landscape.

Turning to access concerns, the Highway Authority had commented that the proposed access would be much better in terms of location and visibility than the existing and had recommended approval subject to conditions.

Notwithstanding the Community Council comments, officers considered the proposed scheme to be acceptable in terms of scale, form, use and design. The development would not cause an unacceptably detrimental impact to the special qualities of the National Park nor an unacceptable impact upon privacy or amenity of neighbouring properties. It was noted that while the Preseli's appeared prominent in the landscape from the site, the scale of the polytunnels would not be disproportionate in size when viewed from the Preseli's. Ecology and landscape features would not be adversely affected by the development. As such, the proposal complied with policies of the adopted Local Development Plan (LDP) 2 and could be supported.

It was reported at the meeting that a further 18 letters of objection had been received since writing the report, however most referred to 2 acres of polytunnels, rather than the actual area of 0.2 of an acre.

An initial proposal for a site visit was withdrawn to allow Members to hear from the speakers.

The first speaker was Mr Peter Davies, speaking on behalf of the Community Council. He said that he knew of no person living in the village who supported this application, and several people had said that it should be refused. He referred Members to the Community Council's letter of objection and those concerns remained. He believed that the application would cause harm to the National Park, an area of natural beauty, and its character would be lost forever. This character was defined by the fields and field boundaries and these should be retained without the need for additional planting to screen development. The polytunnels would be visible from public vantage points and would be a



significant visual intrusion, as those polytunnels currently located on the opposite side of the road were. The new tracks were unnecessary and would spoil the ground forever. He described the development as insensitive and incompatible with its setting and believed that the sense of remoteness and tranquillity would be lost. The Community also had significant concerns regarding transport, as the nature and scale of the application did not take into account the local roads which were not equipped to take more traffic, and Mr Davies expressed astonishment that the sheds on the site had already been given permission. He concluded by saying that the development was contrary to policies 1, 7, 8 and 14 of the LDP and would not meet the needs of, or minimise the impact on, the local community.

The applicant, Adam Payne, then addressed the Committee, explaining that he had spent the previous 10 years working in organic horticulture and therefore had experience in the sector. He planned to develop a diverse organic farm business and intended to increase employment by providing 4-5 permanent full time equivalent jobs. He explained that the proposed tracks were necessary to improve accessibility and for vehicles to undertake harvesting over the winter without damaging the soil. The polytunnels would allow high value summer crops to be grown and to extend the growing season into the winter months to offset the need for imported crops. They would also allow work to be undertaken when the fields were too wet and for plants to be propagated, saving costs and allowing a more bespoke and flexible offering. The application went to significant lengths to improve the landscape features and habitats, through provision of a pond and restoration of hedgerows, and the planting would sequester carbon and screen the development.

Turning to the access, Mr Payne explained that the entrance had been widened by the previous owner, however he proposed to provide a new, safer access and it was proposed to locate the development sensitively with negligible visible impact from public or private viewpoints and screened from further afield. Offroad parking and turning would be provided however no lorries would need to regularly access the site as produce would leave in their own van. The land was fertile, faced south and was in the coastal belt, meaning it had lower rainfall and higher winter temperatures. He also noted that the local market was under supplied and he had received in principle support for his business from a number of local suppliers. While he was disappointed that the Community Council continued to object to the application, he was aware of local support, including letters from his immediate neighbours. He concluded by saying that Wales produced only 19% of the fruit and vegetables it consumed and recent world events had highlighted the vulnerability of the economy to such shocks. The business intended to produce food for local markets



and a positive decision that day would allow him to make best use of the season ahead to do so.

In response to Members' questions, Mr Payne advised that he hoped to supply markets within a 10 mile radius initially (Cardigan, Fishguard and Crymych) and believed there was a big demand for local produce. He advised that he had tried to engage with the Community Council and had spoken at their meeting, but had received little feedback, however he believed the business would benefit the community. Finally he stated the polythene to be used in the polytunnels was not biodegradable, however it could be recycled; its lifespan was c15 years if it was well installed.

Some Members believed that it was important for the country to become more self sufficient and were pleased to see that the applicant hoped to support local businesses and create local jobs. The recommendation of approval subject to conditions was moved and seconded.

Other Members highlighted the importance of the landscape in this location and it was proposed and seconded that the Committee visit the site and see it from different vantage points to assess the visual impact of the polytunnels. This motion was lost.

The officer added that while the visual impact of polytunnels could be significant, the landscape and visual impact assessment had been prepared in accordance with advice from the Landscape Institute; the polytunnels had been located where they were least visible and this had been weighed against sustainability and the local economy in reaching the recommendation of approval.

A vote was then taken on the substantive motion to approve the application and this was won.

DECISION: That the application be approved subject to conditions relating to the timing of the development, accordance with plans and documents, details of access, landscaping scheme, ecology and sale of produce.

(f)	REFERENCE:	NP/22/0110/MOD
	APPLICANT:	Waterstones
	PROPOSAL:	Modification of Section 106 Agreement
	LOCATION:	Land off Walton Road, Broad Haven, Haverfordwest, Pembrokeshire, SA62 3JX

It was reported that the site of this development was now known as "Sand Banks", a development on the Southern edge of Broad Haven, to the east of Walton Road. The site was occupied by a development of 18



residential properties approved, subject to a S106 agreement, under NP/17/0315/FUL and was partially completed. The primary requirement of the agreement had been to provide six affordable housing units and sell them on the open market at 70% of Open Market Value.

The developer had subsequently approached the Authority to request a deed of variation to make the agreement requirements clearer. While drafting this variation it became apparent that the developer had sold all of the open market units at the site and partially completed the affordable housing units. However the requirements of the original agreement were that no more than 6 open market housing units should be occupied without the affordable housing units being provided or placed for sale on the open market. This requirement of the agreement had therefore been breached, and the owner requested that the deed of variation also addressed this issue.

The officer explained that procedurally the Authority had to consider this as a request for modification of a section 106 agreement by agreement under section 106A(1)(a). It was not an application to modify or discharge the agreement, under section 106A(3) as these could only be formally made after five years from the signing of the agreement.

The deed of variation had a requirement to market the affordable housing for 45 working days to qualifying persons in the Community Area as defined in the original agreement. While this was a reduction from the original 60 working days, it was considered that this still represented a substantial period of marketing and was accepted.

Due to the progression of development at the site, clauses were required to secure that there was no further disposal of land related to the affordable housing units. The Authority's Solicitors had provided a draft clause that would require a restriction being placed on the land registry preventing sale until an affordable housing commuted sum was paid. The commuted sum payment remained as a cascade provision which would operate where there was not demand for the affordable housing.

Officers concluded that the proposed deed of variation largely retained the requirements of the original agreement to provide and market the affordable housing units at the site and gave greater clarity to some matters. Notwithstanding the breach of the agreement in that market houses had been disposed of before affordable houses were provided or placed for sale, the substantive requirements of the agreement had been progressing, with the applicants recently providing a valuation certificate to the Authority which had been agreed – appropriate marketing of the properties as affordable housing could therefore commence. In the circumstances now pertaining at the site, where all market houses had



been sold, the Authority's position in terms of securing the affordable housing contribution remained protected through a restriction on the sale of the properties.

The variation was considered to be in line with the requirements of the Local Development Plan 2 and would facilitate the provision of affordable housing in accordance with its policies.

Members expressed their disappointment with the actions of the developers, however they agreed that the proposed way forward seemed sensible.

DECISION: That the request for a variation to the Section 106 Agreement by agreement be approved.

7. Appeals

The Development Management Team Leader reported on 6 appeals (against planning decisions made by the Authority) that were currently lodged with the Welsh Government, and detailed which stage of the appeal process had been reached to date in every case.

NOTED.

8. Good wishes

Noting that the Authority's Development Management Team Leader was leaving the Authority, having secured employment elsewhere, the Chair offered him good wishes, saying that it had been a pleasure to work with him.

The Minutes of this meeting were confirmed at the meeting of the Development Management Committee held on 18 May 2022 without amendment

