

# DEVELOPMENT MANAGEMENT COMMITTEE

31 January 2018

Present: Councillor R Owens (Chair)

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

[Councillor Mrs D Clements arrived during consideration of Item 2, Disclosures of Interest]

[Llanion Park, Pembroke Dock 10.00am – 11.35am]

## 1. Welcome

The Chair welcomed Dr RM Plummer to the meeting as an observer. Dr Plummer would be joining the Authority as a Welsh Government appointed Member on 1 February 2018.

## 2. Apologies

There were no apologies for absence.

## 3. Disclosures of interest

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

<b>Application and Reference</b>	<b>Member(s)/Officer(s)</b>	<b>Action taken</b>
<i>Minutes 7(c)below NP/17/0591 Ebbs Acre, Talbenny</i>	<i>Councillor P Kidney</i>	Remained in the meeting and played a full part in the discussions thereon
<i>Minutes 7(d)below NP/17/0597/S73 Buttyland Caravan &amp; Camping Park, Manorbier</i>	<i>Councillor M Evans</i>	Withdrew from the meeting while the application was discussed
<i>Minutes 7(g) and (h) below NP/17/0734/FUL and NP/17/0735/LBA Hope &amp; Anchor, St Julians St, Tenby</i>	<i>Councillor M Evans</i>	Withdrew from the meeting while the applications were discussed



#### 4. Minutes

The minutes of the meeting held on the 13 December 2017 were presented for confirmation and signature.

It was **RESOLVED** that the minutes of the meeting held on the 13 December 2017 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*):

<b>Reference number</b>	<b>Proposal</b>	<b>Speaker</b>
NP/17/0420/FUL <i>Minute 7(b) refers</i>	Conversion of existing first floor flat to 3 self-contained units, first floor extensions & alterations to ground floor café to provide undercover stairwell to flats above - Pirate Café, Amroth	Mr Ken Morgan, Agent
NP/17/0591/FUL <i>Minute 7(c) refers</i>	Retrospective planning permission for rabbit enclosure, 3 catteries and a static caravan used as an office. Proposed reception/adoption centre portacabin, new stables and relocation of dog kennels to existing building A – Ebbs Acres, Talbenny	Mr Andrew Vaughan-Harries, Agent

#### 6. Members' Duties in Determining Applications

The Solicitor's report summarised the role of the Committee within the planning system and stated that planning decisions had to be made in accordance with statutory provisions and the adopted Local Development Plan unless material considerations indicated otherwise. It stressed that non-material considerations had to be disregarded when taking planning



decisions and stated that personal circumstances were only very rarely material to planning decisions. The duty of the Authority carry out sustainable development in accordance with the Well-being of Future Generations (Wales) Act 2015 and the Planning (Wales) Act 2017 Part 2 was also highlighted. Provided members applied the Planning Acts lawfully and in a fair and impartial manner they would also comply with the Authority's duties under the Human Rights Act 1998 insofar as it applies to planning decisions. It was also important that Members applied the guidance contained in the Authority's Planning Code of Good Practice while carrying out their statutory duties.

## **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: 17/0315/FUL  
APPLICANT: Waterstone Homes  
PROPOSAL: Residential development comprising 18 dwellings with associated works  
LOCATION: Land off Walton Road, Broad Haven

The applicant had requested that this application be further deferred to allow discussions between them and the Highway Authority to continue.

**DECISION: That the application be deferred to allow for further discussions between the applicant and the Highway Authority.**

- (b) REFERENCE: 17/0420/FUL  
APPLICANT: Mr E Davies  
PROPOSAL: Conversion of existing first floor flat to 3 self contained units, first floor extensions & alterations to ground floor café to provide undercover stairwell to flats above  
LOCATION: Pirate Café, Amroth, Narberth

This application was reported to the Committee due to the recommendation of the Community Council being contrary to that of officers.

It was reported that the site lay within the Rural Centre of Amroth as defined in the Local Development Plan (LDP), and Policy 6 allowed for suitable developments, including residential use, with affordable housing



being given priority. However the property was also located within a C2 flood plain and in an area identified in the Shoreline Management Plan as at risk from coastal erosion and flooding. Policy 34 of the LDP directed development away from those areas which were at risk from flooding now or as predicted in the future unless there were sound social or economic justifications in accordance with the advice set out in Technical Advice Note (TAN) 15 which identifies housing as a highly vulnerable landuse.

It was noted that while the flood consequence assessment submitted considered the development to be acceptable in terms of flood risk, it remained that the proposal would be introducing two additional residential units and increasing the value of assets within an area liable to flood. Officers also drew attention to a decision made by Welsh Ministers which was relevant to this application as it centred on the issue of building within Flood Zone C2 and in this case, permission was refused on flood risk grounds.

The development also proposed two additional residential units, and therefore under the Authority's Supplementary Planning Guidance for Affordable Housing a 30% requirement for affordable housing provision was set. As this would not result in a whole unit, an affordable housing contribution would be sought. While the applicant had indicated in the submitted information that they agreed to the provision of this via a unilateral undertaking, no such undertaking had been submitted to date, and as such the development failed to comply with Policy 45 of the LDP.

Having regard to TAN 15, LDP Policy and recent appeal decisions, officers considered that the development was contrary to both national and local planning policy given the flood risk associated with this highly vulnerable landuse proposal and the lack of affordable housing contribution. The recommendation was therefore of refusal.

There was one speaker on this application, the agent, Mr Ken Morgan. He explained that the existing flat could sleep 8 persons, and that the same number of persons would be accommodated in smaller flats as a result of the proposed development. The risk was therefore the same, however the layout of the flat had been rationalised to suit a modern customer base as a large, oversize flat was neither popular nor desirable. He added that a pre-application had been submitted in April 2017 when the small increase in footprint was considered acceptable and no objection had been received from Natural Resources Wales (NRW); submission of an application was therefore encouraged in principle. He went on to state that while officers had initially said they would be approving the submitted application, it was not determined within the initial timeframe. NRW also raised concerns regarding flood risk and the lack of a study regarding tidal flooding or wave overtopping. This



assessment had now been undertaken and had concluded that using a summary of tidal sea levels for the next 100 years, the records were favourable; in any case, accommodation was to be provided at first floor level. Mr Morgan concluded by saying that Members were effectively being advised to abandon the sea front in Amroth and to put an end to tourism there.

Members asked Mr Morgan about the issue of affordable housing, and he confirmed that his clients had accepted the figure for the affordable housing contribution and would authorise their solicitor to submit the undertaking. He also confirmed that the rear flat, overlooking the car park, was proposed as accommodation for the manager who currently travelled to work. His clients were trying to invest in the building and the provision of two additional flats would increase local housing provision and increase viability of the business.

In response to Members' questions regarding flooding, officers advised that the property was in a zone that would flood now or in the future and any evacuation of the property would have to be towards the coast as there was a stream to the rear of the property; the risk to emergency services also had to be considered. They were also of the view that the intensity of the development resulted in additional risk as noted in the response by the agent regarding low take up rate of the existing flat. They confirmed that the latest flood risk assessment had been forwarded to NRW but that it was clear to officers that from the point of view of national and local planning policy, the application remained unacceptable.

Members were disappointed to hear of delay in determining the application and the conflicting advice given to the applicant. They also questioned why new build properties had been allowed 100m further up the road when a first floor extension was now being recommended for refusal. Officers replied that they sympathised with the applicant, but there was now greater awareness of flooding and Welsh Government policy had been reinforced with its recent 'called in' decision in relation to a site in Monmouth (APP/E6840/V/16/3164287); Officers added that the new build dwellings further up the road had been allowed on appeal some years ago and it was understood that the houses had now been let out, having failed to sell as potential purchasers had been unable to obtain mortgages on them given their location within a C2 flood zone.

Some Members were of the view that as the same number of people could be accommodated under the proposals as at present, there was little additional risk to that which existed currently – taking the logic set out in the report forward, no-one should live in the property at present due to the risk to life. It was the applicant's decision to invest his money in the property in full knowledge of its flood risk, and this would make the



business more sustainable; investment in the county was needed going forward and should be encouraged. They asked whether the Manager's accommodation could be tied to the premises as a condition.

Officers acknowledged that this was a difficult decision for Members, but added that government was advising that investment in flood risk areas should be limited to reduce the need for costly mitigation works in the future and that highly vulnerable developments such as dwellings should be steered away from these areas. They pointed out that flooding in Amroth was a known issue, and that at one time there had been cottages on the opposite (sea) side of the road which had been destroyed by the sea.

Other Members, however agreed that planning authorities needed to take flood risk very seriously and this application was contrary to the advice provided, and there was no special justification for the development. The officer's recommendation of refusal was therefore moved and seconded, however the vote was lost.

The Director of Park Direction and Planning advised that if Members were minded to approve the application, as such a decision would be contrary to government and local plan policy, the Authority's 'Cooling Off' period would be invoked. Members therefore needed to provide reasons why they were minded to approve the application contrary to the officer recommendation. These were given as the fact that the building existed currently and would accommodate the same number of people as a result of the proposed works. Members asked that officers provide suggested conditions when the application was reconsidered, including those on affordable housing and tying one of the flats to the premises as manager's accommodation. A vote was then taken that Members were minded to approve the application and this was won.

**DECISION: That Members were minded to approve the application however as the application was contrary to local and national policy, the Authority's Cooling Off period was invoked and the application would be brought back to a future meeting of the Committee.**



- (c) REFERENCE: NP/17/0591/FUL  
APPLICANT: Greenacres Rescue  
PROPOSAL: Retrospective planning permission for rabbit enclosure, 3 catteries and a static caravan used as an office. Proposed reception/adoption centre portacabin, new stables and relocation of dog kennels to existing building A  
LOCATION: Ebbs Acres, Talbenny, Haverfordwest

It was reported that planning permission had originally been granted retrospectively in 2010 to retain the change of use of the main buildings from stabling to an animal rescue centre. The principle of the present use had therefore been established. Since the original grant of planning permission, the rescue centre had continued to provide shelter for both domestic and agricultural animals and had become the main Dog Pound for Pembrokeshire County Council. The continued demand for rescue facilities had resulted in the need to put up additional buildings and had resulted in the centre having to operate in breach of some of the original conditions. This application was submitted to regularise these elements.

The report stated that the visual impact of the development would not be considered harmful, as the scale and siting would be close to the existing large buildings and the design of the buildings was agricultural in form; the overall appearance of the development would not be dissimilar to that of a farm complex. It was considered, therefore, that the principle of the additional buildings was acceptable as they would be used for purposes which were ancillary to the existing rescue use and provided a valuable community facility for the care of animals.

The main body of objection to this application was to the issue of noise arising from barking dogs. Many of the objections, which were summarised in the report, stated that there was no objection to the catteries, stables and agricultural animals, but that the noise from barking dogs was disruptive. It was also raised that there was dog fouling as a result of dogs being exercised in the nearby village. The Havens Community Council was also unable to support the application and their view, being contrary to that of officers, was the reason the application was before the Committee.

It was reported at the meeting that a further letter of objection had been received, and circulated to Members, however this did not raise new issues but reiterated those stated previously.

Following consultation, the Pollution Control Officer from Pembrokeshire County Council (PCC) had advised that complaints of noise nuisance from neighbouring properties had been received in respect of a range of



outdoor kennels which were not sound proofed in accordance with the original planning condition. As part of this application, the outside kennels would be removed and relocated inside Building A, which would allow for adequate sound proofing to be provided. PCC Pollution Control Team was satisfied with this proposal.

In respect of the concerns regarding dog fouling in public areas, officers consider that this could be adequately addressed through a condition requiring a management plan, which would be expected to include details of the exercising needs of the dogs as well as a section for volunteers as to good handling and dealing with dog fouling.

It was therefore concluded that notwithstanding the objections raised, following consideration of the policies within the Local Development Plan, the proposal for the additional accommodation to support the existing rescue centre use was acceptable. The increase in buildings and use would not be considered harmful to the setting, and subject to conditions relating to the soundproofing and management of the kennels and dog handling in particular, the proposal could be supported by officers.

Mr Andrew Vaughan-Harries, the agent, then addressed the Committee. He explained that Greenacres was the only animal rescue centre in Pembrokeshire and was the dog pound used by Pembrokeshire County Council. It employed 3 full time staff and also offered placements and training to youth offenders, colleges, etc. The site had been chosen in 2007 as it was a brownfield site and £250,000 had been spent to date and this next stage in the site's expansion would see investment of a further £70,000. However, Greenacres was a charitable concern and found it difficult to refuse donations such as the caravan, and the applicants therefore apologised that part of the application was retrospective. Mr Vaughan-Harries acknowledged that there were objections, however he believed that the current application would address concerns by bringing the external dog kennels within a sound proofed building and using the outside kennels as a cattery. These actions were supported by the Environmental Health and Public Protection departments of Pembrokeshire County Council as well as the Police. He noted that officers had recommended conditions, if permission was granted, to ensure that sound proofing work was carried out, however a local contractor was ready to carry out the necessary work. He considered that this facility was much needed in Pembrokeshire and he welcomed the recommendation of approval.

Members sought reassurance from the agent regarding the timescale for carrying out the work and that no dogs would be outside in future. The agent hoped that the work would be carried out within the three months set out in the conditions, weather permitting and agreed that the dogs





would be housed inside and would therefore be indoors at night when noise was more acute, however they would need exercise and training periods outside. With regard to the future of the caravan, he replied that it currently provided a useful office facility, although there was a long term intention to remove it and the other storage containers.

Members went on to ask officers if consideration could be given to inclusion of a condition regarding lighting and sought further reassurances regarding the problems of noise currently experienced by neighbouring properties. They also asked whether there was a condition limiting the number of dogs that could be accommodated at the site. Officers advised that a management plan for the centre was preferable to a limit to the number of dogs so that animals would not have to be turned away, although Codes of Practice would advise on the space requirements for different animals. They also confirmed that Pembrokeshire Council's Pollution Control Team supported the application subject to conditions.

**DECISION: That the application be approved subject to conditions relating to time, accordance with plans, removal of the storage containers after 3 years, construction method statement, sound proofing, management plan, public opening, landscaping and lighting.**

[Councillor M Evans disclosed an interest in the following application and withdrew from the meeting while it was considered]

- (d) REFERENCE: NP/17/0597/S73  
APPLICANT: Mr D Brown, Seaside Inns Ltd  
PROPOSAL: Variation of conditions 2 & 5 of NP/15/0526/FUL  
LOCATION: Buttyland Caravan & Camping Park, Manorbier, Tenby

Officers advised that this application had been withdrawn, however as it retrospectively sought to change the use of the first floor from managers accommodation to a function room, they requested authority to take appropriate enforcement action, including prosecution if appropriate.

Members endorsed the views of officers, expressing concern that if no action was taken, this would set a precedent.

**DECISION: That the Chief Executive/Director of Park Direction/Team Leader Development Management be authorised to take appropriate enforcement action to remedy the breach of condition.**



- (e) REFERENCE: NP/17/0600/FUL  
APPLICANT: Mrs B Devonald  
PROPOSAL: New Dwelling  
LOCATION: Waun y beddau, St Davids

It was reported that this application sought approval for a new dwelling within the countryside to the north east of St Davids, on a site where there were currently the ruined walls of an abandoned former dwelling house. The proposed new dwelling was to be 1.5 stories in height and was to be finished externally with natural stone walls, slate roof and painted timber fenestration. The application was before the Committee as the views of St Davids City Council were contrary to those of officers.

The site was outside of any defined centres and by virtue of its isolated location, with a lack of any continuous built up frontage or physical cohesion with other existing dwellings, it was not considered to comprise either an infill or rounding off opportunity. Furthermore, the proposal was not considered to be accessible for full residential use, as defined within the adopted Accessibility SPG. The application also contained no commitment towards providing an affordable housing contribution in line with Local Development Plan (LDP) Policy 45 Affordable Housing, nor did it provide any supporting information to demonstrate that such a contribution would be financially unviable. Officers therefore did not consider the proposal to be acceptable as it would conflict with LDP Policy 7 Countryside criterion (a) and Policy 45 Affordable Housing criterion (d). As the proposed development was considered contrary to both national and local planning policy given the inappropriate location of the development and the lack of affordable housing contribution, the recommendation was of refusal.

Officers also noted a recent upheld appeal decision for a similar application which was contained in the committee papers under Appeals, for Members' information (Ar Lan Y Mor ref NP/17/0208/OUT). The appeal was dismissed for similar reasons in relation to LDP Policies 7 & 45.

One Member questioned whether there had been any discussion with the applicant regarding the lack of a contribution towards affordable housing and was also unhappy with the use of the accessibility policy, having previously expressed his concerns regarding the availability of public transport in Pembrokeshire. Officers advised that the agent would have been aware of the Authority's policy regarding affordable housing, and that where the principle of development was contrary to the Authority's policy, officers were acutely aware that it was not appropriate to request additional information and waste applicant's time and money in seeking the submission of additional documentation.



Other Members agreed that the Authority had a clear policy on development in the countryside through which people were encouraged to move towards a more sustainable pattern of development. They considered that this application was clearly in conflict with that policy and the officer's recommendation was moved and seconded.

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

- 1. The proposed dwelling house, by virtue of its location in an inaccessible location within the countryside and being neither an infill or rounding off site is not acceptable in principle and is contrary to LDP – Policy 7 Countryside criteria 'a' which aims to allow some limited, appropriate development whilst taking account of accessibility issues, the need to sustain local communities and the need to protect the National Park landscape.**
- 2. The application fails to justify the lack of provision of a financial contribution towards affordable housing. The application therefore fails under Policy 45 (Affordable Housing) and Supplementary Planning Guidance for Affordable Housing (adopted 5th November 2014) and is therefore contrary to guidance contained within Planning Policy Wales (Edition 9, November 2016).**

*[Councillor M Evans was not present when the following application was considered. He had also disclosed an interest in applications NP/17/0734/FUL and NP/17/0735/LBA and withdrew from the meeting while they were discussed.]*

- (f) REFERENCE: NP/17/0725/TPO  
APPLICANT: Mr T Jones, PCNPA  
PROPOSAL: Works to trees in The Plantation  
LOCATION: Saundersfoot Plantation, Saundersfoot

It was reported that this application was referred to the Committee as the National Park Authority was the applicant. Saundersfoot Plantation was covered by Tree Preservation Order number TPO 7 and the report set out the works to the trees that were proposed. These would improve the visual amenity of the woodland as well as reducing future management issues. It was proposed to carry out additional planting to further enhance the boundary of the plantation and this could be covered by a condition requiring this to be undertaken in the first planting season following the completion of the proposed works.



Officers considered that the proposed works would result in an improvement to the boundary of the plantation to the benefit of the visual amenities of the area.

The County Councillor for Saundersfoot who sat on the Authority informed the Committee that Saundersfoot Community Council had since considered the application and was in support of the work.

**DECISION: That the application be approved subject to conditions relating to timing and the timing and location of the additional planting.**

- (g) REFERENCE: NP/17/0734/FUL  
APPLICANT: Mr J Rossiter  
PROPOSAL: Installation of escape doors to existing stairwell landing; replacement of modern windows with sash windows  
LOCATION: Hope & Anchor, St Julians Street, Tenby

This application was before the Committee as the owner of the building was a Member of the Authority.

It was reported that the Hope and Anchor was a Grade II listed public house. The ground floor windows and entrance were altered in the mid C20th and extensions /upgrading carried out in 2016. The current application sought planning permission for the replacement of modern fenestration with sash windows, and the installation of escape doors to the stairwell landing.

Officers considered that the proposed scheme was in keeping with the character of the listed building, and its setting in terms of design and form. As such the application could be supported subject to conditions.

It was noted that a consideration of the works comprised within the scheme requiring listed building consent was contained within the accompanying listed building application NP/17/0735/LB (*Minute 7(h) refers*).

**DECISION: That the application be approved subject to conditions relating to timing, accordance with plans and the escape doors to be restricted to emergency access only.**



- (h) REFERENCE: NP/17/0735/LBA  
APPLICANT: Mr J Rossiter  
PROPOSAL: Replacement of modern windows with sash windows.  
Installation of escape doors to stairwell landing.  
Internal alterations  
LOCATION: Hope & Anchor, St Julians Street, Tenby

This application fell within the provisions of the listed building delegation Direction awarded to the Authority by the Welsh Government on 25/07/12. It was before the Committee as the owner of the building was a Member of the Authority.

It was reported that the Hope and Anchor was a Grade II listed public house. The ground floor windows and entrance were altered in the mid C20th and extensions /upgrading carried out in 2016. Internally, the building (formerly a hotel) had been modernised retaining only a stick baluster staircase, intact from the first floor upwards.

Listed building consent was sought for the replacement of modern fenestration with sash windows, the installation of escape doors to the stairwell landing and internal alterations.

It was noted that a consideration of the works comprised within the scheme requiring planning permission was contained within the accompanying planning application NP/17/0734/FUL (*Minute 7(g) refers*).

Officers considered that the proposed scheme was in keeping with the character of the listed building, and its setting in terms of design and form, and complied with the requirements of Technical Advice Note 24 and Cadw's Conservation Principles. As such the application could be supported subject to conditions.

**DECISION: That listed building consent be granted subject to conditions relating to timing and accordance with plans.**

## 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.

It was reported that decisions relating to Ar Lan y Mor, Golf Course Road, Morfa, Nevern and Rhosson Car Park, Rhosson Chapel, St Justinians had been received and these were appended for Members' information. The appeal at Nevern had been dismissed and that the appeal at Rhosson had been upheld. Members were informed that discussions



regarding a sustainable travel solution for visitors at St Justinians were ongoing.

**NOTED.**

**9. Trees at Freshwater East**

Members were informed of the unauthorised removal by unknown individuals of more than thirty trees from a site owned by the Authority in Freshwater East. As this was a criminal offence it had been reported to the police, however there were no leads in the investigation to date.

**NOTED.**

