

Application Ref: NP/20/0279/FUL

Case Officer	Matthew Griffiths		
Applicant	Mr & Mrs D & Y Mannings		
Agent	Mr J Mannings		
Proposal	Development of Apple Tree Gallery and Penydre/Apple Tree Gallery parking bay. New doorway. Additional windows/roof lights. Partial change of use to residential.		
Site Location	Apple Tree Gallery, The Ridgeway, Saundersfoot, Pembrokeshire, SA69 9JE		
Grid Ref	SN13490492		
Date Valid	09-Jun-2020	Target Date	03-Aug-2020

The application is reported to the Committee as the recommendation is contrary to the recommendation of refusal by Saundersfoot Community Council and referred a t the discretion of the Director of Planning and Park Direction.

Consultee Response

Saundersfoot Community Council: Objecting
Coal Authority: Coal Informative note required
PCNPA Park Direction: No objection
PCNPA Planning Ecologist: Conditional Consent
Dwr Cymru Welsh Water: Conditional Consent
PCC - Transportation & Environment: Conditional Consent
PCNPA Buildings Conservation Officer: No adverse comments

Public Response

The application was publicised in accordance with the requirements of the Town and Country Planning (General Development Management Procedure) (Wales) Order 2012. Twenty seven representations were received objecting to the proposal, which raised the following issues:

- The quality of the plans submitted and that they are rudimentary and inaccurate. This includes that the elevations do not show all existing openings on the building this includes two windows on the south elevation and one on the north elevation. That the drawings are basic and do not provide adequate details to assess the application.
- Highway safety concerns and limited visibility.
- Causes an obstruction to access to other properties.
- Causes pedestrian safety concerns.
- No access for emergency vehicles.
- Claims made against property owners.

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- Works undertaken to an adjoining lane / highway which is in the council / third party ownership.
- Land adjoining is in third party ownership and new door will be accessed across third party land and no permission has been given for this from the freeholder of the land.
- No permission will be given for the use of land adjoining for construction.
- Concerned regarding the drainage works that have been undertaken.
- Concerned regarding the impact of the proposal on the drainage system including incidences of sewer flooding.
- Concerns regarding residential amenity, particularly to properties along Milford Terrace, through the introduction of rooflights and windows into elevations orientated towards these properties.
- Concerns regarding the use of the first floor and how this will be used and accessed.
- Object regarding whether disabled access will be provided to the building.
- Object that the applicant is likely to occupy the property separately to Penydre as a dwelling.

The material planning comments are addressed in the main body of the report.

Policies considered

Please note that these policies can be viewed on the Policies page Pembrokeshire Coast National Park website -

<http://www.pembrokeshirecoast.org.uk/default.asp?PID=549>

LDP Policy 01 - National Park Purposes and Duty

LDP Policy 04 – Saundersfoot Local Centre (Tier 3) (Strategy Policy)

LDP Policy 08 - Special Qualities

LDP Policy 11 - Protection of Biodiversity

LDP Policy 15 - Conservation of the Pembrokeshire Coast National Park

LDP Policy 29 - Sustainable Design

LDP Policy 30 - Amenity

LDP Policy 31 - Minimising Waste

LDP Policy 32 - Surface Water Drainage

LDP Policy 53 - Impacts on traffic

PPW10

SPG05 - Sustainable Design

TAN 12 - Design

Local Development Plan 2 Inspector's Report

Constraints

Special Area of Conservation - within 500m

Biodiversity Issue

LDP Centre:60pc aff housing;30 units/ha

Pembrokeshire Coast National Park Authority

Development Management Committee – 2nd September 2020

Recreation Character Areas
Surface Coal
High Coal Risk
Affordable Housing Submarkets
Seascape Character Areas
Conservation Area Saundersfoot

Officer's Appraisal

Introduction

The application seeks permission for extension, alteration and change of use of the property known as Apple Tree Gallery, Saundersfoot. The material change of use proposed is to include living accommodation within the building and to retain the use of part of the building as a gallery.

Site Description and Description of Development

The site of development enclosed within the application redline takes in the property known as Penydre and an adjoining building known as Apple Tree Gallery. Apple Tree Gallery is a stone-built building under a slate roof. The site is in the ownership of the applicants who occupy Penydre. Apple Tree Gallery is around 10.7m in length and 5.2m in width. It has a height of around 4m to eaves and 6m to the ridge of the roof. The building has retained its character as a simple, formerly ancillary, residential building. It is situated in a prominent location adjoining one of the main routes into the village of Saundersfoot.

At the time of the officer site visit it appeared that the property was in a sui generis mixed use residential and gallery use. The ground floor area of the building contained paintings and musical instruments. An area in the southern part of the ground floor, below the stairs was formed into a separate room with a toilet, bed and sink. Upstairs was open plan and some of the floor area was given over to an artists studio. Also present on the first floor was a basic kitchen. A living area was also present. Outside, in a location that the applicant indicates is that of a former garage, was a shower fixed to an outbuilding of Penydre and footings of the proposed extension. The shower was not enclosed in a building and the applicant indicated that it was not operational. The proposal is considered to be part retrospective for material change of use from an art gallery to a mixed use of art gallery and residential accommodation.

The application has been considered on the basis that the living accommodation proposed would form an annex to the property known as Pen-y-Dre and would not form a separate unit of accommodation.

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An extension of around 4.9m by 4.6m is proposed on the east elevation of the building. As noted above the applicant indicates that the footprint of the extension was previously occupied by a garage. The extension is shown to be a mono-pitched structure which will link the gallery to the existing shed / toilet within the curtilage of Pen y Dre. Supporting information indicates that the extension would be constructed of facing materials to match the existing, except for a standing seam zinc roof. New openings are proposed in the existing building. In the west elevation, four new rooflights are proposed and on the ground floor a new window and door are proposed. On the east elevation three new rooflights are proposed. The gallery use is defined on the ground floor plan as around 28.4m² and on the other plans at around 97.5m².

Alterations are also proposed to the wall to the adjoining property known as Pen y Dre. This property is in the same ownership as the application site. It is proposed to demolish and move the wall approximately 2.5m to the east to allow for an improvement to the current parking area.

Planning History

NP/19/0539/FUL – Install rooflights to gallery upstairs, public doorway, partial living space (change of use), rebuild extension where garage used to be.

Apple Tree Gallery, The Ridgeway, Saundersfoot, Pembrokeshire, SA69 9JE

Appealed against non-determination – Appeal dismissed.

NP/20/0174/LBA - Demolish and rebuild curtilage wall that divides Penydre and Apple Tree Gallery

Penydre, The Ridgeway, Saundersfoot, Pembrokeshire, SA69 9JE

Approved – 18 June 2020

NP/20/0328/DOC – Discharge of Condition 4 of NP/20/0174/LBA

Penydre, The Ridgeway, Saundersfoot, Pembrokeshire, SA69 9JE

Pending determination

Procedural matters

Concern has been expressed by local residents concerning the information submitted and the determination of the previous planning application at appeal.

There is particular concern whether the plans are sufficiently detailed to assess the impact of development. The Inspector in determining the appeal did note that the plans were rudimentary but considered that “I am satisfied that the alterations to the Gallery could be implemented sympathetically and without harm to the building or Conservation Area.” The gallery building is present at the site and although the plans are limited it is possible to assess the acceptability of development. The Inspector did not support the view of the Built Heritage Conservation Officer that the new openings were too numerous and unacceptable.

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The Inspector did consider that there was insufficient information to assess the extension. The Inspector identified that the materials that were proposed were insufficiently detailed and that it was not possible to conclude that they were acceptable. Additionally, the Inspector expressed concerns that there was not enough detail of the listed wall and the relationship to the proposal.

The adequacy of the plans and that they do not show all existing openings has also been raised by objectors. There are two existing windows in the southern gable elevation to the gallery. One window provides light to the stairwell and the other to the downstairs living area described above. On the northern elevation there is a window facing out onto The Ridgeway. These windows were noted at the time of the site visit and it is considered that, notwithstanding their absence on the plans submitted the presence should be noted and considered in determining the planning application.

The information submitted does remain similar to that previously submitted. However, the existing Apple Tree Gallery building is already in place and the location of the new openings is reasonably identified on the plans. It is considered that a reasonable assessment of this element of the proposal can be made. The plans of the new extension and the wall remain less well defined on the plans. However, on balance as a matter of planning judgement, it is considered that as a relatively small subordinate extension set back from the site's frontage, a reasonable assessment of this element of the proposal can be made from the submission.

The third-party representations on the previous application were provided to the Inspector as part of the appeal and were before the Inspector in considering the appeal. It is also noted that the Planning Inspectorate considered the information submitted in support of the previous application appeal sufficient to validate the appeal and determine it.

Planning Policy Context and the Principle of Development

The local development plan for the area is the Pembrokeshire Coast National Park Authority Local Development Plan (adopted 2010), hereafter "the LDP". The Authority's replacement Local Development Plan (Hereafter LDP 2) has progressed to an Inspectors Report on the soundness of LDP2.

This report was received by this Authority on the 13th May 2020. The requirements are that the Plan should be adopted within 8 weeks of its receipt due to the persisting exceptional circumstances relating to the Covid-19 restrictions limiting public access to documents, the Plan will be reported to a future National Park Authority meeting for Adoption. In the interim the Inspector's report has been made available on the National Park Authority website to help provide a context for Development

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Management Committees and applications determined through the delegated powers process. The findings in the Inspector's Report are binding on the Authority and although not yet formally adopted by the Authority, the policies in LDP2 now become a material consideration of significant weight.

Whilst LDP1 remains the adopted development plan until such time as LDP2 is adopted, consideration needs to be given to the weight that should be attributed to LDP2 as a material consideration. The Welsh Government's Development Management Manual at para 9.4.8 states *Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. In considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, LPAs will need to consider carefully the underlying evidence and background to the policies. National planning policy would be a material consideration in these circumstances.* Given the binding nature of the Inspector's Report, Officers' view is that LDP 2 carries significant weight as a material consideration.

The properties lie within the Centre boundary and Conservation Area of Saundersfoot as defined in the Local Development Plan 1. The strategic policy for Saundersfoot is set out in Policy 4 of Local Development Plan 1 and Local Development Plan 2 (post Inspector's report) and states that developments should contribute to the protection and enhancement of the village's special qualities. The proposal is for partial change of use of an existing gallery to residential use. The applicant has stated that the partial residential use of the Gallery is ancillary to the residential use of the dwelling known as Penydre. Retention of space for use as a gallery is retained. Extensions to dwellings and annexes are generally acceptable where the use is ancillary to the main house and their appearance does not result in a harmful impact on the existing character, this impact is considered below.

Impact on the character and appearance of the area and impact on the Conservation Area

The proposal is located within the Saundersfoot Conservation Area and in close proximity to listed buildings along Milford Terrace. The building's position is prominent within the street scene and it makes a positive contribution to the character of this area.

It is noted that the Buildings Conservation Officer, following the determination of the planning appeal has revised their previous view on the acceptability of the additional rooflights and these are no longer subject to objection. This is in light of the clear determination by the Inspector that the new rooflights will preserve or enhance the Conservation Area.

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The extension proposed, where the garage was previously located, has now been revised with the use of stone walls to match the existing and a zinc profile roofing. These materials are considered to be appropriate for a subordinate extension. The re-building of the wall to Pen y Dre has been granted listed building consent under NP/20/0174/LBA and the works are considered to be acceptable and adequately controlled through this consent and its associated conditions.

The proposal is therefore reasonably in accordance with Policy 1(a) of the LDP and it conserves or enhances the cultural heritage of the National Park. It is also in accordance with national planning policy and guidance contained in Planning Policy Wales (Edition 10, December 2018) and Technical Advice Note 24: The Historic Environment (2017). It is also considered to meet the statutory duty placed on the Local Planning Authority to preserve and enhance the conservation area.

Highways impact

The proposal involves alterations to the parking area. This has been referred to the Local Highways Authority (LHA) who has advised that the additional parking space will mitigate for the loss of any space in the garage area. The additional parking area can be secured by a planning condition.

The LHA has also, in their representation, given consideration to the doorway that has been inserted into the west elevation of the building to the adjoining lane. It is noted that they offer no objection to the creation of the doorway and do give specific consideration to its positioning at the junction of the lane to the Ridgeway. They do not offer any objection to this positioning on highway safety grounds. It is noted that third party objections have raised the issue of the safety of this doorway, however in light of the views of the LHA it is not considered that a reason for refusal of planning permission could be sustained on these grounds.

The issue of parking on the lane and the lawfulness of people walking on the lane to gain access to the door and building are a civil matter between the parties involved. An alternative door on the eastern elevation is already in existence and would offer alternative access to the building if access to the door inserted into the western elevation was prevented.

Overall subject to the imposition of conditions it is considered that the proposal will have an acceptable impact on highway safety and the free flow of traffic on the public highway.

Impact on residential amenity

The site is located within close proximity to neighbouring properties. Including to the west the property known as Enfield across the lane from the building and to the west

Penydre and other properties along Milford Terrace. Apple Tree gallery already has an established use as a gallery and there are openings already in the elevations, which create a degree of overlooking. The additional openings and existing openings and the change of use to a mixed use including a residential element may give rise to some additional overlooking. This has also been raised as a concern in third party representations. The existing openings on the southern elevation look over a neighbouring car port and are orientated away from the rear elevations of the neighbouring dwellings. There are windows to the east elevation and these are orientated towards Pen-y-Dre and the rear of Milford Terrace. The west elevation adjoins the neighbouring lane and the north elevation overlooks The Ridgeway. Based on an assessment from the plans and a site visit it is not considered that the impacts on neighbouring properties are unacceptable and there appeared to be a reasonable separation that would not give rise to an unacceptable increase in overlooking or other amenity impact. The relatively small extension is not considered to be overbearing and is replacing the garage that was previously sited in its position.

Other considerations

The application was referred to Dwr Cymru / Welsh Water and they have offered no objection to the proposal subject to a standard planning condition. Third parties did raise concerns regarding the proposal in particular the capacity of the drainage system. While noting this concern the Authority is obliged to consider the statutory undertakers view on the capacity of the drainage system. In respect to any connection this would be a matter for DCWW and also the building regulations. The Authority has been advised that Sustainable Drainage Approval will not be required for this development by the Sustainable Drainage Approval Body.

Third party representations raise a wide range of issues regarding the development proposal. One of the main areas of concern is the use of the lane adjoining the site. Issues include highway safety concerns, obstruction to accessing properties, pedestrian safety concerns, accessibility of emergency vehicles, liability of property owners and ownership of the lane, damage caused to the road, drainage concerns and impact on privacy. These issues have been addressed in the relevant parts of the report or relate to matters that amount to civil matters between the parties involved.

The National Park Authority Planning Ecologist has reviewed the application and advised that there is no objection to the proposal subject to conditions.

Conclusion

Notwithstanding the objections raised, the proposal is for the change of use to a part ancillary residential use of the building from a gallery; this is considered acceptable

in principle. Alterations and an extension to the building are also proposed. These are considered to have an acceptable impact on the character of the building and to preserve or enhance the character of this area of the conservation area.

Recommendation

Approve Subject to Conditions

1. The development shall begin not later than five years from the date of this decision.

Reason: Required to be imposed pursuant to Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

2. The development shall be carried out in accordance with the following approved plans and documents:

Site location plan received 2 June 2020

Proposed site plan received 23 September 2019

E1 ATG East elevation and front and rear elevation received 2 June 2020

W1 APG West elevation and north elevation received 2 June 2020

Plan ATG Ground floor plan received 2 June 2020

Plan ATG First floor plan received 9 June 2020

Design and access statement received 9 June 2020

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

3. The building known as Apple Tree Gallery and associated land shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Penydre, except where identified on the floor plan as being retained as a gallery.

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

4. All roofing materials shall be removed by hand and inspected on their underside prior to disposal / storage / stacking. If a bat is encountered it should be gently covered and works shall cease immediately. Advice shall be sought from Natural Resources Wales prior to any further works being undertaken.

Reason: To ensure that animal and plant species and habitats listed under the Conservation of Habitats and Species Regulations 2010 are adequately protected, and to protect and enhance the character and appearance of the site and its setting within the Pembrokeshire Coast National Park. Policy: Local Development Plan – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 11 (Protection of Biodiversity)

and 15 (Conservation of the Pembrokeshire Coast National Park).

5. All doors and windows that adjoin the public highway, shall open inwards away from the road and there shall be no steps or ramps.
Reason: To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy 53 of the Local Development Plan.
6. The whole vehicular access shall be left open unimpeded by gates or any other barriers.
Reason: To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy 53 of the Local Development Plan.
7. The roof lights shall be of the type and fitted in accordance with the details provided in the approved design and access statement unless otherwise agreed in writing by the Local Planning Authority prior to installation.
Reason: To preserve the character and appearance of the area. Local Development Plan - Policy 1 - National Park Purposes and Duty, 8 - Special Qualities, 15 - Conservation of the Pembrokeshire Coast National Park and 30 - Amenity.
8. Prior to their installation, details shall be submitted of new windows and doors at an appropriate scale (either 1:10 or 1:20), and shall be approved in writing by the Local Planning Authority. The door and windows shall be installed as approved and retained as such.
Reason: To preserve the character and appearance of the area. Local Development Plan - Policy 1 - National Park Purposes and Duty, 8 - Special Qualities, 15 - Conservation of the Pembrokeshire Coast National Park and 30 - Amenity.
9. Prior to further works to construct the extension, a schedule of materials, and where requested by the Local Planning Authority samples of materials, shall be submitted to the Local Planning Authority for approval in writing and implemented as approved.
Reason: To preserve the character and appearance of the area. Local Development Plan - Policy 1 - National Park Purposes and Duty, 8 - Special Qualities, 15 - Conservation of the Pembrokeshire Coast National Park and 30 - Amenity.
10. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995, (relating to extensions to, and changes to the external appearance of, the dwelling and to development or the siting of a caravan within the curtilage of the dwellinghouse), no development of Parts I, 2, 5 and 40 of Schedule 2 to that Order (or any Order revoking or re-enacting that Order) shall be carried out without specific planning permission being obtained.
Reason: To preserve the character of the area and to protect residential amenity. Local Development Plan - Policy 1 - National Park Purposes and Duty, 8 - Special Qualities, 15 - Conservation of the Pembrokeshire Coast

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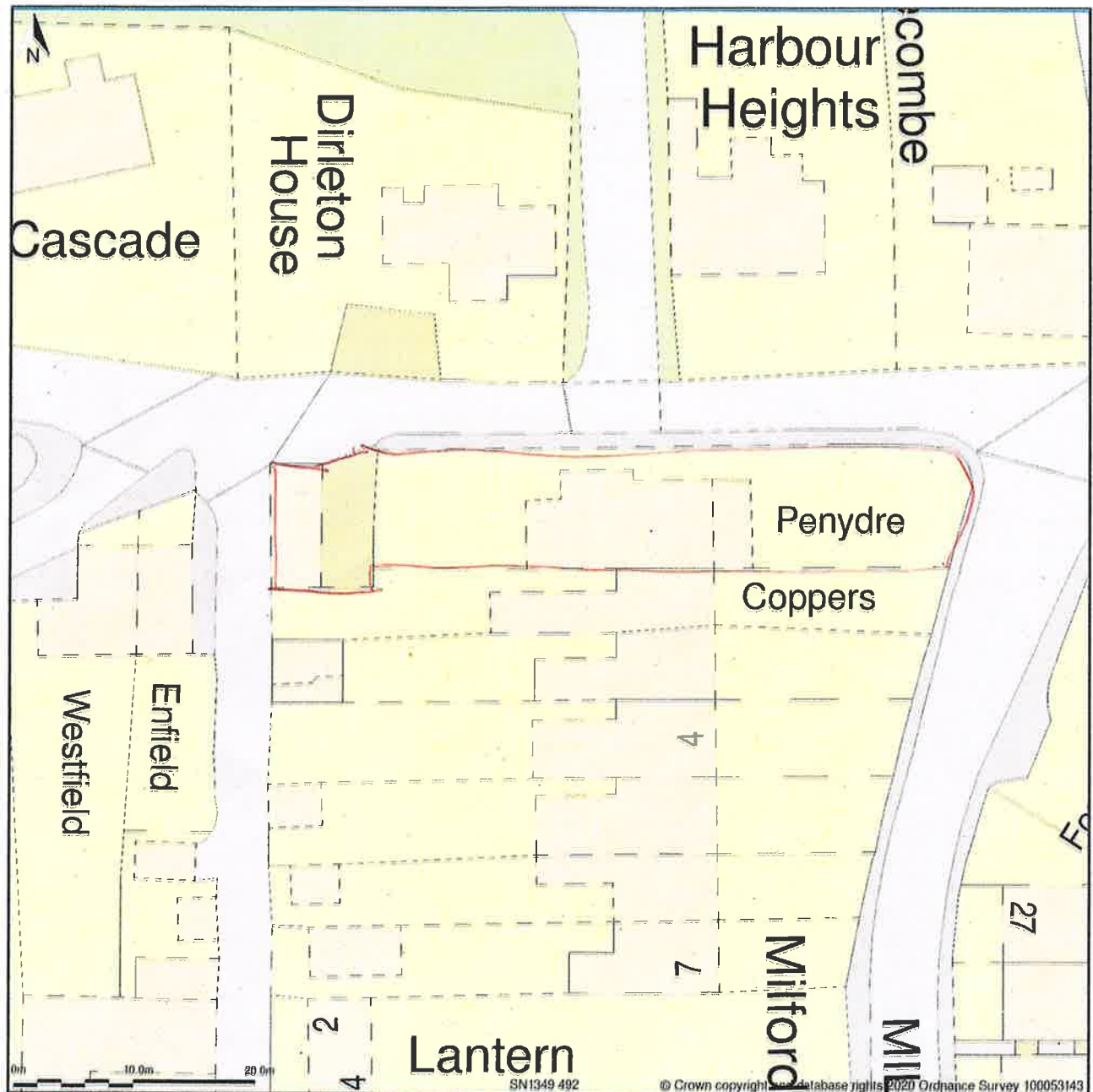
National Park and 30 - Amenity.

11. No surface water from any increase in the roof area of the building or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect health and safety of existing residents and ensure no pollution of or detriment to the environment. In accordance with LDP policy 32.

The applicants attention is drawn to the attached documents from
Dwr Cymru/Welsh Water
The Coal Authority & Ecology -Bird Nesting

Penydre, The Ridgeway, Saundersfoot, Pembrokeshire, SA69 9JE

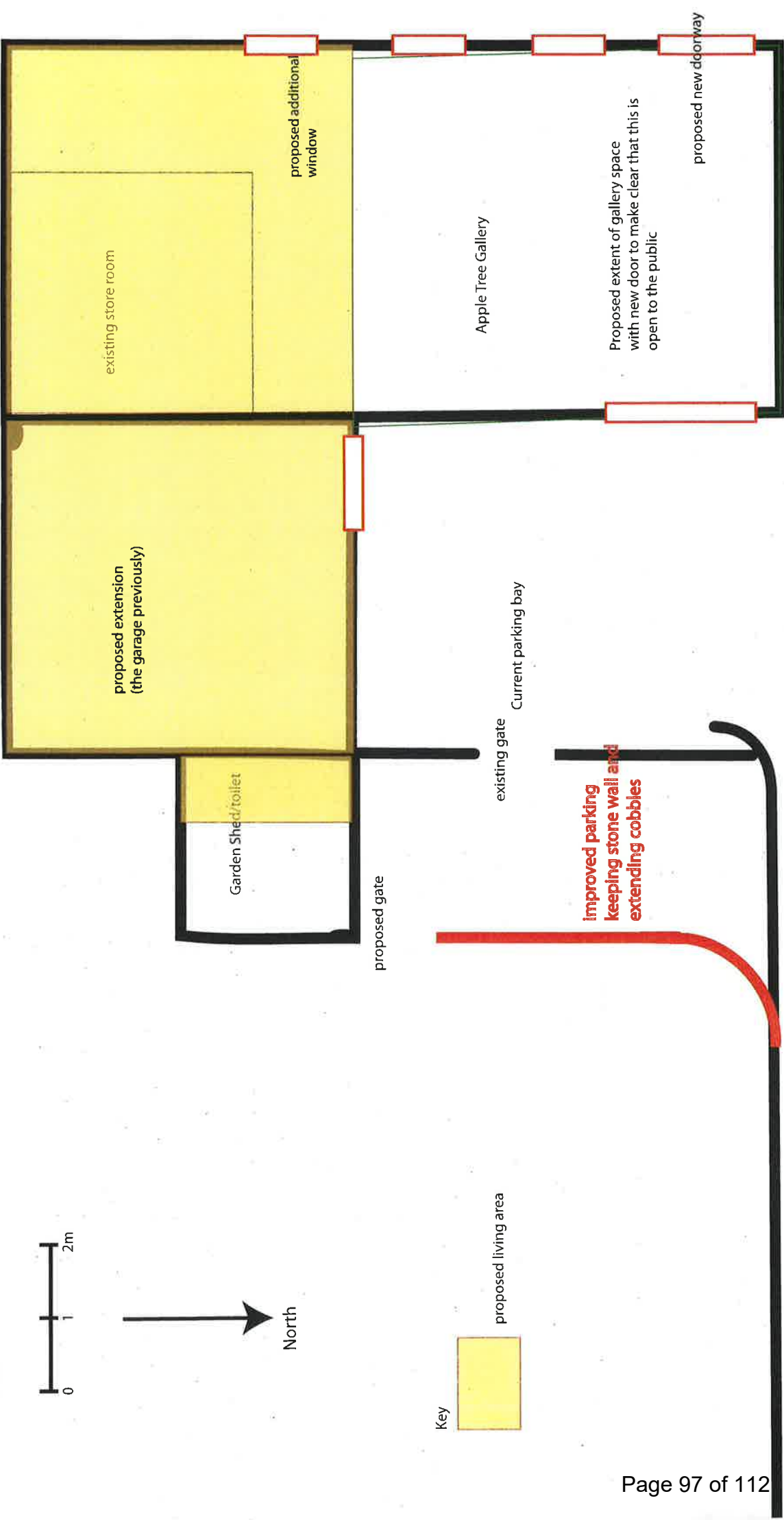


Block Plan shows area bounded by: 213446.07, 204877.79 213536.07, 204967.79 (at a scale of 1:500), OSGridRef: SN1349 492. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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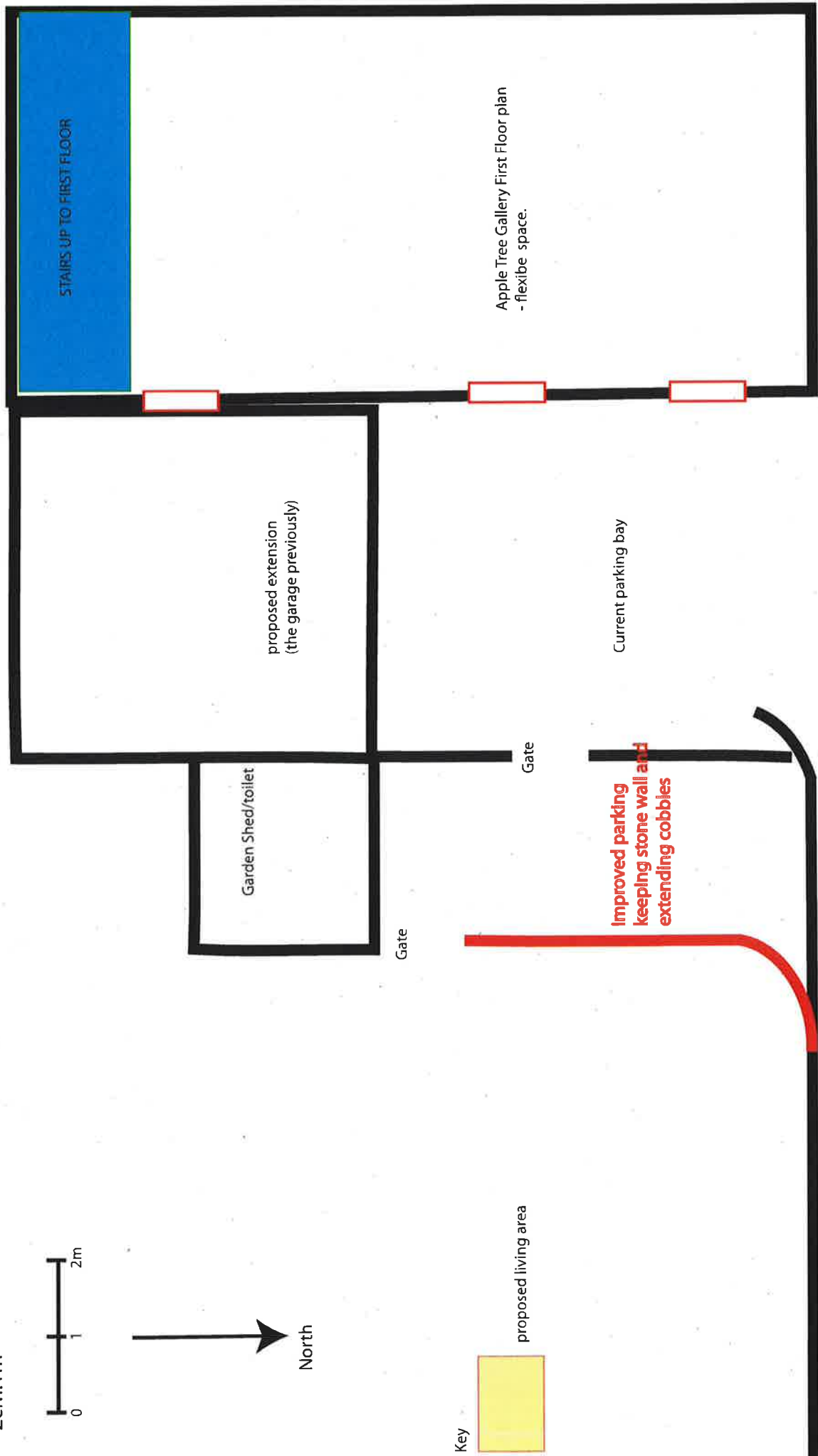
Apple Tree Gallery
Plan showing intended ground floor living space/Gallery space
2cm:1m



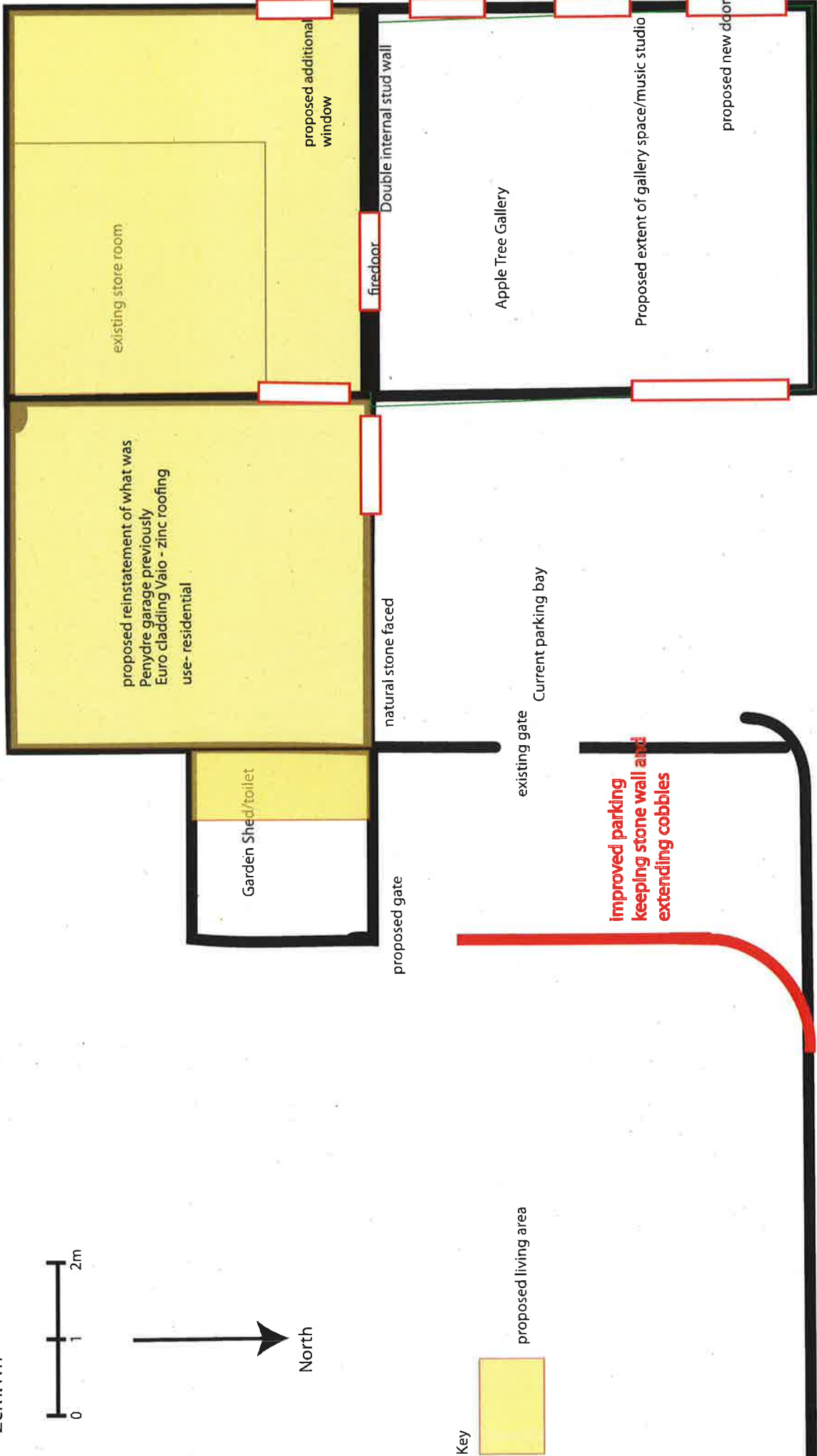
Apple Tree Gallery

PLan showing intended ground floor living space/Gallery space

2cm:1m



Apple Tree Gallery
Plan showing intended ground floor living space/Gallery space
2cm:1m



Apple Tree Gallery
West Elevation (facing lane)
showing proposed new door/window/skylights
Scale, 2cm:1m



North ←

