Application Ref: NP/22/0563/FUL

Case Officer	Andrew Richards				
Applicant	Mr M Evans, Harbwr Brewery				
Agent	Mr David JP Morgan				
Proposal	Retrospective change of use of southern building and				
-	stable yard. Alterations to roofs, including insertion of				
	roof-lights				
Site Location	Stables Building and stable yard, Sergeants Lane, Tenby,				
	Pembrokeshire, SA70 7BQ				
Grid Ref	SN13590039				
Date Valid	22-Sep-2022 Target Date 16-Nov-2022				

This application is being brought to the Development Management Committee as the applicant was a Member who has left the Authority less than twelve months prior to the submission of this application.

Consultee Response

Tenby Town Council: Members have revisited this application. While they welcome plans to enhance and preserve these historic buildings, they are concerned as to the effect of the expansion of this business on the amenity of neighbours. PCNPA Planning Ecologist: No adverse comments raised PCNPA Buildings Conservation Officer: Support PCC Transportation and Environment: No objection PCC Drainage Engineers: No adverse comments PCC Public Protection: Conditional consent Tenby Civic Society: Concerns raised Tenby Chamber of Trade and Tourism: No response received Cadw: No response received Dyfed Archaeological Trust: Conditional consent Natural Resources Wales: No adverse comments

Public Response

A site notice and neighbour notification letters were posted in accordance with requirements of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012. No responses have been received to date.

Correspondence has been received raising concern/objection on the following matters:

- Lack of direct consultation from the applicant
- Scale of the overall A3 seating within this area is excessive
- A mix of different activities is within this area is required to support the cultural landscape of Tenby
- · Noise impacting on nearby residential dwellings
- Impact of tables and chairs on the public highway leading to Tenby Harbour
- Light pollution
- Over development and intensification of public house activities
- Impact on amenity

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- Impact on the character and appearance of the area
- Generation of excessive waste and traffic
- Retrospective nature of the proposal

The material considerations above have been addressed within the report below.

Policies Considered

<u>Future Wales – The National Plan 2040</u> <u>Pembrokeshire Coast National Park Local Development Plan 2</u>

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

LDP2 Policy 01 - National Park Purposes and Duty LDP2 Policy 02 – Tenby Service and Tourism Centre LDP2 Policy 08 - Special Qualities LDP2 LDP2 Policy 11 – Protection of Biodiversity LDP2 Policy 14 – Conservation of Pembrokeshire Coast National Park LDP2 Policy 29 - Sustainable Design LDP2 Policy 30 - Amenity LDP2 Policy 31 - Minimising Waste LDP 2 Policy 56 – Retail in the National Park LDP 2 Policy 57 - Town and District Shopping Centres LDP2 Policy 59 - Sustainable Transport LDP2 Policy 60 - Impacts of Traffic

In addition, the following documents are relevant:

Planning Policy Wales 11

- SPG03 Landscape
- SPG12 Biodiversity

SPG16 - Sustainable Design & Development

- TAN 04 Retail and Commercial Development
- TAN 12 Design
- TAN 24 The Historic Environment

Officer's Appraisal

Background and History

The stables listed Grade II are part of a group of vernacular former service buildings along Sergeants Lane, a narrow lane of medieval origin that links St Julian's Street with Bridge Street, within Tenby Conservation Area. The stables form the northern building of the application site, fronting Sergeant's Lane with carriageway through to a rear yard, this flanked by a two-storey range.

A consideration of works requiring listed building consent is contained within the accompanying planning application (NP/22/0564/LBA)

Relevant Planning History

No relevant history

Description of Proposal

Planning approval is sought for a retrospective change of use of southern building and stable yard. Alterations to roofs, including insertion of roof-lights and other associated works.

Key Issues

The application raises the following planning matters:-

- Policy, Principle of Development and Impact on National Park
- Impact on Scheduled Ancient Monuments
- Impact on the Conservation Area
- Siting and Sustainable Design
- Amenity and Privacy
- Access and Parking
- Biodiversity
- Land Drainage
- Other Material Considerations

Policy, Principle of Development and Impact on National Park

Future Wales, The National Plan 2040 (Future Wales), published by Welsh Government on 24 February 2021. On page 149, it states that "*Policies 4 and 5 will help to ensure that rural areas in the Southwest grow in an appropriate way, supporting rural economies and services.*" On page 104, Future Wales states that "*National Park Authorities are unique planning entities with a specific remit to reflect the distinctive characteristics of their areas…*" and that "Future Wales policies respect the functions of National Parks in terms of their statutory purposes…"

The site lies within the Centre Boundary, Conservation Area and Retail Centre of Tenby Service and Tourism Centre as defined by Local Development Plan 2. Policy 2 of the Plan sets out the land use priorities for Tenby and include permitting proposals for small scale employment development to meet the needs of the local area, to protect and enhance the town's facilities and shopping centre which serve the needs of the local area and visitors and to ensure developments permitted contribute to the protection and enhancement of the town's special qualities.

Policy 56: Retail in the National Park states that to protect and enhance the viability vitality and attractiveness of the retail centres, provision is made for new comparison floorspace. The new provision will be accommodated through the re-use of buildings. Within defined retail centres proposals for new retail development which are of a scale and design appropriate to the Centre and accord with the retail hierarchy will be supported. Proposals that would undermine the retail hierarchy or have an unacceptable adverse effect on the character or appearance of the centre and/or the amenity of neighbouring properties will not be permitted.

Policy 57: Town and District Shopping Centres states that within the shopping centre of Tenby, changes of use or development of new buildings will be permitted where the proposal falls within Class A1, A2, A3, B1, C1, D1 or D2 of the use classes order or is a sui generis use normally found in such shopping centre;, the scale, siting and design is appropriate and would contribute to the character and appearance of the area; and proposals for A3 uses would not individually or cumulatively cause an unacceptable adverse effect on amenity or the role of the Centre in meeting the needs of local communities and visitors.

Planning Policy Wales Edition 11 (PPW 11) notes that leisure and entertainment and food and drink uses can benefit retail and commercial centres, and with adequate attention to safeguarding amenities can contribute to a successful evening economy.

The application is for the retrospective change of use of the building and stable yard within the Sergeants Lane area of Tenby to A3 use with the stable yard being used as a seating area for the existing, adjoining Harbwr Brewery.

The principle of the development is considered to comply with PCNPA Local Development Plan 2 Policies 2, 56 and 57 and PPW 11.

Impact on Scheduled Ancient Monuments

The application site is located approx. 140 metres southwest of Tenby Castle (PE163), 300 metres to the west of St Catherine's Fort (PE450) and 220 metres to the east of Tenby Town Walls (PE007). It is noted that these sites are located across roads from the proposed development with several existing buildings in between and therefore no direct visibility between the applicant site and the scheduled areas. Cadw has been consulted on the application and no response has been received. Officers consider that the current proposal is unlikely to have any significant adverse impact on these sites.

Impact on Listed Buildings and the Conservation Area

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of TAN 24 (The Historic Environment) requires that special regard be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The proposal – in reinstating the slate roofs and reusing the hitherto inaccessible rear yard – preserves the setting of the buildings to a high degree. The proposed use of the yard and adjacent building is appropriate with no real impact on historic fabric, whilst allowing public enjoyment of the buildings.

Section 72 of the 1990 Act requires that when considering planning applications, special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. In this regard, the issues parallel those laid out above in terms of the setting of the listed buildings given the intimate setting of the buildings and lane. Therefore, officers support the application.

Siting and Sustainable Design

Correspondence has been received which raises concerns on the scale of the overall A3 seating within this area is excessive, impact on the character and appearance of the area, over development and intensification of public house activities.

The current siting, scale, form, design and materials proposed are considered to be acceptable and also incorporate sustainable elements within both its design and construction materials, which in this instance are considered to be appropriate in terms of sustainability. In terms of the claims of over development and intensification of use, this area is designated as being part of the large retail centre of Tenby and Polices 56 and 57 support A3 uses within this area. Officers consider that the scale of the development proposed when considered in combination with the other A3 uses associated do not result in a significant level of A3 use at this location.

The overall seating area within the building is considered to support the existing business and are not considered excessive in this instance. Points relating to external seating are discussed under access below. The proposed design and materials used will complement the character of this area of Tenby and are therefore not considered to have an adverse impact.

A condition will be imposed to agree the external colours of windows and doors. A sample of roof materials will also be required and will be covered by the same condition.

Amenity

Correspondence has been received which raises concerns on noise impacting on nearby residential dwellings, light pollution, impact on amenity and the generation of excessive waste.

Policy 30: Amenity seeks to protect the amenity of the National Park and states that development will not be permitted where it has an unacceptable adverse effect on amenity, particularly where: a) the development would have a detrimental impact on the quality of the environment currently enjoyed by people living, working or visiting the Park; and/or b) the development is of a scale incompatible with its surroundings; and/or c) the development leads to an increase in traffic or noise or odour or light which has a significant adverse effect; and/or d) the development is visually intrusive.

PCC Public Protection section has been consulted and do not raise any objections to the current proposal in terms of public protection. However, the planning process should pay regard to the specific impacts on amenity and privacy generated by the proposed development, and which are a material consideration in this case.

Whilst noise has been raised as an issue no reported noise complaints have been identified by the public protection team from the existing A3 uses in Sergeants Lane to date. The site forms part of an urban area where external lighting is a prominent feature to ensure that the public highway is well lit and usable. As such, the proposal

is not considered to generate any greater level light pollution within this area to that already present.

Whilst it is recognised that there are several residential dwellings within close proximity to the host site and that there may be some impact on their amenity from the surrounding commercial businesses, it is not considered that the proposed development would result in any direct significant impact on these properties. It is also considered that in combination with the other surrounding commercial businesses again the proposed development would not result in a significant level of impact on amenity to these dwellings.

The development will generate waste and traffic within this area and the agent has confirmed that the waste generated will be stored internally until collection.

It is considered that in allowing this particular use to take place to control the impacts on amenity in the area, conditions will need to be imposed on the opening and delivery times. It is considered that conditions should be imposed to control opening hours to 0800 to 2300 hours Monday to Saturday, 1000 to 1900 hours Sundays and to control deliveries and collections between 0700 to 1900 Monday to Friday only with no collections on Saturday, Sunday and Bank Holidays. It is noted that any licensable activities are subject to separate legislation.

Therefore, the current proposal is considered to be acceptable in this instance and can be supported, subject to the imposition of the proposed conditions.

Access and Parking

Correspondence has been received which raises concerns on the impact of tables and chairs on the public highway leading to Tenby Harbour and the generation of excessive traffic. Whilst the PCC Access Officer has not responded specifically to this application, she has responded to a related application (NP/22/569/FUL Bath Store, Tenby) noting that the use of pavements for Café Culture can create access difficulties for people with disabilities.

It is noted that Sergeants Lane also forms part of Tenby Café Culture during the summer season which supports the use of table and chairs within the road and pavement areas. Café Culture is regulated by PCC Street Care section and they ensure that appropriate access for pedestrians of all abilities is maintained whilst allowing areas within the highway to be assigned for tables and chairs.

Pembrokeshire County Council Transportation and Environment section indicate that Sergeants Lane is a very old roadway that links between St Julian's Street and Crackwell Street. This is within the Conservation area of the Walled Town, but also the central area where commercial and businesses can be found throughout, in amongst residential. This area is within "Zone 1" as identified within the adopted SPG Parking Guidelines and is during summer days within the Pedestrianised vehicle free zone.

It is marked on the Highway Records as an Unclassified Road, but it is too narrow for cars to get through and is considered as an Urban Path. It is believed that at other

times cars used the main garage, gaining access off the wide part close to St Julian's Street, and this appears to have linked folding doors. The gates and doors from the rest of the proposal open outwards over the main part of Sergeants Lane, just as they always have done. This is not a reason for a Highways objection. When this is the case, there is still ample room for pedestrians to get by.

No other highway issues are indicated and the highway department at PCC do not raise objection to the aspect raised above and therefore officers consider the proposal to be acceptable in terms of highway safety and access.

Biodiversity

PPW11, TAN5 and LDP2 policy 11 requires biodiversity and landscape considerations to be taken into account in determining individual applications. The presence of a species protected under UK or European legislation is a material consideration when dealing with applications that are likely to result in disturbance or harm to the species or its habitat.

The proposal is located within 50 metres of the Pembrokeshire Marine SAC, however it is located within the existing urban form of Tenby. It is therefore not anticipated that the scheme will have any likely significant effect on the SAC and the proposal is considered to comply with Policy 11 of the PCNPA LDP2.

The authority's ecologist has been consulted on the current application and based on the information provided by Kite ecology it is considered that an EPS license is not required in this instance and there is a reasonable likelihood that bats will not be affected by the development. The submitted bat report also identifies ecological enhancement features to be incorporated within the scheme together with controls on the type of external lights if required and these aspects will be imposed by way of a planning condition. Informatives will be also added to any consent to ensure that the applicant is advised of their responsibilities in respect of protected species whilst carrying out any works.

Land Drainage and Flooding

The drainage engineers have considered the current proposed scheme of works and consider that the proposal will not alter the current surface water regime. As such, no adverse comments have been raised.

Other Material Considerations

PCC Public protection has indicated that there is likelihood that the site may contain some asbestos and as such controls on its removal will be required by way of a planning condition.

Tenby Civic Society has also raised concerns on the proposal which include the lack of clear access within the lane, expansion of the A3 use, impact on amenity, hours of use, waste storage and the lack of employment created from the proposal. Officers consider that the above concerns raised by the civic society have been addressed above.

Conclusion

Following consideration of the policies contained within the statutory Development Plan (Future Wales and Local Development Plan 2) and National Planning Policy in the form of Planning Policy Wales (Edition 11) and having regard to all material considerations it is considered that the development will be in keeping with the aims of the LDP2 and Future Wales in that the development is considered to provide a commercial use to the site within an area that is need of regeneration whilst sustaining the local character.

As such, and subject to a schedule of suitable conditions to control the development, the development is considered to be acceptable and complies with the requirements of Future Wales and policies 1, 2, 8, 11, 14, 29, 30, 31, 56, 57, 59 and 60 of the Local Development Plan 2.

In reaching a recommendation, regard has been given to the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. It is considered that this recommendation is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

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).

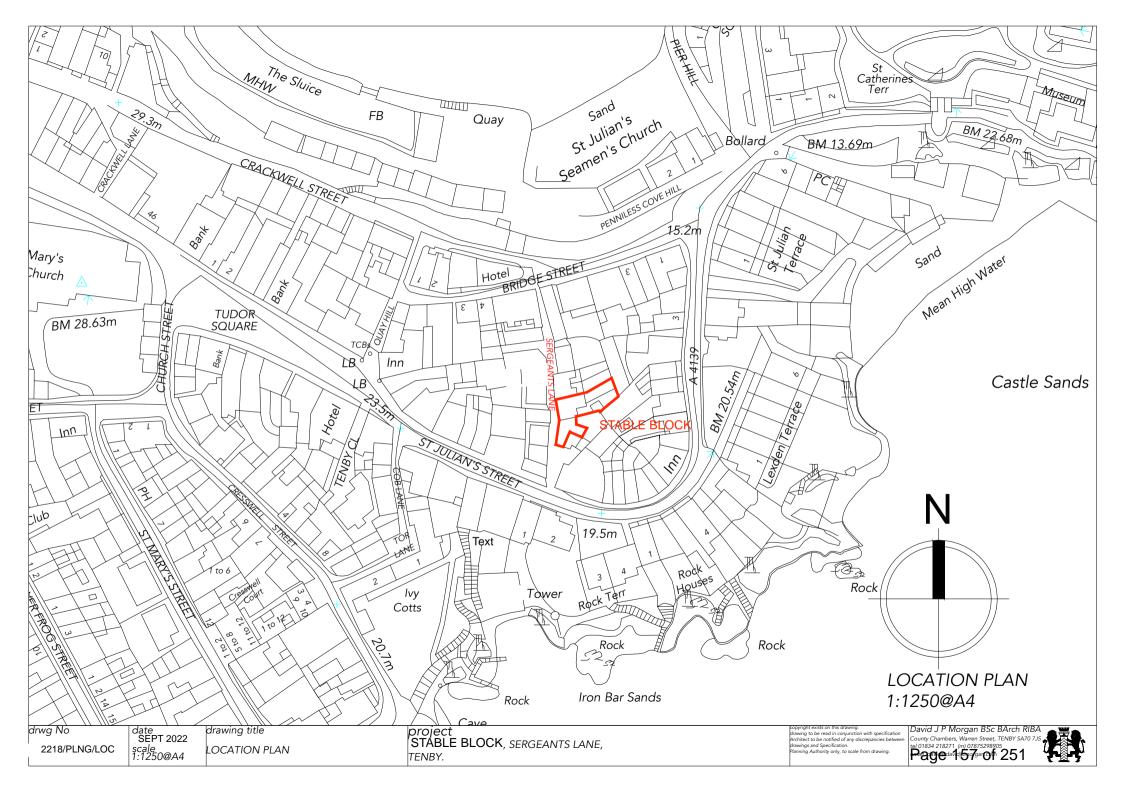
2. The development shall be carried out in accordance with the following approved plans and documents: Drawing Reference: 2218/PLNG/01(A) (Received 13.12.2022) Drawing Reference: 2218/PLNG/02(A) (Received 13.12.2022) Drawing Reference: 2218/PLNG/03(B) (Received 13.12.2022) Drawing Reference: 2218/PLNG/04(A) (Received 13.12.2022) Drawing Reference: 2218/PLNG/05 (Received 13.12.2022) Drawing Reference: 2218/PLNG/06(A) (Received 13.12.2022) Drawing Reference: 2218/PLNG/07(B) (Received 13.12.2022) Drawing Reference: 2218/PLNG/08(B) (Received 13.12.2022) Drawing Reference: 2218/PLNG/09(B) (Received 13.12.2022) Drawing Reference: 2218/PLNG/10(B) (Received 13.12.2022) Drawing Reference: 2218/PLNG/11 (Received 13.12.2022) **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 2 – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 14 (Conservation of the Pembrokeshire Coast National Park) and 29 (Sustainable Design).

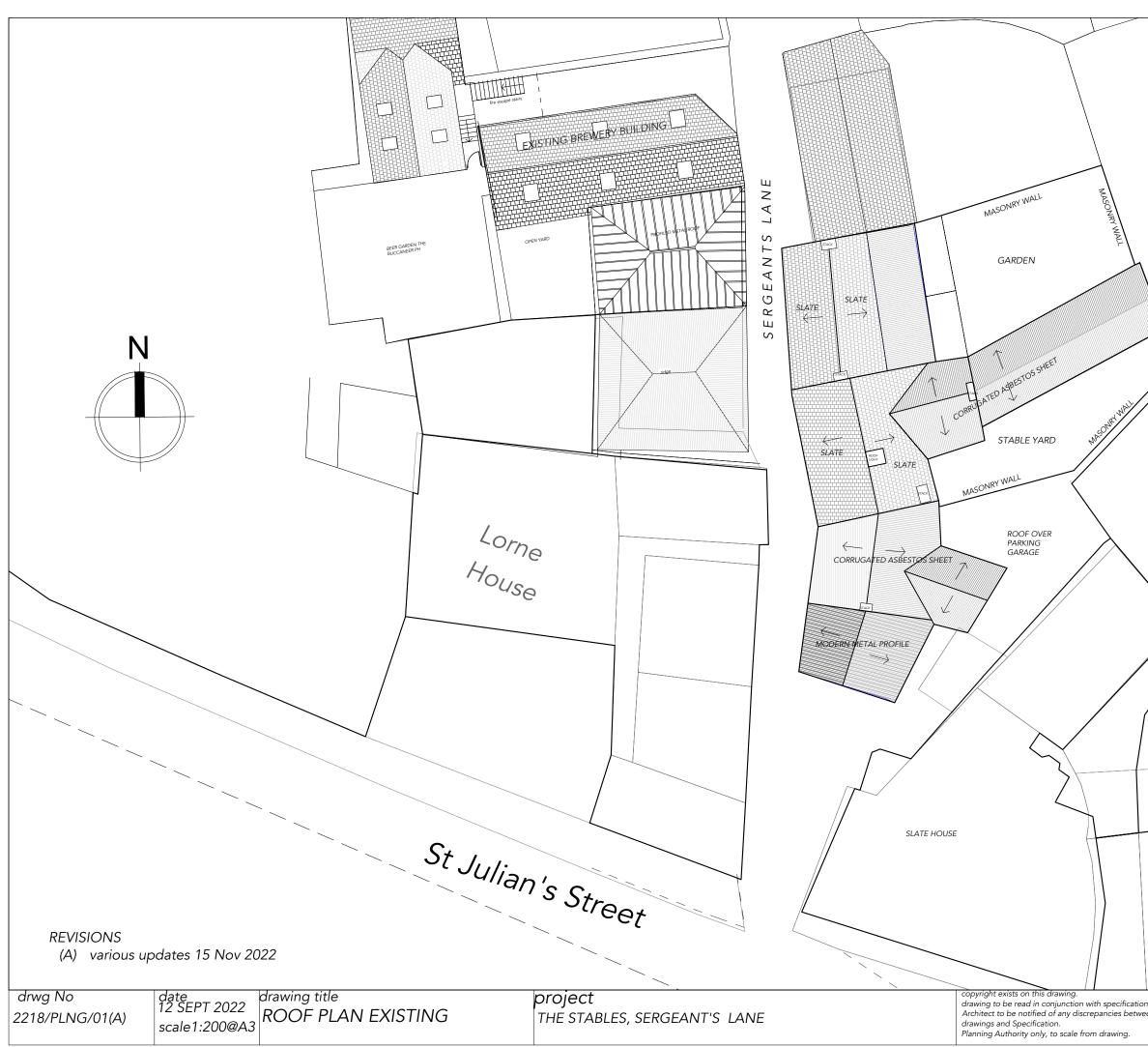
- 3. The development works, ecological enhancements and external lighting shall be carried out in accordance with the recommendations as set out in section 4 of the Bat Potential Roosting Feature Assessment (Received 20.09.2022). Reason: To ensure that animal and plant species and habitats listed under 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 2 Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 12 (Local Areas of Nature Conservation or Sites of Geological Interest) and 14 (Conservation of the Pembrokeshire Coast National Park).
- The use shall not be carried out outside the hours of 09:00 to 23:00 Monday to Saturday and 10.00 to 19.00 on Sundays. Deliveries and collections shall not be carried out outside the hours of 07:00 to 19:00 Monday to Friday with no deliveries or collections on Saturdays, Sundays and Bank Holidays.
 Reason: To ensure that the amenity of neighbouring properties is preserved. Policy: Local Development Plan 2 – Policy 30 (Amenity).
- No development, demolition or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme relating to the external colours of windows and doors and roof materials. The approved scheme shall include the following details: Colours of windows and doors; and Samples of roof slate and ridge tiles The scheme shall be implemented as approved.
 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 2 – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 14 (Conservation of the Pembrokeshire Coast National Park) and 29 (Sustainable Design).
- Development shall not be carried out other than in accordance with Section 4 of the submitted Asbestos Survey Report (ref PSS/17112022).
 Reason: To ensure that risks from asbestos to the environment, future users of the land and neighbouring land are minimized, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Policy: Local Development Plan 2 Policy 30 (Amenity) and Planning Policy Wales (2021) Chapter 6 (Distinctive and Natural Places).

Informatives:

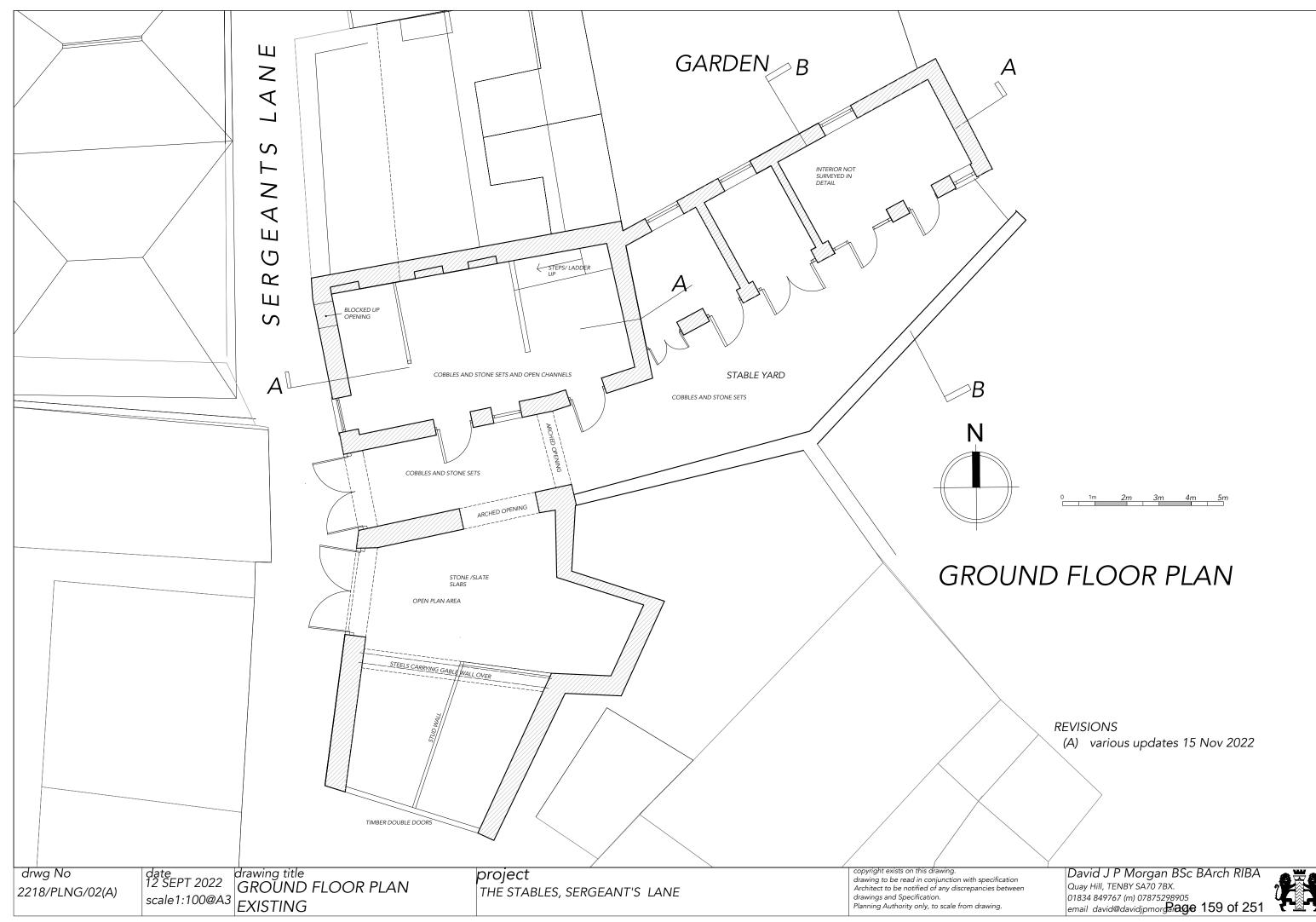
It is recommended that the applicant be informed that all British bat species are European Protected Species by virtue of their listing under Annex IV of EC Directive 92/43/EEC ('The Habitats Directive'). This Directive has been transposed into British Law under the Conservation of Habitats and Species Regulations 2017. British bats are also protected under Schedule 5 of the Wildlife and Countryside Act (1981) (as amended).

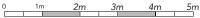
- It is recommended that the applicant and contractors be informed of the possibility of encountering bats unexpectedly during works.
- If bats are encountered on site works should stop immediately an NRW should be contacted (Natural Resources Wales, - General Enquiries: <u>enquiries@naturalresourceswales.gov.uk</u> or 0300 065 3000 Mon-Fri, 8am -6pm) a licence may then need to be applied for from NRW.
- Licences are not automatically granted by virtue of a valid planning consent and it may be possible that the necessary licence application may be refused.

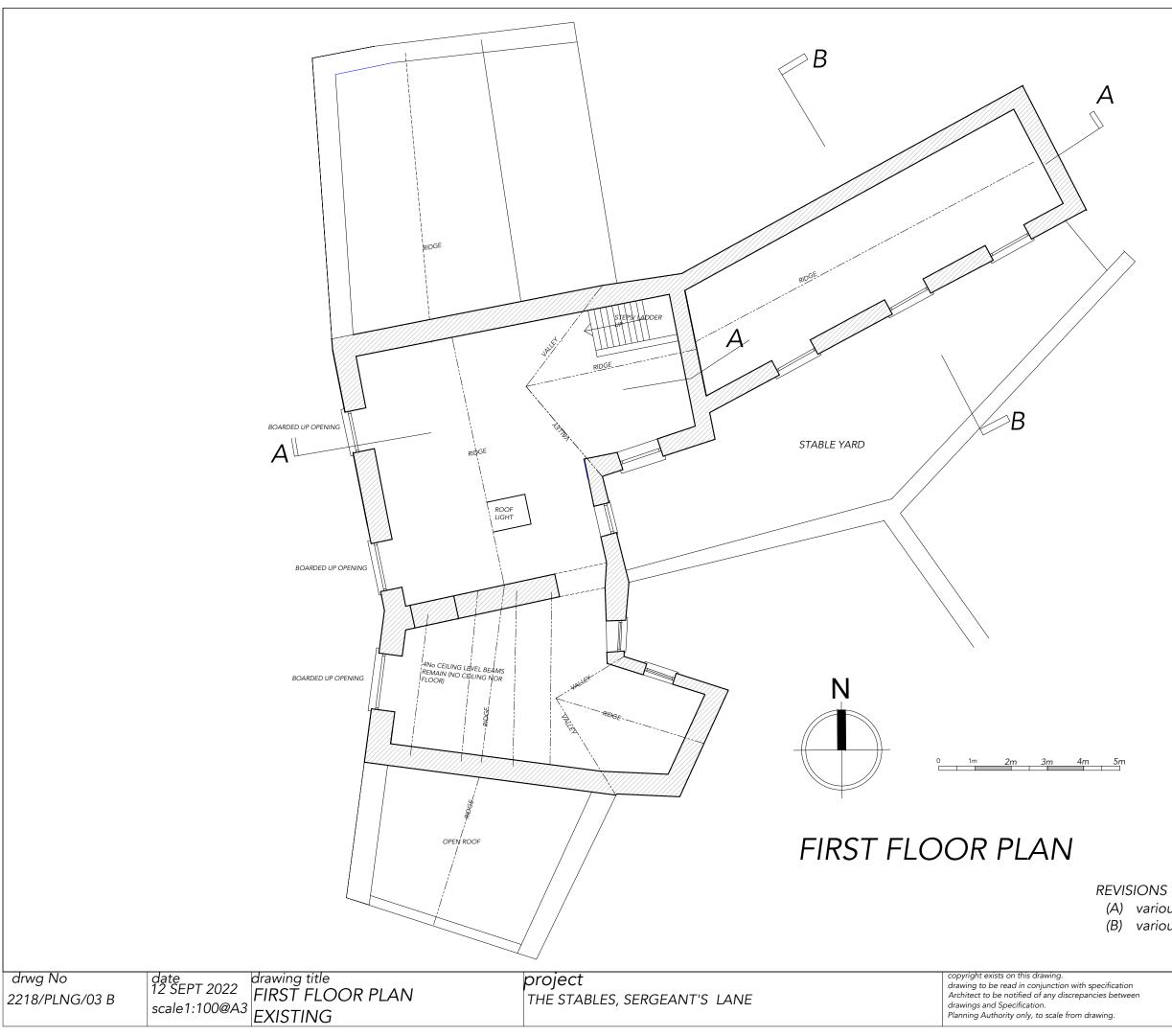




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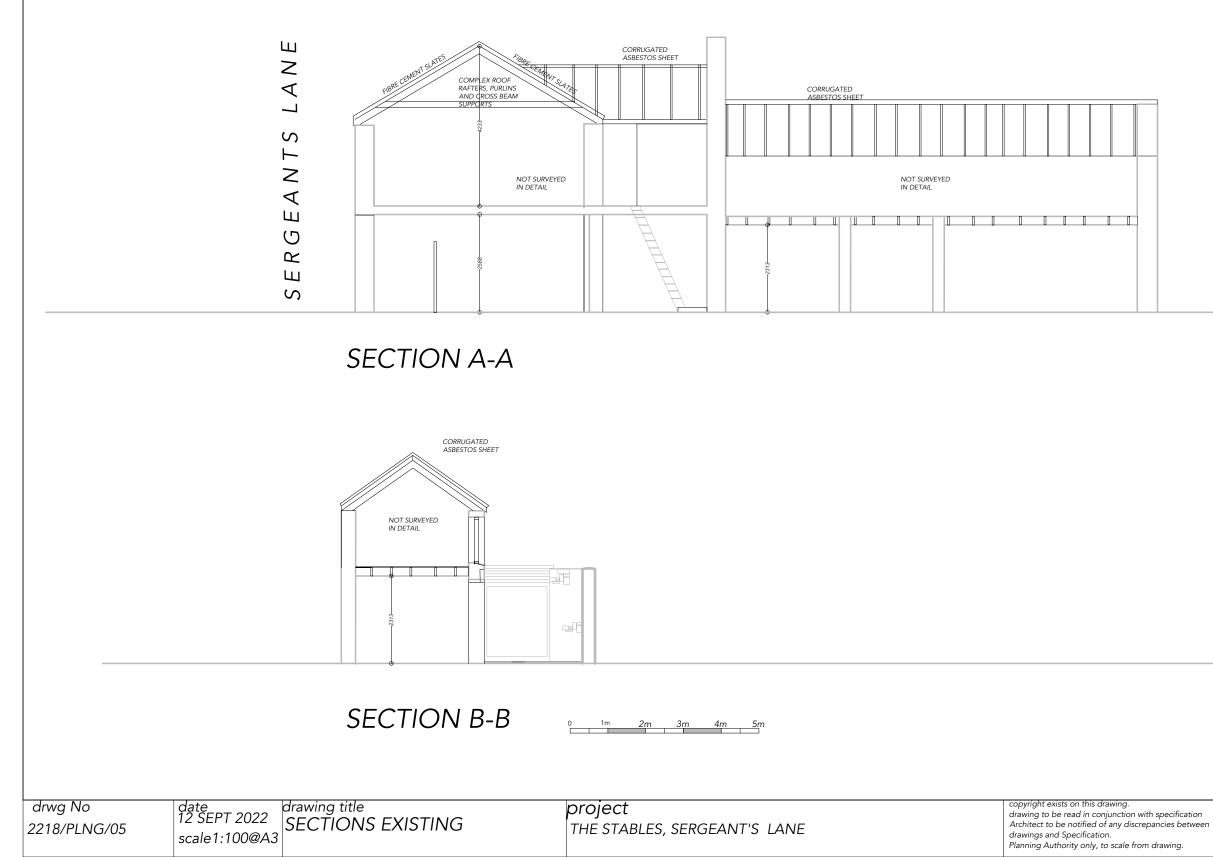
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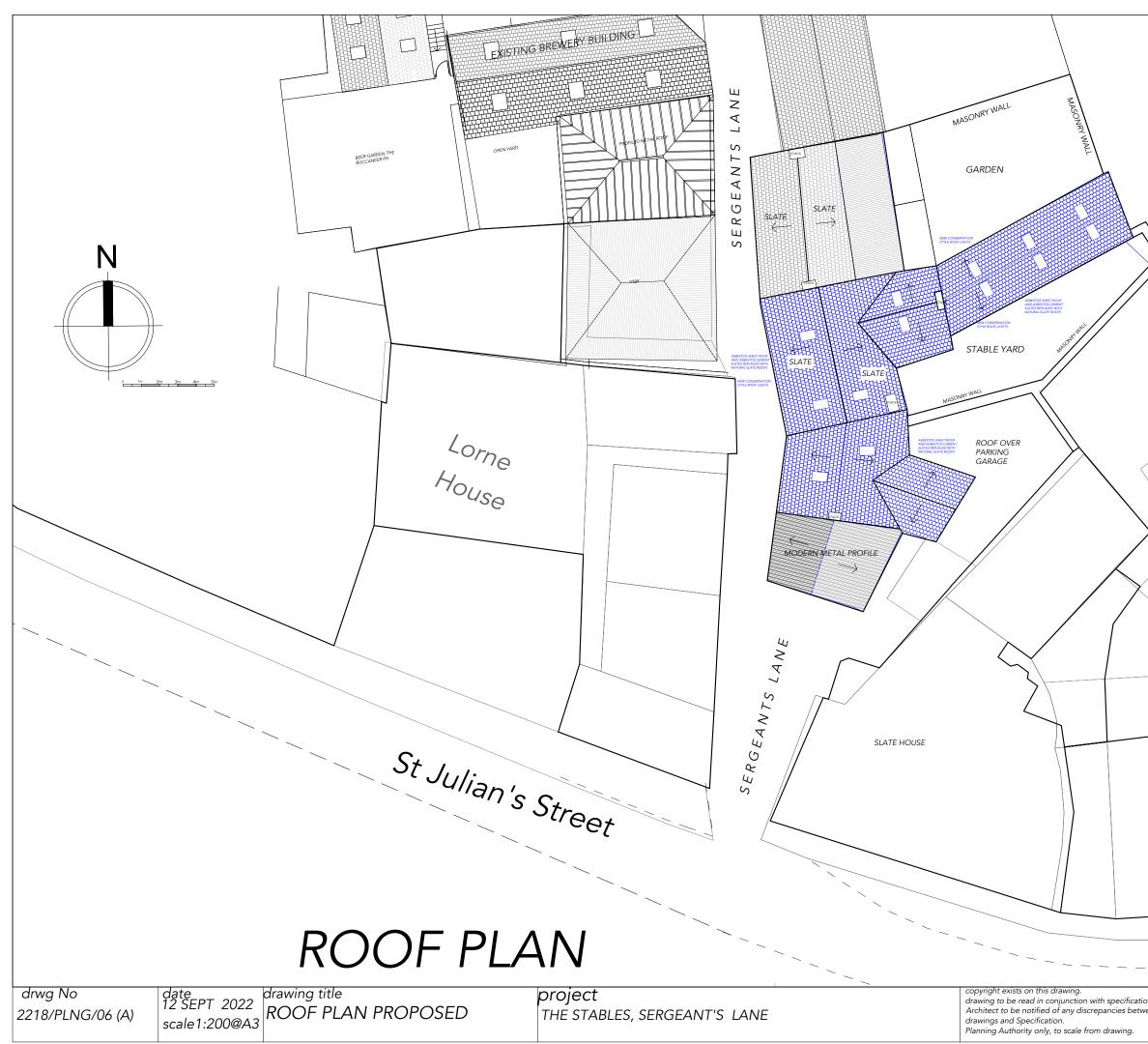




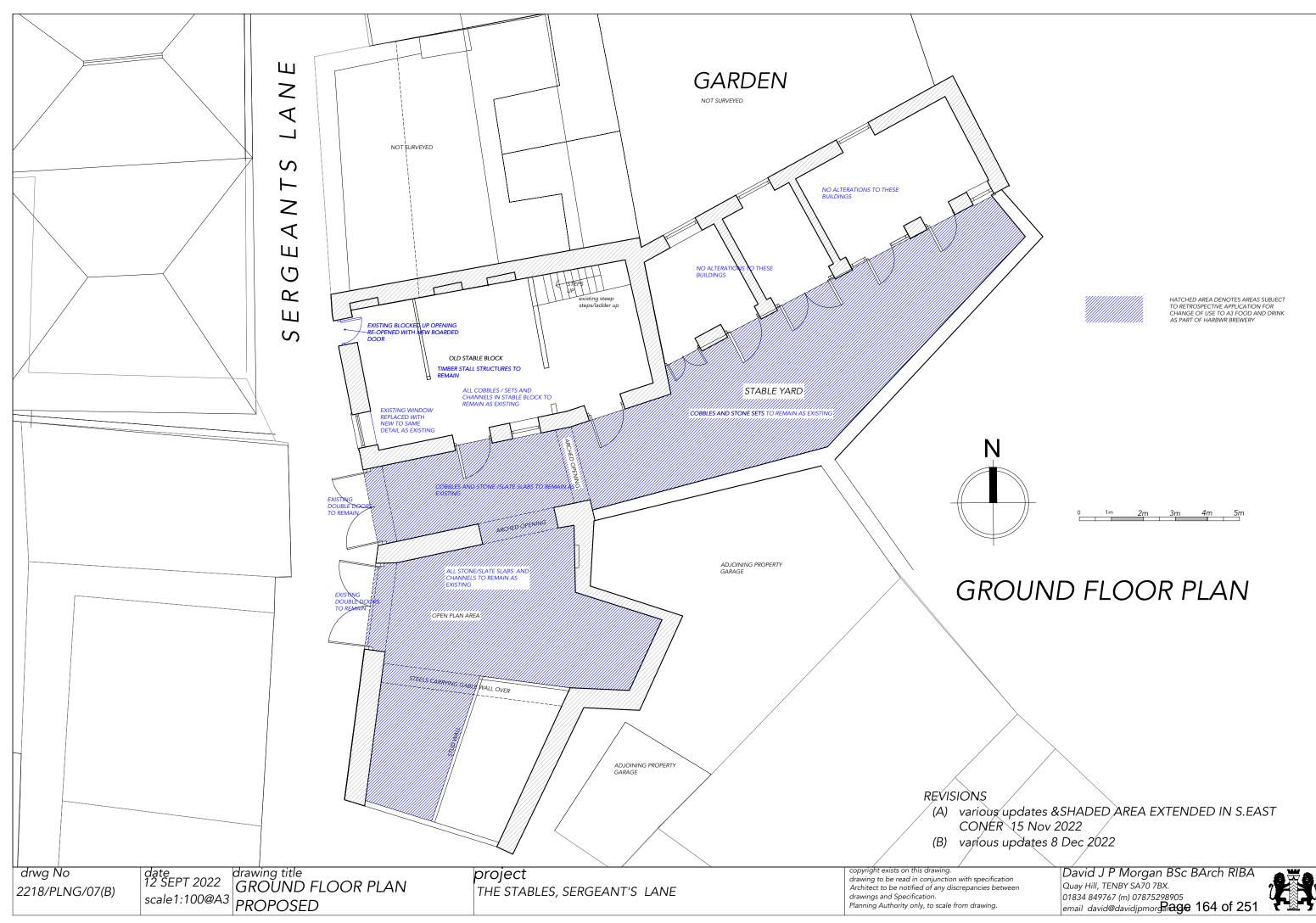




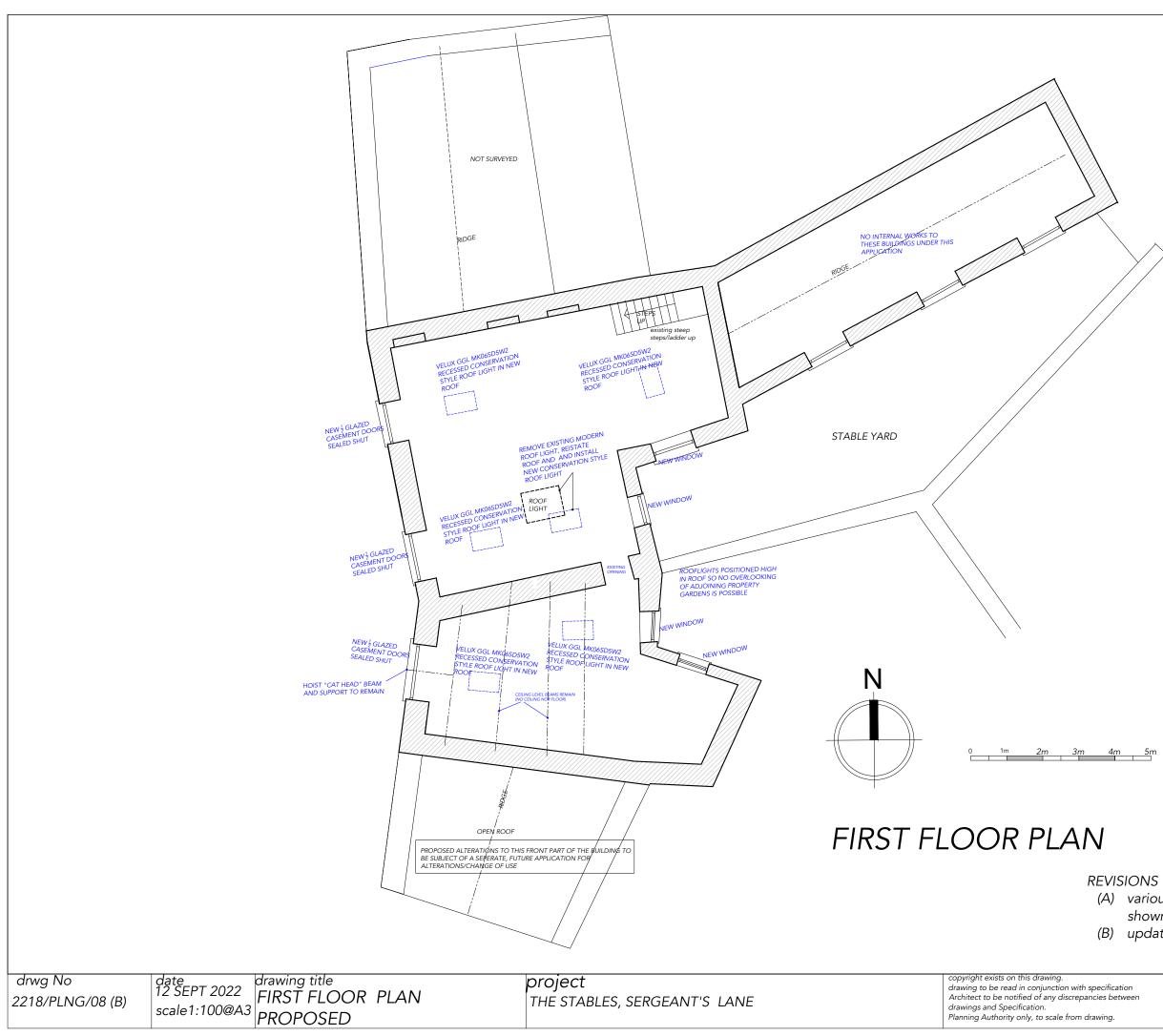




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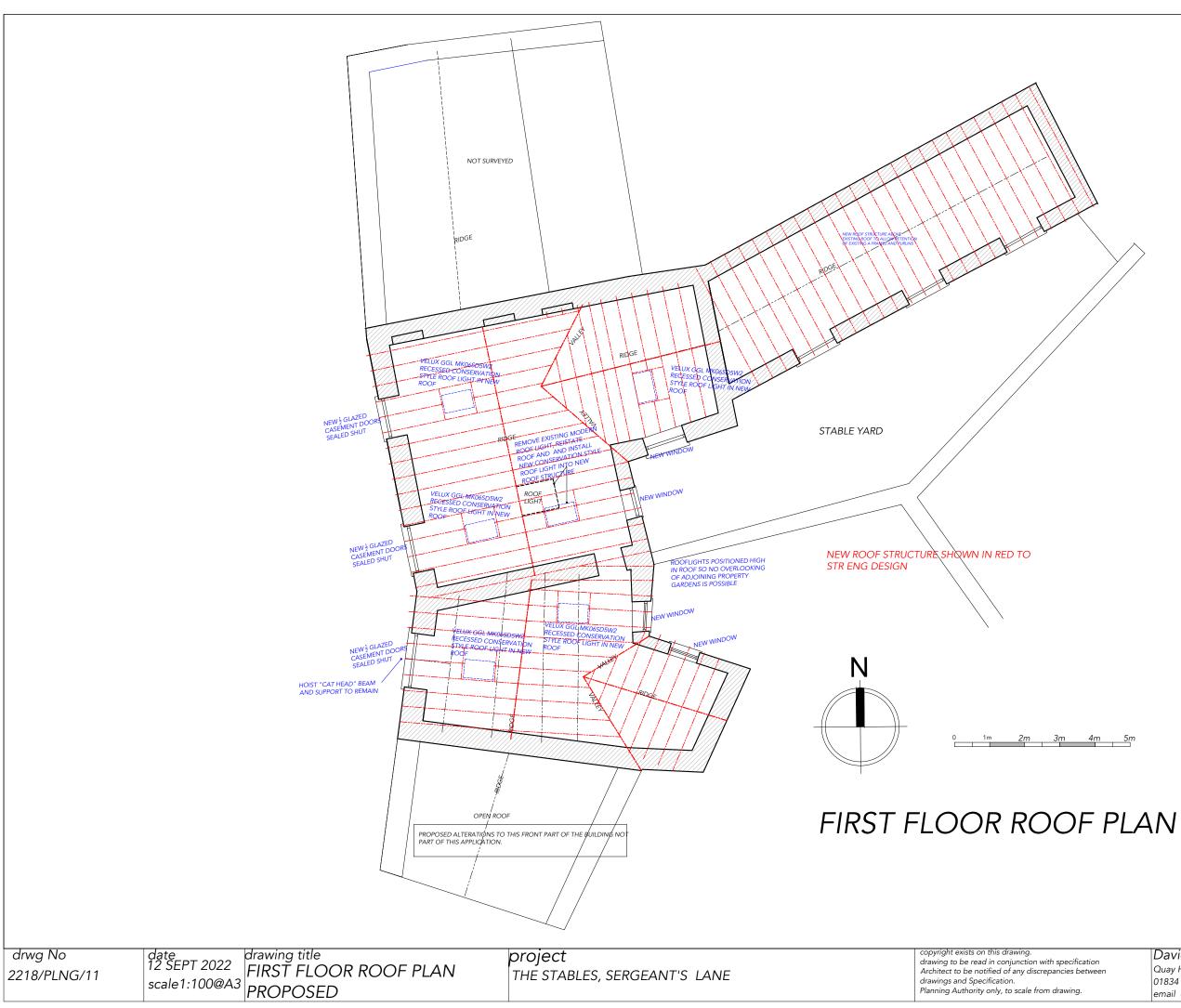






(A) various updates - Location of proposed stairs shown 15 Nov 2022 (B) updated 8 Dec 2022

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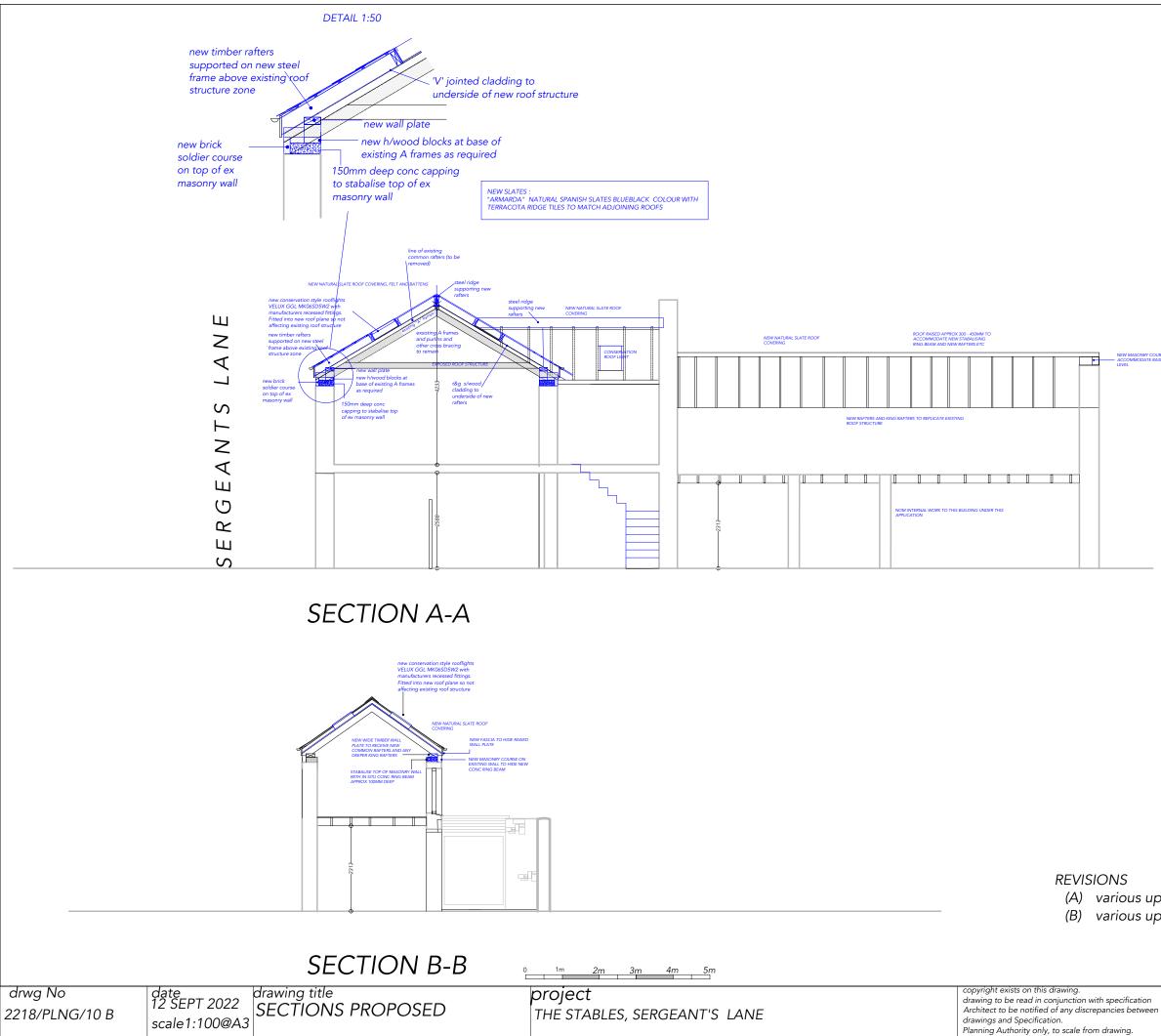






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(A) various updates - Proposed Stairs shown on A-A.15 Nov 2022(B) various updates - new front roof 8 Dec 2022

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