

Application Ref: NP/22/0569/FUL

Case Officer	Andrew Richards		
Applicant	Mr M Evans, Harbwr Brewery		
Agent	Mr David J P Morgan		
Proposal	Change of use (retrospective) to allow building to be used Under Class A3 for retail, sales and public seating for use relating to Harbwr Brewery.		
Site Location	Bath Store, Sergeants Lane, Tenby, Pembrokeshire, SA70 7BQ		
Grid Ref	SN13580041		
Date Valid	04-Nov-2022	Target Date	29-Dec-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

PCC Highways: No objection

PCNPA Buildings Conservation Officer: No adverse comments

Tenby Civic Society: In principle support, however, raise concerns regarding potential noise and bin storage

Tenby Town Council: No response

Planning Ecologist: No response

CADW: No response

PCC Access Officer: Advisory comments regarding accessibility of toilets, use of materials, signage and maintaining accessibility with outdoor seating.

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.

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

- Conflict with policy
- Protect historic environment
- Intensification of A3 uses in historic residential environment (cumulative impact of A3 use in area)
- Capacity of the site to deal with scale of operation
- Accessibility for all – reduces access to public highway with external tables
- Planning creep – retrospective nature of application

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

Policies Considered

Future Wales – The National Plan 2040

Pembrokeshire Coast National Park Local Development Plan 2

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

Site and context

The application site comprises an existing stone building which forms part of a range of historic commercial properties located along Sergeants Lane within Tenby. These buildings have a long-standing connection with the nearby harbour. Immediately opposite the Bath Store building is the existing Harbwr Brewery which is also in the ownership of the applicant. Sergeants Lane is a narrow pedestrian only lane leading off Crackwell Street.

Relevant Planning History

NP/20/0071/FUL - Change of use of existing storage building into gin distillery with public viewing gallery and sales area on ground floor, and associated office, meeting room and WC at first floor level. Lifting of roof with new slate finish and roof lights together with external works and new fenestration – application approved May 2020.

Description of Proposal

The application is a retrospective application to allow the building to be used under Use Class A3 for retail, sales and public seating relating to the adjacent Harbwr Brewery. The site area is 60 sq metres.

Key Issues

- Policy and Principle of Development
- Design and Impact on the Special Qualities of the National Park
- Highways Impacts
- Amenity
- Biodiversity
- Other Material Considerations

Policy and Principle of Development

Future Wales – The National Plan 2040 (FW) which was adopted on 24th February 2021 and is the National Development Framework for Wales – is the national tier of the Development Plan. Policy 4 Supporting Rural Communities states that Strategic and Local Development Plans must identify their rural communities, assess their needs and set out policies to support them. 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

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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 known as the Bath Store within the Sergeants Lane area of Tenby to A3 use for retail sales and seating area for the existing Harbwr Brewery. Planning permission was granted for this building in 2020 for a gin distillery (Use Class B2), public viewing area and retail sales area on the ground floor and an office / meeting room on the first floor. The planning statement submitted as part of the application states that the gin distillery has never been implemented and the popularity of the brewery has increased demand for retail and seating associated with the brewery. The principle of the development is considered to comply with PCNPA Local Development Plan 2 Policies 2, 56 and 57 and PPW 11.

Design and Impact on the Special Qualities of the National Park

The location of the proposal is within the Tenby Conservation Area. The previously approved scheme lifted the roof adding a slate finish and roof lights. Only a very minor external amendment to the development is proposed as part of this scheme relating to the doorway.

The PCNPA Buildings Conservation Officer has no adverse comments to the scheme and in principle support has been received from Tenby Civic Society, albeit with detailed comments regarding amenity raised (these are discussed below).

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. As only a very minor external change is proposed to the building as part of this application, no impact on the SAMs are anticipated.

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 very minor external changes proposed and the works approved under the previous permission and implemented are considered to preserve the setting 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

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those laid out above in terms of the setting of the listed buildings given previously implemented works. Therefore, officers support the application.

The design previously approved and implemented is considered in accordance with the policies relating to design, historic environment and the special qualities of the National Park (Policies 1,8, 29 of the PCNPA LDP2).

Highway Impacts

PCC Highways have raised no objections to this proposal noting that they confirm that the proposed development has no detrimental impact to the existing parking arrangements, access or local Highway Network. The PCC Access Officer has raised the following advisory comment:

“There have been previous complaints about Café Culture in this area. While visitors and the venue staff may like to see tables and chairs lining the pavements, these pavements help disabled people to go about their day as normal, and disabled people do not want additional obstacles blocking a route. Proprietors often do not give accessibility enough consideration and there needs to be a well thought out balance between attracting more customers who want to sit outside and not causing a disabled person additional stress”.

A member of the public has also objected on the grounds that external tables may not allow adequate pedestrian access. The area to be used for external seating which is outside the Café Culture licensed area is shown on the Plans and the condition requiring the development to be undertaken in accordance with the approved Plans will ensure that the outdoor seating area still allows pedestrian access along Sergeants Lane.

Amenity

Tenby Civic Society have raised concern that the proposal will create noise nuisance to the residential properties adjoining Bridge Street/Crackwell Street. An objector has raised concern regarding the intensification of A3 use in an historic residential area and the capacity of the site to accommodate the proposal.

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 have been consulted on this application and a related application (NP/22/0563/FUL) the Stables Tenby. Whilst they had not responded to this application at the time the report was prepared, a verbal update on any response will be provided to Development Management Committee. In relation to the related application at the Stables, Tenby they noted that no reported noise complaints have

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been identified by the public protection team from the existing A3 uses in Sergeants Lane to date.

As set out above, the location of the site is within the Retail Centre of Tenby Service and Tourism Centre and therefore the principle of an A3 use is considered acceptable in this location. A condition controlling hours of use can be imposed to ensure that any potential impacts on the amenity of residential properties is limited. Subject to the imposition of such conditions, the proposal is considered to comply with LDP2 Policy 30 Amenity.

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.

Biodiversity

PPW, TAN5 and LDP2 Policy 11 requires biodiversity and landscape considerations to be taken into account in determining individual applications.

The proposal is located within 50 metres of the Pembrokeshire Marine SAC, however it is located within the existing urban form of Tenby and no physical alterations to the existing building are proposed. It is therefore not anticipated that the scheme will impact on the SAC and the proposal is considered to comply with Policy 11 of the PCNPA LDP2.

No biodiversity enhancements have been proposed with this scheme. To ensure compliance with the requirements of PPW 11 and the Biodiversity Supplementary Planning Guidance it is proposed that a condition requiring biodiversity enhancements to be delivered within 28 days of any approval be applied to any decision notice.

Other Material Considerations

The development is already connected to the mains sewer. The Access Officer has raised advisory comments relating to the provision of an accessible toilet on the ground floor, the use of stickers on glass doors to assist those with visual impairments and the use of colour contrast/avoidance of capitals in signage. The current proposal does not involve any physical changes to the building and therefore these comments are not considered relevant to this scheme. An advisory notice reminding the provider of their duty to comply with the Equality Act 2010 (Disability) regulations will however be added to any decision notice. Tenby Civic Society have raised concerns regarding adequate bin storage for the facility. The agent has submitted information to confirm that the bin storage will be

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retained within the adjacent building as currently operated to ensure that the bins are not stored externally. Officer consider that this provision is supported in this instance.

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 be carried out in accordance with the following approved plans and documents:
Drawing Reference: 2221/PLNG/LOC (Received 22.09.2022)
Drawing Reference: 2221/PLNG/01 (Received 22.09.2022)
Drawing Reference: 1921/PLNG/2/D (Received 04.11.2022)
Drawing Reference: 2221/PLNG/03 (Received 22.09.2022)
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).
2. 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).
3. Within 28 days of the date of this decision notice at least two bird or bat boxes shall be installed on an elevation of the building with no external lighting and

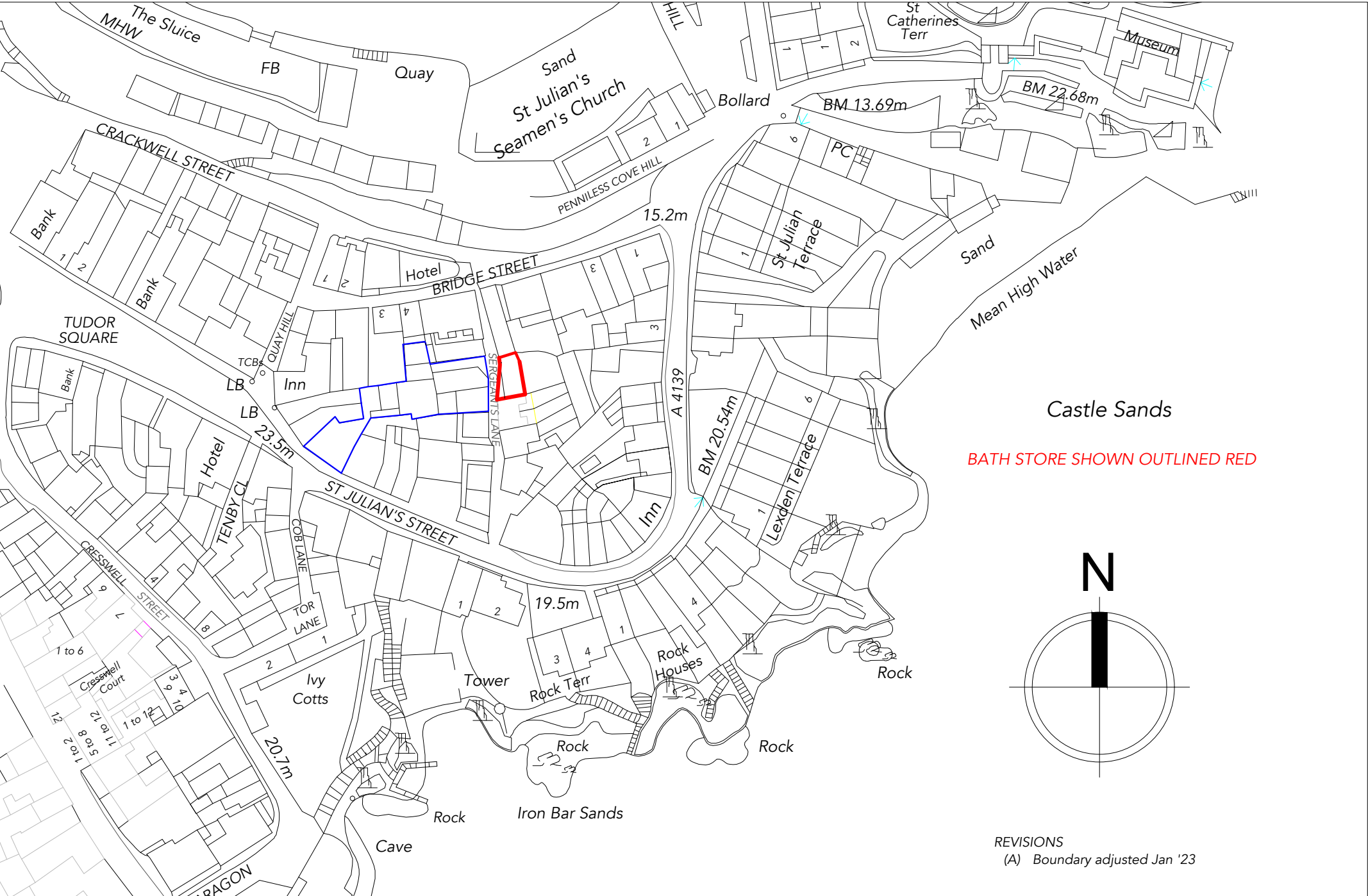
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away from the light spill of any window or door. The bat or bird boxes shall be retained thereafter.

Reason: To accord with the duty to maintain and enhance biodiversity. 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).

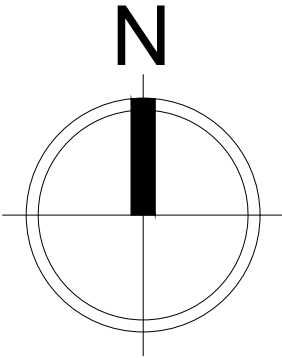
Informatives:

The applicant is reminded of their duties under the Equality Act 2010 (Disability) regulations and may wish to consider introducing colour contrast and stickers on glazing to assist those with visual impairments.



Castle Sands

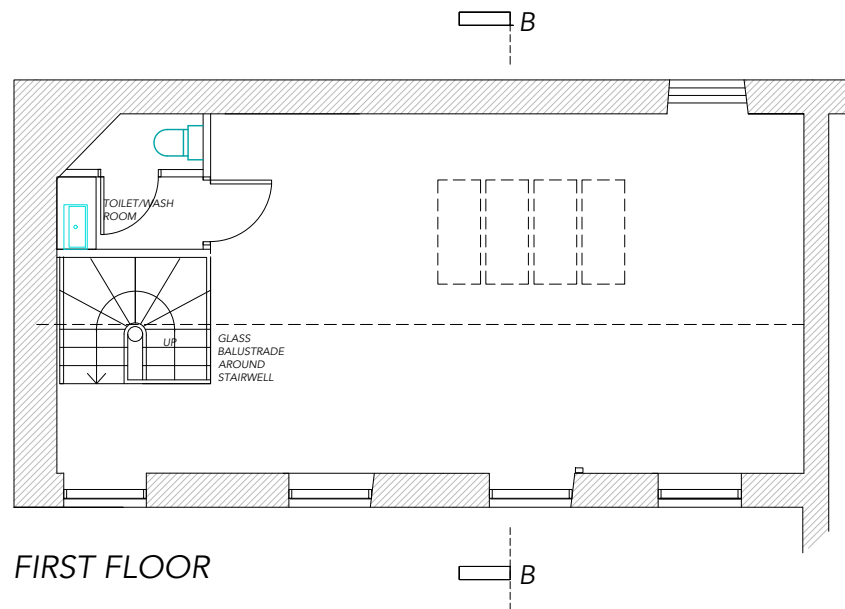
BATH STORE SHOWN OUTLINED RED



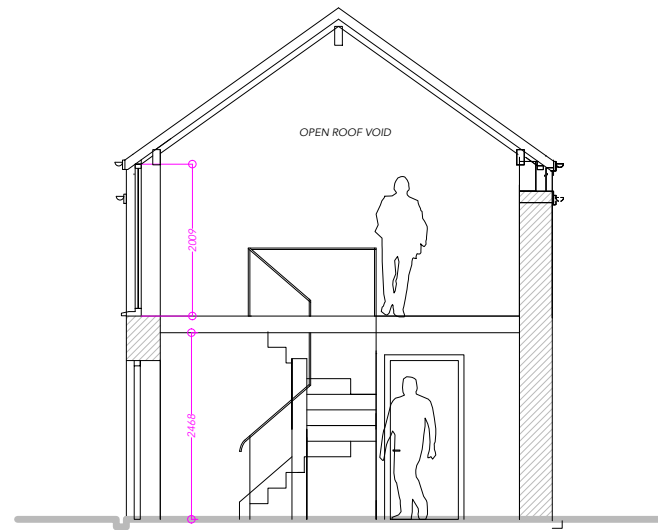
REVISIONS
 (A) Boundary adjusted Jan '23

drwg No 2221/PLNG/LOC (A)	date SEP2022 scale 1:1250 @A4	drawing title LOCATION PLAN	project ALTERATIONS TO BATH STORE, SERGEANTS LANE, TENBY	<small>Copyright exists on this drawing. Drawing to be read in conjunction with specification Architect to be notified of any discrepancies between Drawings and Specification. Planning Authority only, to scale from drawing.</small>	David J P Morgan BSc BArch RIBA County of Carmarthen, Tenby, Pembrokeshire, Wales tel 01834 218271 (m) 07875298905 email david@davidjpmorgan.com Page 143 of 251
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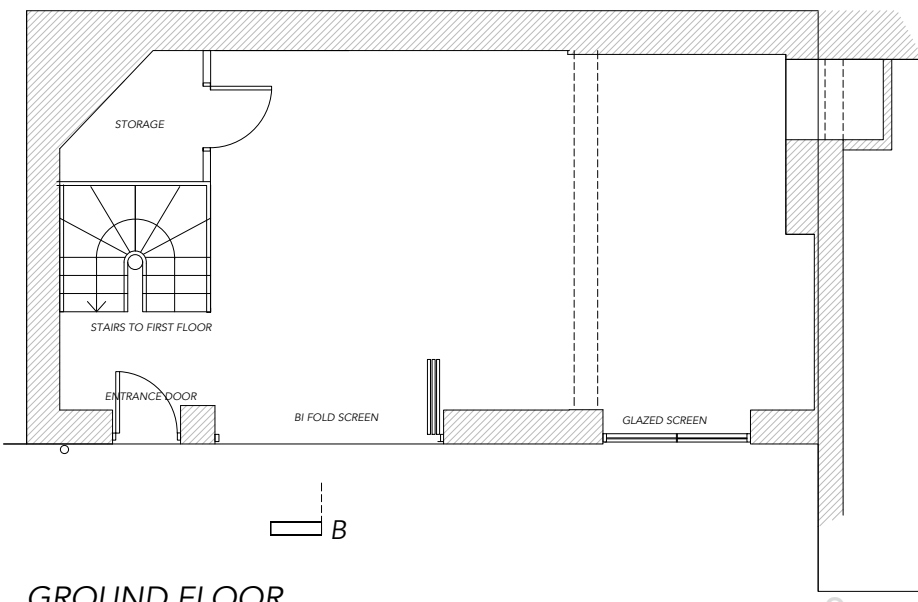
FIRST FLOOR



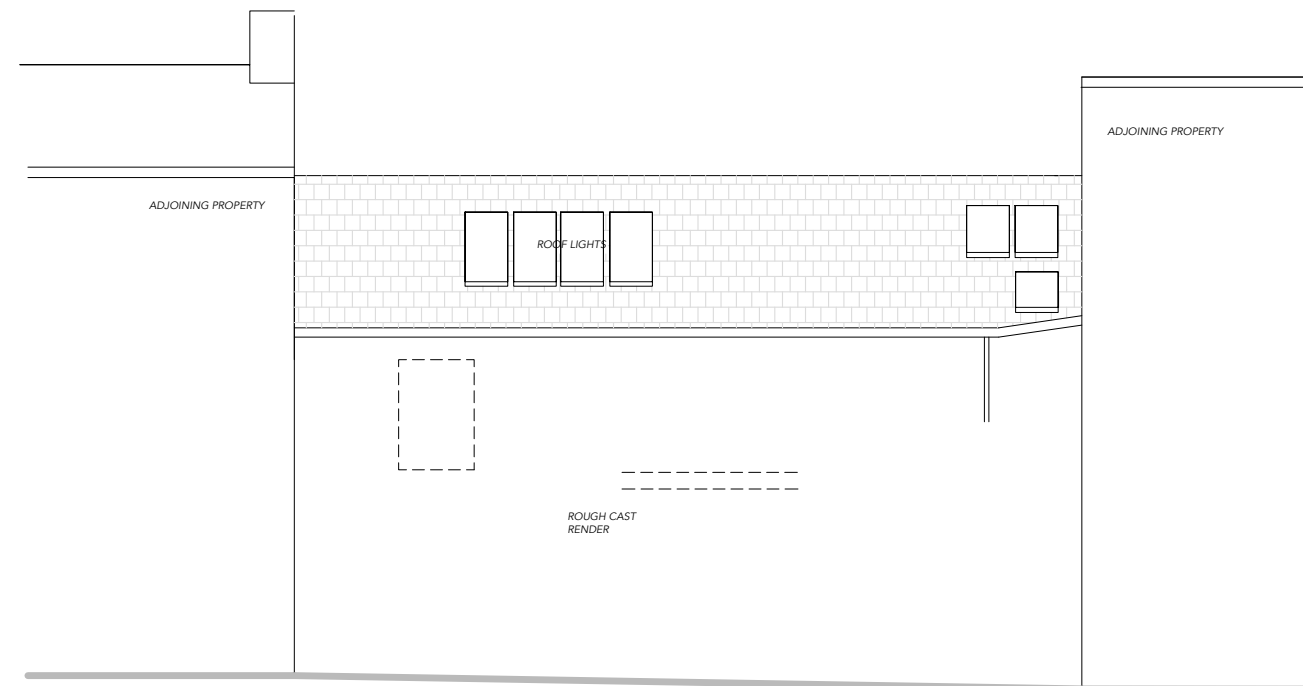
SECTION BB



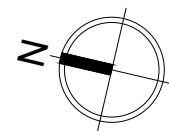
ELEVATION TO SERGEANTS LANE (WEST)



GROUND FLOOR



EAST ELEVATION



REVISIONS
(A) UPDATED JAN '23

dwg No
2221/PLNG/01(A)

date SEP2022
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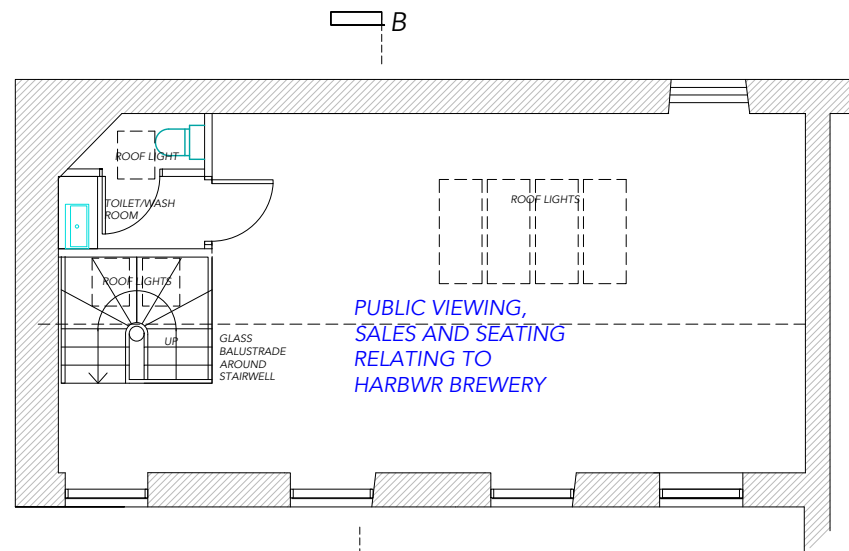
drawing title
APPROVED PLANS, SECTION
, ELEVATIONS

project
CHANGE OF USE APPLICATION BATH STORE,
SERGEANTS LANE, TENBY

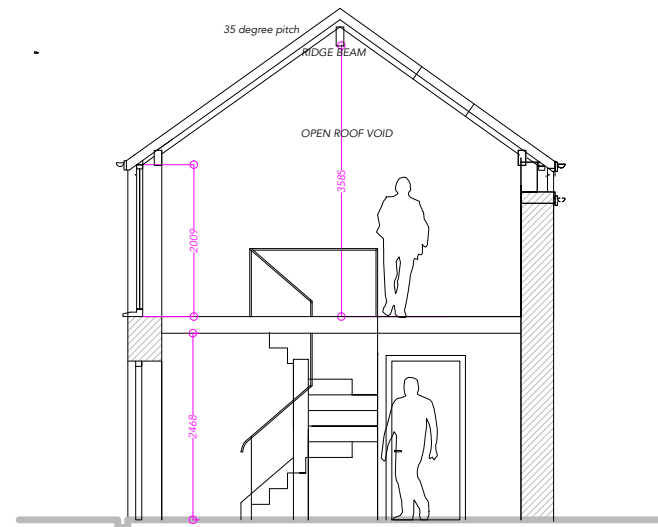
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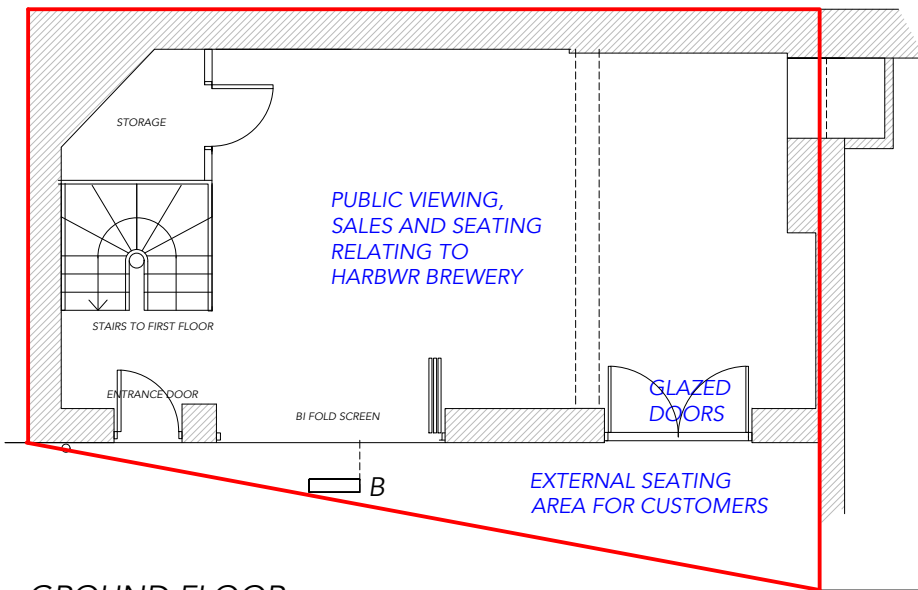
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SECTION BB

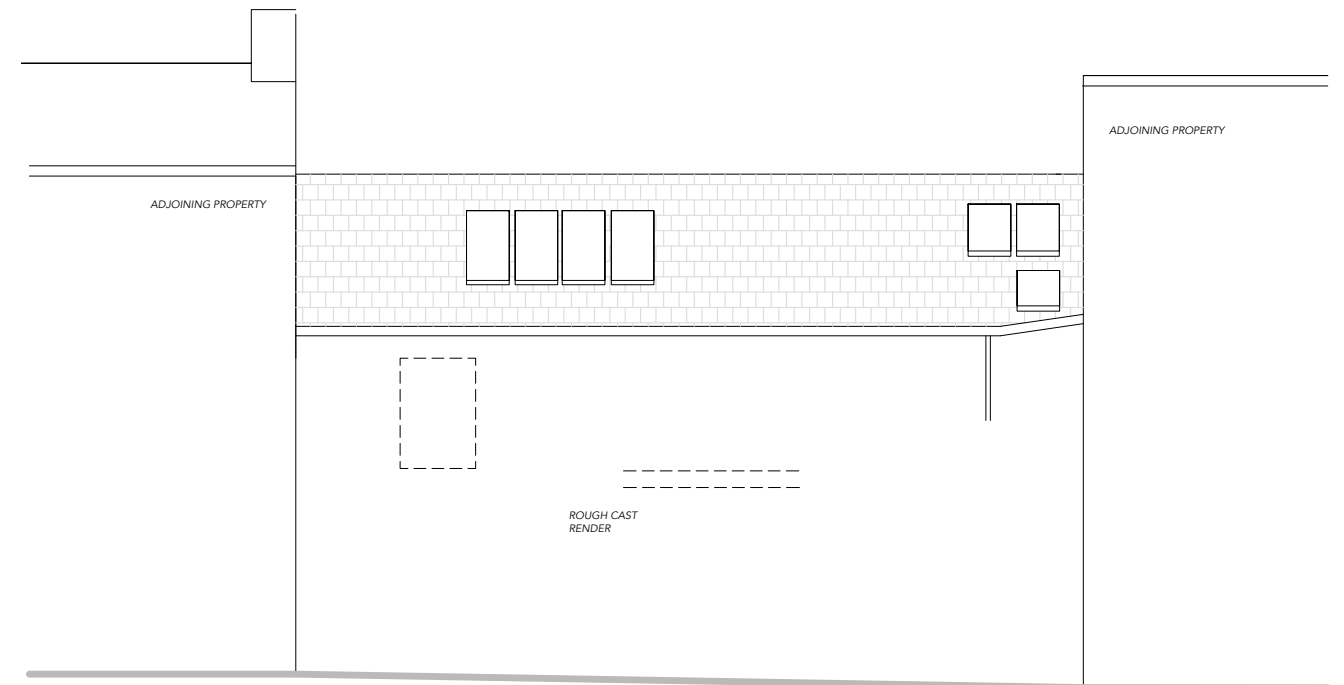


ELEVATION TO SERGEANTS LANE (WEST)

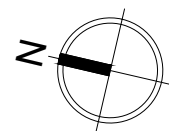


GROUND FLOOR

CHANGES HIGHLIGHTED IN BLUE



EAST ELEVATION



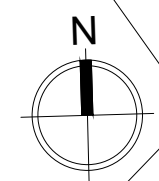
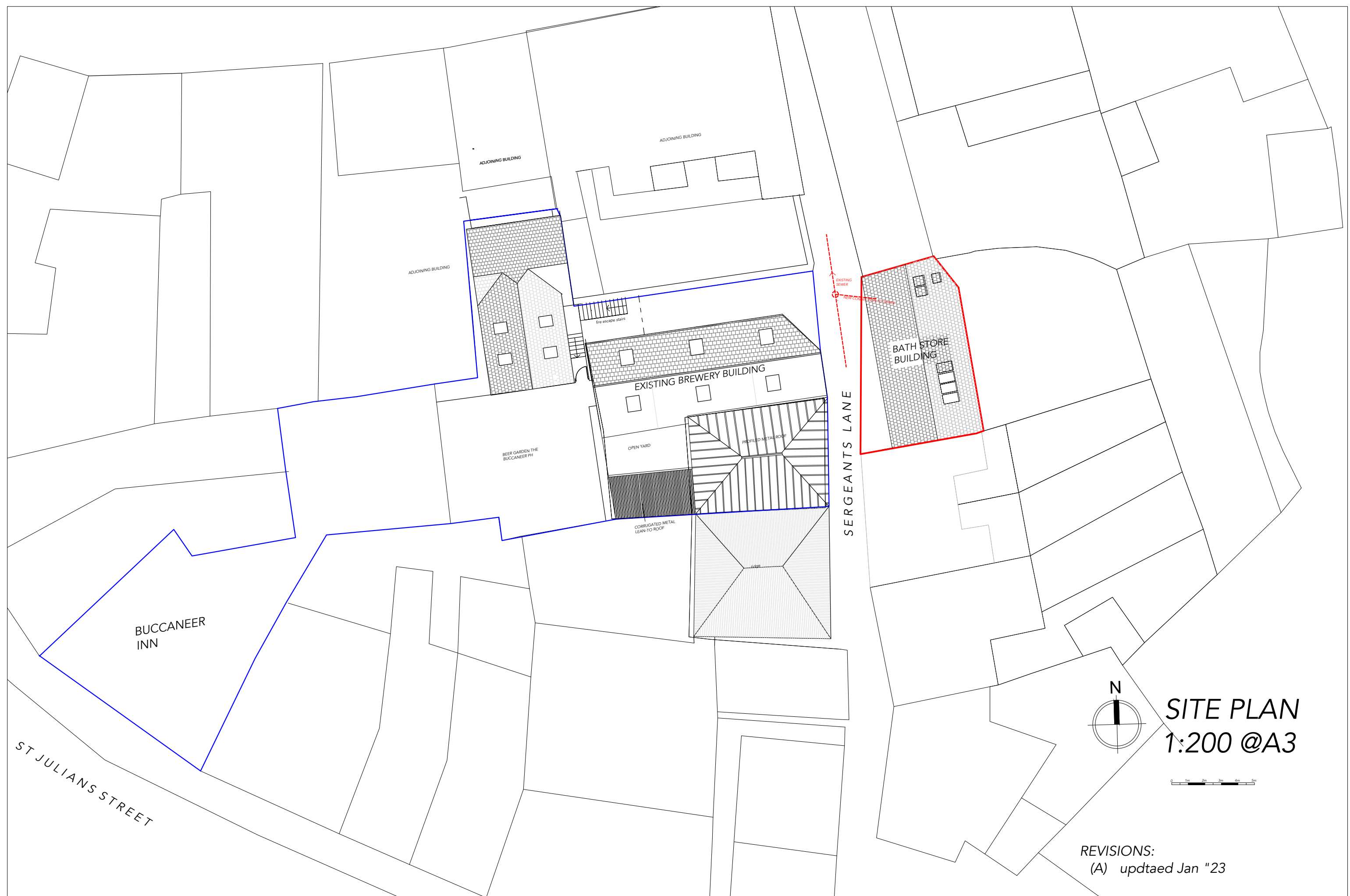
REVISIONS:

- (A) VARIOUS 17 FEB 2020
- (B) Openings on 1st floor revised 25 Feb2020
- (C) 1st floor space description amended
- (D) external seating area added Oct '22
- (E) updated jan '23

"CHANGE OF USE" PROPOSALS

drwg No 2221/PLNG/02 (E)	date SEP2022 scale 1:100@A3	drawing title PROPOSED CHANGE OF USE PLAN. SECTION AND ELEVATIONS	project CHANGE OF USE APPLICATION BATH STORE, SERGEANTS LANE, TENBY	copyright exists on this drawing. drawing to be read in conjunction with specification Architect to be notified of any discrepancies between drawings and Specification. Planning Authority only, to scale from drawing.	David J P Morgan BSc BArch RIBA County Chambers, Warren Street, TENBY SA70 7JS tel 01834 218271 (m) 07875298905 email david@davidjpmorgan.com Page 145 of 153
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SITE PLAN
1:200 @A3



REVISIONS:
 (A) updaed Jan "23

drwg No
 2221/PLNG/3 (A)

date SEP 2022
 scale 1:200@A3

drawing title
 BLOCK PLAN

project
 CHANGE OF USE APPLICATION AT
 BATH STORE, SERGEANTS LANE, TENBY

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