

Application Ref: NP/23/0124/FUL

Case Officer	Kate Attrill		
Applicant Agent	Mr M Harris Mr Andrew Vaughan-Harries, Hayston Development & Planning Ltd		
Proposal	Change of use of surplus public toilets to takeaway ice cream parlour/coffee bar & beach themed retail with small rear extension to create kitchen together with new public disabled toilet as required by Pembrokeshire County Council		
Site Location	Redundant Toilet Block, Adjacent to Newgale Campsite, Newgale, Haverfordwest, Pembrokeshire, SA62 6AS		
Grid Ref	SM84832213		
Date Valid	09-Mar-2023	Target Date	03-May-2023

This application is being brought to the Development Management Committee Members as the Director with responsibility for planning considers that it raises matters of public interest.

The application was considered by the June 2023 Development Management Committee. At that Committee Members indicated via a vote that they were minded to approve the application. As the application was contrary to policies within the Local Development Plan, the Director with responsibility for Planning invoked a cooling off period. In accordance with the cooling off protocol the application was deferred to a later Committee, in order to allow officers to provide additional reports and draft conditions for approval. Following an email from Welsh Government officials in July advising that they had received a call-in request, this application was further deferred until the September Committee to enable that request to be considered by Welsh Government prior to determination by Committee.

Officer's Appraisal

Background

The original Committee report is attached as Appendix 1. The policy position and recommendation of refusal set out by officers remains as stated in that report. Should Members be minded to refuse the application, officers would suggest that the reasons for refusal within the June 2023 Committee report remain valid.

In the June 2023 Committee, Members advised that they were minded to approve the application on the basis of the economic benefits of the development and its provision of a disabled toilet facility.

Officers recommend that if Members are minded to grant approval for the application that they consider imposing the conditions listed below.

In addition to the suggested conditions, officers recommend that as one of the reasons Committee indicated that it is minded to approve the proposal related to the provision of the disabled toilet facilities that Committee should consider requiring the provision of a Section 106 legal agreement to ensure the following:

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- a) The opening of the disabled toilet to members of the public during all hours/days when the shop is open
- b) The removal and remediation of the building including the toilet block and associated infrastructure in the event of the road being removed or the use of the building ceasing.

Whilst a draft copy of a legal agreement between the applicant and Pembrokeshire County Council in relation to the operation of the toilet has been provided to this Authority, this current agreement would not provide the National Park Authority with any legal ability to require its implementation.

A separate Section 106 agreement between the applicant and the National Park Authority is necessary to enable the Authority to ensure that the provision of the toilet facility operates as Members anticipate and would tie the opening of the toilet facility for use by members of the public to the opening hours of the shop.

The application site is within a C2 flood risk zone which is known to flood on a regular basis and is part of a wider area that is currently subject to a coastal adaptation scheme being led by Pembrokeshire County Council which will involve the relocation of the road adjacent to the site and allow the natural adaptation of the coast in this location. This is anticipated to happen within the short-term and will impact on the operation of the proposal. For this reason it is recommended that the proposal be granted for a temporary period of 7 years or until it becomes unusable – whichever is the sooner. The applicant will have the opportunity to reapply for a further period of use for the building, if appropriate in the dynamic environmental changes facing Newgale.

Given the flood risk location and the likely cessation of use of this building due to increasing coastal inundation officers also recommend that the Section 106 agreement seek to establish a mechanism whereby the building and its associated infrastructure is removed and remediated in the event either of the road being removed or the use of the building ceasing. The necessary remediation for a building such as this would involve the removal of any unsafe parts of the structure and also any potential infrastructure which could cause pollution. Without it being in public ownership there would be no mechanism to enforce its safe removal without a legal agreement.

Notwithstanding that officers advise that the application be refused; if members are minded to approve, a recommended draft resolution for approval is therefore:

It is recommended that the application be delegated for approval to the Director of Placemaking, Decarbonisation and Engagement subject to receipt of an appropriate section 106 legal agreement to ensure the disabled toilet facility remains as such in perpetuity and is open to members of the public at all hours and on all days that the ice cream parlour/coffee bar and beach themed retail shop is open. In addition, that the building including all associated infrastructure is removed and the land remediated in the event either of the road being removed or the use of the building ceasing.

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If the section 106 legal agreement is not completed within 3 months of the date of the Committee resolution, then delegated power be given to the Director or Placemaking, Decarbonisation and Engagement to exercise discretion to refuse the application on the grounds of non-compliance with Policy 34 Flooding and Coastal Inundation, Policy 57 Town and District Shopping Centres and Policy 54 Community Facilities of the Pembrokeshire Coast National Park Authority Local Development Plan 2.

Conditions

1. The development shall begin not later than two 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:
Location Plan 01a
Preliminary Protected Species Assessment
Proposed Elevations 08a
Proposed Floor Plan 07a
Toilet Block Site Plan 04a
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 building as extended, and any associated paraphernalia / chattels associated with the use shall be removed from the land in its entirety and the land shall be restored to its former condition on or before the 6th September 2030 in accordance with a scheme of work submitted to an approved in writing by the local planning authority prior to the commencement of development
4. There are opportunities within the proposed development to accommodate biodiversity enhancement measures such as bird boxes. Prior to the commencement of development works, a biodiversity enhancement scheme, to include provision of at least two bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement scheme shall be undertaken and/or installed prior to the first beneficial use of the development hereby approved, in accordance with the approved details.
Reason: To comply with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 and the Environment (Wales) Act 2016.
5. Prior to the erection of any external lighting, a light mitigation strategy, to include measures to reduce light spillage, shall be submitted to and approved in writing by the Local Planning Authority. The light mitigation strategy shall

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include:

- Details of the siting and type of all external lighting
- Drawings setting out light spillage in key sensitive areas,
- Details of lighting to be used both during construction and operation
- Measures to monitor light spillage once development is operational.

All external lighting shall be installed and retained as approved during construction and operation in perpetuity.

Reason: To comply with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 and the Environment (Wales) Act 2016.

6. No building shall be occupied until a sustainable drainage system for the site has been completed in accordance with the details first submitted to and agreed in writing by the Local Planning Authority. The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To meet the objectives of the PPW (Feb 2021) and to satisfy Policy 32 Surface Water Drainage of the Pembrokeshire Coast National Park Local Development Plan 2 (end date 2031).

7. The gross retail floorspace hereby permitted shall not exceed 128 square metres and shall not be used for purposes other than the sale of ice cream/ coffee shop and ancillary beach themed retail goods, and shall not be used for any other purpose including those set out in class A1 or any other purposes within class A3 of the schedule for the Town and Country Planning (Use Classes) Order 1987 or any Order revoking, amending or re-enacting that order with or without modification. The retail floorspace hereby approved shall not be subdivided.

Reason: To meet the objectives of the PPW (Feb 2021) and to satisfy Policy 57 Town and District Shopping Centres of the Pembrokeshire Coast National Park Local Development Plan 2 (end date 2031).

8. The use shall not be carried out outside the hours of 8am to 7pm Monday to Sundays.

Reason: To protect the special qualities of the National Park including tranquillity and to protect general amenity (Policy 8 Special Qualities and Policy 30 Amenity of the Pembrokeshire Coast National Park Local Development Plan 2 (end date 2031))

9. The ice cream parlour/coffee shop and ancillary beach retail sales element of the building shall not be operated until the disabled toilet facility has been constructed and opened to the public.

Reason: To ensure compliance with Policy 54 Community Facilities of the Pembrokeshire Coast National Park Local Development Plan 2 (end date 2031) and having regard to the Authority's duties under the Equalities Act 2010.

Appendix 1 – Original Committee Report

Application Ref: NP/23/0124/FUL
Case Officer Kate Attrill
Applicant Mr M Harris
Agent Mr Andrew Vaughan-Harries, Hayston Development & Planning Ltd
Proposal Change of use of surplus public toilets to takeaway ice cream parlour/coffee bar & beach themed retail with small rear extension to create kitchen together with new public disabled toilet as required by Pembrokeshire County Council
Site Location Redundant Toilet Block, Adjacent to Newgale Campsite, Newgale, Haverfordwest, Pembrokeshire, SA62 6AS
Grid Ref SM84832213
Date Valid 09-Mar-2023 **Target Date** 9 June-2023

This application is being brought to the Development Management Committee Members as the Director with responsibility for planning considers that it raises matters of public interest.

The development now proposed was part of a wider scheme intended to be presented in a report to the February 2023 Development Management Committee but was withdrawn following a site visit by Members on the 18th of January 2023.

Consultee Response

The National Trust: Objecting (repeat of objection to previous scheme)
PCC - Transportation & Environment: Supporting
PCC - Drainage Engineers: SAB consent not required.
PCC Coastal Engineer: Comments
Coal Authority: No Objection – standing advice.
Nolton & Roch Community Council: No objection - Planning application NP/23/0124/FUL was brought before community councillors at the 3rd April 2023 monthly meeting, and that community councillors present concluded with the decision of ‘no objections’ to planning application NP/23/0124/FUL. No further comments or concerns were raised pertaining to the application.
PCNPA Planning Ecologist: Conditional Consent
Dwr Cymru Welsh Water: Conditional Consent
Natural Resources Wales: Conditional Consent
PCNPA Access Manager: No adverse comments - No Public Rights of Way affected

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.

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The application has also been advertised as a Departure from Local Planning Policy due to part of the site being in the Coastal Change Management Zone. One third party letter of objection has been received citing issues of:

- Customer safety in terms of lack of parking
- The issue of competition with nearby businesses has been raised.

The letter also details concerns of a restrictive covenant regarding retail operations on the site which the writers have been advised is not a material planning consideration but would be a civil matter.

Material considerations must relate to the development and use of land, be considered against public interest, and be fairly and reasonably related to the application concerned.

Policies considered

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

[Local Development Plan 2 - Pembrokeshire Coast National Park](#)

Future Wales - The National Plan 2040 (FW which was adopted on 24th February 2022

LDP2 Policy 01 - National Park Purposes and Duty

LDP2 Policy 07 - Countryside

LDP2 Policy 08 - Special Qualities

LDP2 Policy 09 - Light Pollution

LDP2 Policy 10 - Sites and Species of European Importance

LDP2 Policy 11 - Nationally Protected Sites and Species

LDP2 Policy 14 - Conservation of the Pembrokeshire Coast National Park

LDP2 Policy 29 - Sustainable Design

LDP2 Policy 30 - Amenity

LDP2 Policy 32 - Surface Water Drainage

LDP2 Policy 34 - Flooding and Coastal Inundation

LDP2 Policy 35 - Development in the Coastal Change Management Plan

LDP2 Policy 38 - Visitor Economy

LDP2 Policy 41 - Caravan, Camping & Chalet Development

LDP2 Policy 42 - Site Facilities on Tent, Chalet & Caravan Sites

LDP2 Policy 55 - Infrastructure Requirements

LDP2 Policy 57 - Town & District Shopping Centres

LDP2 Policy 59 - Sustainable Transport

LDP2 Policy 60 - Impacts of Traffic

LDP2 Policy 61 - Cycleways

PPW11

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SPG02 - Landscape
SPG04 - Planning Obligations
SPG05 - Seascape Character
SPG07 - Biodiversity
SPG08 - Caravan Camping & Chalet
SPG16 - Sustainable Design & Development
TAN 05 - Nature Conservation and Planning
TAN 12 - Design
TAN 13 - Tourism
TAN 15 - Development and Flood Risk
TAN 23 - Economic Development

Constraints

Special Area of Conservation - within 500m
Safeguarding Zone
Hazardous Zones
ROW Coast Path - within 10m
Potential for surface water flooding
Recreation Character Areas
Low Coal Risk
Surface Coal
Affordable Housing Submarkets
Seascape Character Areas
Landscape Character Area

Officer's Appraisal

Site and Context

The application relates to a public toilet block built and operated by Pembrokeshire County Council within Newgale campsite.

Newgale campsite is located alongside the A487 which runs immediately behind the shingle bank of Newgale beach. The majority of the site is located within a floodplain and is visually prominent within the landscape of the National Park, due to its positioning at the coastal end of an open valley extending inland towards Rhyndaston Mountain, affording widespread views from many vantage points between. It is also prominent in near views along the A487 as it sits alongside the main road between Haverfordwest and St David's. The campsite is located outside the LDP 2 Rural Centre boundary for Newgale.

Relevant Planning History

NP/98/349 Certificate of Lawfulness as a camping site for tents and dormobiles, Certificate granted October 1998.
NP/00/052 Toilet Block Extension – approved.

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NP/07/450 Toilet block Extension – approved.

NP/19/0297/CLE – Use of campsite land for stationing of single mobile catering unit (for sale of hot & cold food & non-alcoholic drinks from 7am to 11pm) from beginning of June (weekends only) and 7 days a week from beginning of school holidays until September each year for use of occupiers of campsite only – Approved.

Description of Proposal

The description of development on the application form reads:

‘Change of use of surplus public toilets to takeaway ice cream parlour/coffee bar & beach themed retail with small rear extension to create kitchen together with new public disabled toilet as required by Pembrokeshire County Council’.

The existing single storey building is constructed of concrete block with pebbledash render under a slated roof to the northwest of the campsite.

This is proposed to be extended and refurbished to provide a takeaway/ice cream parlour and one disabled toilet for public use.

The Newgale campsite adjacent covers a large area of land along the seafront, extending to some 8.77 acres in total.

The campsite primarily consists of closely mown grass with informal pitches and is level to the north and west, rising up to a bank to the south-east of Wood Hill with some excavated tent plateaus which are currently unauthorised (having formed part of the withdrawn previous scheme).

Centrally located on the north-eastern perimeter of the site is an established flat roofed toilet/shower block which serves the campsite.

There are also currently two temporary caravans which are used as a site office/reception and for security purposes, together with a trailer for general storage, but these also do not at present, benefit from any permission.

Key Issues

The application raises the following planning matters:

- Policy and Principle of Development
- Siting, Design and Impact upon the Special Qualities of the National Park
- Landscaping & Biodiversity
- Land Drainage
- Other Material Considerations: Accessibility, Previously Developed Land status

Policy and Principle of Development:

Future Wales – The National Plan 2040 (FW which was adopted on 24th February 2021) is the National Development Framework for Wales and is the national tier of the Development Plan.

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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 application site lies outside any Centre boundary as defined by Local Development Plan 2 and is therefore classified as Countryside where development must be strictly controlled.

Policy 7 of the Plan (Countryside) sets out the types of development that are acceptable, in principle, in the countryside and include tourist attractions where the need to locate in the countryside is essential, extensions to established businesses in the countryside and assisting coastal communities in preparing for and adapting to coastal change.

The building subject of the application is situated in the open countryside, alongside the A487 at Newgale, between the Duke of Edinburgh pub to the north and Newgale Campsite to the south and was last used as a public toilet block operated by Pembrokeshire County Council.

Public toilets are deemed a community facility within the Local Development Plan. The glossary of terms set out in appendix 6 of LDP2 define community facilities as those providing for the health and welfare of the community as well as other requirements and public toilets certainly fulfil that role. The nearest alternative disabled toilet is located adjacent to the surf and life-saving club building within the PCC car park at Welsh Road, some 490 metres away.

Policy 54 of LDP2 aims to protect against loss of community facilities by resisting development that would adversely affect their operation or result in its loss, except where a suitable replacement or enhanced facility is to be made available or where it can be shown the facility is no longer required or is not commercially viable.

The building has historically been provided and used by Pembrokeshire County Council for the purpose of providing public toilets with the land on which it is built being under freehold ownership of the applicant. It is unclear from the planning statement submitted with the planning application if the toilets are currently in use. Whilst the County Council may have relinquished the site, the use of the building remains sui generis as public toilets and they have been in situ since the 1970s. PCC has advised that they will relinquish the toilets at the request of the landowner following protracted discussions in relation to the ownership of land on which the toilets are constructed. It has been suggested that this will come with the proviso that a single cubicle, accessible for all is retained for public use within the building and open daily from Easter to the autumn half-term holiday, although it is not clear whether this will only be the case if the proposed development takes place or not. The nearest alternative public toilets to these are situated further to the south at Newgale, alongside the PCC car park.

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An unsigned deed between the applicant and the County Council, which provides for the single cubicle to be provided within the proposed development has been submitted in support of the application. It is not clear, but it appears to be suggested that this will be completed if planning permission is granted.

The proposal includes the change of use of part of the former toilet block to A1 use class (takeaway ice cream and coffee bar). Policy 57 supports changes of use, redevelopment or development of new buildings within specific locations. It supports A1, A2 and A3 uses or community facilities where they are located within a Rural Centre. This reflects national planning policy and the principle of town centre first locations for A class use proposals.

The proposed location of the development is outside the Rural Centre of Newgale and therefore contrary to the provisions of Policy 57.

Policy 54 Community Facilities supports the provision of new and extended facilities (including convenience shops) where these are well located to meet a community's needs.

Planning Policy Wales Edition 11 recognises that shops ancillary to other uses can serve a useful role in rural areas (pointing to examples such as farm shops), it advises Planning Authorities to take account of the following in considering such proposals (paragraph 4.3.42):

- The potential impact on nearby retail and commercial centres or village shops;
- The desirability of providing a service throughout the year and
- The likely impact of traffic generated and access and parking arrangements

The proposal as suggested would serve the general public and not simply those visiting the campsite.

Whilst the proposed A1 use is likely to support the campsite business financially, it is in a location outside the Rural Centre of Newgale. The location is not considered well located to meet the community's needs, and therefore the new retail element of the proposal is considered contrary to Policy 54 Community Facilities.

Parking and access arrangements appear to be acceptable. An objection has been received on the grounds of lack of parking and raising concerns regarding safety of customers and road users, however PCC Highways have not objected to the application.

Concerns have also been raised regarding the potential commercial impact on other nearby businesses. No information has been provided to assess whether or not the proposal would have a potential impact on nearby other retail centres or village shops.

The retail element of the proposal is therefore not considered to comply with LDP 2 policies or national planning policy.

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The application site is within a C2 flood plain. Welsh Government's Technical Advice Note 15 (TAN 15) identifies C2 flood plain as those areas of the floodplain without significant flood defence infrastructure. This constraint is acknowledged by the applicant. The flood risk area is extensive and covers the adjacent road, much of the campsite and the pub. Policy 34 of LDP2 is the strategy policy for flooding and coastal inundation and directs development away from areas at risk from flooding, unless there are sound social or economic justifications in accordance with the advice set out in TAN15.

Whilst TAN15 allows for less vulnerable development in C2 zones, it must meet the justification tests of being part of; or assisting with a local authority regeneration initiative or strategy to sustain an existing settlement OR be necessary to key employment objectives supported by the local authority and other key partners to sustain an existing settlement or region. In addition, it must meet the definition of brownfield land AND the potential consequences of flooding been found acceptable.

Whilst the reasons given in the planning statement submitted with the application relate to there being economic benefits in providing some employment, this would be of very limited scale and does not fulfil the requirements of the TAN15 justification tests.

Paragraph 6.5.16 of Planning Policy Wales requires planning authorities to use shoreline management plans to identify stretches of coast where coastal defences will no longer be maintained and to include specific policies to manage development in such areas.

The application site is within a Coastal Change Management Area defined in LDP2. Whilst new residential development within these areas is not permitted, non-residential development can be permitted if it is demonstrated that there will be no increased risk to life or significant increase in risk to property.

The proposal includes extension of the building which would increase the overall footprint by approximately 50%. A flood consequence assessment has been submitted with the application that acknowledges that the site is within an area at high risk of flooding, including by inundation from the sea. On the basis that the proposed use is 'less vulnerable' as is the current use, safe escape can be provided, flood proofing will be incorporated, and a flood warning implemented the FCA concludes that the proposed application is suitable in flood risk terms.

The building is wholly within a C2 flood risk area which is known to suffer inundation from the sea on a fairly regular basis. Due to predicted sea level rise and increased storminess the frequency of flood events will increase. In the past the pub adjacent to the toilet block has suffered significant damage and there is every likelihood that this will happen again. The shoreline management plan policy is one of managed realignment for this stretch of coast and the realignment of the A487 further inland will allow the shingle bank to roll inland. Paragraph 6.5.17 of Planning Policy Wales state that:

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“...proposed development in areas of coastal change should only take place where risks and consequences are understood and can be acceptably managed over the lifetime of the development.”

Whilst re-use of the toilet block as it is may not increase flood risk, the proposal to extend the building has the effect of increasing risk as there will be a larger building within the coastal risk management area. This would be contrary to national and local policy which is to reduce risk over time.

Policy 37 of LDP2 allows for relocation of properties such as this at immediate risk from coastal change, outside of the coastal change management areas rather than increasing built areas within them.

On the basis of the policy analysis above, there is an in-principle objection to the application proposals.

Siting, Design and Impact upon the Special Qualities of the National Park:

Planning Policy Wales (Edition 11), references the need for good design and states that ‘meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.

PPW goes on at 6.3.9 to state: ‘The special qualities of designated areas should be given weight in the development planning and the development process. Proposals in National Parks and AONBs must be carefully assessed to ensure that their effects on those features which the designation is intended to protect are acceptable. The contribution that development makes to the sustainable management of the designated area must be considered’.

TAN 12 (Design) at 2.5 makes the point that ‘good design is not inevitable. It requires a collaborative, creative, inclusive, process of problem solving and innovation – embracing sustainability, architecture, place making, public realm, landscape, and infrastructure.

TAN 12 (Design) at 2.6 states that “Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities”.

Policy 8 of the Pembrokeshire Coast National Park Local Development Plan 2 (LDP2) is a strategy policy which refers to the special qualities of the National Park and lists priorities to ensure that these qualities will be protected and enhanced.

Policy 14 of the Plan seeks to conserve and enhance the Pembrokeshire Coast National Park and states that development will not be permitted where this would have an unacceptable adverse effect on the qualities and special landscape and seascape character of the Pembrokeshire Coast National Park including locally distinctive characteristics by a) causing visual intrusion; and/or b) introducing or intensifying a use which is incompatible with its location; and/or failing to harmonise with, or enhance the landform, landscape and seascape character of the National Park; and/or losing or failing to incorporate important traditional features.

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Policy 29 of LDP2 requires all development proposals to be well designed in terms of place and local distinctiveness (criterion (a)).

The proposed lean-to extension to the rear of the toilet block is not considered to represent an uncharacteristic form of extension to a small utilitarian building. Metal profiled roof and timber cladding to walls has been suggested. The replacement fenestration is proposed in grey upvc.

Whilst the previous scheme showed external seating to the frontage of the building, this proposal does not show any external seating areas. Should this permission be granted the layout would need to be approved to ensure access to the disabled toilet was maintained.

Given that the bulk of the building is as existing, in terms of siting and design, the scheme would be acceptable under Local Development Plan 2 policies.

Landscaping & Biodiversity:

To comply with Planning Policy Wales (2021) and the Environment (Wales) Act 2016 planning authorities are expected to ensure every development positively contributes to biodiversity. The Authority's Ecologist has been consulted with regards to the submitted application details.

A preliminary protected species assessment was submitted on the 3rd of May 2023 and the PCNPA Ecologist has confirmed that 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. Suggested informatives would be recommended to be placed on any approval to alert the developer to the relevant legislation and what to do in the event of bats being found during construction.

A proposed bird and bat box has been suggested as enhancement for the site and a reference to any lights being fitted must be low-level, downward facing, hooded and on a short PIR activated timer. However, the location of the bird and bat boxes has not been specified on the plans and this would need to be designed to be in a location where it/they would be undisturbed, and as such a scheme would be required to be submitted for approval via a condition. External lighting conditions would also be required.

Land Drainage:

The Coastal and Rivers Engineer at Pembrokeshire County Council has made the following comments:

We are aware of instances of historic flooding affecting both the public highway, adjacent land and the site to which the application refers to in their entirety as a result of tidal and or fluvial influences. The proposals are located wholly within a C2 area at risk of tidal and or fluvial flooding as defined by the TAN 15 Development Advice Maps.

It is noted that a Flood Consequence Assessment accompanies the application, which should be reviewed by Natural Resources Wales with regard to flood risk if not already done so. With particular reference to the Planning Statement and

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Justification Report, our comments from a coast protection perspective are as follows: The A487 Public Highway is protected on its seaward side by a natural shingle bank, which acts as a flood barrier and coast defence asset. It further protects land to the east, which includes the site to which the application refers to and includes land and property in the immediate vicinity.

During periods of high tide and accompanying tidal surge in conjunction with severe weather events, failure of the shingle bank due to wave overtopping results in shingle being deposited onto the highway and surrounding land. This together with the resultant floodwaters necessitates the closure of the A487 highway to enable the shingle to be removed from the highway and for the shingle bank to be re-profiled. As a further consequence of the failure of the shingle bank, structural or superficial damage may be caused to nearby properties.

*The West of Wales Shoreline Management Plan 2 states that in Policy Unit 2.11, the current epoch is **Managed Realignment (MR)** and to manage shingle on the road but with the long-term intent of allowing the shingle ridge to behave naturally, with the epoch changing to **No Active Intervention (NAI)**.*

A report commissioned by Pembrokeshire County Council concluded that the shingle bank will become increasingly unstable and vulnerable to failure, with a likelihood that by 2030 the current situation may become unsustainable.

Therefore, until becoming unviable due to engineering and or cost constraints, Pembrokeshire County Council will continue to clear the highway of shingle and to reinstate the crown of the shingle defences. The applicant should be made aware that increased incidents of flooding together with failures of the sea defences would affect the application site together with adjacent land and property’.

The Drainage Engineers at Pembrokeshire County Council have also been consulted with the development proposals. Their comments read as follows:

The consultation documents state that surface water will be disposed of to soakaway, which would be in accordance with TAN 15.

If, however, ground conditions are not suitable for the use of soakaways/infiltration type SuDS, an alternative method of disposal will be required, which should be agreed in writing with the local planning authority. The applicant should be made aware that surface water from all additional impermeable areas created by the development should be disposed of to some form of sustainable drainage system. Pembrokeshire County Council as SuDS Approving Body (SAB) considers that the proposed works will not require SAB approval.

Should approval be recommended a condition requiring drainage testing and a method of surface water disposal would be required.

Other Material Considerations:

Access:

The public sector equality duty section (Section 149) of the Equality Act (2010) must be considered when considering whether to grant planning permission for any development.

The Welsh Government and local authorities have a duty to implement the UN Convention on the Rights of Persons with Disabilities (CRPD) in order to safeguard and promote disabled people's rights.

In addition, the Welsh Government's Framework for Action on Independent Living imposes extra duties on public sector organisations in Wales to improve opportunities for disabled people to access services and facilities.

In short, public authorities have a duty to have due regard to:

- advance equality of opportunity (including removing or minimising disadvantages for those with protected characteristics, taking steps to meet such persons needs and encouraging such persons to participate in public life and activities)
- eliminate discrimination and harassment
- foster good relations

It is understood that the existing toilet block has been or will be closed regardless of the outcome of this application, but that the proposed development will enable the provision of a single toilet cubicle accessible to all. Disability is a protected characteristic under the Equalities Act 2010. The duty to have regard to minimising disadvantage to disabled persons and to encourage such persons to participate in public life and activities is directly engaged when the decision has a potential impact on the provision of toilet facilities suitable for use by the disabled.

However, the duty is to have such regard as is appropriate in the circumstances, which include both the importance of the areas of life of the disabled persons that may be affected by the decision and such countervailing factors as are relevant, including the purposes of the Authority and the planning functions which the Authority may be exercising. In this case it is Officers view that it has not been the Authority's decision to withdraw or reduce the accessible toilet facilities that have to date been enjoyed and that the provision of a further accessible toilet, whilst material, is not sufficient to outweigh the policy conflicts that the proposal would involve.

The Access Officer at Pembrokeshire County Council has been consulted and has suggested that the following list of considerations should be raised with the applicant:

- Install a hearing loop on the order counter and consider providing a lowered section within the order counter at seated/wheelchair height.
- Aside from following the guidance in part M in terms of the accessible WC layout, these additional points may not be immediately obvious:

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- Make sure that the flush handle is fitted to the transfer side of the cistern. Do not use a push button flush, mounted in the centre of the cistern; it is not reachable from a wheelchair.
- Make sure that the door opens outwards.
- Make sure that bins and other items do not obstruct the space that a wheelchair user needs to transfer.
- Make sure that water heaters/a cupboard are not beneath the washbasin impeding the approach of wheelchair users.
- An emergency red cord should be fitted.
- Please make sure that there are people able to respond and that those people know what the alarm sounds like and what to do if it goes off. Please also ensure that the cord is not tied up out of reach by well-meaning cleaning staff who render it unusable when it is needed.
- Ensure appropriate door widths for maneuverability throughout the development and consider how the position of furniture has an impact on a person's ability to move around safely and comfortably.
- Colour contrast should be used between doors, handles, shelves, doorframes, walls and skirting to help someone with a visual impairment find their way independently. Please also think about the impact of lighting, glare and reflections on surfaces. Manifestations should be included on large glass windows and doors.
- Utilise signage to help people identify key areas.
- Consider shelving of different heights so that items can be reached independently – or look at making items available on both high and low shelves.

Remember that disability does not just refer to a 'wheelchair user' and equipment such as flashing lights in the event of a fire alarm being activated can make a big difference.

Previously Developed Land:

Planning Policy Wales Edition 11 encourages the use of previously developed land (also referred to as brownfield land) in preference to greenfield sites where it is suitable for development. The status of land as previously developed can be a material planning consideration, particularly where its development will improve visual amenity. Planning Policy Wales Edition 11 however also explicitly recognises that not all previously developed land is suitable for development (paragraph 3.55). It states:

“This may be, for example, because of its unsustainable location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated. For sites like these it may be appropriate to secure remediation for nature conservation...”

In this context because of the location of the site within an area identified as one which will change significantly as a result of climate change and its associated flood risk, the Officer view is that PPW's caveat regarding unsustainable locations and a preference for nature conservation in specific circumstances is applicable in this case.

Conclusion

The public toilets which are deemed a community facility have already been or will be lost due to the land ownership issue identified by the applicant. The proposals though, seek to retain a single accessible toilet cubicle for public use and this, in combination with the toilets situated further south alongside the Pembrokeshire County Council car park at the northern end of Welsh Road would be sufficient to meet the requirements of Policy 54 of LDP2 in relation to the toilets as a community facility.

However, the retail element of the proposal does not meet the requirements of Policy 57 or Policy 54 of the LDP2 in terms of its location which is not well suited to meet the community's needs. Insufficient information has been provided in relation to any potential commercial impacts on other village shops or retail centres in the local area.

Furthermore, the application site is within a C2 flood risk area and does not meet the tests for development set out in TAN15. It is therefore contrary to national planning policy and to Policy 34 of LDP2 which directs development away from areas of flood risk.

The application site is also within a coastal change management area, defined on the LDP2 proposals map. Policy 35 allows for non-residential development in such areas, but it must be demonstrated that it will result in no increased risk to life or significant increase in risk to property. The proposal is seeking to enlarge the building by some 50% and therefore introducing a significant area of new building within the zone. The risk of inundation in this location is present and already occurs on a regular basis. The shoreline management plan policy of coastal realignment along with predicted effects of climate change will also increase the risk from the current time. For these reasons the proposal is contrary to policy 35 of LDP2.

The policy conflict is not outweighed by the potential for provision of an accessible toilet facility in this location, having regard to the Authority's duties under the Equalities Act 2010.

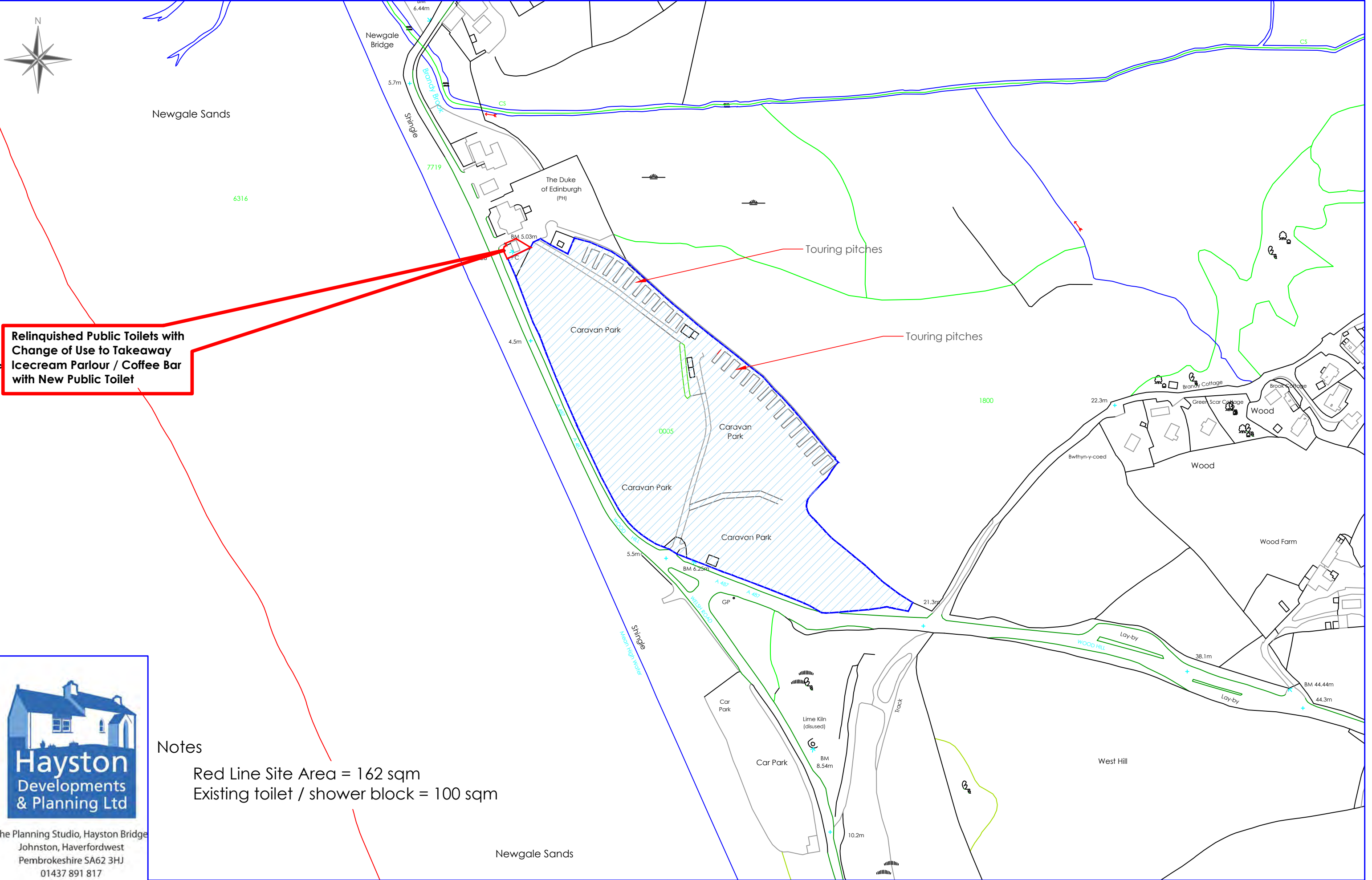
Recommendation

Refuse for the following reasons

1. The application to develop a building in a flood risk area is contrary to Local and National Development Policies, in particular the adopted Pembrokeshire Coast National Park Authority Local Development Plan 2 Policy 34 Flooding and Coastal Inundation and Welsh Government's Technical Advice Note 15: Development and Flood Risk.
2. The application seeks to increase and intensify development uses within the coastal change management area contrary to the adopted Pembrokeshire Coast National Park Authority Local Development Plan 2 Policy 35 Development in the Coastal Change Management Area.

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3. In developing within an area subject to coastal realignment, the proposal is contrary to the policies of sustainable development contained within Planning Policy Wales Edition 11 and Welsh Government's Technical Advice Note 15: Development and Flood Risk.
4. The location of the retail element of the proposal is outside a Retail Centre and in a countryside location. Its location is not well located to meet the community's needs. Insufficient information on potential impacts on other village shops and retail centres has been provided. The proposal is therefore contrary to the adopted Pembrokeshire Coast National Park Authority Local Development Plan 2 Policy 57 Town and District Shopping Centres and Policy 54 Community Facilities and to Planning Policy Wales Edition 11.
5. The policy conflicts are not outweighed by other material considerations, including for the avoidance of doubt, the provision of an accessible toilet facility at this location.



Relinquished Public Toilets with Change of Use to Takeaway Icecream Parlour / Coffee Bar with New Public Toilet

Notes

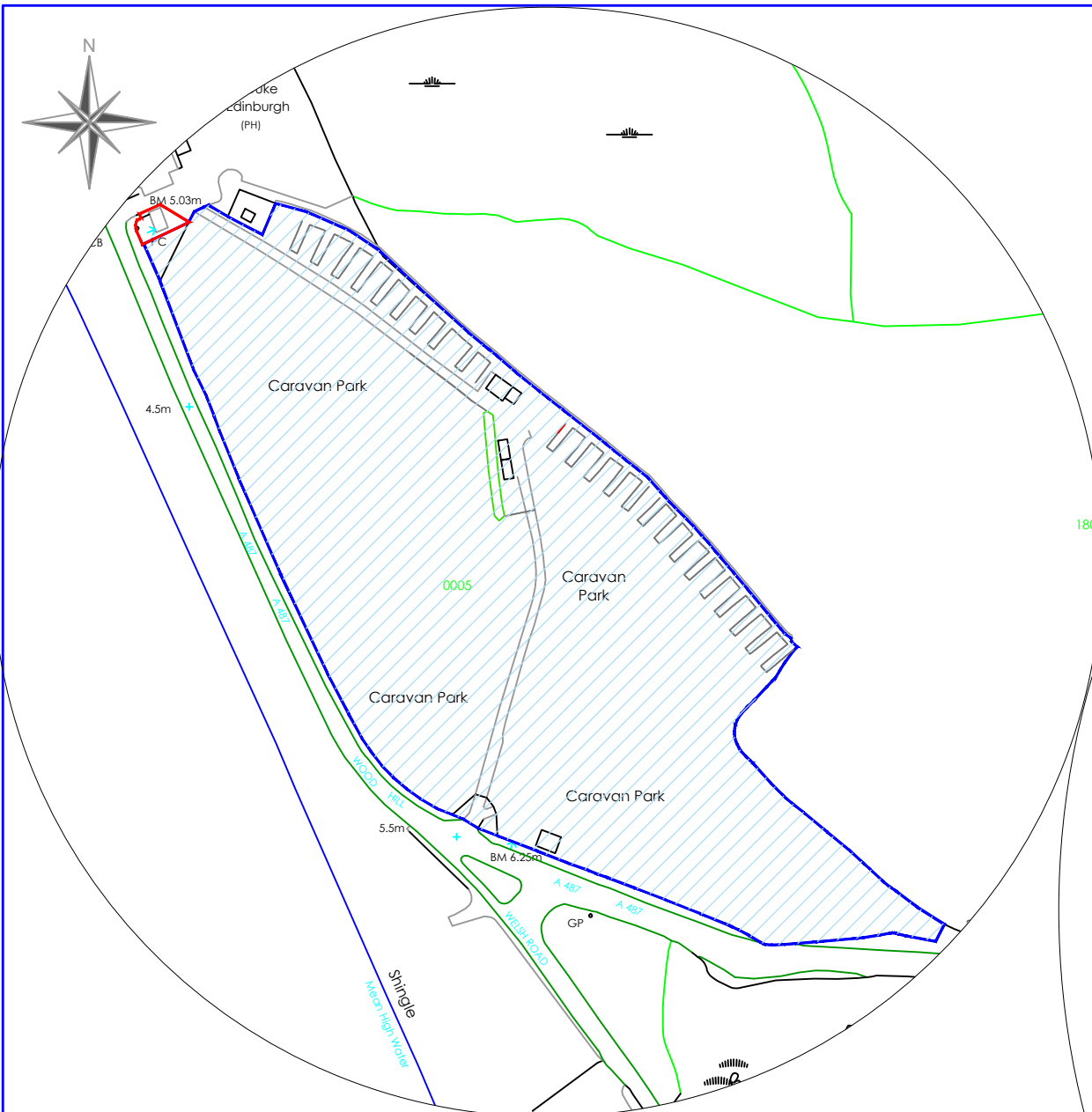
Red Line Site Area = 162 sqm
Existing toilet / shower block = 100 sqm



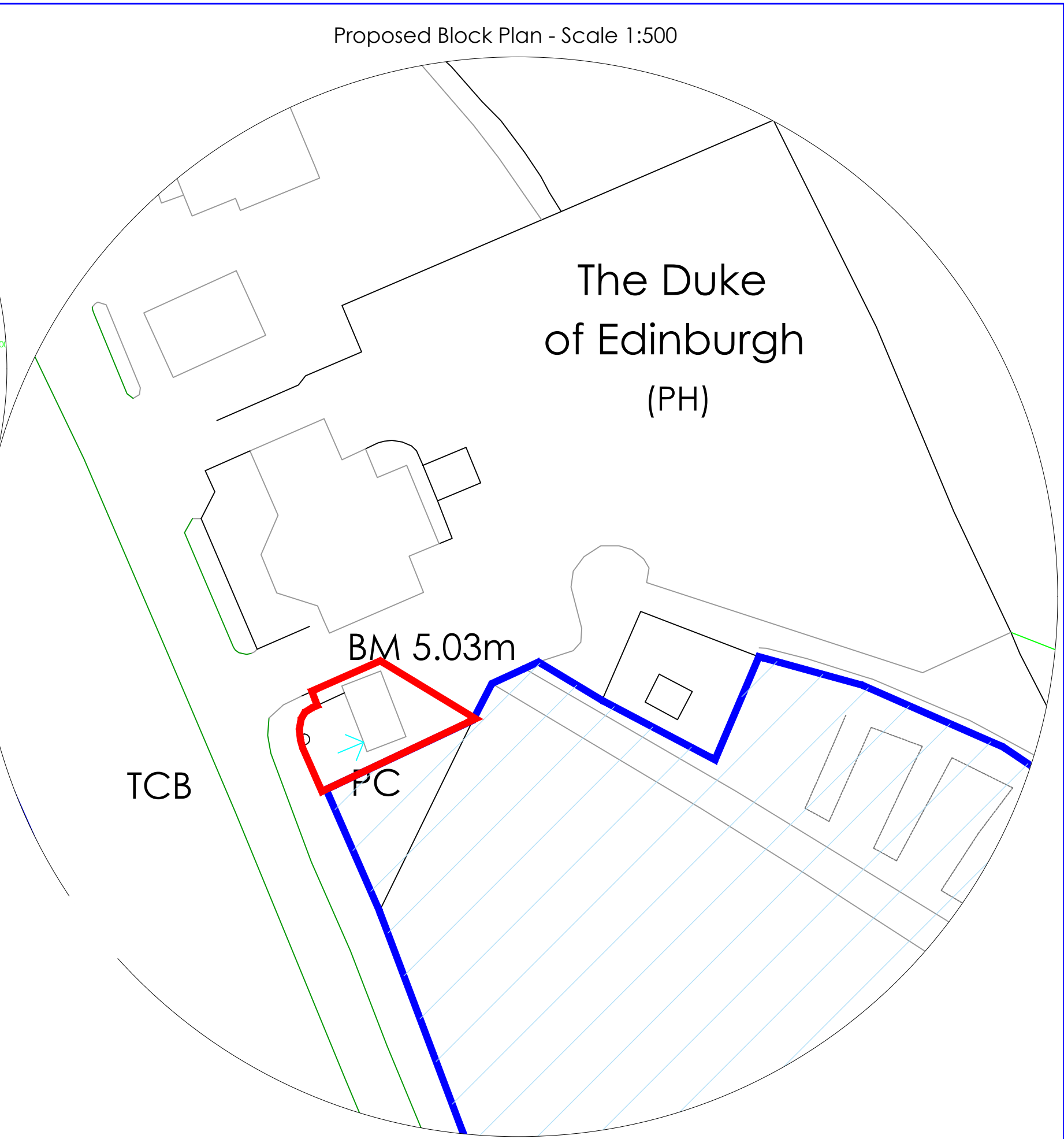
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CHANGE OF USE OF SURPLUS PUBLIC TOILETS TO TAKEAWAY ICE CREAM PARLOUR / COFFEE BAR AND BEACH THEMED RETAIL WITH SMALL REAR EXTENSION TO CREATE KITCHEN TOGETHER WITH NEW PUBLIC DISABLED TOILET AS REQUIRED BY PEMBROKESHIRE COUNTY COUNCIL AT OLD TOILET BLOCK, NEWGALE CAMP SITE, NEWGALE, PEMBROKESHIRE

Designed by	Checked by	File name AVH_961	Date 29.11.2022	Scale A3 - 1:2500	Client Mr Mike Harris
Drawing Title Site Location Plan		Page 41 of 170		Dwg No 01a	



Existing Location Plan - Scale 1:2500



Proposed Block Plan - Scale 1:500

The Duke
of Edinburgh
(PH)

TCB

BM 5.03m

PC

Notes

Red Line Site Area = 162 sqm msq
Existing toilet / shower block = 100 msq

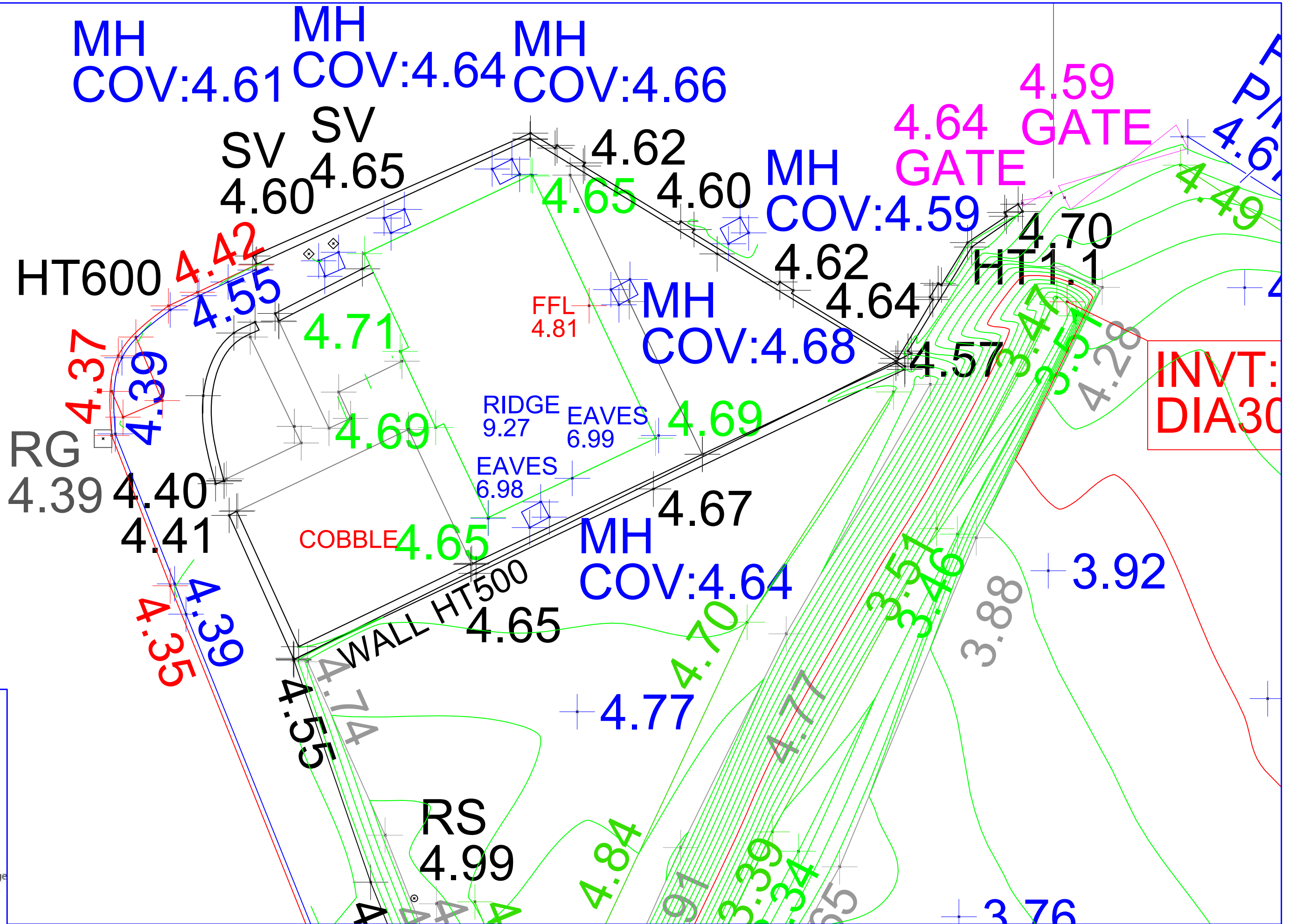


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Designed by	Checked by	File name AVH_961	Date 29.11.2022	Scale A3 - As Shown	Client Mr Mike Harris
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Drawing Title
Location & Block Plans



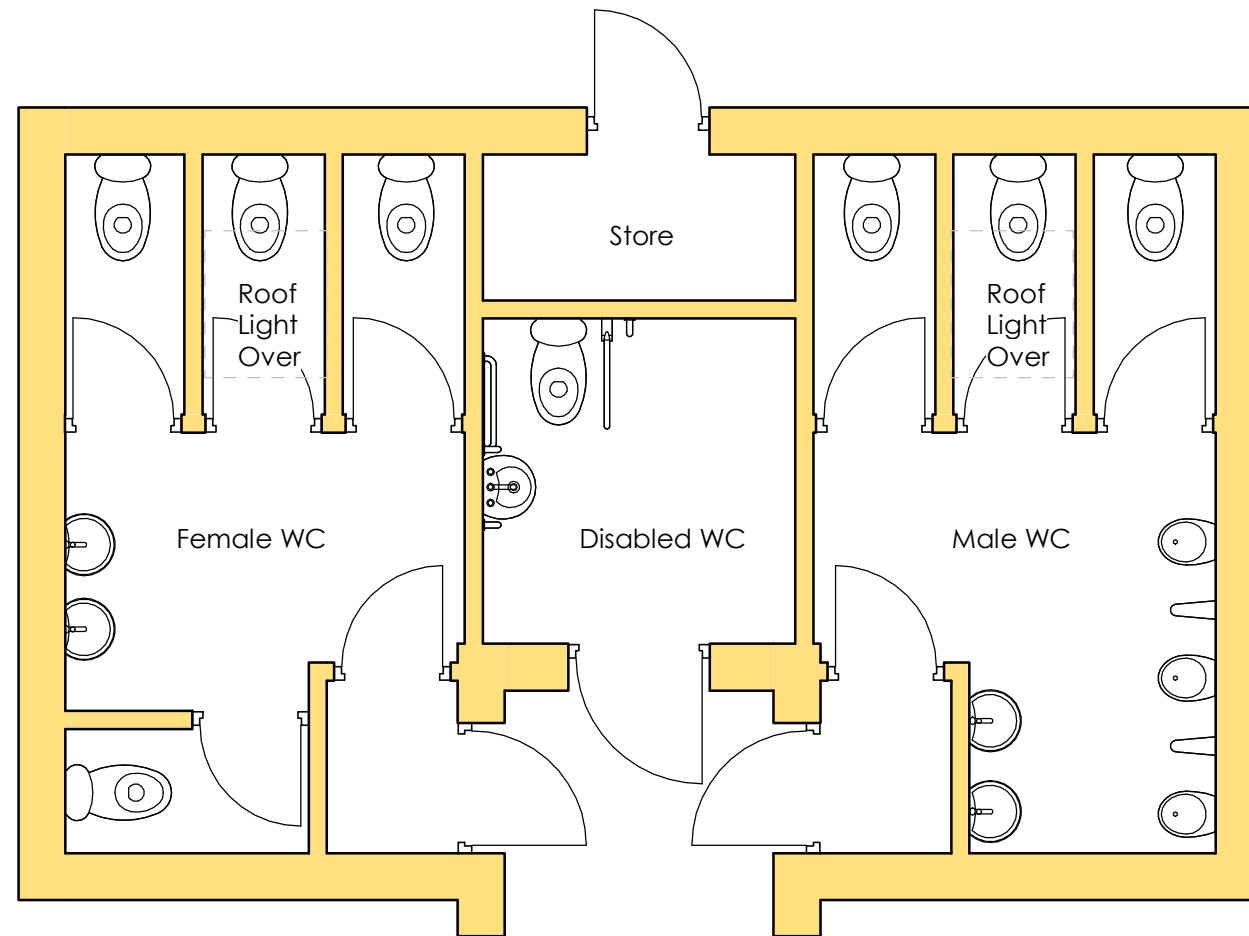
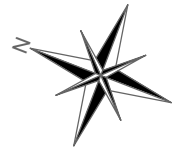
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Designed by	Checked by	File name AVH_961	Date 29.11.2022	Scale A3 - 1:100	Client Mr Mike Harris
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Drawing Title
Topographical Survey Plan



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No.	Description	Date

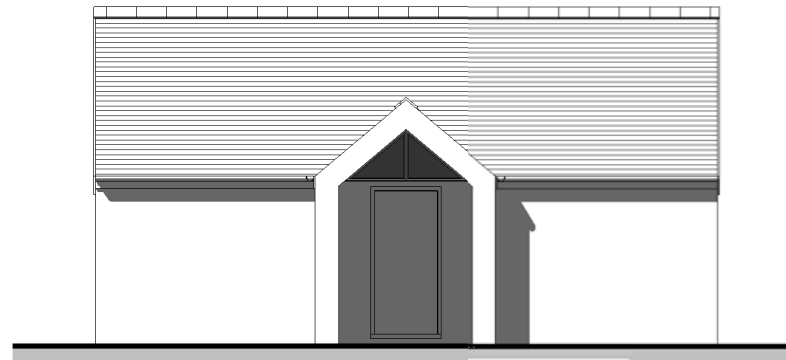
CHANGE OF USE OF SURPLUS PUBLIC TOILETS TO TAKEAWAY ICE CREAM PARLOUR / COFFEE BAR AND BEACH THEMED RETAIL WITH SMALL REAR EXTENSION TO CREATE KITCHEN TOGETHER WITH NEW PUBLIC DISABLED TOILET AS REQUIRED BY PEMBROKESHIRE COUNTY COUNCIL AT OLD TOILET BLOCK, NEWGALE CAMP SITE, NEWGALE, PEMBROKESHIRE

Existing Floor Plan - Relinquished Toilet Block

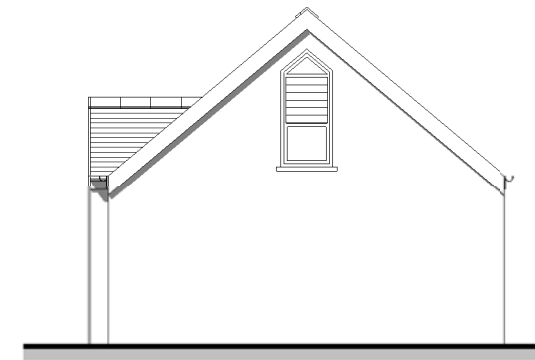
Project number	AVH_961
Date	29.11.2022
Client	Mr Mike Harris
Checked by	'

05a

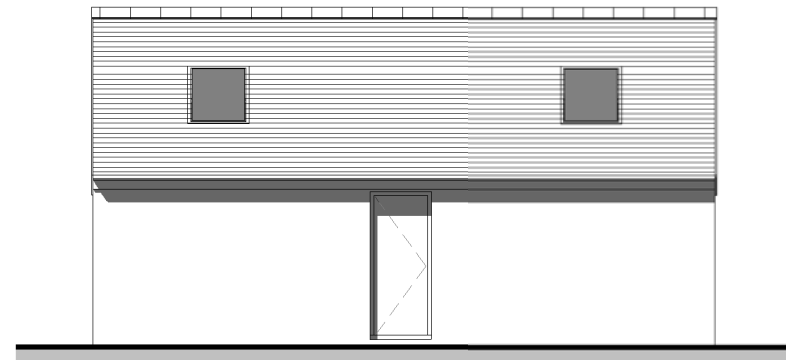
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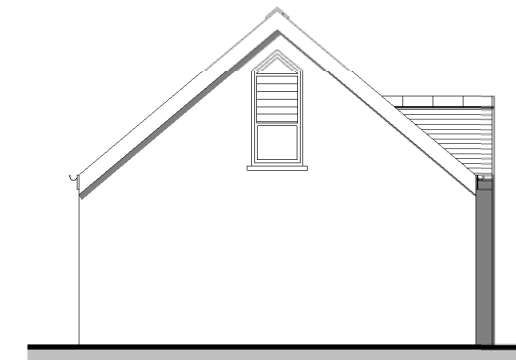
SouthWest



SouthEast



NorthEast



NorthWest



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Existing Elevations - Relinquished Toilet Block

Project number	AVH_961
Date	29.11.2022
Client	Mr Mike Harris
Checked by	'

06a

Scale 1 : 100

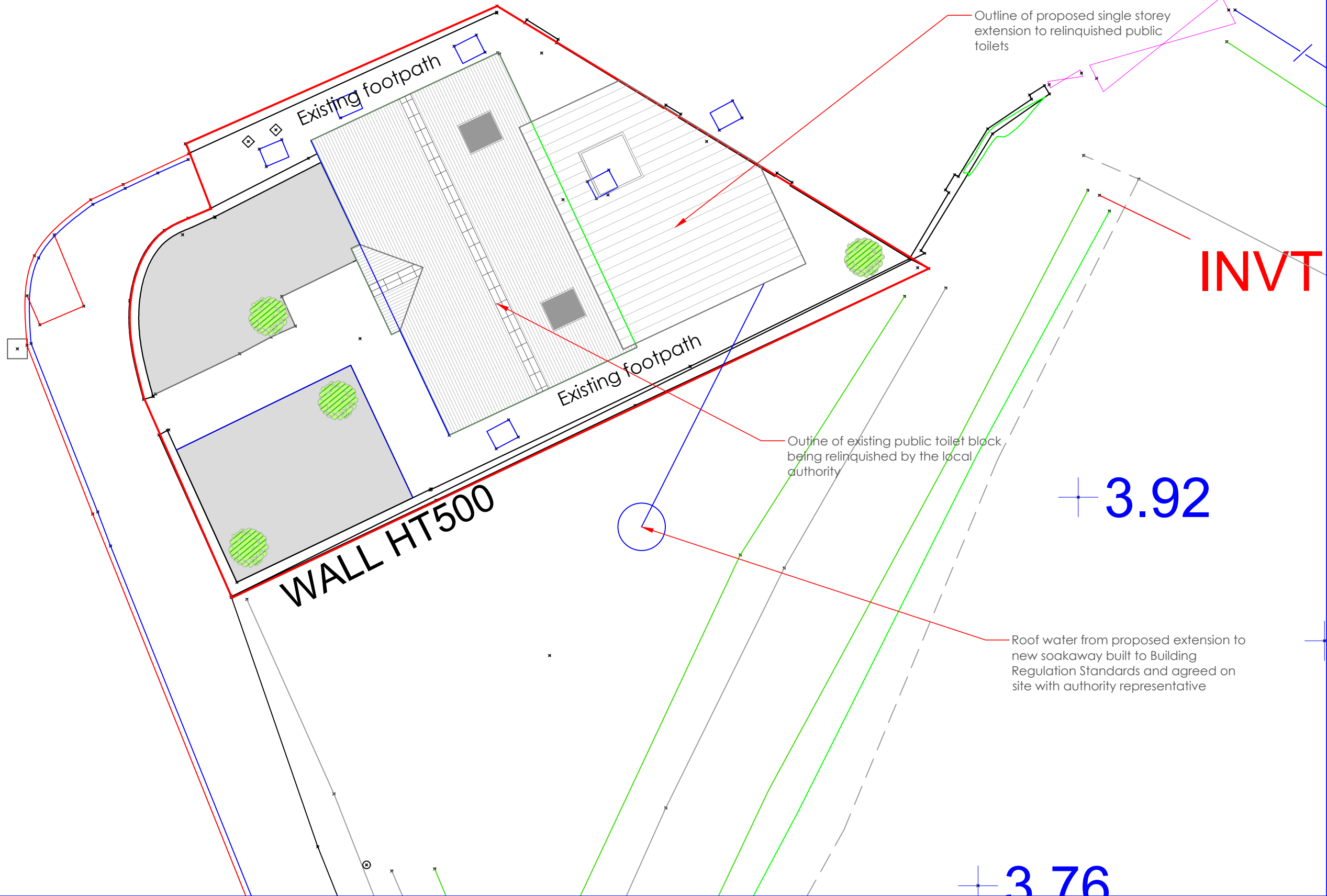


Notes

Foul drainage to existing mains drainage system



Proposed planting of native coastal trees/shrubs



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Designed by	Checked by	File name AVH_961	Date 29.11.2022	Scale A3 - 1:200	Client Mr Mike Harris
Drawing Title		Site Plan Ice Cream Parlour / Coffee Bar / Beach Themed Shop			
Page 46 of 170					Dwg No 04a

FLOOD PROOF MEASURES ON EXISTING TOILET BLOCK

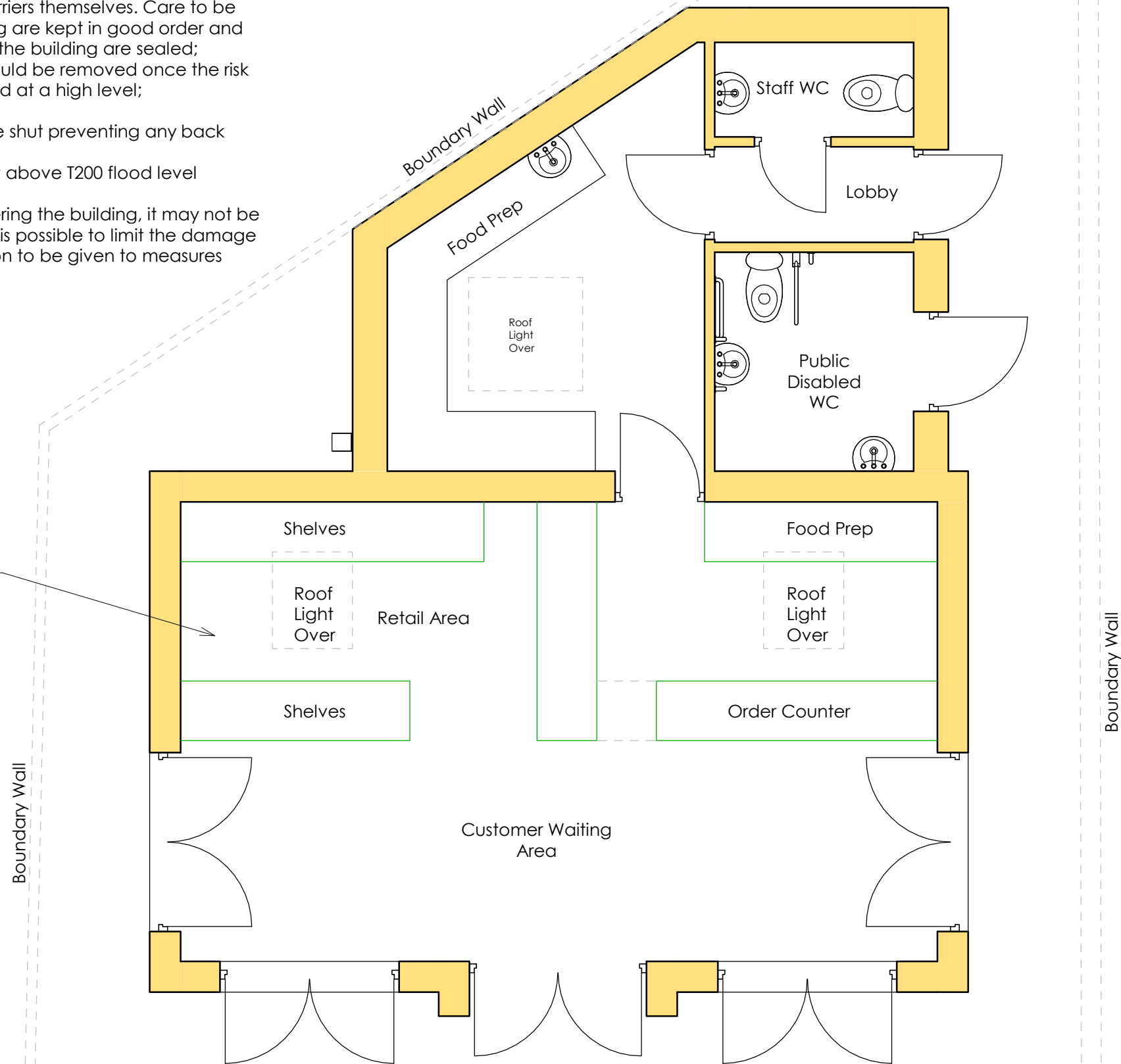
Dryproofing - Preventing the water from entering the building.

In the first instance it is possible to take measures to prevent the ingress of water (dryproof).

1. Ensure that the walls of the building are able to act as barriers themselves. Care to be taken to ensure that the pointing and any external plastering are kept in good order and that all cracks and gaps around cables and ducts entering the building are sealed;
2. Provide temporary covers to any low air vents. Covers should be removed once the risk of flooding is over. Alternatively, the air vents can be installed at a high level;
3. Erect temporary barriers in front of any external doors;
4. Potential to install a valve allowing the sewer system to be shut preventing any back flow of water.
5. First floor level to provide refuse point for site users and set above T200 flood level (5.022m AOD)
6. Wetproofing - Limiting the damage caused by water entering the building, it may not be practical to totally eliminate the risk of flooding, however, it is possible to limit the damage that the water can cause once in the building (Consideration to be given to measures identified in Flood Consequence Assessment Report)



Beach retail items such as buckets/spades/beach balls/sun screen, sports activities etc



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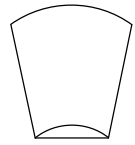
No.	Description	Date

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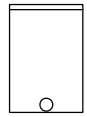
Proposed Floor Plan - Relinquished Toilet Block

Project number	AVH_961
Date	29.11.2022
Client	Mr Mike Harris
Checked by	'

07a
 Scale 1:50
 Page 47 of 170



Beumaris midi bat boxes



Bird box



SouthWest



SouthEast



NorthEast



NorthWest

EXTERNAL FINISHES

1.	Proposed Roof	Metal profiles roof (Insulated) - Grey in colour
	Existing Roof	Existing blue/grey slate to remain
2.	Walls to Extension	Timber cladding - Cedar - Left to weather
	Existing Walls	Existing Roughcast - Left to weather

3.	Rain Water Goods	White uPVC Half Round Guttering with Circular Downpipes
4.	Windows	Grey uPVC
5.	Doors	Grey uPVC



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Proposed Elevations - Relinquished Toilet Block

Project number	AVH_961
Date	29.11.2022
Client	Mr Mike Harris
Checked by	'

08a

Scale 1 : 100