Application Ref: NP/23/0280/FUL

Case Officer Bethan Gledhill Applicant Mr N Walsh

Agent Mr Andrew Vaughan-Harries, Hayston Development &

Planning Ltd

Proposal Changes to existing guest house & residential dining

(Class C1) with bespoke gin distillery (B2) & small

bar/restaurant (mixed use C1/A3) together with alterations

Site Location St Davids Distillery, Restaurant & Rooms, 11-13, Nun

Street, St. Davids, Haverfordwest, Pembrokeshire, SA62

6NS

Grid Ref SM75322539

Date Valid 06-Jul-2023 Target Date 27-Sep-2023

This application is being brought to the Development Management Committee at the request of a Member as it raises matters of public interest and due to the Officer recommendation differing from that of the City Council.

Consultee Response

St David's City Council: Support, subject to ensuring clear route kerbside collection and delivery.

Buildings Conservation Officer: No comments received.

Public Protection: No objections subject to a condition being imposed requiring

submission of extraction system details **Highways Authority:** No objections

Health and Safety Executive: The proposal is not likely to require Hazardous Substances Consent. This is for the applicant to check. The health and safety enforcing authority appears to be the Local Authority

PCC Health and Safety Officer: Detailed comments regarding storage and operational requirements relating to distilling.

Cadw: No comments received.

Dyfed Archaeological Trust: No comments received.

Coal Authority: Informative

Access and Rights of Way Officer: 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, which requires that proposed developments are advertised by way of either neighbour letters or a site notice. In this case, both methods of notification were utilised in order to ensure notification in an area where many dwellings are only occupied seasonally.

When the application was first publicised, it came to light that the certificate of ownership was incorrect, and the applicant was not in fact, the owner of the

premises. These details were corrected, with the submission of certificate of ownership B, with notice being served on the owner of the premises. A new site notice was erected, and new neighbour letters sent.

Twenty third party responses were received. The main points of concern are summarised as follows:

- the officer's concerns raised during the previous application (19/0622/FUL)
 around the introduction of a public bar and restaurant provide a clear
 benchmark and reference point in the consideration of the current application
 given that the adopted policy context remains unchanged
- The presence of a licenced bar open to the general public will bring about unacceptable impacts on amenity and highway / pedestrian safety in this area of Nun Street.
- The location is not suitable for the proposed works
- There is no side access available to the rear garden for the premises
- Concerns over highway and pedestrian safety as a result of deliveries to the premises
- It is of concern that the highway authority seek no further information on traffic and movement impacts
- The intensification of use brought about by the proposed bar / restaurant would generate significant additional impacts in a context where the current impact from noise, smell, fumes and general disturbance is already unacceptable
- The proposal would impinge upon the privacy of nearby properties
- The use of the commercial kitchen would result in more fumes and noise from the kitchen area
- The extended hours of use along with the bar and restaurant will result in additional waste being generated from the site, in particular, food waste, the increased number of visits to the outside bin store will result in further noise and disturbance to the neighbours
- The mains drain serving the properties already struggles to cope
- The proposed uses could impact the general ambience in the area
- The events referred to in the Heritage Impact Statement could generate substantial additional impacts on amenity within the locality
- The Heritage Impact Statement submitted with the application does not appear to have followed best practice guidance
- Health and Safety concerns as regards the installation of a still and the use of ethanol. No details in relation to containment measures have been provided as part of the application
- Concerns as regards the control / operation of the distillery
- No evaluation made regarding the public protection requirements for the distillery within the Public Protection Team's consultation response.
- Fire and explosion risk surrounding the ethanol used within the proposed distillery
- The proposal could change the unique character of St Davids
- Concerns as regards the impact of the proposal on bereaved visitors to graves at the Cathedral

Other concerns

 the application for LBC has failed to identify, explain or illustrate in sufficient detail the specific elements of fabric affected by the alterations and the materials to be used in any new work

This concern relates to the Listed building application and not the full application. Insurance risk

This is not a material planning consideration and cannot be considered

- Concerns regarding the City Council's consideration of the application This is not something that this Authority can control, and therefore, cannot be commented on further
 - Incorrect land ownership details submitted

These details have now been corrected

 The proposal signage shown on the plans is a "free" depiction of a generic church

The proposed signage would be subject to a separate advertisement consent application and would not be considered as part of this submission

• There is no sign in the plans that there is any provision for the secure storage of distilled spirit to meet the requirements of HMRC

This would not be considered under planning legislation and cannot be commented on further.

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 2020

LDP2 Policy 01 - National Park Purposes and Duty

LDP2 Policy 05 - St Davids Local Centre

LDP2 Policy 08 - Special Qualities

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 57 - Town & District Shopping Centres

LDP2 Policy 60 - Impacts of Traffic

PPW11

SPG02 - Landscape

SPG05 - Seascape Character

SPG17 - The Cumulative Impact of Wind Turbines

TAN 05 - Nature Conservation and Planning

TAN 12 - Design

TAN 24 - The Historic Environment

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Constraints

Biodiversity Issue
Historic Landscape
Safeguarding Zone
Ancient Monument - within 500m
Hazardous Zones
Recreation Character Areas
Article_4_Directions
Affordable Housing Submarkets
Conservation Area St Davids
Landscape Character Area
Listed Building

Officer's Appraisal

Relevant Planning History

NP/23/0281/LBA – Alterations in association with changes to existing guest house & residential dining (Class C1) with bespoke gin distillery (B2) & small bar/restaurant (Mixed Use C1/A3). – Pending at time of writing

NP/22/0603/DOC – Discharge of condition No's 3, 5 & 7 of NP/19/0622/FUL – Discharged 10-Nov-2022

NP/19/0623/LBA – Replacement of UPVC windows with timber sash windows and minor internal alterations – Approved 04-Mar-2020

NP/19/0622/FUL - Change of use to B & B - Approved 02-Jun-2020

NP/19/0473/FUL – Change of use of bed and breakfast household to public bar / restaurant on first floor and new metal balcony to rear elevation – Withdrawn 07-Nov-2019

NP/19/0474/LBA – Construction of first floor balcony to rear (West) elevation, including replacement of uPVC windows with timber sash windows. Minor internal alterations – refused 05-Nov-2019

Site and Proposed development

The site is part of Cathedral Villas, which are located on Nun Street, close to the junction with Cross Square. It is located within St David's Conservation Area and Retail Centre as defined by the Local Development Plan (LDP 2). Nos 11-13 are the centre properties of this listed terrace. The premises are currently used as a questhouse.

Both the neighbouring properties are residential in nature. There is a further guesthouse at no 7 Nun Street, there is an Indian takeaway at No 20 Nun Street, which is on the opposite side of the street, approx 40m to the north of nos 11 and 13.

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Further south of the site, towards Cross Square, there are retail outlets, a café, and a public house.

Current Proposal

This application seeks consent for a mixed use, consisting of a bespoke gin distillery and small bar / restaurant, together with alterations to the existing guest house.

The gin still has been installed, however, it is not currently in use. It is located on the ground floor, towards the front of the building. The proposed public bar area would be off the central lobby of the building, to the rear of the distillery room, and leading off the bar would be the dining area. At present, this area is used by those staying at the guest house. A stock room / kitchen preparation area is also proposed at ground floor level, on the right-hand side of the property, with a commercial kitchen proposed to the rear of this.

At present, there are 3 bedrooms in connection with the guest house use. It is proposed to increase this to 4 bedrooms.

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
- Amenity and Privacy
- Impacts of Traffic
- Public Protection

Policy and Principle of Development:

All planning applications are required by statute to be determined in accordance with the policies of the current development plan, which is 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..."

Policy 1 of the Pembrokeshire Coast National Park Local Development Plan 2 (LDP2) sets out the National Park's purposes and duty, in order to ensure that development within the Park is compatible with these.

The proposal is for a minor development. Proposals are permissible where they are compatible with:

a) the conservation and enhancement of the natural beauty, wildlife and cultural heritage of the Park, and

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b) the public understanding and enjoyment of the special qualities.

The application site lies within the centre boundary of St Davids, and within its Retail Centre as defined by the Local Development Plan 2.

Policy 57 of the LDP2 relates to Town and District Shopping Centres. It states that within the town shopping centre of Tenby, and the district shopping centres of Saundersfoot, St Davids and Newport, and other smaller shopping centres changes of use, redevelopment or development of new buildings will be permitted where:

- a) if the town or district shopping centre the proposal falls within Class A1, A2, A3, B1, C1, D1, or D2 of the use classes order or isa sui generis use normally found in such shopping centres;
- b) if in a Rural Centre the proposal is for retails or commercial uses (A1, A2, and A3 uses) or community facilities; and
- c) if it is located within a primary frontage (see Tenby Inset on the Proposals Map), the proposal would not create a concentration of non-retails uses; and
- d) the scale, siting and design is appropriate and would contribute to the character and appearance of the area; and
- e) proposals for A3 uses would not individually or cumulatively cause an unacceptable adverse effect on amenity (see Policy 30) or the role of the Centre in meeting the needs of local communities and visitors.

The bar and restaurant element of the proposal is a use which is identified normally being suitable within the Retail Centre as it is A3 use, which is listed within Policy 57 of the LDP2 as a use which is normally found in shopping centres. However detailed consideration of suitability of use is also dependent on potential amenity impacts which is assessed in greater detail below.

The proposed distillery, which is use B2 is not a use which is recognised as being appropriate within Retail Centres within Policy 57, that in combination the new bar / restaurant and the events / activities associated with the A3 use is not compliant with Policy 57 of the Local Development Plan. In addition to this, the more industrial nature of processes associated with B2 use, which are proposed as part of the distilling element of the proposal are also not considered appropriate in a residential or Retail Centre.

In addition to the broader policy presumption against elements of the use of the proposal, Officers have significant concerns regarding the potential impacts of the proposal on the amenity of neighbouring residential properties - these are set out in greater detail below.

The proposal is considered to be inappropriate in terms of scale, use and the residential setting of the immediate location. The proposal would not be compatible with the public understanding of the special qualities of the Park. As such, the principle of the development does not comply with the relevant policies of the adopted Local Development Plan (LDP2) and cannot be supported.

Siting, Design and Impact upon the Special Qualities of the National Park: Policy 5 St Davids Local Centre is a strategy policy which sets out land use priorities which include ensuring developments permitted contribute to the protection and enhancement of the City's special qualities. Part of the description of St Davids by 2031 in paragraph 4.32 is to note an expectation that "The City's role as an attractive historic centre is protected and enhanced." Retail facilities are expected to be "sufficient to serve the needs of the local community".

Policy 8 of the Pembrokeshire Coast National Park Local Development Plan (LDP) 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 LDP seeks the conservation of the Pembrokeshire Coast National Park, resisting development that would cause significant visual intrusion, be insensitively or unsympathetically sited within the landscape, and/or fail to harmonise with, or enhance the landform and landscape character of the National Park.

Policy 29 of the LDP requires all development proposals to be well designed in terms of place and local distinctiveness.

The proposal seeks to add a bar and restaurant which would be open to the general public, as well as a bespoke gin distillery, to the existing guest house.

The planning statement submitted with the application states that the distillery would act as an added visitor attraction, with the business plan stating that events such as distillery tours, "make your own spirits" events, afternoon G & Teas are planned at the premises. These events together with the proposed bar and restaurant would result in an intensification of uses that would be incompatible with the property's location, being situated within a predominantly residential setting.

It is considered that the development will have an unacceptable impact on the character of the host property and immediate vicinity, and will cause an unacceptably detrimental impact to the special qualities of the National Park. As such, the development complies with policies 8, 14 and 29 of the LDP and can be supported.

Amenity and Privacy:

Policy 30 of LDP2 seeks to protect the amenity of people living in 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

The premises are currently used as a guest house (Use Class C1). Whilst there is a dining room and bar within the premises, they are used in connection with the guest

house rather than being open to the general public, this is a significantly lower level of use than would be generated by the proposal.

A previous application, reference NP/19/0473/FUL sought planning permission to add a public bar and restaurant on the first floor of the building. The planning officer at the time raised concerns in respect of the impact that the bar / restaurant would have upon amenity. The application was subsequently withdrawn.

A further application was submitted, reference NP/19/0622/FUL. This application also sought permission for a licensed restaurant and bar. During the course of this application, the description was amended, and the reference to the creation of a licensed bar and restaurant was removed. However, the existing plans for the current submission show a bar and dining area. Given that this would be deemed incidental to the guest house (C1) use, planning permission would not have been required.

As part of this current application, it is again proposed that an A3 use be introduced in the form of a restaurant, as well as a bar, being opened to the general public. At present, the use of the bar and dining area is limited to the guests who are staying at the guest house. Should they be given permission to be opened to the general public, it is anticipated that the number of visitors to the premises would increase. Whilst the applicant maintains that the restaurant would serve only a small number of people for its "tasting menus", this, combined with the bar would create additional footfall to the premises as the bar would be open for business during the same hours as the restaurant, meaning that members of the public could use the bar for drinks only even if the restaurant is fully booked. Furthermore, the proposed gin distillery element of the proposal would involve events such as "make your own spirit" and "G and Afternoon Tea", has the potential to create further footfall to the premises.

The proposed block plan states that the garden to the rear would not be used after 8pm. At present, the garden is available for guests to enjoy should they wish, however, given that the guests that stay at the property are staying on a Bed and Breakfast basis, and that there are only 6 guest bedrooms at present, it is considered that any use of the garden is low in terms of volume of people. It is considered that any use of this garden in association with the proposed A3 use would harm the residential amenity currently enjoyed by the occupiers of both the neighbouring residential properties in terms of noise nuisance, and smells from the commercial kitchen.

The opening hours of the premises are proposed as 12 noon to 23:30 Monday to Sunday, with the exception of Bank Holidays whereby the premises would close at 23:00. Whilst it is accepted that there is a public house on Cross Square, i.e The Bishops, and one located on Goat Street (The Farmers Arms) that have similar opening hours, and do generate background noise and activity, they are not situated within a predominantly residential area, such as 11-13 Nun Street, and therefore, do not have the same impact upon residential amenity.

In connection with the proposed A3 use, a new commercial kitchen is to be created within the premises. This would also contribute to an impact upon residential amenity

in the form of noise and has the potential to cause an unacceptable effect on No 15 Nun Street.

It is accepted that residents who live within a mixed-use area, in close proximity to commercial premises cannot reasonably expect the same level of peace and quiet as those living in a wholly residential setting. It is acknowledged that there are retail outlets, a hot food takeaway, and a restaurant within close proximity to the residential properties on this particular part of Nun Street. However, as the proposal would see the introduction of a bar and restaurant open to the public, along with the creation of a bespoke gin distillery which would, in itself, be marketed as an additional visitor attraction and would be the focal point of events such as "make your own spirit", with the premises being open until 23:30 (23:00 on Bank Holidays), the Planning Authority has serious concerns as regards the impact upon the amenity of the nearby residential properties, in particular, both the neighbouring properties. In relation to this site Officers are concerned that the semi-detached nature of the property (which adjoins a separate residential property) makes the potential impacts on amenity greater than those that would take place if the property in question was detached.

It is recognised that it would be possible for the LPA to apply a condition restricting use to shorter hours, however Officers have a fundamental concern regarding the potential for noise and disturbance to adjoining residential properties even within daylight hours given the nature of proposal.

In terms of the proposed extraction system, the Public Protection Team have raised no objections, however, would request the details to be submitted as part of a condition attached to any planning permission.

Overall, there are significant concerns in respect of residential amenity of the neighbouring properties, therefore the development is considered to have an unacceptable impact on residential amenity and conflicts with Policy 30 of the LDP.

Impacts of Traffic

Several concerns have been raised by third parties in regards to the increase in vehicular movements to and from the premises in connection with the proposal, and their impact upon highway and pedestrian safety.

The Highways Authority has been consulted on this application. They have not raised any objections to the proposal.

The proposed uses are within a street where there are similar businesses, and the premises are located within Parking Zone 1, as identified within the adopted Supplementary Planning Guidance for Parking Standards, where parking is not a requirement for new development.

It is noted that there are no options to create off-street parking for this property, and that there is a car park within 110 meters of the premises.

Overall, there are no concerns as to the impacts of traffic.

Public Protection

As a bar and restaurant and gin distillery are proposed as part of this application, the Public Protection Team has been consulted. They have raised no objections in relation to the extraction system with regard to the mitigation of noise and/or odour emissions from the system, however, they do request that a condition be attached to any planning consent. The condition requires details of the

Several third-party representations have been received with concerns relating to the potential fire risk associated with the distillery element of the proposal. The Planning Authority has consulted with the Fire Service. They have made comments as regards the compliance with B5 Approved document B (Wales) 2020. However, this relates to Building Regulations, which does not form part of planning legislation. Building Regulations would be subject to a separate application and dealt with by the Pembrokeshire County Council Building Control team.

The Planning Authority has also consulted with the Health and Safety Executive (HSE). The HSE have advised that given the scale of the development, the regulatory body in this instance would be the Local Authority.

The HSE have advised that in terms of health and safety concerns are dealt with under health and safety law. This does not form part of planning legislation. The HSE advise that the fundamental principle of health and safety law is that those who create risks, including risks to members of the public, are best placed to control them so far as is reasonably practicable. Designers, installers an operators all have a duty to ensure that this is the case.

Normally the alcohol distillation would be enforced by the HSE. However, as the main activity of this particular premises is a guest house, the Health and Safety enforcement would fall to the Local Authority.

The Health and Safety Officer at Pembrokeshire County Council has made the following comments:

These are points that need to be considered in installing of a small-scale gin production within the guest house at 11-13 Nun Street, St. Davids

- i) Ethanol the primary component of gin is a highly flammable liquid
- ii) The relevant legislation for fire and explosion risks in gin manufacture is The Dangerous Substance and Explosive Atmosphere Regulations (DSEAR). DSEAR has a specific requirement to assess risks and implement suitable measures.
- iii) People should be kept away from areas where flammable material is being stored and/or used. Stills should be located well away from other work activities, preferably in a dedicated building or room. Access to the area should be minimised and limited to those specifically involved in the processing activities
- iv) If it is necessary for persons not directly involved in the distillation process to enter the area, this should only be permitted when the distillation equipment is shut down and emptied of any spirit. This includes members of the public.
- v) Rooms containing stills should be provided with good ventilation by either natural or forced means.

vi) Sleeping accommodation should not be permitted above the distilling room.

The distillery room as shown in the proposed plans is on the Ground Floor. A bedroom is proposed directly above this on the First Floor and Second Floor. This represents a Health and Safety concern given the advice of the Health and Safety Officer. As a result the proposal is considered not to comply with Planning Policy Wales Edition 11 paragraph 3.21 which states that "The planning system must consider the impacts of new development on existing communities and maximise health protection and well-being and safeguard amenity".

In addition, insufficient information has been provided in regard to Health and Safety measures to ensure that the safety of members of the public, and guests staying within the bedrooms directly above the proposed gin distillery is maintained.

Further, there is a lack of clarity in regard to how the commercial kitchen will work in connection with the proposed gin distillery, given the potential from a flammable material (ethanol).

Conclusion

The proposed scheme is considered to be unacceptable in terms of its location, and its impact upon residential amenity. The distillery element of the proposal is not a use which is supported by LDP policies on Retail Centres and the proposal as a whole would not support the protection and enhancement of the City's role as an attractive historic centre. The development will cause an unacceptably detrimental impact to the special qualities of the National Park by altering the character of this part of St Davids. It is considered that the development will cause an unacceptable impact upon the amenity of residential neighbouring properties. Ecology and landscape features will not be adversely affected by the development. Health and safety concerns are not adequately addressed by the layout and design proposed.

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.

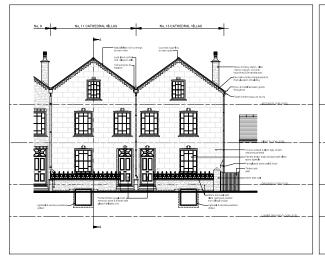
As such, the proposal is contrary to policies 1, 8, 14, 29, 30 and 60 of the adopted Local Development Plan 2 (2020) and cannot be supported.

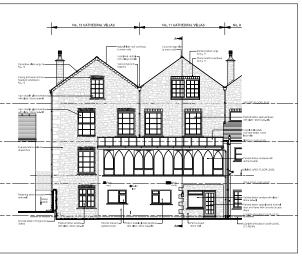
Recommendation

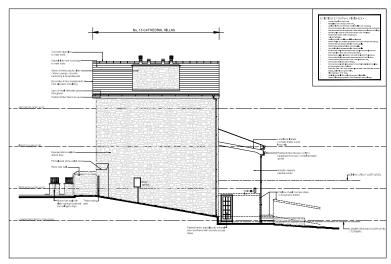
REFUSE, for the following reason:

1. In the opinion of the Local Planning Authority, the proposed development would result in harm being caused to residential amenity by virtue of the intensification of uses within the premises. The proposal does not constitute a use which is appropriate to this location. This would be contrary to Policy 30 (Amenity), and Policy 57 (Town and District Shopping Centres) of the Pembrokeshire Coast National Park Local Development Plan 2.

2. The proposed layout does not adequately address Health and Safety Concerns in proposing residential accommodation above the distilling room. This is contrary to the provisions of Planning Policy Wales Edition 11 paragraph 3.2.1.



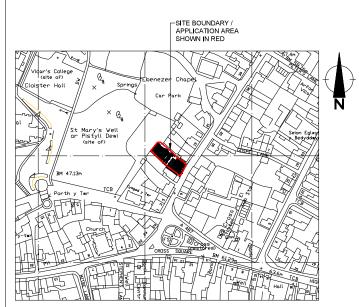




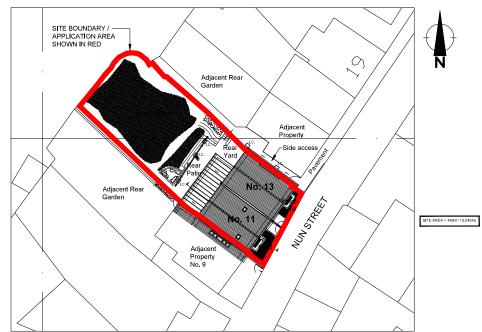
Existing Front (East) Elevation 1:100

Existing Rear (West) Elevation 1:100

Existing Side (North) Elevation 1:100



Existing Location Plan 1:1250



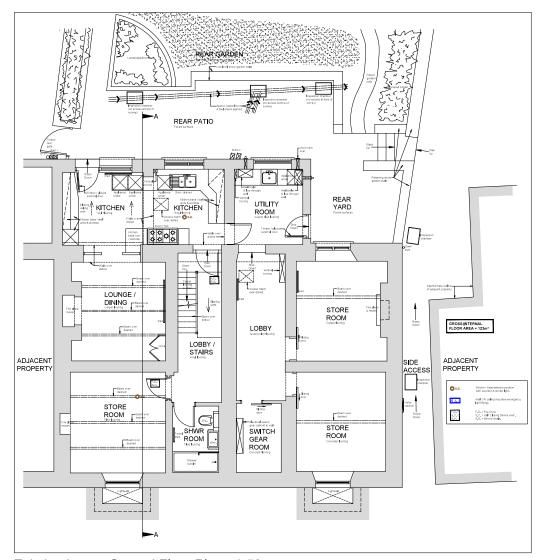
Existing Site Block Plan 1:200

EXISTING

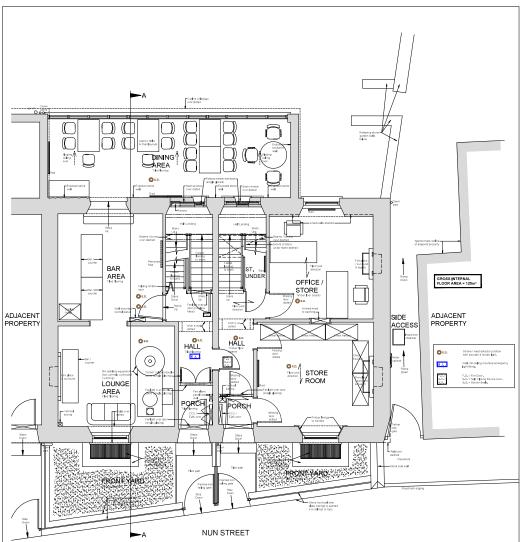
NOTE: There Existing Drawings are based on new season and the season an

A1 Original Drawing Size





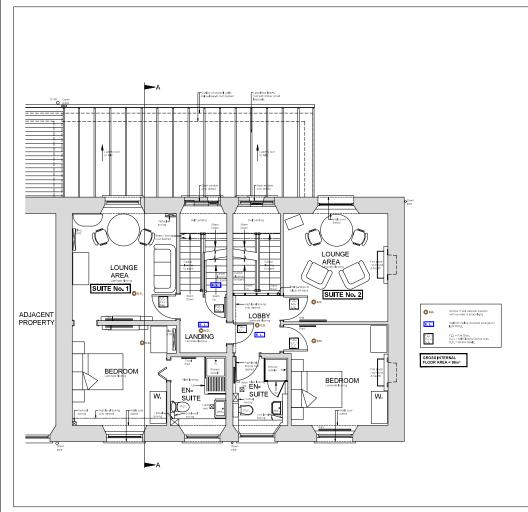
Existing Lower Ground Floor Plan 1:50



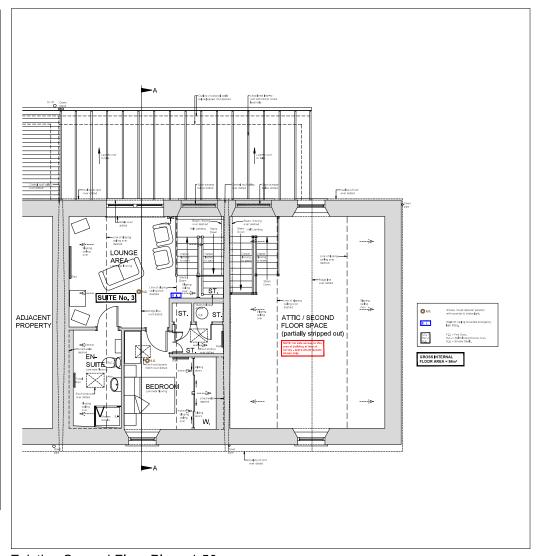
Existing Ground Floor Plan 1:50







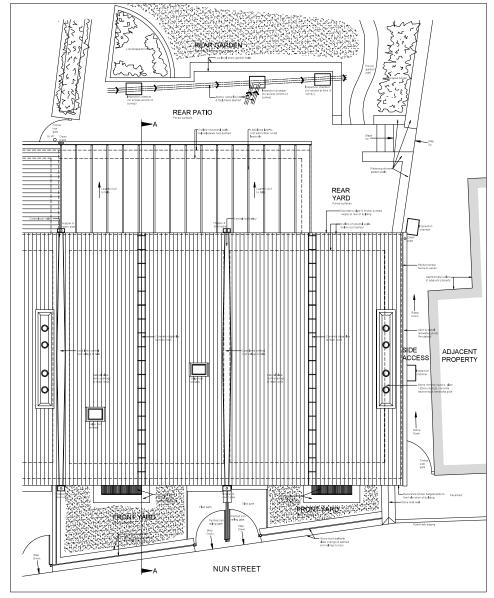
Existing First Floor Plan 1:50



Existing Second Floor Plan 1:50

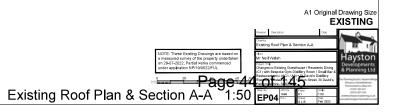


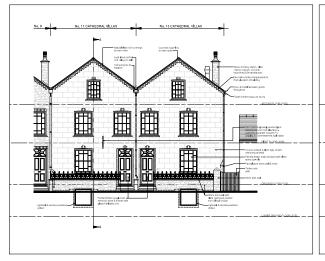


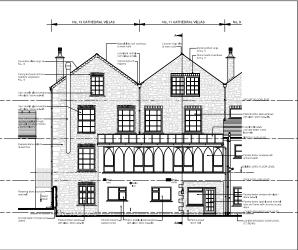


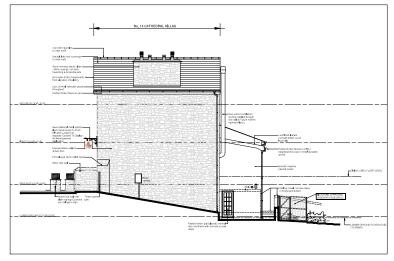
Existing Section A-A 1:50

Existing Roof Plan 1:50





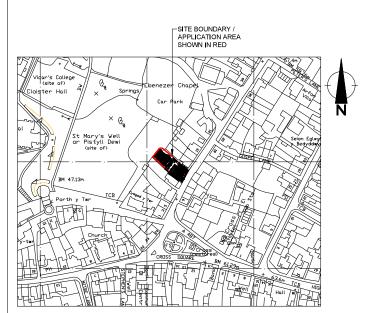




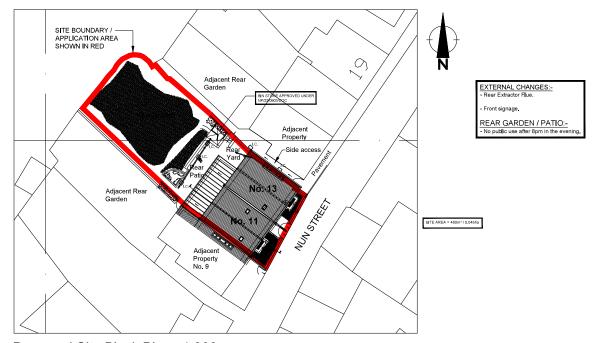
Proposed Front (East) Elevation 1:100

Proposed Rear (West) Elevation 1:100

Proposed Side (North) Elevation 1:100



Proposed Location Plan 1:1250



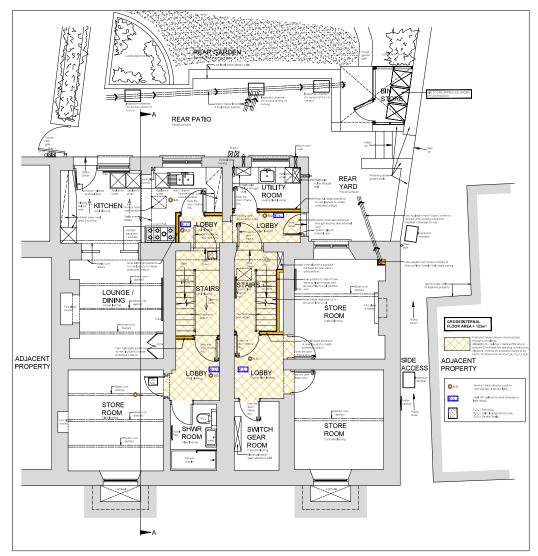
Proposed Site Block Plan 1:200

Proposed Elevations, Location & Site Block Plans

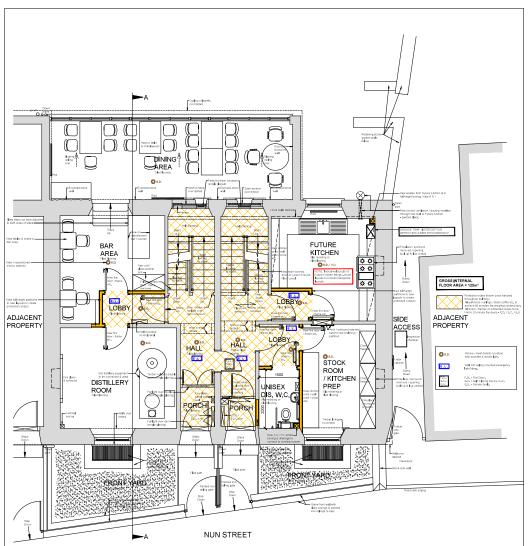
Proposed Elevations, Location & Site Block Pla

A1 Original Drawing Size PROPOSED





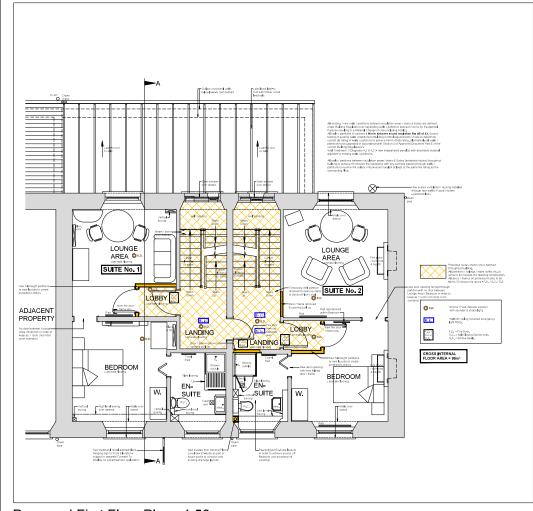
Proposed Lower Ground Floor Plan 1:50



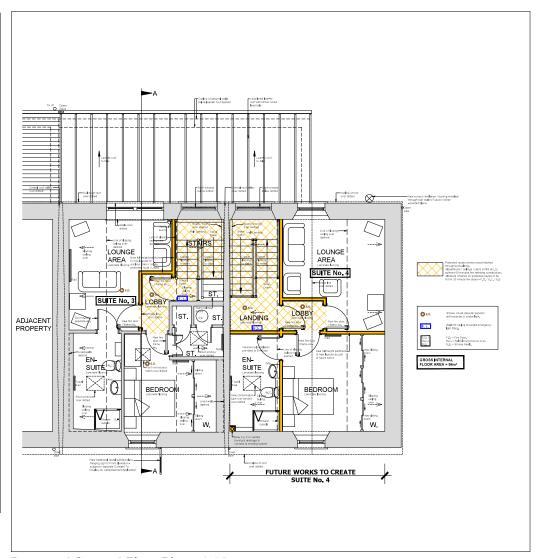
Proposed Ground Floor Plan 1:50



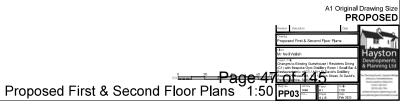




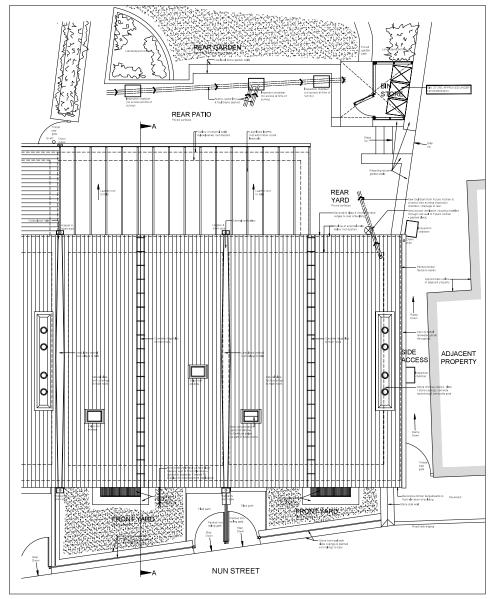
Proposed First Floor Plan 1:50



Proposed Second Floor Plan 1:50







ROOF VOID

SUITE NO.3

SUITE N

Proposed Section A-A 1:50

Proposed Roof Plan 1:50

