



NP/23/0527/FUL

Redundant Toilet Block, Adjacent to Newgale Campsite, Newgale, Haverfordwest, Pembrokeshire, SA62 6AS

Graddfa/Scale: 1:1,250





## PEMBROKESHIRE COAST NATIONAL PARK AUTHORITY COMMITTEE REPORT

<b>Application Ref</b>	NP/23/0527/FUL
<b>Case Officer</b>	Kate Attrill
<b>Applicant</b>	Mr Harris
<b>Agent</b>	Hayston Development and Planning Ltd
<b>Proposal</b>	Change of use of former public toilets to takeaway ice cream parlour/coffee bar
<b>Site Location</b>	Redundant Toilet Block, Adjacent to Newgale Campsite, Newgale, Haverfordwest, Pembrokeshire, SA62 6AS

**This application is being considered by the Development Management Committee as the Director with responsibility for Planning considers that it raises matters of public and/or Member interest.**

**A previous application for development on this site was considered by the Development Management Committee on the 6<sup>th</sup> September 2023.**

### **Summary**

This application involves the change of use of a redundant toilet block to a takeaway ice cream parlour/coffee bar providing a single accessible toilet cubicle facility.

The location is within both a flood zone and a coastal change management area. The proposal does not increase the footprint of the building and is classed as a low vulnerable use. Whilst the proposed retail element is not in a location supported by the Local Development Plan, its impact can be mitigated by planning condition. The provision of an enhanced community facility in the form of an accessible toilet facility is a material planning consideration in favour of the development. Subject to appropriate planning conditions and the submission of a signed Section 106 legal agreement, the proposed use is considered appropriate for a temporary planning permission. A permanent permission is not considered appropriate given the lack of certainty over the long-term accessibility of the building.

The application plans and full details can be found on the PCNPA website at: [PCNPA Planning \(pembrokeshirecoast.wales\)](https://www.pembrokeshirecoast.wales/PCNPA-Planning)

### **Consultee Response**

<b>Mid and West Wales Fire and Rescue Service</b>	No objection
<b>Nolton and Roch Community Council</b>	No objection
<b>PCC Access Officer</b>	Advisory

**PCC Civil Engineers**

No adverse comment on drainage issues, detailed comments on flood risk supplied.

**PCC Highways**

No objection

**PCC Public Protection**

No adverse comment

**National Trust**

Object

**Dwr Cymru / Welsh Water**

Conditional Support

**Natural Resources Wales**

No objection

**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.

Three third party responses have been received comprising of two letters of objection. Issues raised include: insufficient parking facilities, traffic congestion, public safety from road impacts, commercial impact on other businesses within centres with potential negative local employment results, impact on the character of the area, environmental concerns regarding flood risk and breach of legal covenants on the land.

One letter of support has been received.

Whilst Nolton and Roch Community Council raised no objection to the proposed development in principle, they did however raise concerns regarding parking, litter and flooding which Members feel need to be further considered when assessing the application and the planning conditions which may need to be imposed to control the proposed change of use of the building. An additional comment was supplied also suggesting that Members feel if approval is granted for the change of use, the public toilet should remain free of charge to the general public in perpetuity and the opening times for the toilet should match those of other public toilets in the vicinity, typically over a 6-month period each year.

The material planning issues raised are addressed within the main body of this report.

**Policies considered**

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

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

Policy 1 National Park Purposes and Duty (Strategy Policy)

Policy 7 Countryside (TIER 4) (Strategy Policy)

Policy 8 Special Qualities (Strategy Policy)

Policy 9 Light Pollution

Policy 10 Sites and Species of European Importance

Policy 14 Conservation of the Pembrokeshire Coast National Park

Policy 29 Sustainable Design (Strategy Policy)  
Policy 30 Amenity  
Policy 31 Minimising Waste  
Policy 32 Surface Water Drainage  
Policy 34 Flooding and Coastal Inundation  
Policy 35 Development in the Coastal Change Management Plan  
Policy 38 Visitor Economy (Strategy Policy)  
Policy 41 Caravan, Camping and Chalet Development  
Policy 42 Site Facilities on Tent, Chalet and Caravan Sites  
Policy 55 Infrastructure Requirements  
Policy 57 Town and District Shopping Centres  
Policy 59 Sustainable Transport (Strategy Policy)  
Policy 60 Impacts of Traffic  
Planning Policy Wales Edition 12  
SPG Landscape  
SPG Seascape  
SPG Planning Obligations  
SPG Caravan Camping and Chalet  
SPG Sustainable Design and Development  
SPG Biodiversity  
TAN 12 - Design  
TAN 24 - The Historic Environment

Future Wales 2040

### **Constraints**

Special Area of Conservation – within 500m  
Safeguarding Zone  
Ancient Monument – within 500m  
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 Areas

### **Officer's Appraisal**

#### **Site and Context**

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 position 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 adjacent is located outside the LDP 2 Rural Centre boundary for Newgale.

The Newgale campsite immediately adjacent covers a large area of land along the seafront, extending to some 8.77 acres in total, and is currently in the same ownership.

### **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  
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 23rd August 2019  
NP/23/0124/FUL - 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 - Refused 6th September 2023

### **Description of Proposal**

The proposal is for the change of use of the former public toilet block to a takeaway ice cream parlour/coffee bar. The changes proposed include a takeaway café area, ice cream cabinet, customer waiting area and the provision of a public accessible toilet.

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

No increase in the footprint of the building is proposed, with the physical changes limited to internal layout changes, new windows, one new door and a re-rendering and painting of the building along with the introduction of solar panels on the roof. The window and door changes involve the introduction of new fenestration on the southwest elevation, a new door opening on the northeast elevation and a new window on the southeast elevation.

An external bird box and beaumaris midi bat boxes are proposed as part of external alterations. Some limited planting is proposed as part of the wider site.

Since the submission of the application, the application has been further amended twice in response to officer concerns, to add a parking and turning

space on the south-eastern side to allow for non-ambulant users of the toilet to access the site and park safely off the highway.

## **Key Issues**

The application raises the following planning matters:

- Policy and Principle of Development
  - Conversion of building
  - Community Facility use
  - Retail impact
  - Flood risk / Coastal Change
- Siting, Design, Impact upon the Special Qualities of the National Park
- Access and parking
- Drainage
- Landscaping and Biodiversity
- Other material considerations: Accessibility, Well-being

### ***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.

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. The Centre boundary of Newgale is located a short distance away to the north - the boundary includes the residential and commercial properties which rise up Newgale Hill.

Policy 7 of the Plan (Countryside) sets out the types of development that are acceptable, in principle. This includes tourist attractions where the need to locate in the countryside is essential, extensions to established businesses and assisting coastal communities in preparing for and adapting to coastal change. Proposals which constitute the conversion of appropriate buildings to a range of uses and proposals for a new or extended community facility are supported in principle.

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 previously operated by Pembrokeshire County Council.

### ***Conversion of building***

This proposal, which involves the conversion of an existing building without adding to its footprint as an employment use, is supported by Policy 7 Countryside (criteria c). Paragraph 4.44 notes that the policy aims to encourage reuse of buildings for employment and employment related activities. Notwithstanding this in-principle support, detailed considerations of flood risk and retail impacts are considered below.

### ***Community Facility use***

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.

Policy 7 Countryside supports new or extended community facilities within the countryside.

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 was historically 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 adjacent landowner at the time. The planning statement submitted by the applicant notes that the public toilets were closed by Pembrokeshire County Council in October 2021 following discussions of land ownership. This occurred prior to the current review into the closure of public toilets. Whilst the use of the toilets has ceased, in planning terms the use of the building remains as public toilets.

Appendix A of information supplied by the applicant confirms that a deed of release between the applicant and the County Council has been signed. This agreement involves the County Council surrendering its rights to the building, subject to the provision of a new toilet facility within the development. The agreement also sets out the periods of the year in which the new public toilet facility should be made available to the public.

The proposal as now submitted will provide a single accessible toilet, with the planning statement submitted to accompany the application stating that the minimum contractual toilet opening hours agreed with the County Council for this to be open would be 8am to 8pm from 1st April to 30th September, annually and in perpetuity.

As the current facility is not open to the public and the proposal would involve the refitting of a single accessible cubicle, the proposal is considered to provide an enhanced facility and therefore to meet the requirements of Policy 54 Community Facilities with regard to the provision of the accessible toilet.

### ***Retail impact***

The proposal includes the change of use of the majority of the former toilet block to A1/A3 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.

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 12 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. Detailed consideration of parking and highways matters is set out below. Concerns have also been raised during the public consultation regarding the potential commercial impact on other nearby businesses. Whilst planning policy does not seek to prevent competition between businesses, it does seek to ensure that businesses within town centres or locations identified in a retail hierarchy are protected from negative impacts.

In this case, the current proposal is for a gross floorspace of approximately 40 square metres, with a part of this floorspace providing a single public accessible toilet. Whilst no information on the potential impact on nearby centres has been provided, the scale of the floorspace involved would limit potential impacts and further controls in the form of planning conditions (ensuring this is not an open A1 or A3 permission) could reduce the potential of negative impacts.

The proposed retail use is likely to support the campsite (an existing rural business) financially, it is in a location outside the Rural Centre of Newgale. Whilst the proposed location of the development would serve visitors to



Newgale, some of whom may be staying on the campsite, it is situated outside the Rural Centre of Newgale and therefore contrary to the provisions of Policy 57.

The retail element of the proposal is therefore not considered to comply with LDP 2 policy 57 or national planning policy, however the small-scale nature of the level of floorspace proposed mean that it would be possible to ensure a development that was acceptable when considered against the LDP 2 as a whole, if appropriate planning conditions were applied. Given that part of the justification for a retail use in this location would be to ensure compliance with Policy 7 Countryside (which supports extensions to existing businesses), a legal agreement requiring that the building was not operated or sold separately to the campsite would be necessary if the application was approved.

Paragraph 4.229 which supports Policy 42 of the LDP2 which states: 'extensions to established businesses in the countryside are sometimes needed along with the need for new businesses needing to join existing clusters. Assessing traffic impacts will be required. Those that cause significant adverse effects that cannot be mitigated will not permitted' (see Policy 59 and Policy 60) but this would also require it be retained as part of the operational development of the campsite.

### ***Flood risk***

The application site lies wholly within Flood Zone C2 in the Development Advice Map as defined by Natural Resources Wales (NRW) and is within the Coastal Management Change Area.

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 the Authority must consider the current TAN 15 position based on the Development Advice Map - this does not take account of possible impacts of climate change. The Flood Map for Planning has no official status until it is formally implemented through planning policy, however, it represents the best available information the Welsh Government have on flood risk and Natural Resources Wales will continue to use this to inform their planning advice. The Flood Map for Planning rivers and sea shows the site to be located within Flood Zone 3 (at flood risk).

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.

An updated Flood Consequences Assessment (FCA) was prepared in October 2023 in support of the current application. This FCA notes that (in contrast with the previously refused planning application) the current proposal will not increase the vulnerability of the site to flooding as no extension to the building is proposed. The proposed use is classified as less vulnerable development.

In terms of flooding, the FCA concludes that the lifetime of the development is considered to be 75 years.

The Planning Statement supporting the application states that flood design measures will be implemented within the ground floor where possible, including the potential use of demountable flood defence barriers of up to 600mm to defend ground level doorways and low windows and that safe escape would be provided by implementing a flood warning and evacuation plan post development and subscribing to the NRW's flood warning service. In considering the proposal against the existing guidance in Technical Advice Note 15, officers consider that the proposal does not form part of a local authority regeneration initiative or strategy. The proposal would in a very limited way contribute to supporting broader employment objectives. The building does meet the definition of brownfield or previously developed land set out in Planning Policy Wales Edition 12, subject to appropriate conditions to ensure delivery of mitigation measures set out within the FCA, the proposal is therefore considered to be acceptable in terms of national and local planning policies in relation to flood risk. NRW have not objected to this application on flood risk grounds.

### ***Coastal change***

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 National Park LDP 2 identifies Coastal Change Management Areas to address the risk areas identified by the Shoreline Management Plans. The application site is within a Coastal Change Management Area defined in LDP2. Policy 35 Development in a Coastal Change Management Area does not permit residential development within such locations. In terms of other new development, the policy states that "uses in the Coastal Change Management Areas will be required to demonstrate that it will result in no increased risk to life or significant increase in risk to property".

The FCA submitted indicates that the site is entirely above the 1:200 year and 1:1000 year level at the present day. Comparison of the climate change sea

levels with topographic site levels shows that the site is entirely below the 1:200 year and 1:1000 year level in 2100.

Subject to the recommendations of the FCA being implemented the flood risk within the coastal change area relating to the building itself is considered acceptable in the short term.

Paragraph 6.5.17 of Planning Policy Wales states that:

"...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."

As noted in the applicant's FCA "During periods of high tide and accompanying tidal surge in conjunction with severe weather events, failure of the shingle bank (coastal defence embankment) structure due to overtopping results in shingle being deposited on the highway, together with resultant floodwaters which necessitates the closure of the A487 highway to enable the shingle bank being re-profiled."

The West of Wales Shoreline Management Plan 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). As set out in the PCC Flooding and Land Drainage officer consultation response, 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. Until the situation becomes unviable due to engineering and/or cost constraints, Pembrokeshire County Council will clear the highway of shingle and reinstate the crown of the shingle defences, however their response points out that increased incidents of failure of the sea defence and flood events will affect the highway, application site and surrounding areas. As part of the proposal relates to provision of an accessible toilet facility, it is anticipated that this aspect of the provision would require access by car. There is significant uncertainty based on Pembrokeshire County Council's position regarding the highway and shingle bank as to whether or not highway access will be achievable post 2030. Given this position, and the longer term increased risks to the site over time, officers consider the Authority should consider imposing a temporary permission condition to ensure that the development can be sufficiently controlled during its lifespan and that a scheme for removal and remediation can be delivered in the longer term. Subject to a condition regarding time limits, the proposal may be considered to accord with relevant policies in relation to coastal change. On the basis of the policy analysis above, the proposal is considered to comply with the requirements of National and Local planning policies when considered as a whole.

The retail element of the proposal does not comply with the locational requirements of Policy 57 Town and District Shopping Centres but potential retail impacts resulting from the proposal can be controlled acceptably via the imposition of appropriate planning conditions. Conditions in relation to flood

risk mitigation and to ensure that the building is used in conjunction with the campsite only are also considered necessary. Subject to the imposition of such conditions, the development is considered acceptable in principle when considered against the LDP2 and National Planning Policy as a whole. The potential accessibility of the site from the public highway longer term is a material consideration, and this aspect is assessed further in the section on Access and Parking below.

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

Planning Policy Wales (Edition 12) 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.

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

Parts of the Pembrokeshire Coast National Park are still relatively undeveloped with minimal impact of lighting on the night sky. Policy 9 seeks to conserve that character and limit the impact of lighting which could negatively impact on the special qualities of the National Park.

Given that the bulk of the building is as existing, in terms of siting and design, subject to the imposition of a condition to control external lighting, the scheme would be considered acceptable under Local Development Plan Policies.

### ***Amenity and Privacy***

Policy 30 of LDP2 refers to 'amenity' in general with criteria (a) and (b) seeking to avoid incompatible development and significant adverse impact upon the amenity enjoyed by neighbouring properties.

There are no neighbouring residential properties that would be negatively affected by the development. Appropriate conditions governing hours of operation can be applied to protect the public amenity of those staying in the campsite. As such the proposed development is considered to comply with Policy 30 of the LDP2.

### ***Access and Parking***

Policy 59 (Sustainable Transport) seeks to permit development which promotes sustainable travel choices and reduces the need to travel by car by ensuring new development is well designed and provides appropriate access for pedestrians, cyclists, vehicles and public transport where appropriate and not permitting proposals that cause significant concerns about potential transport impacts which cannot be satisfactorily mitigated.

Policy 60 (Impacts of Traffic) prevents development where appropriate access cannot be achieved; where traffic would generate an unacceptable adverse effect in terms of congestion, times of generation or where there is an unacceptable adverse effect on road safety.

The site is accessed from the main A487 road which runs between Haverfordwest and St. David's.

The main campsite is accessed by an entrance point from the A487 at the bottom of Wood Hill and those staying in the campsite typically park their cars adjacent to their tents.

A revised scheme providing one disabled parking space as part of the site was submitted to the Authority in January 2024.

No information on how or where the wider public using the toilet and shop would park had initially been provided to the LPA, however it is assumed that the majority of visitors will be resident within the campsite and some will use the neighbouring car park or walk from further car parks along the coast. Given that there are a high number of resident campers on the site adjacent,

who will already be parked on the site, it is considered reasonable for the operation and ownership of the two to be kept as one through a legal agreement under section 106 of the Town and Country Planning Act 1990 and this is referred to in the recommendation.

The Highways Authority have been re-consulted and they have raised no objection to the development including the revised plans to include a disabled parking space.

As the proposal is for a limited retail use in association with an existing business and there is an expectation that the main users will be those visiting the campsite, the lack of specific general parking spaces for the proposal is considered acceptable, provided appropriate conditions ensuring the building cannot be operated separately to the campsite are in place, although there is a potential that it will lead to further applications to provide parking on the land adjacent within the applicant's control. The provision of one disabled parking space will be undertaken using permeable material.

As set out within the Coastal Change analysis of the Policy and Principle of Development section, there is a lack of clarity around the potential access arrangements that will be available to the building and this area of Newgale post 2030. Given this uncertainty regarding the long-term accessibility of the site, a temporary permission only is considered appropriate; this can be controlled via planning condition.

Subject to recommended conditions and notwithstanding objections received, the application is considered appropriate and is therefore considered to comply with Policies 59 & 60 of the Pembrokeshire Coast National Park Local Development Plan.

### ***Landscaping & Biodiversity***

To comply with Planning Policy Wales (2024) and the Environment (Wales) Act 2016 planning authorities are expected to ensure every development positively contributes to biodiversity.

The proposal is supported by a Green Infrastructure Statement and biodiversity enhancements are shown on the plans including bat and bird boxes and some small areas of native planting. Information to ensure the delivery of the planting to be provided can be controlled via condition.

Subject to the condition, the application is considered acceptable in relation to Landscaping and Biodiversity considerations.

### ***Drainage***

The application indicates that foul flows are to be disposed of via the public sewerage system, with surface water proposed to be drained to a soakaway. Dwr Cymru have not objected to the proposal but recommend a condition to

ensure that surface water does not enter the public sewerage network. PCC have raised no adverse comments in relation to drainage matters.

Subject to the condition, the application is considered acceptable in relation to drainage.

### **Other Material Considerations:**

#### **Access**

The public sector equality duty (Section 149 of the Equality Act 2010) must be considered when granting 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 all users' 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:

- advance equality of opportunity
- eliminate discrimination and harassment
- promote positive attitudes
- encourage participation by disabled people
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In providing a public accessible toilet, the proposal will contribute to delivering equality of opportunity and this element of the proposal is a material consideration in its favour.

#### ***Well-being***

This report takes account of the duty placed on Pembrokeshire Coast National Park Authority as a public body, by the Well-Being of Future Generations Act 2015, to carry out sustainable development. The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 has been considered. This report is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in the Act.

#### **Conclusion**

The proposed change of use of former public toilets to takeaway ice cream parlour/coffee bar is considered acceptable subject to a range of conditions and a legal agreement to address the following matters:

- Hours of availability of toilet facilities
- Hours of operation of shop/sales

- Control of retail sales/product types and floorspace
- Ensuring building is operated as an ancillary operation to the existing campsite business
- FCA flood risk mitigation requirements
- Control of external lighting
- Temporary permission
- Drainage condition
- Planting condition

The provision of an accessible toilet cubicle is a material consideration in favour of the application.

### **Recommendation**

It is recommended that the application be delegated for approval to the Director of Placemaking, Decarbonisation and Engagement subject to receipt of a Section 106 legal agreement to ensure that the former toilet building is retained in the same ownership as the campsite in perpetuity and operated as part of the wider campsite business and subject to the conditions listed below.

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 of Placemaking, Decarbonisation and Engagement to exercise discretion to refuse the application on the grounds of non-compliance with Policy 7 Countryside and Policy 42 Site Facilities on Camping, Chalet and Caravan Sites of the Local Development Plan 2.

Recommended conditions:

1. The development shall be carried out in accordance with the following approved plans and documents:  
01 Expanded Site Location Plan rec'd 30/01/2024  
02 Rev C - Location and Block Plans rec'd 30/01/2024  
04e Site Plan received 30/01/2024  
Proposed elevations 08a  
Proposed Floor Plan 07c  
**Reason:** In order to be clear on the approved scheme of development in the interests of protecting visual amenity and the special qualities of the National Park. Policy: Local Development Plan – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 15 (Conservation of the Pembrokeshire Coast National Park) and 29 (Sustainable Design).
2. 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).
3. The use shall be discontinued and the building and all paraphernalia / chattels associated with the use shall be removed from the land in its



entirety on or before 1st February 2034 and the land shall be restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the local planning authority prior to the commencement of development.

**Reason:** To ensure adequate control of the development when the shingle bank is no longer maintained and the public highway is no longer cleared and to ensure appropriate landscape and environmental protection in this area of Coastal Change (Policy 35 Development in a Coastal Change Management Area).

4. The gross retail floorspace hereby permitted shall not exceed 40 square metres and shall not be used for any purpose other than the sale of ice cream/coffee 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 to 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:** In the interest of protecting the vitality and viability of other nearby retail centres and to meet the objectives of the PPW (Feb 2024) and Policy 57 Town and District Shopping Centres of the Pembrokeshire Coast National Park Local Development Plan 2 (end date 2031).

5. The premises shall not be used for the sale of hot food for the consumption on or off the premises.

**Reason:** In the interest of protecting the amenity of the immediate area and the vitality and viability of other nearby retail centres and to meet the objectives of the PPW (Feb 2024) and Policy 57 Town and District Shopping Centres of the Pembrokeshire Coast National Park Local Development Plan 2 (end date 2031).

6. The use shall not be carried out outside the hours of 8am to 10pm 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))

7. The ice cream parlour/coffee shop and ancillary beach retail sales element of the building shall not be operated until the accessible toilet facility has been constructed and opened to the public. Once operational, the toilet shall be open 8am to 8pm at all dates that the ice cream parlour/coffee shop is open.

**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.

8. 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 include:
  - a. Details of the siting and type of all external lighting
  - b. Drawings setting out light spillage in key sensitive areas,
  - c. Details of lighting to be used both during construction and operation
  - d. 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.

9. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

**Reason:** To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to meet the objectives of the PPW (Feb 2024) and to satisfy Policy 32 Surface Water Drainage of the Pembrokeshire Coast National Park Local Development Plan 2 (end date 2031).

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** To comply with the requirements of Planning Policy Wales Edition 12 and the Environment (Wales) Act 2016.

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