Application Ref: NP/14/0194

Application Type: Full
Grid Ref: SN13570041
Applicant: Mr M Evans
Agent: Mr David Morgan, David Morgan Architect
Proposal: Alterations & provide 2 storey extension to existing storage building together with change of use of existing storage building into a microbrewery & associated works which include raising of 2 roof levels & provision of new rooflights
Site Location: To the rear of The Buccaneer Inn, St Julians Street, Tenby, Pembrokeshire, SA70 7AS
Case Officer: Andrew Richards

Summary

This application has been referred to the Development Management Committee as the proposal is considered to be contrary to the Local Development Plan and the recommendation is of approval.

The application proposes a change of use of a storage building to a microbrewery/visitor centre. The development includes the provision of new door openings on the west and south elevations. Plans show the building would provide a microbrewery on the ground floor which would be visible through new glazed viewing screens from the external cobbled yard area and Sergeants Lane, and from the first floor viewing and reception area which will incorporate glass floor panels and also have a new external door access from the existing Buccaneer Inn beer garden area. Also proposed is a new two storey storage room served by a new external door from the existing beer garden area. Other alterations include provision of new fenestration throughout to existing opening and new rooflights together with feature windows and a new oak barrel hoist to be located on the north elevation at first floor level.

The proposal for a microbrewery conflicts with LDP Policy 50, as it does not comprise a use in accordance with the LDP allocation as set out below in the main report. However, it is considered that material planning considerations, that are specific to this application, are persuasive in allowing a departure from the plan. Following consideration of the remaining policies contained within the Local Development Plan and National Planning Policy in the form of Planning Policy Wales and having regard to all material considerations it is considered that the development proposed, subject to suitable conditions is acceptable and will not have an adverse impact on the special qualities of this area of the National Park or on the character and amenity of the Tenby Conservation Area.

The concerns of local residents are noted, however, on balance it is considered that the development can be suitably and adequately controlled such that refusal on grounds of a potential impact upon amenity would be
unreasonable. As such the scheme is considered to meet the requirements of policies 1, 2, 8, 10, 11, 15, 29, 30, 31, 32, 35, 42, 52 and 53 of the Pembrokeshire Coast National Park Local Development Plan (Adopted 2010) and as such is recommended for approval.

Consultee Response

Tenby Civic Society: Concern - 1. The principle issue the application does not resolve or address is the issue of smells from the brewery process that would affect the area around the site, an area that contains quite a number of residential and some business properties. There would be a clear impact on the amenity of nearby and adjoining properties, which suggest that the use could not be held to be light industry, which be definition would not disturb adjoining residential or other uses. Steps to contain and regulate smells need to be incorporated and maintained by conditions.

2. There would be some increase to activity between the buildings and through the linking into the existing Buccaneerâ€™s Beer Garden, which has been a matter of contention with the much lower rears of residential properties on Bridge Street. New steps to shield such noises and overlooking etc. would be welcome.

3. There are some raised roofs proposed, including the building very close to the rear of the four storey flats to Bridge Street. The treatment with slate tiles would help to improve the outlook from these adjoining flats.

4. With management of emission/smell issues, the proposal would be a welcome renovation in the decaying but attractively old world Sergeants Lane.

PCNPA Building Conservation Officer: Supporting

Access Officer - PCC: No planning issues raised

Natural Resources Wales: No objection - subject to informative added to any consent issued

PCC - Head of Public Protection: No objection

PCC - Transportation & Environment: Conditional Consent - relating to Construction Method Statement and Operational Travel Plan

PCC - Ecologist: Conditional Consent

Dyfed Archaeological Trust: Conditional Consent - with Grampion Condition

Tenby Town Council: Approve - as this is an exciting development and attraction which will enhance the buildings and hopefully encourage the wider development of this area.

PCNPA - Park Direction: Approve - Whilst conflicting with LDP Policy 50 and not strictly comprising retail development in accordance with the LDP allocation, it is considered that the material planning considerations, that are specific to this application, outweigh this conflict and as such, the application should be recommended for approval.

CADW - Protection & Policy: No adverse comment
Public Response

The application was advertised by neighbour notification letters sent to those neighbours adjoining and near to the application site. In addition to this a site notice was displayed adjoining the front of the site on 28th April 2014.

The application has attracted 5 letters of objection from concerned parties.

The full responses are available to view on the application file; however, the key concerns are the impact of the development upon residential amenity in the area by virtue of smell, noise, light, timing of the works and disturbance as well as concern with the traffic impact upon the area. Key comments from the representations are documented below;

- Concerned about the likelihood of pollution by noise from associated machinery and odours from the brewing process and disposal of waste.
- Consider the light would be blocked considerably and the change of use involving a brewery would produce smell, noise and more traffic.
- The properties are residential and holiday lets which would impact adversely during the building period and be very disruptive.
- Harbour Court is a grade II listed building and looking from the boundary wall and where the proposed extension is it would be too close. Harbour Court is set in an outstanding area of natural beauty.
- Concerned of any light obstruction to the back of my flat by the lifting of the buildings. Also concerned of any future noise created from it being turned into a microbrewery and the smell that might be created from this change. Whether the fire escape is going to be used as it is at present as an access to use the ground floor part of the yard to dispose of the pubs rubbish, bottles etc... as currently the stairs are used on a constant basis.
- The proposed extension is higher than the original listed building and will therefore block our direct sunlight to our property. The addition of glazed windows on the north elevation above the height of the boundary wall will provide a view directly down into our kitchens and bedrooms. We trust these concerns will be raised at your forthcoming meeting and hopefully adjustments can be made to the proposals e.g. use of obscure glass in relevant windows.
- Mention is made of visitors dropping crumbs which will attract birds and insects, as if this would be a good thing. Being a realist, this translates to me as attracting even more seagulls, pigeons and rats, all of which frequent these parts and pose a menace we could well do without. There would also be a problem of increased litter in a lane too narrow for the automated sweeping machines used elsewhere in the town.
- Brewing is a smelly business. I have been assured that there would be no smell associated with this proposed brewery. This means, then, that sophisticated machinery would have to be used to remove the natural aromas of malt etc... from the air. In my experience any such machinery generates unpleasant and penetrating hum, which would be even worse than the smell of the brewing process.
• The large glass frontage envisaged in the plan is far too big in relation to the neighbourhood, which features much smaller windows, and would obtrude like the proverbial sore thumb. What might be excitingly cutting edge in the London docklands is totally out of place in the last remaining true backwater of how Tenby was in centuries before glass and concrete began to take hold on all new buildings.

Policies considered

Please note that these policies can be viewed on the Policies page Pembroke Coast National Park website - http://www.pembrokeshirecoast.org.uk/default.asp?PID=549

LDP Policy 01 - National Park Purposes and Duty
LDP Policy 02 - Tenby Local Service and Tourism Centre
LDP Policy 08 - Special Qualities
LDP Policy 10 - Local Sites of Nature Conservation or Geological Interest
LDP Policy 11 - Protection of Biodiversity
LDP Policy 15 - Conservation of the Pembrokeshire Coast National Park
LDP Policy 29 - Sustainable Design
LDP Policy 30 - Amenity
LDP Policy 31 - Minimising Waste
LDP Policy 32 - Surface Water Drainage
LDP Policy 35 - Visitor Economy
LDP Policy 42 - Employment Sites and Live/Work Units
LDP Policy 50 - Town and District Shopping Centres
LDP Policy 52 - Sustainable Transport
LDP Policy 53 - Impacts on traffic
PPW6 Chapter 03 - Making and Enforcing Planning Decisions
PPW6 Chapter 04 - Planning for Sustainability
PPW6 Chapter 05 - Conserving and Improving Natural Heritage and the Coast
PPW6 Chapter 06 - Conserving the Historic Environment
PPW6 Chapter 07 - Economic Development
PPW6 Chapter 08 - Transport
PPW6 Chapter 10 - Planning for Retailing and Town Centres
PPW6 Chapter 11 - Tourism, Sport and Recreation
PPW6 Chapter 12 - Infrastructure and Services
PPW6 Chapter 13 - Minimising and Managing Environmental Risks and Pollution
SPG05 - Sustainable Design
SPG06 - Landscape
SPG17 - Conservation Area Proposals
TAN 04 - Retailing and Town Centres
TAN 05 - Nature Conservation and Planning
TAN 11 - Noise
TAN 12 - Design
TAN 13 - Tourism
TAN 15 - Development and Flood Risk
TAN 18 - Transport
TAN 23 - Economic Development

Officer's Appraisal

Background and History

The application site comprises a building currently being used as general storage in association with the Buccaneer Inn. The applicant submitted a pre-application to this Authority concerning proposals to change the use of the building to a microbrewery/visitor centre. The principle of a proposed employment use and visitor centre which would act as a visitor attraction was considered to be acceptable, however the response advised that the detailed matters of privacy, amenity, access, noise, smell etc... are areas of potential conflict with surrounding uses and would need to be considered as part of a formal submission.

The application has been supported with a Design & Access Statement ('DAS') which outlines the design approach taken to the development. The DAS advises that the building has formerly been used for a similar use when it was used to store and distribute kegs of ale imported into the harbour.

No formal planning history has been identified for this site

Constraints

Special Area of Conservation – within 500m
Site of Special Scientific Interest – within 50m
LDP Allocation
LDP Designation
Biodiversity Issue
Ancient Monument – within 50m
LDP Centre – 60% affordable housing and 30 units/ha
Recreational character Areas
Listed Building – within 10m
Conservation Area
Current Proposal

The application proposes a change of use of a storage building to a microbrewery/visitor centre. The development includes the provision of new door openings on the west and south elevations. Plans show the building would provide a microbrewery on the ground floor which would be visible through new glazed viewing screens from the external cobbled yard area and Sergeant's Lane, and from the first floor viewing and reception area which will incorporate glass floor panels and also have a new external door access from the existing beer garden area. Also proposed is a new two storey storage room served by a new external door from the existing beer garden area. Other alterations include provision of new fenestration throughout to existing openings and new rooflights together with feature windows and a new oak barrel hoist to be located on the north elevation at first floor level.

The proposed visitors centre would accommodate 19m2 of floor space of the available 69m2 of floor space within the building. Access into the building at ground floor level would be provided from an existing rear door and also a new side entrance positioned to the north of the building leading from the cobbled yard area.

Key Issues

The application raises the following planning matters:-
- Policy and Principle of Development
- Visual Amenity and Special Qualities of the National Park
- Siting and Sustainable Design
- Neighbouring Amenity and Privacy
- Highway Safety and Access
- Biodiversity
- Other Material Considerations

Policy and Principle of Development:

The site and building lies within the Local Service and Tourism Centre of Tenby as designated in the Local Development Plan ('LDP'). Policy 2 of the LDP relates specifically to Tenby and sets out the types of developments that may be permitted within the Centre. This includes small-scale employment opportunities to meet the needs of the local area. It also requires developments to contribute to the protection and enhancement of the town's special qualities.

The site is within the town shopping centre of Tenby and the Conservation Area. It is also within the mixed allocation for Sergeant's Lane (MA710) as defined in the LDP Proposals Maps.

Land at Sergeant's Lane has been allocated for mixed development broadly identified as residential (including affordable dwellings) workshops and retail units. Paragraph 7.2.4 of Planning Policy Wales sets out Welsh Government...
advice for planning authorities to support mixed use developments within and adjoining settlements, where appropriate.

The allocation of the land at Sergeant’s Lane clearly sets out the potential for it’s re-development to a range of uses which would be appropriate within the town centre. Policy 50 of the Local Development Plan sets out which uses these are likely to be:

“a) if in a town or district shopping centre the proposal falls within Class A1, A2, A3, B1, C1, D1 or D2 of the use classes order or is a sui generis use normally found in such shopping centres.”

Whilst there is no clear definition for the use of ‘micro-brewery’ in the Land Use Gazetteer, other local authorities, have tended to class them as B2. This was also the case in a recently approved application for a micro-brewery in Saundersfoot. This is due, in the main to full-scale breweries being classed as a B2 Use. Micro-breweries however, are a relatively new type of business combining a micro-scale manufacturing process with a visitor attraction.

As a B2 Use, the micro-brewery use fails to accord with Policy 50 of the LDP. As set out above, however this is a relatively new use for which a use class has not been formally established.

A micro-brewery is considered to be materially different in terms of its scale, output and overall impact upon the surrounding area than a full-scale (B2) brewery. In this respect, the characteristics of the above proposed micro-brewery could be considered to be more akin to those uses classed under B1 Business, in that it could comprise light industry and may be appropriate in a residential area, depending on the individual merits of the application.

Sergeant’s Lane, is within a busy coastal town centre with pubs, restaurants, retail units, finance and professional services and, specifically within the immediate area, storage uses, together with other general industrial units in the form of a wood turners and metal furniture fabricator.

The application site is a small portion of the overall mixed-use allocation at Sergeant’s Lane and a use which is not considered inappropriate for the location, subject to detailed design and amenity matters. The proposed development would also provide a new use and attraction to an area of the town centre that is in need of regeneration, and may even be a catalyst for further, badly-needed redeveloped of this area. The proposal may also be considered to enhance the Conservation Area.

It is considered that the material planning considerations that are specific to this application outweigh the specific lack of policy support for this use in this instance. As such the principle of the change of use of the building to a micro-brewery and provision of additional storage structure is acceptable subject to a condition restricting the use to those purposes only.
In addition, the inclusion of a visitor centre would create an attraction which accords with the aims of Policy 35 of the LDP which allows visitor attractions within the Local Service and Tourism Centre of Tenby.

Visual Amenity and Special Qualities of the National Park:

Policy 8 of the Pembrokeshire Coast National Park Local Development Plan (LDP) is a strategic policy which refers to the special qualities of the National Park and lists priorities to ensure that these special qualities will be protected and enhanced. Policy 15 of the LDP seeks the conservation of the Pembrokeshire Coast National Park with criteria ‘a’ and ‘b’ resisting development that would cause significant visual intrusion and/or, that would be insensitively and unsympathetically sited within the landscape. Criteria ‘d’ and ‘e’ resists development that would fail to harmonise with, or enhance the landform and landscape character of the National Park, and/or fail to incorporate important traditional features.

Policy 29 of the LDP requires all development proposals to be well designed in terms of place and local distinctiveness (criterion ‘a’). Policy 30 of the LDP seeks to avoid development that is of an incompatible scale with its surroundings (criterion ‘b’) or is visually intrusive (criterion ‘d’).

The proposed scheme of works include the raising of existing roofs by approximately 1 metre together with various fenestration changes and the provision of a new two storey storage building. The new structure will be located where a previous single storey lean-to structure has been removed; the works will also include some external works to the existing yard area. The proposed works are not considered to be harmful to visual amenity or the character of the existing buildings and would be acceptable additions to the existing structures on site. The new door openings would be screened from the immediate and wider landscape and existing window openings would be re-used and would not look out of keeping with the host building. The proposed materials and design is considered to be traditional with the use of timber sliding sash to the smaller openings and feature timber windows to the larger openings. Natural slate will be used on the new roofs and the walls will be re-pointed and covered with uneven lime render.

The site lies within Tenby Conservation Area and, as such consideration needs to be given to the impact of the proposed changes upon the character and appearance of the Conservation Area. As discussed above the changes are minimal and are not considered to have a harmful impact upon the wider street scene or the adjacent Conservation Area. The qualities of the Conservation Area would therefore be conserved.

In summary it is considered that the development would have no harm upon visual amenity, the character and appearance of the existing building or wider amenities and complies with the aims of policies 8, 15 and 30 of the Local Development Plan.
Neighbouring Amenity and Privacy:

Policies 29 and 30 of the Local Development Plan seek to protect community cohesion and health and to avoid incompatible development that would lead to a significant adverse impact upon amenity. The supporting text at paragraph 4.136 explains that the policy aims “to protect the amenity enjoyed in people in their residences, workspaces and recreational areas. Amenity is defined as those elements in the appearance and layout of town and countryside which makes for pleasant life rather than mere existence. Anything ugly, dirty, noisy, crowded, intrusive or uncomfortable is likely to adversely affect amenity”.

Policy 30 is a criteria based policy setting out that development will not be permitted where it has an unacceptable impact on amenity particularly where, a) the development is for a use inappropriate for where people live or visit 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 impact; and/or; d) the development is visually intrusive.

A number of objections have been received from local residents in connection with the proposal as well as concerns raised by Tenby Civic Society. There are concerns that the use will harm neighbouring amenity by virtue of smell, noise and disturbance to what has been described by some objectors as a quiet and peaceful area. The objections received focus on the perceived concern that the change of use could have on the area particularly with impact upon amenity and light.

These concerns are noted and National Policy advises that the local planning authority must take into account relevant planning matters expressed. Planning Policy Wales (Edition 6, March 2014) sets out at paragraph 3.1.8; “When determining planning applications local planning authorities must take into account any relevant view on planning matters expressed by neighbouring occupiers, local residents and other third parties. While the substance of local views must be considered, the duty is to decide each case on its planning merits. As a general principle, local opposition or support for a proposal is not, on its own, a reasonable ground for refusing or granting planning permission; objections, or support, must be based on valid planning considerations.”

It is accepted that there are residential properties adjacent to and near the application site and building; however, there are also a range of other commercial buildings in close proximity to the site. For example the site is bounded by a several pubs, estate agents, retail shops, joiner and metal fabricator together with other storage units.

The Environmental Health Section of Pembrokeshire County Council has been formally consulted in view of the potential impacts on amenity from potential noise and odours from the new use. Following an evaluation of the information submitted no objections have been raised on the current proposal
from the Environmental Health Section. Furthermore no opening or delivery
time restrictions have also been recommended on the current proposal. Whilst
this may raise concerns with neighbours having further discussed this matter
with the relevant Environmental Health officer the reasoning behind this
approach is that controls can be imposed through the licencing process for
any new commercial enterprise.

Notwithstanding this view on opening times and delivery times by the
Environmental Health Section, the planning process should pay regard to the
specific impacts on amenity and privacy generated by the proposed
development, and which are a material consideration in this case. It is
considered that in allowing this particular business use to take place and
controlling the impacts on amenity in the area, conditions will need to be
imposed on the opening times of the new microbrewery for members of the
public and also delivery times. It is considered that conditions should be
imposed to restrict opening to between 10:00am and 9:00pm Monday to
Sunday, no deliveries to take place outside the hours of 7:00am and 7:00pm
Monday to Saturdays nor at any time on Sundays, Bank or Public Holidays.

In summary, subject to suitable conditions it is considered that the
development complies with Local Development Plan policies.

Highway Safety and Access:

Policies 52 and 53 of the Local Development Plan refer to sustainable
transport and the traffic impacts of proposed development.

The application proposes utilisation of an existing access off Sergeant's Lane
and its side yard area for the new microbrewery, and currently the yard is
used for rubbish collection in association with the Buccaneer Inn. The
Highway Authority advises that there will be an improvement to the existing
access as the gate and door, which both currently open outwards over the
highway (Sergeant's Lane), will be removed. Within the site, the fire escape
stairs will be altered and there will be two other doorways into the existing
beer garden with staircases up from inside the two adjacent buildings.

Concerns have been raised by third parties in relation to the potential traffic
generation from the new use. The Highway Authority advise that this new use
is acceptable on Sergeant's Lane given that the use is equivalent, or less
than, what can be expected if the existing permitted use of general storage
were to continue. The use of the building for alternative and permitted uses
could generate a lot more vehicular movements at peak times than the use of
the building as a microbrewery/visitor centre. The Highways Authority offers
no objection subject to appropriate conditions.

It is accepted that the access along Sergeant's Lane is restricted for many
types of vehicle. There will therefore be special provisions made not just for
the operation of the business but also for the building works and bringing in
the brewing apparatus. A construction method statement has now been
received and the Highways Authority considers this to be acceptable. Subject
to the above and in the interests of road safety, it is considered that conditions be imposed on any consent that may be issued to ensure that before works commence an Operational Travel Plan shall be submitted to the Authority for approval in writing. Therefore the proposed scheme subject to conditions is considered acceptable and complies with the aims of policies 52 and 53.

In addition to the concerns regarding visitors to the site concerns have been raised about disabled access to the building itself and the fact that access from the beer garden into the buildings can only be achieved by steps unless access is achieved via the side yard area using Sergeants Lane. Whilst the lack of access within the site is unfortunate, this is due to the topography of the site and it is not considered that this would be a sufficient ground alone to withhold planning permission. The fact that the site could continue to be used as general storage and its layout and form needs to be given weight as does the availability of disabled access to the ground floor of the building via the existing highway network and side yard area. Further consideration will need to be given for internal access arrangements under Building Regulations for the proposal to comply with Part M and this may result in an internal lift access to the viewing area being required. However, this has not been provided at this time and there is a need to consider the proposal in its current form. If this aspect is required by Building Regulations at a later date and is provided internally this would not require formal planning consent.

Biodiversity:

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

Both PCC planning ecologist and Natural Resources Wales (NRW) have been consulted as part of the application process and no objections have been raised on the current scheme from either consultee. However, the ecologist has indicated that whilst a protected species survey is not required there is still the potential for individual bats to be found in cracks and crevices in the walls of the outbuildings and the alley way. As such, the ecologist has requested that a precautionary approach will need to be applied and replacement holes will need to be provided to replicate any lost opportunities through re-pointing or due to the external walls becoming internal. These should replicate the existing conditions for example leaving gaps behind fascia's, under eaves or leaving holes in the mortar in the location of existing ones. Therefore a condition for the protection of bats and thereafter implemented will be added to any consent issued.

Other Material Considerations:

National Policy in the form of a new Technical Advice Note ‘Planning for Economic Development’ is focussed on the need for the planning system to do more to support economic growth. This TAN complements existing policy
contained within Chapter 7 of Planning Policy Wales which identifies that the planning system should support economic and employment growth alongside social and environmental considerations within the context of sustainable development. With this in mind it is important to consider the economic benefits of this proposal albeit a small scale proposal which would bring new jobs to the area. The proposal also brings opportunities for a new visitor experience relating to a micro brewing process within the heart of Tenby:

Conclusion

The proposal for a microbrewery conflicts with LDP Policy 50, as it does not strictly comprise development in accordance with the LDP mixed use allocation. However, it is considered that the above material planning considerations, that are specific to this application, outweigh this conflict. Following consideration of the remaining policies contained within the Local Development Plan and National Planning Policy in the form of Planning Policy Wales and having regard to all material considerations it is considered that the development proposed, subject to suitable conditions is acceptable and will not have an adverse impact on the special qualities of this area of the National Park or on the character and amenity of the Tenby Conservation Area.

The concerns of local residents are noted, however, on balance it is considered that the development can be suitably and adequately controlled such that refusal on grounds of a potential impact upon amenity would be unreasonable. As such the scheme is considered to meet the requirements of policies 1, 2, 8, 10, 11, 15, 29, 30, 31, 32, 35, 42, 52 and 53 of the Pembrokeshire Coast National Park Local Development Plan (Adopted 2010) and as such is recommended for approval.

Recommendation

The application be approved subject to conditions, as suggested in the report, to control the following matters;

- Development to be implemented within 5 years
- In accordance with the approved drawings
- Opening hours to between 10:00 to 21:00 Monday to Sunday
- Delivery hours to be between 07:00 and 19:00 Monday to Saturday only and not on Sundays, Bank or Public Holidays
- Operational Travel Plan
- The nature and extent of the mixed use site to be a microbrewery and visitor centre with storage units in connection with the Buccaneer Inn only.
- Programme of archaeological investigation
- Scheme for the protection of bats
PROPOSED CONVERSION OF EXISTING STORAGE BUILDINGS TO FORM NEW MICRO-BREWERY FACILITIES.

Copyright rests on this drawing. Drawing to be read in conjunction with specification. Architect to be notified of any discrepancies between drawings and specification. Planning Authority only to scale from these drawings.

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Date: JAN2014
Scale: 1:1000A3
Drwg No: BUC/PLNG/03

Item 6f)
**PROPOSED CONVERSION OF EXISTING STORAGE BUILDINGS TO FORM NEW MICRO-BREWERY FACILITIES.**

- **Item 6f)**

  - **EAST ELEVATION**
  - **NORTH ELEVATION**

**REVISIONS**

A. Screen in original opening gr fl north elevation revised
   - ridge and eaves heights reduced
   - APF '14

B. Obscure glazing on north elevation and velux omitted north elevation storage building
   - JUNE '14

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**Proposed elevations east and north**

**Copyright exists on this drawing. Drawing to be read in conjunction with Specification. Architect to be notified of any discrepancies between drawings and specifications.**

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