

REPORT OF THE HEAD OF DEVELOPMENT MANAGEMENT ON APPEALS

The following appeals have been lodged with the Authority and the current position of each is as follows:-

NP/14/0095 4 Residential Units (2 houses and 2 flats)
46 High Street, Tenby
Type: Written Representations
Current Position: The appeal has been allowed and the Inspectors decision is attached.

NP/14/0609 Certificate of Lawfulness for Polytunnel
Land at The Belts, The Rhos, Haverfordwest
Type: Written Representations
Current Position: The initial papers have been forwarded to the Planning Inspectorate and a decision is awaited.

EC/13/0019 UPVC white cladding on south facing pine end of chalet
46 Folkstone Hill Chalets, Nolton Haven.
Type: Hearing
Current Position: A hearing has been arranged for the 15th May, 2015



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 19/02/15

gan **A D Poulter B Arch RIBA**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 11 Mawrth 2015

Appeal Decision

Site visit made on 19/02/15

by **A D Poulter B Arch RIBA**

an Inspector appointed by the Welsh Ministers

Date: 11 March 2015

Appeal Ref: APP/L9503/A/14/2227027

Site address: 46 High Street, Tenby, SA70 7AA.

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by TCW Property Partnership against the decision of the Pembrokeshire Coast National Park Authority.
 - The application Ref NP/14/0095, dated 20 February 2014, was refused by notice dated 17 April 2014.
 - The development proposed is conversion, extension and change of use to provide 4 residential units (2 houses and 2 flats).
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Decision

1. The appeal is allowed and planning permission is granted for conversion, extension and change of use to provide 4 residential units (2 houses and 2 flats) at 46 High Street, Tenby, SA70 7AA, in accordance with the terms of the application, Ref NP/14/0095, dated 20 February 2014, and the plans submitted with it, subject to the conditions attached at Annex A to this Decision.

Main Issues

2. These are: whether the proposed development would preserve or enhance the character or appearance of the Tenby Conservation Area; and its effect on highway safety and the free flow of traffic.

Reasons

3. The site lies to the rear of 46 High Street, which is a retail unit with flats above. Until recently the retail element was occupied by Woolworths which utilised a wide, three-storey range of service buildings fronting onto Crackwell Street at the rear. The retail unit is now occupied by Tesco. The service buildings are not included in Tesco's demise and are now largely disused, though there is a fire exit from Tesco via a loading bay.
 4. The proposed development would include, in effect, the replacement of the service buildings with two houses and two flats which would front onto, and be accessed from Crackwell Street. Three parking spaces, serving the flats and one of the houses, would be provided within a shared garage. The other house would have an integral garage with a single parking space.
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Character and Appearance

5. The existing service buildings are said to have been built in the 1960s. They are utilitarian in design and poorly maintained. There is no dispute that they have little aesthetic merit. They are sandwiched between attractive traditional houses that are characteristic of the Conservation Area. They can be seen from the harbour and in other panoramic views of the town, as well as from Crackwell Street. I consider for these reasons that the existing buildings greatly diminish the character and appearance of the Conservation Area.
6. Whilst the service buildings have not been included within Tesco's demise I have no evidence that their previous use has been abandoned. On the evidence before me they could be retained indefinitely and their previous use, including the use of the loading bay, could be resumed without the need for planning permission. There is a strong prospect that that this would happen if the existing buildings are not replaced, as they would be likely to generate income for the owner. There is therefore a fall-back position to which I give significant weight.
7. The proposed flats and houses would adopt many of the characteristic features of the Conservation Area, including bay and other windows of traditional proportions that would match adjacent buildings. At street level the render to houses 1 and 2 would be finished to resemble masonry. Changes in render colour and thickness and steps in the parapet would divide the façade into elements typical of the street. The entrances to the proposed garages would be recessed within wide arched openings typical of traditional buildings, and therefore would be appropriately designed in this context. I consider for these reasons that the proposed scheme would be well designed, and would greatly enhance the character and appearance of the conservation area. In view of the special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas¹, this is a matter of considerable weight in favour of the proposal. I also consider for these reasons that the proposal would be consistent with development plan policies to protect and enhance the harbour area and Tenby's special qualities², and to protect the special qualities of the National Park³.
8. Turning to highways matters, Crackwell Street is narrow, and the carriageway has a single surface shared by vehicles and pedestrians. However, swept path analyses show that medium-sized cars would be able to safely enter and leave all the spaces within the proposed three-car garage in forward gear. Cars would have to be reversed into or out of the single car garage, but this could be done safely, given normal care by drivers and pedestrians. I therefore do not consider that there would be an unacceptable impact on road safety. The small amount of traffic associated with access to the proposed houses and flats would be unlikely to generate congestion, even at time of peak traffic and pedestrian use. In any event, in comparison to the fall back position (which could well include the use of the existing loading bay by commercial vehicles) it is likely that the traffic generated by the proposed scheme would involve smaller vehicles, less frequent trips, and would cause fewer obstructions.

¹ Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

² LP Policy 2 (d) & (e)

³ LP Policy 8

9. The Authority's objective of reducing the need to travel by car is promoted in part by parking standards that are adopted as supplementary planning guidance (SPG). The appeal site is within a 'Zone 1' area where the maximum parking standard for new residential development would normally be 'nil'. However, paragraph 1.3.4 makes it clear that the objective of designating Zone 1 areas is to avoid impact on areas of historic and/or visual value through the provision of parking. In this instance parked cars would not be seen, the proposed garages would be successfully integrated into the design of the building, and the proposed development as a whole would be highly beneficial to the character and appearance of the area. I have concluded that there would be no unacceptable effect on safety or congestion. There would therefore be no adverse impact through the proposed parking provision.
10. It does not appear to me that the purposes of Zone 1 designation include influencing travel choices to any significant degree, as other Zone 1 areas include just small parts of conservation areas, in smaller settlements without good access to other travel options and facilities. The objective of promoting other means of travel, towards the goal of sustainable development, is reflected in the SPG by provision for other Zones. However, even in Zone 2 (areas that are well provided for in terms of services, facilities and sustainable modes of transport and at the top of the hierarchy in terms of sustainability) up to 2 spaces per house and 1 space per apartment would be permitted. With regard to the need to promote sustainable transport patterns, and in accordance with the SPG, I therefore consider that the proposed development would provide an appropriate level of parking provision.
11. The Authority has indicated that the space allocated for parking could and should be used to provide additional residential accommodation. However, I conclude for the above reasons that the proposed scheme would be acceptable in terms of highway safety and parking provision, and that there would be no conflict with development plan policies to promote sustainable transport and avoid unacceptable impacts from traffic, including LP Policies 52 and 53. The proposal would also be consistent with the objectives of the SPG which supports those policies. Although the SPG indicates a 'nil' provision it does not carry the same weight as the adopted development plan policies. In any event the SPG makes provision for exceptions, and I consider the fallback position to be a compelling reason for an exception to be made to the guidance in this instance. Each application should be considered on its individual merits, and as I consider the proposed scheme to be acceptable in highways terms there is no need for me to consider whether some alternative might be preferable.
12. The remains of a section of vaulting, thought to be of mediaeval origin, can be seen in photographs of the existing loading bay area. However, as the remains would be within an escape route, and this would not be obstructed, it is likely that they could be retained within the proposed scheme. There is also a strong possibility that buried archaeological deposits remain beneath existing floors. The Dyfed Archaeological Trust has suggested that a Grampian-style condition be imposed in accordance with guidance contained in Welsh Office Circular 60/96: *Planning and the Historic Environment: Archaeology*. The appellant has no objection to such a condition. This would require the developer to secure a programme of archaeological work in accordance with a scheme to be approved, and so would provide an appropriate degree of protection to any archaeological remains on the site.
13. Other conditions that have been suggested include normal conditions relating to commencement and the listing of approved plans. Two conditions relating to external materials and colours can be combined into a single condition. A single condition can

be used to ensure that the proposed parking spaces would be completed before the occupation of any of the proposed flats or houses, and would be retained. Further details of surfacing, marking out and drainage are necessary for development control purposes, and the same condition can be used to require further details of the proposed garage doors, to control their method of operation (for safety reasons) and their external appearance. However, a suggested condition requiring cars to be parked only within the areas shown on the approved plans is not necessary or reasonable, as there would be nowhere else within the site to park. In view of the sensitivity of the surrounding conservation area there are exceptional circumstances in this instance sufficient to justify long-term control over the external appearance of the building, and thus to justify withdrawal of permitted development rights. As I have noted above, a condition is necessary relating to archaeology, but as an appropriate degree of protection can be secured through the standard condition a separate condition specific to the vault is unnecessary.

14. The development plan supports the principle of the redevelopment of the site for residential use. Normally, a proportion of affordable housing would be sought. However, there is no dispute that it would not be appropriate to require affordable housing in this instance due to issues of viability, and I have no reason to disagree.
15. I conclude for these reasons that, subject to the conditions that have been imposed, the proposed development would be in accordance with the development plan for the area. I find no material considerations that would indicate that the appeal should be determined other than in accordance with the development plan. I conclude that the appeal should be allowed.

A D Poulter

INSPECTOR

ANNEX A – Conditions

- 1) The development hereby permitted shall begin not later than five years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans and documents:

SP215-P100	Location Plan
SP215-P01	Existing Site Plan
SP215-P02	Proposed Site Plan at Crackwell Street Level
SP215-P03	Existing Ground Floor Plan at Crackwell Street Level
SP215-P04	Existing First Floor Plan
SP215-P05	Existing Second Floor Plan
SP215-P06	Existing Roof Plan
SP215-P07	Proposed Ground Floor Plan
SP215-P08	Proposed First Floor Plan
SP215-P09	Proposed Second Floor Plan
SP215-P10	Proposed Third Floor Plan
SP215-P11	Proposed Roof Plan
G1212-P12	Existing Elevation – Crackwell Street
G1212-P13	Proposed Elevation – Crackwell Street
G1212-P14	Section A-A
SP215-P15	Section B-B
SP215-P16	Proposed Side Elevation (Goscar Court)
SP215-P16	Proposed Rear Elevation (From Roof Level)
SP215-P18	Proposed Side Elevation (From Crackwell Lane)

(the above drawings received by the Council on 21 February 2014)

SP215-P20	Triple Garage Vehicle Tracking for Access/Egress – Bay 1
SP215-P21	Triple Garage Vehicle Tracking for Access/Egress – Bay 2
SP215-P22	Triple Garage Vehicle Tracking for Access/Egress – Bay 3

(the above drawings received by the Council on 9 April 2014)
- 3) No development shall take place until samples of the materials and finish colours to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details, and the approved finishes and colours shall be retained thereafter.
- 4) No dwelling hereby approved shall be occupied until the parking area associated with it, as shown on drawing No SP215-P07, is surfaced, marked out, and drained, and garage doors have been fixed, in accordance with details submitted to and approved in writing by the local planning authority. Details of the garage doors shall include details of the method of operation and external appearance.

The parking areas shall not thereafter be used for any purpose other than the parking of vehicles, and the garage doors shall be retained in accordance with the approved details.

- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no extensions to or changes in the external appearance of the buildings hereby approved shall be carried out without specific planning permission being obtained.
- 6) No development shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

(Conditions End)