Item 5 - Report on Planning Applications

Application Ref: NP/16/0077/NMA

Case Officer  Rob Scourfield  
Applicant      Mr Rossiter & Evans  
Agent          Mr D Morgan, David Morgan Architect  
Proposal       Replacement of original proposals for fire escape with new proposals incorporating a spiral stair set against the indent in pine end wall of existing building, painted to match the pine end & with new fire exit door in pine end at first floor level at top of stairs. Also 2 new windows in pine end at first & second floor levels to match the ground floor window approved in original application NP/15/0648  

Site Location  Hope & Anchor, St Julians Street, Tenby, Pembrokeshire, SA70 7AX  
Grid Ref       SN13620038  
Date Valid     11-Feb-2016  Target Date 09-Mar-2016

Officer's Appraisal

Background

This application is to be considered by the Development Management Committee, because the applicant is a member of the authority.

The Hope and Anchor is a Grade II listed public house, located on the east side of St Julian's Street, within the Conservation Area. The three-storey building faces onto the street, with a beer garden to the north to the rear of which are single-storey C20 extensions.

The property was granted planning permission (NP/15/0648) for the 'demolition of existing modern rear kitchen and extensions, and replacement with new kitchen, toilets and staircase arrangement on ground and first floor'. This included the insertion of a sash window to the gable end (ground floor).

The proposal is for an amendment to that approved scheme.

Relevant Planning History

NP/09/0142 – Removal of existing decking and balustrading and replacement with heritage paving, rendered wall and railing enclosure. Planning permission approved 27/05/09.

NP/11/155 – Remove existing gravel and brick walling in beer garden and replace with heritage paving and rendered wall and railing enclosure. Planning permission approved 27/07/11.

NP/11/156 – Remove existing gravel and brick walling in beer garden and replace with heritage paving and rendered wall and railing enclosure. Listed building consent granted 15/08/11.
NP/11/0391 – Fixing of new mechanical vent extract unit to serve kitchen area. Planning permission approved 21/11/11

NP/11/0392 - Fixing of new mechanical vent extract unit to serve kitchen area. Listed building consent granted 21/11/11

NP/15/0647 - Internal alterations to listed building, demolition of existing modern rear kitchen and extensions, and replacement with new kitchen, toilets and staircase arrangement on ground and first floor. Listed building consent granted 05/01/16

NP/15/0648 - Demolition of existing modern rear kitchen and extensions, and replacement with new kitchen, toilets and staircase arrangement on ground and first floor. Planning permission granted 05/01/16. This included the insertion of a sash window to the gable end (ground floor).

**Legislation**

Section 96A of the Town and Country Planning Act 1990 (TCPA 1990) came into force in Wales on 1 September 2014. The provision in this section of the Act provides the mechanism to approve non-material amendments to an existing planning permission via a simple application procedure to the local planning authority within a quick determination period.

**What is a non-material amendment?**

There is no statutory definition of a 'non-material amendment'. This is because it depends on a number of factors such as the context of the overall scheme, the amendments being sought to the original planning permission, the specific circumstances of the site and surrounding areas, which will vary from one application to another. What may be non-material in one context may be material in another.

The responsibility for determining whether a proposed change is non-material lies with the local planning authority. It must be satisfied that the amendments sought to the planning permission are non-material in nature and can therefore be determined as an application under Section 96A of the TCPA 1990.

In deciding whether or not a proposed change is non-material, consideration should be given to the effect of the change, together with any previous changes made to the original planning permission. When assessing and determining whether or not a proposed change would qualify as a non-material amendment, Welsh Government Planning Guidance document (July 2014) advises that local planning authorities may wish to consider the following tests:

*a)* is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme; and,

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(a)(ii) would the proposed change result in a detrimental impact either visually or in terms of local amenity?
(b) would the interests of any third party or body be disadvantaged in planning terms; or,
(c) would the proposed conflict with national or development plan policies?

Current Proposal

The proposal seeks a non-material minor amendment to the approved scheme under NP/15/0648 for ‘demolition of existing modern rear kitchen and extensions, and replacement with new kitchen, toilets and staircase arrangement on ground and first floor’

Consultee Response

Tenby Town Council: Support

Tenby Civic Society: Desirable for fire escape to have Victorian detailing (other comments relating to NP/15/0648 in terms of glazed doors and exterior glazed partition not relevant to current application)

Tenby Chamber of Trade and Tourism: No response received at the time of this application

PCC Transportation and Environment: No response received at the time of this report

PCC Public Protection: No adverse comment

PCC Building Control: No comment received at the time of this report

Natural Resources Wales: No adverse comment

Mid and West Wales Fire and Rescue Service: No adverse comment subject to compliance with relevant building regulations

Dyfed Powys Police: No response received at the time of this report.

Public Response

The application has been appropriately advertised, and no responses have been received at the time of this report.

Officer Assessment

The previously approved scheme was considered to be in keeping with the character of the listed building, and its setting in terms of design and form.

The proposed changes comprise:-
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- The insertion of two sash windows to the north gable elevation at first and second floor levels. The windows are to be traditional timber painted sash windows of Late Georgian 12-paned design matching the existing.

- The construction of a fire escape metal spiral stair from ground to first floor level to the north gable elevation. The stair is to be of simple design, painted to match the public house. The protected fire corridor consented under NP/15/0648 was unworkable due to site constraints, leaving only the forecourt area available for the provision of fire escape. The proposed escape stair is to be set against the existing indent of the gable end, sited within the existing beer garden, away from the street frontage.

- Insertion of a fire door at the head of the stair. Door to be of painted timber four-panelled with upper glazing.

In terms of the response received from Tenby Civic Society, the design philosophy is to keep the fire stair as simply detailed as possible so as to lessen its visual impact.

Listed building consent is being sought under NP/16/0062.

Conclusion

The amendments proposed are considered to be 'non-material' in nature in that they will not result in a significant form of change, nor will they have a detrimental impact on the character and appearance of the Conservation Area, or on the amenity of the surrounding residential properties. The interests of any third party or body will not be disadvantaged in planning terms and the proposal will have no material effect on the original scheme for which planning permission was granted. As such the changes proposed are acceptable in accordance with the Pembrokeshire Coast National Park Local Development Plan (Adopted September 2010) as required under Section 38(6) of the Planning and Compulsory Purchase Act 2004.

Recommendation

Approve

Additional Material

Decision Drawings
Site Plan
1412/PLNG/03(A)
1412/PLNG/04(B) - dated 10/02/16