

Application Ref: NP/17/0178/FUL

Case Officer	Caroline Bowen		
Applicant	Dominos UK & Ireland Ltd		
Agent	Mr O Roberts, DPP		
Proposal	Change of use from Class A1 (retail) to Class A3 (hot food takeaway) use - including ancillary seating & the installation of extraction & ventilation equipment		
Site Location	Units 1 - 3, South Parade, Tenby, Pembrokeshire		
Grid Ref	SN13280045		
Date Valid	20-Mar-2017	Target Date	21-Jun-2017

This application is reported to committee as the officer's recommendation is contrary to that of Tenby Town Council.

Consultee Response

Tenby Civic Society Chairman: Objecting
PCNPA - Buildings Conservation Officer - No adverse comments
PCC - Transportation & Environment: No objection
PCC - Head of Public Protection: Conditional Consent
Mid & West Wales Fire Brigade: No adverse comments
CADW - Protection & Policy: No adverse comments
PCNPA - Ecologist: No adverse comments
Tenby Town Council: Recommend Refusal

Public Response

The application was appropriately advertised in accordance with statutory requirements. 13 letters of objection have been received, one of which represents 6 residents of the flats above the application site. In summary, the concerns raised are as follows (some of the issues have been raised by more than one individual), and all responses are available for members to view in full on the planning file;

- The change of use will introduce sources of nuisance unlikely with the original retail permission.
- The proposed ventilation equipment is not located high enough to disperse odours from the premises.
- Noise and vibration from the venting equipment.
- The site is at a key congestion point where the conflict between traffic flow and parking is at its worst, and traffic flow has to take priority.
- There is no survey of the vacancy rates in the few nearby on-street parking spaces – cannot assume that these would be available.
- Concern at the accuracy of recorded traffic flows.
- It was hoped that these three units would attract more business to the area by providing facilities that are lacking in the town. Even better would be their use

by independent traders – providing a sustainable service to their local community. The National Park Authority should surely be totally focused on providing basic sustainable amenities for residents and tourists without detriment to existing businesses.

- These retail uses are directly opposite the Town Walls and adjacent to the landscaped War Memorial site. The provision of a pizza takeaway at this location will seriously detract from the ambience of the immediate area and create a potentially damaging impact to the local environs and tourism industry. Detrimental to this respected memorial gardens.
- Increased litter
- South Parade at this location is severely restricted... in addition, there are double yellow lines either side of the street and for a considerable distance beyond this location. The operation of a take away at this location will undoubtedly result in illegal parking – impacting on traffic flow and increasing the risk of accidents to pedestrians and cyclists.
- There are dwellings nearby – indiscriminate parking, however short-term, will impact on their amenity.
- There is sufficient takeaway provision in the vicinity
- Whilst the business may increase employment, it could impact on existing local businesses.
- How will the delivery service be operated in light of no parking at the site. Existing deliveries cause congestion and traffic conflict.
- Tenby should be maintaining a sense of local identity within its food offerings and has a great opportunity to present itself as a centre for healthy activity and sport, and takeaway operators are the opposite to this image.
- We are already subjected to a great deal of noise nuisance and anti-social behaviour from existing businesses – we feel another food outlet in this street will act as a magnet for patrons encouraging them to linger and cause more disturbance and littering to the Parade, and possibly Augustus Place
- As residents of South Parade, we are unable to park in our own street, so question where the delivery vehicles will park.
- The Parade is an iconic site loved by thousands of tourists. Like all historic sites, it was never designed to cope with modern traffic and the volume of tourists who visit yearly. The Parade is always busy as it is the main route into town. Deliveries will only congest this in the future and saturate the road system.
- Potential impact on emergency vehicle access.
- The business is not local nor uses locally sourced products. It, therefore, does not contribute to the local economy.
- The catering sector is already saturated in the town.
- Representations made in respect of the lack of parking provision and impact upon highway safety and impact upon local amenity in terms of noise, odour and visual impacts are made cognisant of the approved A1 use albeit that in our (the objector's) view the above material considerations are sufficiently more intensive than the approved use of the property such that consent for the proposed A3 use should be refused.
- South Parade is considered to comprise an inappropriate location for an A3 hot food takeaway use on the basis that it is anticipated to result in an

increase in the number of vehicles parking on South Parade to the detriment of local highway safety.

- The proposed open A3 use would allow any hot food takeaway business to operate at the application in the future and therefore the significant score of the site [in respect of Defra's Risk Assessment for Odour] could reasonably increase without the need for planning permission. It is therefore considered that the proposed development would result in an unacceptable impact upon the amenity standards of local residents in terms of odour, whose accommodation do not benefit from any mechanical ventilation (meaning that windows will regularly be opened to ensure adequate ventilation). In this regard, whilst the approved A1 retail use of the ground floor is acceptable, the odour associated with a hot food takeaway, particularly on the occasions when upper residential windows are open would be contrary to criterion (c) of Policy 29 and criterion (c) if Policy 30 of the LDP.
- In terms of noise, the proposals include the introduction of an extraction duct on the rear elevation of the property which would have an unacceptable impact upon amenity standards in contrast with criterion (c) of Policy 30, particularly given that upper floor windows will be opened for ventilation.
- The extension of the opening hours of the premises to 12:00am (from 11:00pm) is considered inappropriate given the application sites' proximity to residential dwellings.

Policies considered

Please note that these policies can be viewed on the Policies page Pembrokehire 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 15 - Conservation of the Pembrokehire Coast National Park

LDP Policy 30 - Amenity

LDP Policy 50 - Town and District Shopping Centres

LDP Policy 52 - Sustainable Transport

LDP Policy 53 - Impacts on traffic

PPW9 Chapter 03 - Making and Enforcing Planning Decisions

SPG06 - Landscape

SPG12 - Parking

SPG18 - Shopfront Design

TAN 24 - The Historic Environment

Constraints

Special Area of Conservation - within 500m
 LDP Designation
 Biodiversity Issue
 Ancient Monument - within 50m
 LDP Centre:60pc aff housing;30 units/ha
 Recreation Character Areas
 Landscape Character Assessment
 Seascape Character Assessment

Officer's Appraisal

Background

The application site is situated in a key position in Tenby on the junction of South Parade and Upper Park Road - opposite the Town Walls, and behind the Grade II listed War Memorial and Memorial Gardens. The application site is situated within the Centre Boundary and the defined Retail Centre for Tenby, as set out in the Local Development Plan. Although the site is outside of the Conservation Area, the boundary of the Conservation Area is in close proximity, following the pavement edge to the east of the application site.

Planning permission was approved in 2011 for the demolition of the former Delphi Hotel buildings which fronted both South Parade and Upper Park Road, and located to the rear of the memorial gardens, and their re-development with apartments, provided as affordable homes for rent and commercial units on the ground floor. The development was completed in 2016, and the apartments are occupied.

History

- NP/08/488 - Demolition of all existing buildings on site & construction of 16 self-contained apartments on 1st, 2nd & part 3rd floor, with 4 commercial units at ground floor. Cancelled.
- NP/09/042 - Demolition of all existing buildings on site & construction of 16 self-contained apartments on 1st, 2nd & part of 3rd floor, with 4 commercial units at ground floor. Withdrawn.
- NP/10/126 - Demolition of existing buildings & construction of 5 commercial units to ground floor and 17 residential units above. On site cycle and refuse facilities. Refused.
- NP/10/566 - Proposed demolition of existing structures. Construction of 5 commercial units with 14 self contained residential units above, on-site cycle, refuse and amenity facilities. Withdrawn.
- NP/11/065 - Demolish existing, construct 5 commercial units with 14 residential units. Approved.
- NP/15/0482/DOC - Discharge Conditions 3, 5, 6, 8, 10, 19, 25, 26 & 27 of NP/11/065. Discharged.

- NP/17/0137/ADV - 2 no.fascia signs & 2 no. projecting signs. Currently under consideration.

Current Proposal

Planning permission is sought for the change of use of Units 1-3 (the ground floor retail units) from A1 to A3 use, to allow a pizza restaurant and takeaway.

The external works to the premises will involve the re-decoration of the shopfront in RAL 7043 Traffic Grey, the re placement of the shop doors to units 1 and 3 with full length glazing, the installation of fresh air intake and acoustic louvred wall panel equipment to the rear north elevation, and an oven extract duct to the west rear elevation. The proposed signage is subject of an accompanying application NP/17/0137/ADV.

Key Issues

The application raises the following planning matters:-

- Policy
- Siting and design
- Amenity and Privacy
- Access and parking
- Landscaping
- Drainage/Water issues
- Other matters
- Other material considerations

Policy.

The site lies within the Centre boundary of Tenby as defined under Policy 2 of the Pembrokeshire Coast National Park Local Development Plan. Criteria (b) and (c) advise that the protection of the town's shopping centre and opportunities for employment are among the land use priorities. The site also falls within the designated Retail Centre for Tenby, and Policy 50 – Town and District Shopping Centres allows use classes A1, A2. A3, B1, C1, D1 and D2 uses. The principle of the proposed A3 use is, therefore, acceptable at this location.

Criterion (e) of Policy 50 specifically states that proposals for A3 uses should not cause unacceptable disturbance to the occupiers of nearby property, or adversely affect amenity (in line with Policy 30). The issue of amenity will be discussed below.

The extant planning permission for the A1 retail units (NP/11/065 refers) , allows for opening hours between the hours of 7am and 11pm.

Siting and design.

Policy 15 refers to the conservation of the Pembrokeshire Coast National Park, with criteria (b) and (c) resisting development that would be insensitively and unsympathetically sited within the landscape; and introduce or intensify a use which is incompatible with its location. The retail units are located in a prominent position on the junction of South Parade and Upper Park Road, and adjacent to the War Memorial and Memorial Gardens. The South Parade elevation is directly opposite the Tenby Town Walls.

There is a relatively long history of retail units on the site, and this part of Tenby is a mix of both commercial properties interdispersed with residential apartments and properties. This part of Tenby is naturally busy, as it is one of the main transport routes into Tenby, and a popular streetscene due to the Town Walls and nearby Five Arches.

The War Memorial and Memorial Gardens are located to the front of the three units – the Memorial is a Grade 2 listed building, and thus, the impact of the proposed development on the setting of the Memorial and gardens is required to be assessed, in line with Planning Policy Wales Edition 9, Chapter 6, and paragraphs 1.23 to 1.27 of TAN 24 – The Historic Environment (2017) . The Authority’s Conservation Officer was consulted and had no adverse comments in respect of the proposed use. The Tenby Town Walls are an Ancient Monument, and CADW – following consultation – considered that the proposed change of use would have no impact on the setting of the ancient monument.

In respect of the design, the application does not propose significant external works – the units will be redecorated to reflect the colours of the company, and essential ventilation equipment is to be installed. The alterations are not considered to be harmful to the streetscene. It is therefore concluded that the proposed use would not be incompatible with its location, nor would be insensitive in physical appearance. The matters relating to the proposed signage is dealt with in the accompanying application NP/17/0137/ADV.

Amenity and Privacy:

Policy 30 seeks to avoid incompatible development and significant adverse impact upon the amenity enjoyed by neighbouring properties, particularly where the development is an inappropriate use, is of a scale incompatible with its surroundings, development leads to an increase in traffic, noise, odour or light or the development is visually intrusive.

In respect of amenity, a number of objections have been received, which concern the potential harm to residential amenity. There are residential apartments directly above the retail units, and whilst – historically – there has always been a mix of commercial and residential at this location, the change of use to an A3 use needs careful consideration.

It is acknowledged that planning permission already exists for A1 retail uses, which can legitimately open until 11pm. A1 uses can include convenience stores, pet shops, music shops and 'cash and carry' shops, all of which could have noise, activity and odour (from on-site food preparation) implications. The proposed A3 use is for a pizza restaurant (seating 64 covers within the premises) and takeaway facility. It is, therefore, considered important to ensure that the activity of customers, staff and deliveries can be managed at a level that can maintain a reasonable level of amenity at this particular location.

The applicant submitted a Specification and Defra report for the commercial kitchen filtration, a report in respect of the proposed ventilation system and a Plant Noise Assessment. Following consultation with the Pollution Control Team (PCT) in Pembrokeshire County Council, PCT have recommended conditional consent (see above for the full response). The applicant has agreed to the condition restricting members of the public to 10pm, which is an hour earlier than the extant permission allows for. In addition to this, officers asked if additional acoustic protection could be installed in the ceilings, to deaden the noise of activity to the apartments above. Again, the applicant has agreed to this provision, and – at the time of writing this report – officers are in the process of consulting with the Pollution Control Team and Building Regulations to assess the most effective method. A further verbal report on this element will be made at committee.

It is considered, therefore, that – subject to the acoustic details for the ceiling within the unit being appropriate – that all reasonable steps have been taken to reduce any potential impact on residential amenity from noise. The Pollution Control Team are satisfied that noise and odours can be adequately addressed by the proposed equipment, and further controlled by planning condition.

In respect of privacy, the ground floor units look toward the public streetscene, and are not considered to harm residential privacy through overlooking.

Access and parking.

Following consultation, the Highways Authority recommended that they had no objection on highways grounds (see consultation response above)

Officers – in line with the Pollution Control Team – have noted that the submitted Transport assessment data is not representative of the characteristics of Tenby and its hinterland, especially during the peak holiday seasons. It is likely that customers would be attracted from outside Tenby as well, therefore, this potential customer base has to be assessed for potential impact on amenity arising from access and parking.

It is accepted that the planning system cannot reasonably address illegal parking and driver behaviour – the actions of an individual cannot be controlled in this sense, however, in assessing a potential use that would inevitably create vehicular trips, it is necessary to ensure that highway safety is maintained.

In addition to the comments and conditions recommended by the Pollution Control Team, officers have requested further transport data, which would be more representative of a seaside resort. This data is currently being collated at the time of writing this report. The applicants have also agreed to provide a transport management plan, which would detail how the orders and deliveries would be managed (it is intended that the delivery drivers would have season tickets to the Multi-storey and would park there to collect orders from the store), together with training measures for staff in respect of deliveries and management of the collection of orders (akin to a 'toolbox' talk which advises where to park to collect orders). Subject to the receipt of a management plan which adequately sets out these measures, it is considered that all reasonable measures to ensure highway safety will have been undertaken. Officers will make a further verbal update on this issue at committee.

Biodiversity.

Following consultation, the Authority's Ecologist had no comments to make in respect of the proposal.

Other matters.

The concerns of Tenby Town Council and the neighbours have been carefully considered, and the main issues are covered in the report above. It is considered that the proposed change of use is acceptable in principle – the concerns in respect of anti-social behaviour, including littering, can be addressed by conditions to require adequate bins/litter picking. It can be argued in cases in which takeaway sales are allowed from a restaurant within an area which forms part of a retail centre, that people living above such premises could not expect to enjoy the same peace and quiet as residents living in a predominantly residential area. However, in this instance, officers consider that there are additional measures that can be taken to ensure that a reasonable level of amenity – both in terms of residential use and traffic generation - can be maintained.

Conclusion

It is considered that – subject to conditions – the proposed change of use from A1 to A3 use of the three units at South Parade would be in accordance with the Local Development Plan, and – subject to the receipt of suitable details for the acoustic ceiling and traffic management - can be supported by officers, subject to conditions.

Recommendation

That the application be delegated to the Team Leader, Development Management to issue permission subject to the receipt of details of suitable acoustic details, a transport management plan, and the following conditions.

Conditions/Reasons

1. The development shall begin not later than five 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).
2. The development shall be carried out in accordance with the following approved plans and documents: 'Existing Elevations (Sheet 1)', 'Proposed Elevations (Sheet 1)', 'Existing Elevations (Sheet 2)', 'Proposed Elevations (Sheet 2)', 'Existing GA', and 'Proposed GA' dated 20th March 2017
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).
3. The ventilation/extraction equipment shall be effectively operated and maintained in accordance with the manufacturers' instruction for as long as the proposed use continues.
Reason - To ensure the protection of residential amenity from noise and odour. Local Development Plan Policy 30 (Amenity).
4. Collections of waste shall only be permitted between the hours of 0700 to 1900 hours Monday to Friday, and at no other times.
Reason - To ensure the protection of residential amenity from noise and disturbance. Local Development Plan Policy 30 (Amenity).
5. The store shall be closed to members of the public at 2200 hours. Orders shall be permitted to take place via phone and internet;
 - No collections, only deliveries from the store between 22:00 and 00:00 midnight Sunday to Thursday.
 - No collections, only deliveries from the store between 23:00 and 00:00 midnight Friday and Saturday**Reason** - To ensure the protection of residential amenity from noise and disturbance. Local Development Plan Policy 30 (Amenity).

- NOTES**
- 1. All dimensions are based on the finished floor level.
 - 2. Any dimensions not shown are to be determined by the architect and/or engineer.
 - 3. All dimensions are in feet and inches.
 - 4. All dimensions are to the centerline of the wall or door.
 - 5. All dimensions are to the centerline of the window.
 - 6. All dimensions are to the centerline of the door.
 - 7. All dimensions are to the centerline of the window.
 - 8. All dimensions are to the centerline of the door.
 - 9. All dimensions are to the centerline of the window.
 - 10. All dimensions are to the centerline of the door.

- DESIGN HAZARD IDENTIFICATION**
- 1. Access survey report required prior to construction.
 - 2. Proposed layout subject to Building Code Department of the City of Atlanta.
 - 3. All dimensions are to the centerline of the wall or door.
 - 4. All dimensions are to the centerline of the window.
 - 5. All dimensions are to the centerline of the door.
 - 6. All dimensions are to the centerline of the window.
 - 7. All dimensions are to the centerline of the door.
 - 8. All dimensions are to the centerline of the window.
 - 9. All dimensions are to the centerline of the door.
 - 10. All dimensions are to the centerline of the window.

Schedule of Areas	sq ft
Existing Ground OA	280.5

NP 17 1 78

Project: [Blank] Date: 2/20/2017

Drawn by: [Blank] Checked by: [Blank]

Scale: 1/8" = 1'-0"

Project No: P100561

Client: [Blank]

Project Name: [Blank]

Project Location: [Blank]

Project Description: [Blank]

Project Status: [Blank]

Project Manager: [Blank]

Project Engineer: [Blank]

Project Architect: [Blank]

Project Designer: [Blank]

Project Drafter: [Blank]

Project Checker: [Blank]

Project Approver: [Blank]

Project Date: [Blank]

Project Version: [Blank]

Project Revision: [Blank]

Project Change: [Blank]

Project Description: [Blank]

Project Location: [Blank]

Project Status: [Blank]

Project Manager: [Blank]

Project Engineer: [Blank]

Project Architect: [Blank]

Project Designer: [Blank]

Project Drafter: [Blank]

Project Checker: [Blank]

Project Approver: [Blank]

Project Date: [Blank]

Project Version: [Blank]

Project Revision: [Blank]

Project Change: [Blank]

Sheet No.	Sheet Title	Date	Scale
158	Existing OA	2/20/2017	1/8" = 1'-0"



