

Application Ref: NP/17/0420/FUL

Case Officer	Nicola Gandy		
Applicant	Mr E Davies		
Agent	Mr K Morgan		
Proposal	Conversion of existing first floor flat to 3 self contained units & alterations to ground floor cafe to provide undercover stairwell to flats above		
Site Location	Pirate Cafe, Amroth, Narberth, Pembrokeshire, SA67 8NF		
Grid Ref	SN16270702		
Date Valid	17-Jul-2017	Target Date	15-Sep-2017

The application is referred to the Development Management Committee for determination as the officer's recommendation differs to that of the Community Councils.

Consultee Response

Amroth Community Council: No objection

PCNPA - Ecologist: No objection

PCNPA - Access Manager: No PROW affected.

PCC - Transportation & Environment: No objection

PCC - Drainage Engineers: It's noted that a Flood Consequence Assessment has previously been supplied in electronic format to accompany the Application, however since the application site appears to fall entirely within C2 area as defined by the TAN 15 Development Advice Map further advice should be sought from N R W with regard to this Application. We are aware of instances of historic tidal flooding affecting the immediate area to which the application refers to, however we have no information regarding the extent to which the property may have been affected.

Natural Resources Wales: Advised that the Flood Consequences Assessment submitted does not provide sufficient information to determine the compliance set out in A1.14(plus Climate Change) and A1.15 of TAN 15 (2004) However, it is a matter for the Authority to determine whether the risk to the development is acceptable and can be managed.

Dwr Cymru Welsh Water: No objection

Public Response

The application was appropriately advertised in accordance with statutory requirements. No third party comments have been received.

Policies considered

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

<http://www.pembrokeshirecoast.org.uk/default.asp?PID=549>

LDP Policy 01 - National Park Purposes and Duty
LDP Policy 06 - Rural Centres
LDP Policy 08 - Special Qualities
LDP Policy 09 - Light Pollution
LDP Policy 15 - Conservation of the Pembrokeshire Coast National Park
LDP Policy 29 - Sustainable Design
LDP Policy 30 - Amenity
LDP Policy 32 - Surface Water Drainage
LDP Policy 34 - Flooding and Coastal Inundation
LDP Policy 43 - Protection of Employment Sites and Buildings
LDP Policy 44 - Housing
LDP Policy 45 – Affordable housing
LDP Policy 49 - Retail in the National Park
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
TAN 15 - Development and Flood Risk

Constraints

NPA Property - within 25m
Special Area of Conservation - within 500m
Special Protection Area - within 500m
Technical Advice Note 15
LDP Mineral Safeguard
Biodiversity Issue
ROW Coast Path - within 10m
Potential for surface water flooding
LDP Centre:50pc aff housing;30 units/ha
Recreation Character Areas
Low Coal Risk
Surface Coal
Landscape Character Assessment
Seascape Character Assessment

Officer's Appraisal

Background and site description

The application site is a two storey building of relatively modern appearance, situated in a prominent location looking over Amroth Beach toward Carmarthen Bay. The building comprises a long-standing café and retail gift shop at ground floor with a large 4 bedroom flat above.

The Pirate is located in a short row of businesses and residential properties which immediately fronts the beach. The site falls within the Rural Centre of Amroth, as defined in the Pembrokeshire Coast National Park Local Development Plan (adopted 2010)

Planning History

- NP/06/058 – Change windows to doors – Approved 22.03.2006
- NP/480/87 – Extension and alterations – Approved 09.11.1987
- NP/11/84 – Conversion of existing building and small extension into Ice-cream and sandwich parlour – Approved 24.02.1984
- NP/03/80 – Fire escape – Approved 21.02.1980
- Restaurant extension for cold store and flat extension to provide additional 3 bedrooms – Refused 05.11.1971 (Appeal allowed 05.07.1972)
- Private car garage – Approved 07.07.1971
- Display unit and kiosk – Approved 03.05.1968
- Restaurant, shop and flat over – Approved 10.11.1961
- Café (Outline) – Refused 08.07.1960
- NR/1256 – Café (Outline) – Refused 08.12.1958

Current Proposal

Full planning permission is sought for the refurbishment and extension of the building as follows;

- At ground floor, the refurbishment of the internal space and the creation of an internal staircase to the western side of the counter/servery area.
- At first floor, the construction of two front gable extensions with central balconies between and the conversion of the single residential flat to three flats (including managers accommodation).

Key Issues

Paragraph 3.1.3 of Planning Policy Wales (currently Edition 9 – November 2016) advises that applications for planning permission should be determined in accordance with the approved or adopted development plan for the area, unless material conditions indicate otherwise. This application raises the following planning matters, which are to be considered against the policies of the Pembrokeshire Coast National Park Local Development Plan;

- Policy
- Visual amenity and special qualities of the National Park
- Amenity
- Biodiversity
- Landscaping
- Material considerations.

Policy

Welsh Government Policy in TAN15

Government Policy regarding flood risk is the primary material consideration in this application, and therefore a brief introduction to those principles is to be reproduced here:

TAN15 classifies land into 3 categories (Zones A, B and C) according to risk of flooding. Zone C (river, tidal or coastal) is split into C1 (areas of the floodplain which are developed and served by significant infrastructure, including flood defences) and C2 (areas of the floodplain without significant flood defence infrastructure). The TAN is accompanied by a series of Development Advice Maps (DAMs) which are based on the best available information considered sufficient to determine when flood risk issues need to be taken into account in planning future development. The application site lies within Zone C2.

TAN15 acknowledges that some flexibility is necessary to enable the risks of flooding to be addressed whilst recognising the negative economic and social consequences if policy were to preclude investment in existing urban areas and the benefits of reusing previously developed land. However, consistent with PPW, TAN 15 states that new development should be directed away from Zone C and towards suitable land in Zone A, otherwise to Zone B, where river or coastal flooding will be less of an issue. In Zone C the tests outlined in sections 6 and 7 of the TAN will be applied, recognising, however, that highly vulnerable development and Emergency Services in Zone C2 should not be permitted.

Local Plan Policy

The site lies within the Rural Centre of Amroth as defined in the LDP and therefore Policy 6 of the Plan is relevant. The policy allows for suitable developments, including residential use. In residential uses, affordable housing will be given priority.

The property is also located within a C2 flood plain and in an area identified in the Shoreline Management Plan as at risk from coastal erosion and flooding. Whilst the policy is to hold the line by maintaining existing defences for as long as possible it is forecast that climate change and increased sea level will increase the risk of flooding over time.

Policy 34 of the Local Development Plan directs development away from those areas which are at risk from flooding now or as predicted for the future unless there are sound social or economic justifications in accordance with the advice set out in Technical Advice Note 15.

As previously discussed a C2 flood zone is identified as covering the application site. The flood consequences assessment submitted by the applicant states that the development is acceptable in terms of flood risk as the more vulnerable use (residential) will be located at first floor level and future occupants should be informed of the flood risk and register for NRW flood warnings. However, NRW have assessed the flood consequences assessment and advise that it has not assessed

the tidal risk to the development and does not include an assessment of potential depths associated to wave overtopping. Amroth is known for wave overtopping with most recent records being in January 2014. Additionally, the flood consequences assessment does not include any detailed hydraulic modelling nor an assessment of the impacts to the development as a result of climate change.

In extreme events, previously flood water has reached the adjacent road along Amroth sea front, which makes access to the development difficult during flood events. The development proposes to extend the property to allow for two additional residential uses into a flood risk area where the only route for evacuation is through the flood zone itself, thus creating a risk to both the future occupants and emergency services. Furthermore, it still represents a monetary investment in the building and therefore an increase of assets within the flood zone.

Safe access and egress from a property is a matter for emergency services to determine on a site by site basis, depending on operational capabilities and equipment. It should be noted in this instance that access to and from the property is to the front, towards the coast, thus encouraging movements towards the coastal flooding risk area. The property has a river running to the rear, as such, there are no other routes to access the property for pedestrians, vehicles or emergency vehicles other than via the highway to the front of the property.

A letter circulated to all Local Planning Authorities in January 2014 asks that they consider how flooding and the consequences of flooding impact on development viability. Building and contents insurance for properties in flood zone built (developed) after 2009 are subject to uncapped risk reflective premiums.

An annex to the 2014 letter reminds Authorities of TAN15 requirements for vulnerable developments. To be justified a house should be located **ONLY** in an area of flood risk which is developed and served by significant infrastructure, including flood defences (Zone C1). Even in such circumstances the development required additional justification that it is to assist a local authority regeneration initiative or strategy and key employment objectives, necessary to sustain an existing settlement or region. The property is located in a C2 flood zone and is not part of a local authority regeneration scheme, so fails to meet the requirements of TAN15.

Whilst the flood consequence assessment submitted considers the development to be acceptable in terms of flood risk, it remains that the proposal would be introducing two additional residential units and increasing the value of assets within an area liable to flood. The property is within a C2 flood risk zone, without fundamental justification for its development.

Recent Appeal Cases

A decision made by the Welsh Ministers is relevant to this application which also centred on the issue of building with Flood Zone C2 (APP/E6840/V/16/3164287 refers).

In summary, the permission was refused on flood risk grounds. The application was for a boutique spa hotel on a vacant employment site in Monmouth town, in flood

zone C2. All buildings would be flood free, and there would be a significant reduction in hardstanding areas compared to the existing situation and therefore offered more flood storage capacity.

The Inspector in his decision draws attention to the emphasis of PPW:

Chapter 13 of PPW covers matters pertaining to flood risk and this is supplemented by the advice contained within Technical Advice Note 15: Development and Flood Risk (2004) (TAN15). Specifically in relation to flooding, PPW states that meeting the Welsh Government's objectives for sustainable development requires action through the planning system to move away from flood defence and the mitigation of the consequences of new development in areas of flood hazard towards a more positive avoidance of development in areas defined as being of flood hazard. Planning authorities should therefore adopt a precautionary approach when formulating development plan policies on development and flood risk, and when considering planning applications.

A key statement by the Planning Inspector in this case is his assessment of NRW's role in assessing flood risk:

91. Whilst the proposal is not in accordance with national planning policy due to its classification as Highly Vulnerable Development within DAM Zone C2, it is important to note that NRW's involvement is to provide specialist advice on the findings of any FCA and not to provide advice on compliance, or otherwise, with criteria (i) - (iii) of section 6.2 of TAN15, which remains a matter for the decision maker. Accordingly, NRW's evidence is restricted to matters relating to the acceptability of flooding consequences, with particular regard to the criteria in Section 7 and Appendix 1 of TAN15.

The development proposes two additional residential units, as such, Policy 45 – Affordable Housing is also relevant. Policy 45 generally requires the provision of units on site in all developments of two or more dwellings, however, the more recent Supplementary Planning Guidance for Affordable Housing (November 2014) sets a requirement of 30% for affordable housing provision in Amroth. As this would not result in a whole unit, an affordable housing contribution, based on gross internal floor space across the two additional units, would be sought. The applicant indicates in the submitted information that they agree to the provision of this via a unilateral undertaking. However, a unilateral undertaking has not been submitted to date and, as such, the development fails to comply with Policy 45 of the LDP.

Having regard to TAN 15, LDP Policy and recent appeal decisions it is considered that the development is contrary to both National and Local Planning policy and the risk of flooding in this instance and the lack of affordable housing contribution is not acceptable.

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 site is modest in size, and the footprint of the building largely fills the plot. There are buildings either side of The Pirate, with the main road to the front. The building is plain and modern but reflects traditional proportions, and has a low walled courtyard to the front elevation. This site is prominent in the wider streetscene, where the character is densely developed frontage. In the Authority's supplemental planning guidance on Landscape Assessment, the site falls within the LCA 1 – Saundersfoot Settled Coast, which comprises small villages set amongst wood areas along several small valleys with streams flowing to the coast. The special quality of this landscape has a strong connection to the coastline.

The proposed design of the first floor extensions take reference from modern glazed gable detailing, which has been successfully used on buildings along the Amroth seafront; and this detail contrasts well with the more traditional domestic dwellings. It is considered that the proposal is acceptable in design and appearance, and would be in accordance with the requirements of Policies 8, 15, 29 and 30, as the development would be an acceptable element of the built form of the village.

Neighbouring Amenity

Policy 30 of the Local Development Plan refers to matters of amenity, and requires proposals to appropriate to where people live and work, compatible with its setting, should not lead to an increase in traffic, odour, noise or light, and should not be visually intrusive.

The proposed use would be compatible both with the setting and the pattern of neighbouring development which includes a mix of both residential and commercial uses; and the conversion of the residential accommodation from one 4-bedroom unit to three units offering a total of five bedrooms is not considered to be over-intensification of the site.

In respect of privacy, the application site sits in a row of properties whose front elevations are inevitably orientated to the beach and sea views. The refurbishment does not result in further fenestration to the side or rear elevations, and the gables to the front look over the public highway and Amroth Beach. The existing levels of privacy enjoyed would not be adversely affected.

It is considered, therefore, that developing the site without adversely impacting the amenity of existing residents can be achieved and as such the proposal complies with the requirements of Policy 30 of the Local Development Plan.

Biodiversity

Policy 11 refers to the protection of biodiversity, and requires that development that would impact on habitats and species will only be permitted subject to suitable mitigation. The Authority's Ecologist has assessed the information provided - which advises that there is limited ecological value for the site – and has recommended that a suitable condition be attached to require external lighting to be agreed prior to works commencing, as the site does fall near known foraging areas for bats. As such the scheme complies with the requirements of Policy 11 which requires that any impacts to protected species or their habitats will only be permitted where the effects will be acceptably minimised or mitigated.

Landscaping

There are no Tree Preservation Orders on the site and the site does not fall within a conservation area where works to trees would require separate permissions. The site has a hard landscaped front forecourt, which will be retained as part of the development.

Conclusion

Following detailed consideration of the planning issues identified during the consideration of the application; and of the responses received from statutory consultees, the proposed development is considered to be contrary to both national and local planning policy given the flood risk associated with the development and the lack of affordable housing contribution. The recommendation is, therefore, of refusal.

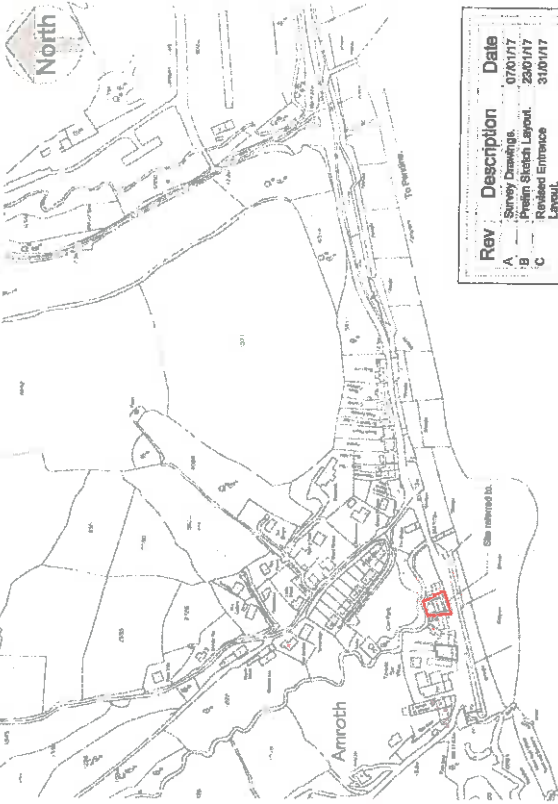
Recommendation

That the application be refused for the following reasons:-

1. The application site lies within Flood Zone C2, and proposes residential and commercial development which is contrary to advice contained with Welsh Government Guidance Technical Advice Note 15: Development and Flood Risk, Policy 34 (Flooding and Coastal Inundation) of the Pembrokeshire Coast National Park Local Development Plan(adopted 2010) and an annex to a letter circulated to Local Planning Authorities in 2014 setting out the instances when vulnerable development would be acceptable in areas of flood risk. The proposal would be increasing the value of assets within an area liable to flood without justification which is contrary to PPW (Edition 9 November 2016) (13.2.3) requiring action through the planning system to move away from flood defence and the mitigation of the consequences of new development in areas

of flood hazard towards a more positive avoidance of development in areas defined as being of flood hazard.

2. The application fails to justify the lack of provision for either affordable housing or the provision of a financial contribution towards affordable housing. The application therefore fails under Policy 45 (Affordable Housing) and Supplementary Planning Guidance for Affordable Housing (adopted 5th November 2014) and is therefore contrary to guidance contained within Planning Policy Wales (Edition 9, November 2016).



2 Site Location Plan
 1: 2500
 0m 50m 100m 150m 200m 250m
 VISUAL SCALE 1:2500 @ A1

Rev	Description	Date
A	Survey Drawings	07/01/17
B	Prelim Sketch Layout	23/01/17
C	Proposed Entrance	31/01/17
D	Proposed Pre-App Drawings	01/02/17
E	Sealing Area Amendments	11/05/17
F	Planning Application Drawings	11/07/17

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 PROJECT

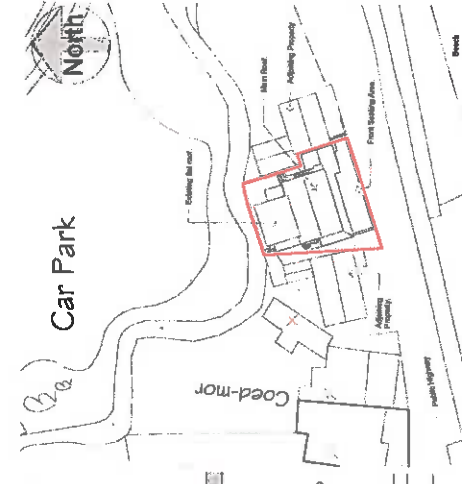
Pharos Restaurant & Coffee Bar, Amroth, Pembrokeshire.

Existing Ground Floor Layout, Site Location Plan & Existing Block Plan.

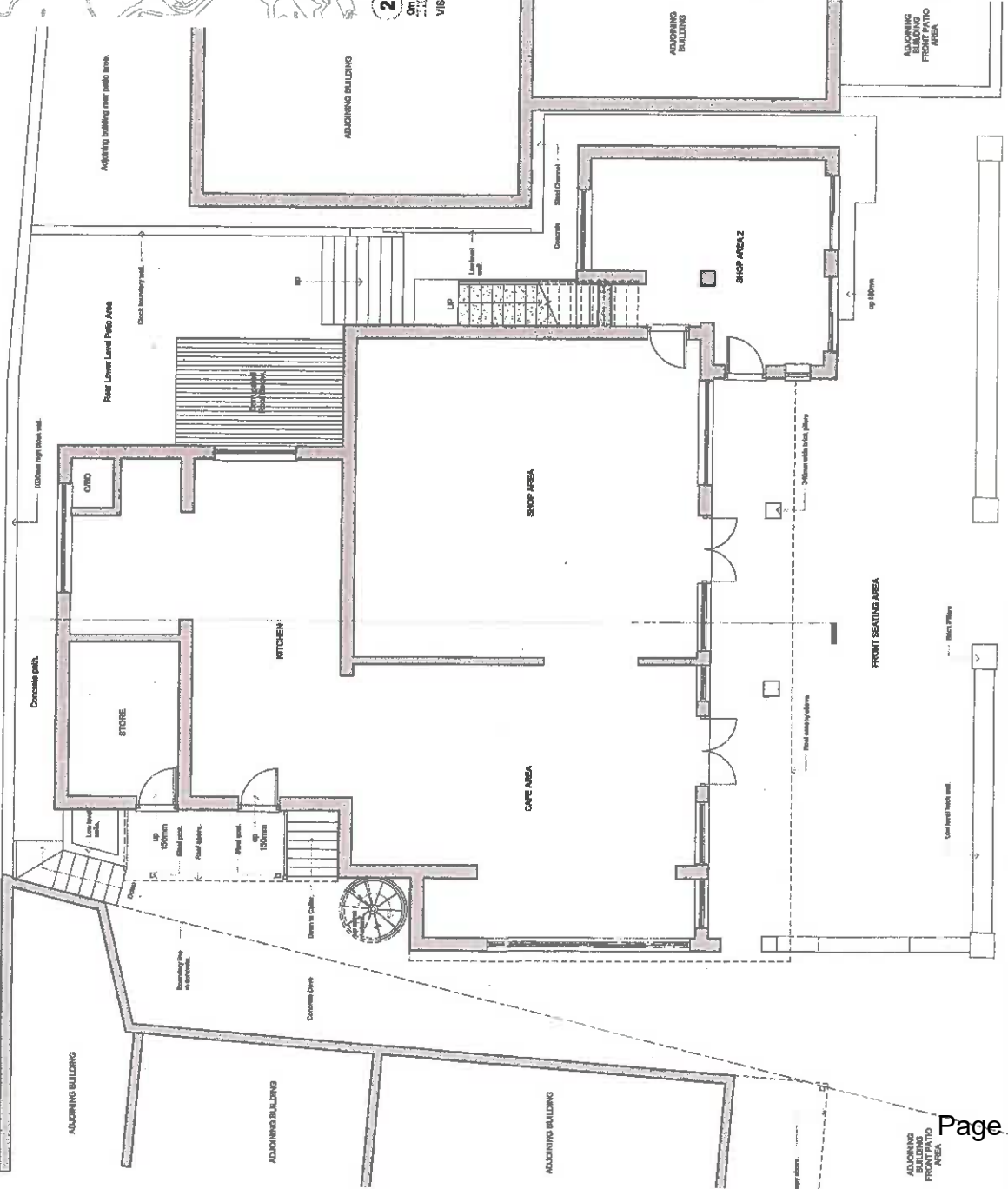
CLIENT: Mr. E. Davies.

DATE: 08/01/17
 DRAWN BY: KRM
 SCALE @ A1: As indicated
 PROJECT NUMBER: 16037 H
 REV: F

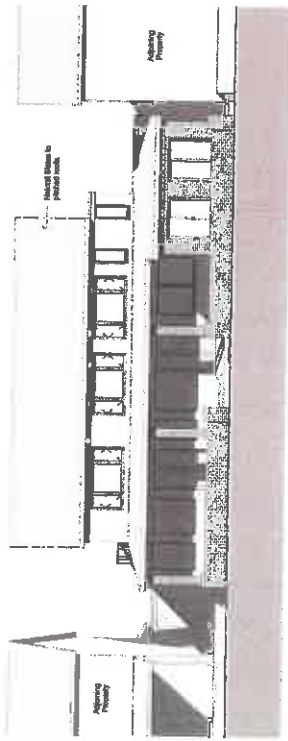
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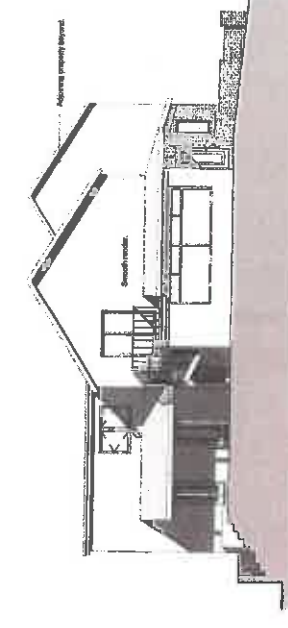
3 Existing Block Plan
 1: 500
 0m 10m 20m 30m 40m 50m 60m
 VISUAL SCALE 1:500 @ A1



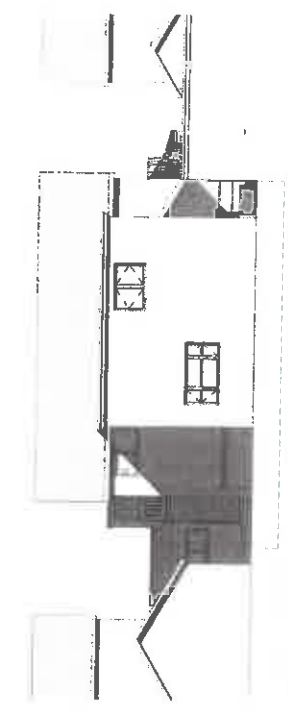
1 Ground Floor Layout.
 1: 50
 0m 1m 2m 3m 4m 5m
 VISUAL SCALE 1:50 @ A1



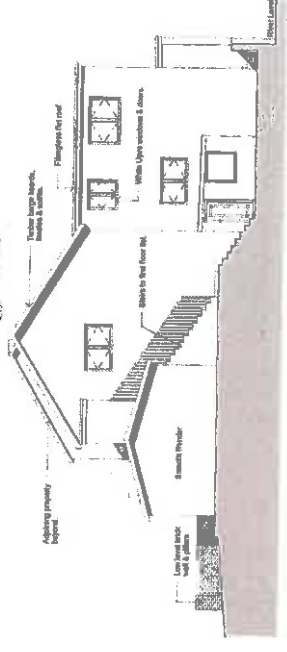
2 South Elevation
1:100



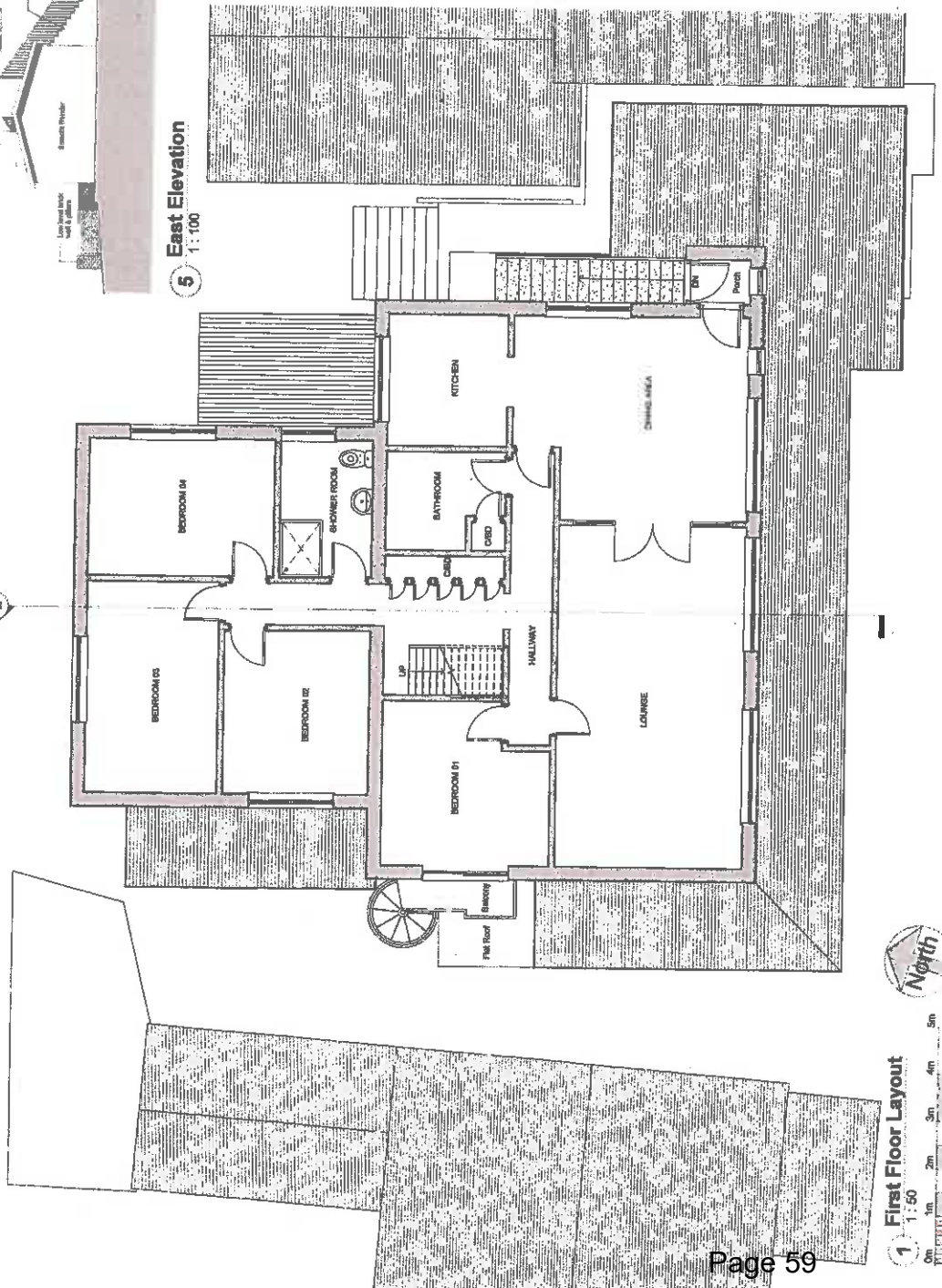
3 West Elevation
1:100



4 North Elevation
1:100



5 East Elevation
1:100



1 First Floor Layout
1:50



Rev	Description	Date
A	Issue Drawings	07/01/17
B	Plain Sketch Layout	23/01/17
C	Revised Entrance Layout	31/01/17
D	Planning Pre-App Drawings	01/02/17
E	Planning Pre-App Amendments	11/05/17
F	Planning Application Drawings	11/07/17

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 19 JUL 2017

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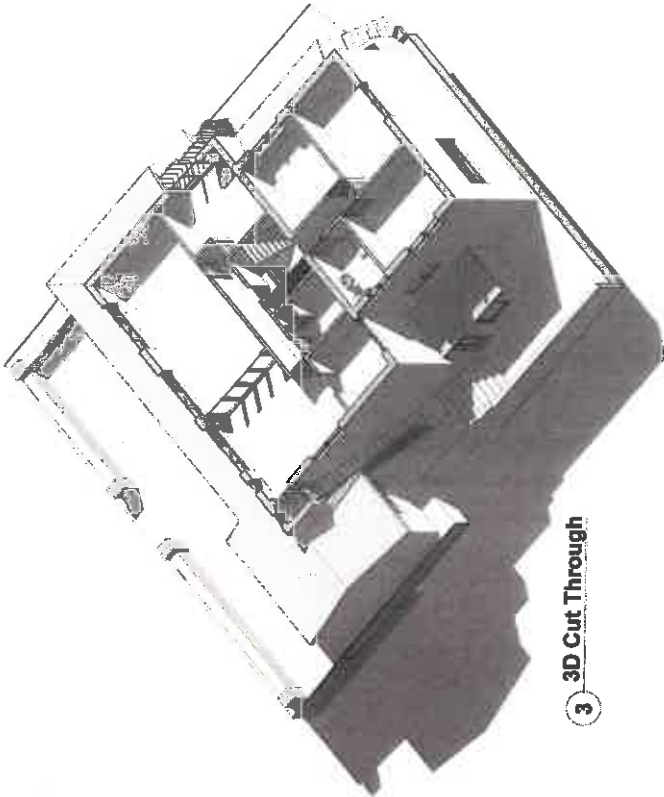
Pirates Restaurant & Coffee
 Bar, Amroth, Pembrokeshire.

Existing First Floor & Elevations.

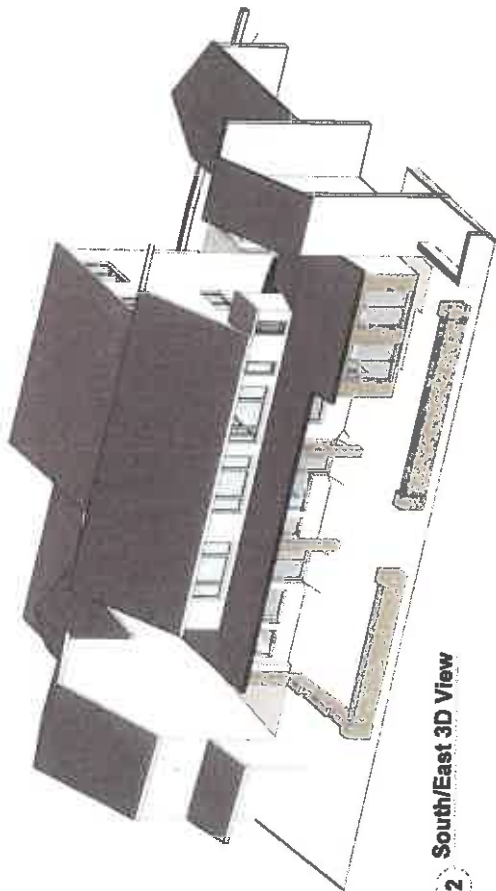
Mr. E. Davies.

A.D. : KRM
 Date of Issue : 08/01/17
 As Issued : 18/07/17
 Drawing Number : 18/07/17

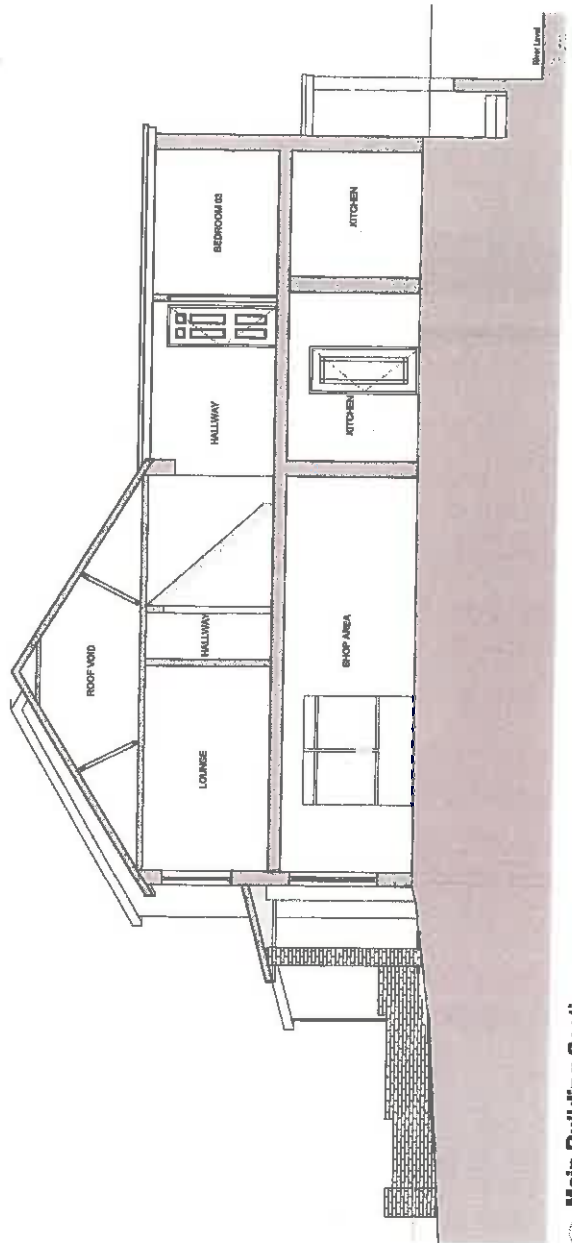
02 RIBA
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3 3D Cut Through



2 South/East 3D View



1 Main Building Section

0m 1m 2m 3m 4m 5m
 VISUAL SCALE 1:50 @ A1

Rev	Description	Date
A	Survey Drawings	07/01/17
B	Prelim Sketch Layout	29/01/17
C	Revised Entrance Layout	31/01/17
D	Planning Pre-App Drawings	01/02/17
E	Planning Area	11/02/17
F	Planning Application Drawings	11/03/17

14 JUL 2017

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PROJECT: Pirates Restaurant & Coffee Bar, Armoth, Pembrokehire.

CLIENT: Mr. E. Davies.

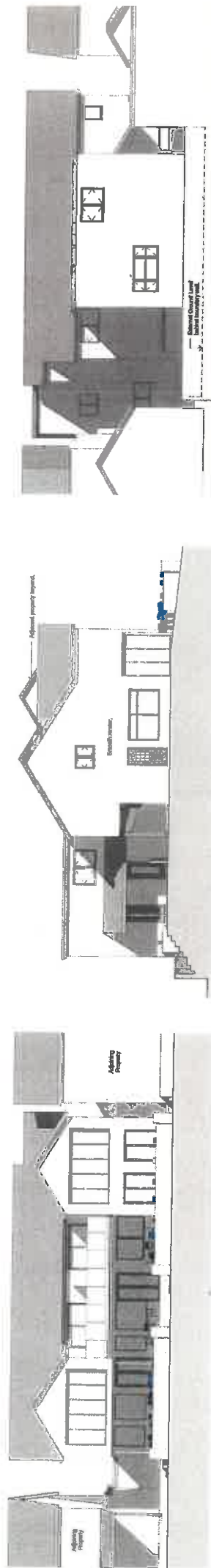
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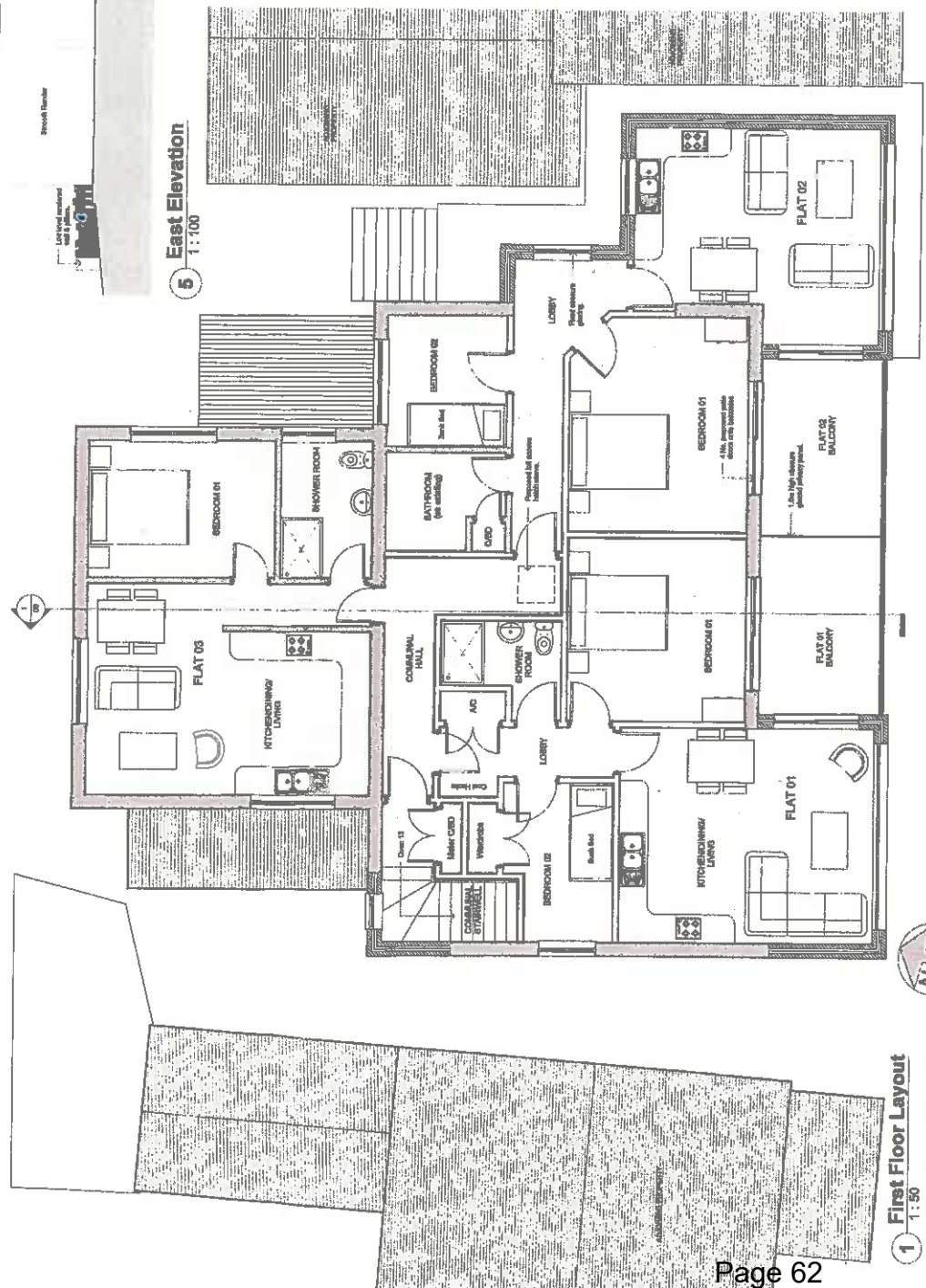
NP 17



2 South Elevation
1:100
0m 2m 4m 6m 8m 10m
VISUAL SCALE 1:100 @ A1

3 West Elevation
1:100

4 North Elevation
1:100



1 First Floor Layout
1:50
0m 1m 2m 3m 4m 5m
VISUAL SCALE 1:50 @ A1

Rev	Description	Date
A	Survey Drawings	07/07/17
B	Prelim Sketch Layout	23/07/17
C	Revised Entrance Layout	31/07/17
D	Plotting Pre-App Drawings	07/08/17
E	Seeking Area Amendments	11/08/17
F	Planning Application Drawings	11/07/17
G	Permit 02 Window Alter	17/07/17

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PROJECT
Pirates Restaurant & Coffee Bar, Amroth, Pembrokeshire.

TITLE
Proposed First Floor & Elevations.

DESIGNER
Mr. E. Davies.

DATE
17 JUL 2018

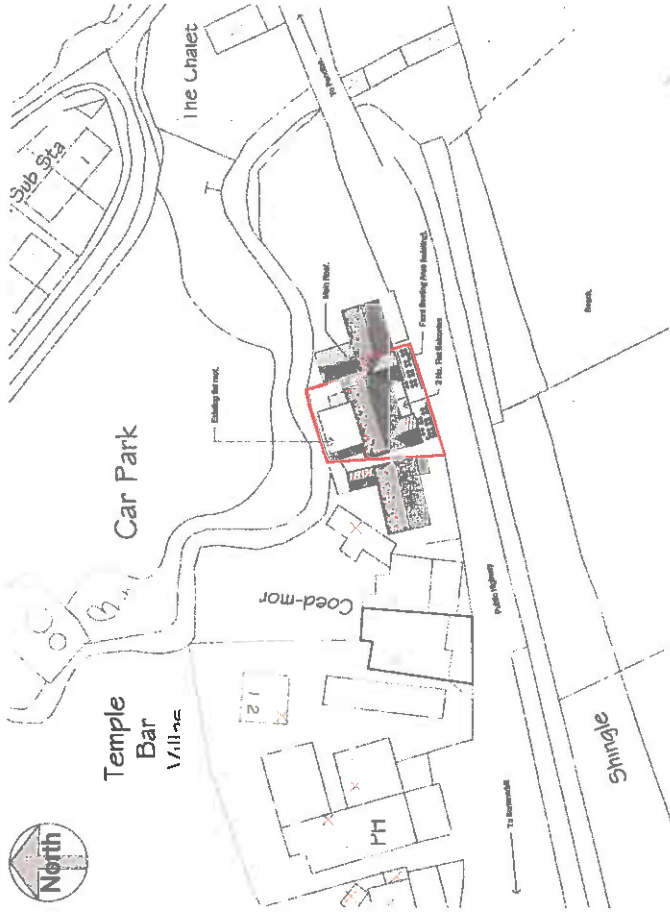
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As Indicated

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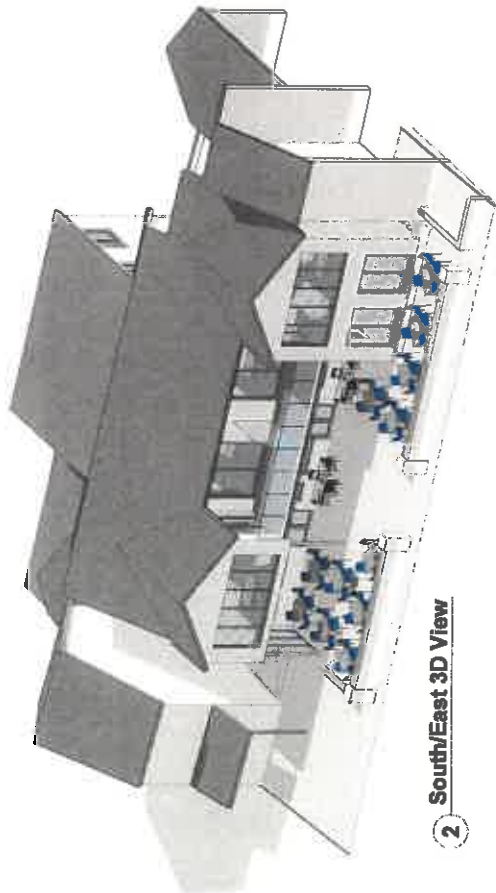
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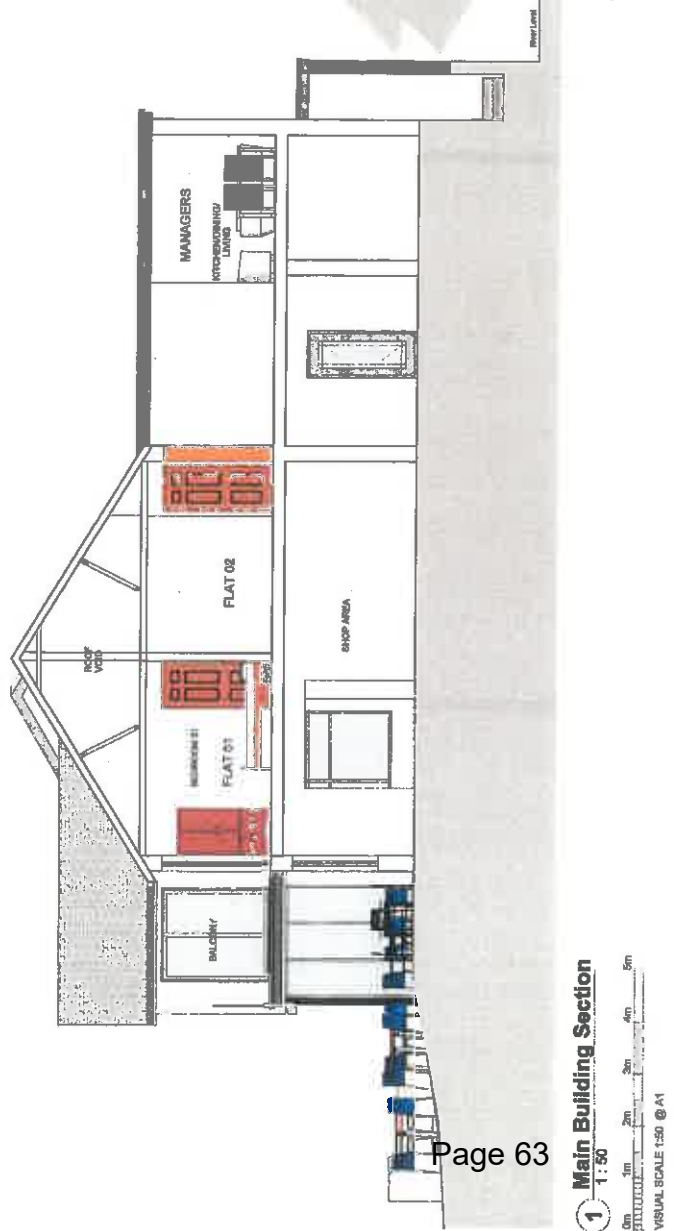
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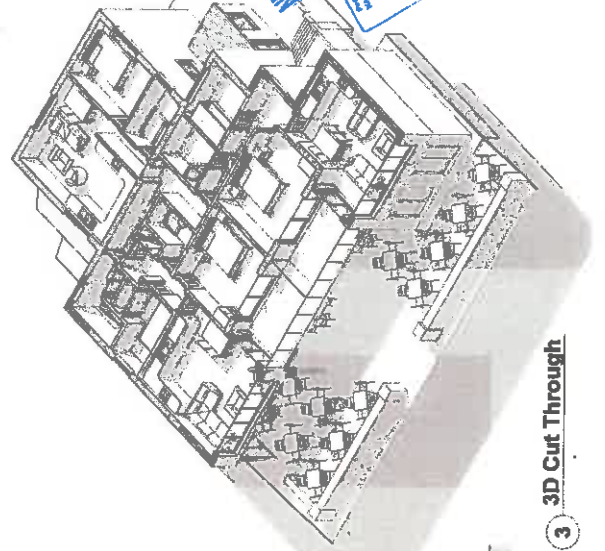
4 Proposed Block Plan
 1:500
 0m 10m 20m 30m 40m 50m
 VISUAL SCALE 1:500 @ A1



2 South/East 3D View



1 Main Building Section
 1:50
 0m 1m 2m 3m 4m 5m
 VISUAL SCALE 1:50 @ A1




3 3D Cut Through

Rev	Description	Date
A	Survey Drawings	07/01/17
B	Plain Sketch Layout	28/01/17
C	Revised Entrance Layout	31/01/17
D	Planning Pre-App Drawings	01/02/17
E	Seeking Area Amendments	11/05/17
F	Planning Application Drawings	11/07/17
G	Block Plan (2 Window Added)	17/07/17

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Pirates Restaurant & Coffee Bar, Amroth, Pembrokeshire.
Proposed Section, Block Plan & 3D Views.

AUTHOR: Mr. E. Davies.
 APPROVED: A.D. 16/01/17, K.M.R. 28/01/17
 SCALE: 1:500, 1:750, 1:750
 AS ISSUED: 16/07/17
 PROJECT NUMBER: 16027/17

06
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