PEMBROKESHIRE COAST NATIONAL PARK AUTHORITY COMMITTEE REPORT



Ref No:	NP/24/0438/FUL
Proposal:	Change of use of retail store and part change of use of Market Hall and Former Town Hall to Spa Hotel, Restaurant and Cafe/Bar, associated extensions and alterations
Site Location:	12 High Street & Old Town Hall and Market Hall, Tenby, Pembrokeshire, SA70 7HD

Recommendation: Delegation to officers for approval

This application is being presented to the Development Management Committee as the application is considered to be a part departure from LDP2.

The full plans and associated documents can be viewed on-line by following this link: <u>Citizen</u> <u>Portal Planning</u>

Consultee Response

- **Tenby Town Council:** Support subject to protection of existing market operations, to retain appropriate levels of illumination into market area at ground floor level and subject to an agreed action plan for integration with potential refurbishment of the market
- PCNPA Planning Ecologist: Support
- PCNPA Buildings Conservation Officer: Support, subject to conditions
- **PCC Public Protection**: Conditional consent
- **PCC Transportation and Environment**: Conditional consent
- **PCC Access Officer**: Advisory comments made and will be added as an informative to any consent granted
- PCC Drainage Engineers: No adverse comments raised
- Natural Resources Wales: No adverse comments raised at this time
- Dwr Cymru Welsh Water: Conditional consent
- Cadw: No response to date
- Heneb The Trust for Welsh Archaeology: Conditional consent WSI
- **Mid and West Wales Fire & Rescue Service:** No objection subject to informative add to any consent issued
- Tenby Chamber of Trade and Tourism: No response received
- **Tenby Civic Society:** Concerns raised on the Spa/Fitness suite having an impact on the running of the market traders businesses but welcome the addition of the ground floor WC for market traders
- **Wales and West Utilities**: No adverse comments raised but add informative to any consent granted.

Public Response

A site notice and neighbour notification letters were posted in accordance with requirements of the *Town and Country Planning (Development Management Procedure) (Wales) Order* 2012.

Concerns/Objections are summarised below:

- Loss of toilets
- The need for a Spa hotel
- Need for refurbishment throughout the whole of the Market Hall building
- Lack of parking provision
- Impact on existing market traders during potential construction works, including noise, dust and restricted access
- Loss of retail space within Tenby
- Alterations to the Market Hall structure will be detrimental to its appearance
- Loss of retail space and communal seating and potential pop-up areas within Market Hall
- Loss of storage space within Market Hall
- Seek to reduce any potential disruption from construction works to a minimum
- Provide alternative toilet and stockrooms prior to removal of existing facilities
- Impact from the construction phase on neighbours and seek to limit the noisy works to between 10am and 5pm on weekdays
- Potential impact to Upper Frog Street traffic flow from the development and construction phase
- Loss of light to existing properties from new roof development
- Concern on proposed bar/restaurant use and potential for anti-social behaviour
- Loss of 1 retail unit within Market Hall building to provide kitchen facilities for new hotel
- Potential temporary closure of the Market Hall for construction work to be undertaken resulting in the potential loss of 10 small businesses, 8 retail shops and 20 members of staff.

Where material, the above concerns/objections are discussed in the main body of this report.

Policies considered

National Policy

All planning applications in Wales need to be determined in accordance with the statutory National Development Plan:

- <u>Future Wales: The National Plan 2040</u> (FW)
- <u>Planning Policy Wales 12</u> (PPW12).

Technical Advice Notes

The Future Wales Plan should be seen and read as a whole, and in conjunction with National planning policy in the form of Planning Policy Wales (Edition 12, February 2024) as well as

considering the following Welsh Government Technical Advice Notes (TAN's) <u>www.gov.wales/technical-advice-notes</u>:

- TAN 4 Retailing and Commercial Development
- TAN 5 Nature Conservation and Planning
- TAN 8 Renewable Energy
- TAN 12 Design
- TAN 13 Tourism
- TAN 15 Development and Flood Risk
- TAN 18 Transport
- TAN 23 Economic Development
- TAN 24 The Historic Environment

Local Development Plan 2 (Adopted September 2020)

Additionally, within the Pembrokeshire Coast National Park, The Local Development Plan 2 (LDP2) is also the relevant development plan with the following policies being applicable to this proposal.

- Policy 01 (National Park Purposes and Duty)
- Policy 02 (Tenby Service and Tourism Centre (Tier 1) (Strategy Policy))
- Policy 08 (Special Qualities)
- Policy 11 (Nationally Protected Sites and Species)
- Policy 14 (Conservation of the Pembrokeshire Coast National Park)
- Policy 29 (Sustainable Design)
- Policy 30 (Amenity)
- Policy 32 (Surface Water Drainage)
- Policy 33 (Renewable Energy and Low Carbon Energy)
- Policy 38 (Visitor Economy)
- Policy 44 (Protection of Employment Sites and Buildings)
- Policy 55 (Infrastructure Requirements (Strategy Policy))
- Policy 56 (Retail in the National Park (Strategy Policy))
- Policy 57 (Retail in the National Park (Strategy Policy))
- Policy 59 (Sustainable Transport)
- Policy 60 (Impacts of traffic)

These policies can be viewed on the Policies page of Pembrokeshire Coast National Park website: <u>https://www.pembrokeshirecoast.wales/wp-content/uploads/2024/01/LDP-Text-for-Adoption-Web.pdf</u>

Supplementary Planning Guidance

In addition, the Authority produces Supplementary Planning Guidance (SPG) on various topics, and these may be material considerations in the determination of any future application made. In respect of the proposal the most relevant SPG's are:

- Landscape Character Areas
- Seascape Character Areas

- Planning Obligations
- Archaeology
- Biodiversity
- Tenby Conservation Area
- Parking Standards
- Renewable Energy
- Sustainable Design & Development

Constraints

- Conservation Area Tenby
- Special Area of Conservation within 500m
- Policy 50 LDP Primary Frontage
- Biodiversity Issue
- Ancient Monument within 500m
- ROW Coast Path within 10m
- Recreation Character Areas
- Article_4_Directions
- Affordable Housing Submarkets
- Seascape Character Areas
- Landscape Character Area
- LDP Primary Frontage
- Listed Building

Relevant Planning History

- **NP/03/191** Café Culture Tables & Chairs in highway for use by public being served refreshments (Food and Drink) Approved 26 June 2003
- **NP/04/233** Alterations/refurbishment/renewal of shopfront and windows Approved 08 June 2004
- NP/09/246 Café Culture Approved 15 July 2009
- NP/17/0326/ADV 4 x fascia signs & 1 x projecting hanging sign Approved 14 July 2017
- NP/17/0424/ADV Branded projecting sign Approved 05 September 2017
- NP/24/0672/LBA Alterations to Market Hall and Former Town Hall in tandem with change of use (with adjacent building) to Spa Hotel, Restaurant and Cafe/Bar Currently being considered and on this committee agenda

1. Officer's Appraisal

Site and Proposed development

- 1.1. The application seeks consent for the change of use of the former M & Co retail store spread over two buildings and part change of use of the Market Hall and Former Town Hall to Spa Hotel, Restaurant and Cafe/Bar, associated extensions and alterations.
- 1.2. The development for a new hotel extends across two buildings with reception at ground floor, retention of a first-floor enclosed link bridge will provide internal access between the two buildings. The 20 hotel rooms will be located within the remaining upper floors of the existing M & Co buildings, and two new roof extensions in a mansard form to accommodate further hotel space.
- 1.3. The spa comprising treatment rooms, gym and associated facilities will be located at first floor level within the historic Town Hall aspect and first floor extensions off the rear which extend into the marketplace at first floor level.
- 1.4. Further facilities in the form of a café will be linked to the hotel reception area at ground floor with additional toilet facilities and bicycle storage provided within the basement level. The proposed restaurant will be accommodated within the southern building, providing 88 covers and having toilet facilities located at first floor level above part of the restaurant.
- 1.5. The proposed scheme also includes various external alterations to the existing M & Co buildings to accommodate the new uses. The Market Hall, which is a Grade II Listed Building will be retained as existing externally, and repairs are proposed to its slate roof and one of the gates on the main façade which will be repaired and painted. No other external alterations are proposed to the structure. An application for Listed Building consent is also being considered under planning reference NP/24/0672/LBA.

2. Key Issues

The application raises the following planning matters:

- 2.1 Policy and Principle of Development
- 2.2 Siting, Design, and Impact upon the Special Qualities of the National Park
- 2.3 Impact on Ancient Monuments
- 2.4 Impact on Listed Buildings
- 2.5 Impact on Conservation Area
- 2.6 Amenity and Privacy
- 2.7 Biodiversity, Protected Sites, Green Infrastructure & Landscaping
- 2.8 Access and Parking
- 2.9 Surface Water Drainage
- 2.10 Other Matters

2.1 Policy and Principle of Development

Correspondence has been received which raises concerns on the need for a spa hotel, loss of retail space within Tenby and potential pop-up areas within Market Hall.

- 2.1.1. Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the National Park comprises Future Wales The National Plan 2040 (FW) and the Local Development Plan 2 (LDP2).
- 2.1.2. Future Wales The National Plan 2040 (FW), was adopted on 24th February 2021 and is the national tier of the Development Plan. Policy 4 (Supporting Rural Communities) of FW states that Strategic and Local Development Plans must identify their rural communities, assess their needs, and set out policies to support them. Policy 6 (Town Centre First) of FW takes a sequential approach to support multi-functional town centre, putting the health and vibrancy of town centres as the starting point of locational decision-making.
- 2.1.3. However, FW) details the principle of Town Centre First to support multifunctional town centres. On page 104, FWstates that: 'National Park Authorities are unique planning entities with a specific remit to reflect the distinctive characteristics of their areas...and that FW policies respect the functions of National Parks in terms of their statutory purposes...'.
- 2.1.4. The primary objective of PPW12 is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental, and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.
- 2.1.5. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW12 promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.
- 2.1.6. The buildings are located within the Centre Boundary of Tenby Service and Tourism Centre as defined by LDP2. Policy 2 of LDP2 sets out the land use priorities for Tenby and includes permitting proposals for small scale employment development to meet the need of the local area, to protect and enhance the town's facilities and shopping centre which serve the needs of the local area and visitors, and to ensure developments permitted contribute to the protection and enhancement of the town's special qualities. In addition, development should deliver improved traffic management in the town.
- 2.1.7. The site is also within the historic Tenby Town Walls (Scheduled Monument and Grade I Listed) and the Tenby Conservation Area. The Authority's Building Conservation Officer has been consulted on the impact of the proposal on the character and setting of the Town Walls and Conservation Area. Policy 8 (Special Qualities) of LDP2 sets out the special qualities of the National Park and seeks to ensure that the identity and character of Tenby is not lost through poor design and where possible is enhanced and the historic environment is protected and where possible enhanced. Careful consideration therefore needs to be given to the proposed roof extensions and the potential impact on the character and setting of the Conservation Area.

- 2.1.8. Policy 38 (Visitor Economy) sets out the strategy to attract visitors outside of the peak season while ensuring that the National Park environment is conserved and enhanced as a landscape of national and international importance. New hotels are permitted within Centres, through new build developments, redevelopments, or conversion of existing buildings. The proposal would therefore be compliant with Policy 38.
- 2.1.9. The buildings lie within Tenby Town Centre Retail Area, and the Primary Retail Frontage. Policy 56 (Retail in the National Park) is the retail strategy policy and aims to protect and enhance the viability, vitality, and attractiveness of the retail centres. It supports new retail development of an appropriate scale and design within the defined retail centres, with provision being made for 707 m2 (net) comparison floorspace through the re-use of buildings in Tenby Town Centre.
- 2.1.10. Policy 57 (Town and District Shopping Centres) allows for a range of uses within retail centres through changes of use, redevelopment, or development of new buildings. These will be permitted where:
 - 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,
 - c) if it is located within a primary frontage, the proposal would not create a concentration of non-retail uses,
 - d) the scale, siting and design is appropriate and would contribute to the character and appearance of the area, and
 - e) proposals for A3 uses would not individually or cumulatively cause an unacceptable adverse effect on amenity or the role of the Centre in meeting the needs of local communities and visitors.
- 2.1.1. The retention of retailing in Tenby town centre is supported through the definition of primary retail frontages. This is intended to ensure that the retailing character and provision of the centre is not undermined. Paragraph 4.313 of the Plan states that "at primary retail frontages, non-A1 uses which would lead to an unacceptable increase in concentration of similar uses or reduce the retail character of the area will be resisted. Each application will be considered on its individual merits whilst also having regard to the above criteria and national planning policy. However, in most cases a maximum of one-third of the retail frontage in non-A1 use, and no more than three non-A1 units adjacent to each other is considered an appropriate balance of uses."
- 2.1.2. The most recent retail survey carried out in Tenby (June 2023) shows that the current non-A1 use in the primary retail frontage is 38%, which exceeds the one third considered appropriate (the percentage increases to 43% if current vacant units are excluded from the calculations). One A1 unit between the proposal building would prevent three non-A1units adjacent to each other on the High Street side of the buildings.
- 2.1.3. Retail and commercial centres experience growth and decay and PPW specifies that development plans should strategically respond to opportunities and pressures. It is

recognised that retail is changing, and many town centres are experiencing decline. The planning statement submitted as part of the application states that following careful consideration of the proposed design and business case, the applicant has concluded that the inclusion of retail is not viable in the long term. It also states that sufficient mitigating evidence has been presented to demonstrate that the long-term viability of retail is significantly challenged by the growth of online shopping and other contributing factors, this to safeguard the long-term future of the building a change of use to A3 and C1 is justified.

- 2.1.4. The applicant has submitted limited evidence to justify the loss of A1 use on the ground floor and also limited evidence that the building has been marketed for any length of time as a retail property. The change of use of the building to C1 above ground floor level complies with Policies 38 and 57 and is therefore acceptable in principle. The use of the building for A3 use on the ground floor would further increase the percentage of non-A1 uses and it is considered that this has the potential to cumulatively cause an unacceptable adverse effect on amenity and affect the role of the Centre in meeting the needs of local communities and visitors and would therefore be contrary to Policy 57 criteria c) and e). Further evidence would normally be required to justify the change of use of the ground floor in the primary retail frontage of Tenby. However, FW details the principle of Town Centre First to support multifunctional town centres as the starting point of locational decision-making. It also directs facilities and services to where intended users can easily walk, cycle and/or use public transport to access them.
- 2.1.5. The principle of 'Town Centre First' is well established in planning policy in relation to retail developments. However, good planning can help us re-think the future of Town and City centres, which are moving away from their traditional retail roles. The impact of COVID-19 on the retail sector is a further driver towards making our town centres multi-functional places. Town centres remain important focal points of communities and are increasingly becoming places to live, centres of community and cultural activity, a focus for public services such as health and education, and the location of new co-working spaces. They are more than the extent of designated retail areas.
- 2.1.6. This flux of retail and commercial centres is acknowledged in PPW which states in paragraph 4.3.30 'Although retailing (A1) uses should underpin retail and commercial centres, it is only one of the factors which contribute towards their vibrancy'. Paragraph 4.3.36 also states 'Where economic decline is impacting on a retail and commercial centre, emphasis on retaining A1 uses in premises either in primary or secondary areas, which have been vacant for a period of time, may undermine a centres viability and vitality. In such circumstances planning authorities should consider how non-A1 uses may play a greater role to increasing diversity and reducing vacancy levels'. This is further supported with the scenario that the application site buildings will remain vacant and fall into disrepair, exacerbating the contraction of retail on the High Street and negatively affecting the retail centre (and Tenby) overall.
- 2.1.7. Officers consider that the proposal for the change of use whilst considered to be contrary to LDP2 Policy 57 (criteria c & e), is in accordance with Policy 6 of FW which takes a more permissive approach to support multi-functional town centres. FW is the

most recently adopted development plan, and the LDP2 is required to be in general conformity with Future Wales and therefore is given significant weight is given to Future Wales in the determination of planning applications. The proposed mixed-use development will help to regenerate two vacant properties and the first-floor level within the adjacent Market Hall building, which are all within located within the retail core of Tenby.

2.1.8. Officers consider that in this instance the development will assist in retaining historic buildings within the primary retail frontage and would retain the vitality, viability, and diversity of Tenby Town Centre. Such benefits counter concerns raised on the need for a spa hotel, loss of retail space within Tenby and potential pop-up areas within Market Hall.

2.2 Siting, Design, and Impact upon the Special Qualities of the National Park:

- 2.2.1. Correspondence has been received which raises concerns on loss of toilets, communal seating, impact on existing market traders during potential construction works, including noise, dust and restricted access, loss of storage space within Market Hall, loss of light to existing properties from new roof development and the potential temporary closure of the Market Hall for construction work to be undertaken resulting in the potential loss of 10 small businesses, 8 retail shops and 20 members of staff.
- 2.2.2. Policy 8 (Special Qualities), of LDP2, is a strategy policy which refers to the special qualities of the National Park and lists priorities to ensure that these qualities will be protected and enhanced. These qualities are characteristics and features which individually or in combination contribute to making the National Park unique.
- 2.2.3. Policy 14 (Conservation of the Pembrokeshire Coast National Park) of LDP2 seeks the conservation of the Pembrokeshire Coast National Park, resisting development that would cause significant visual intrusion, be insensitively or unsympathetically sited within the landscape, and/or fail to harmonise with, or enhance the landform and landscape character of the National Park.
- 2.2.4. Policy 29 (Sustainable Design) of LDP2 requires all development proposals to be well designed in terms of place and local distinctiveness.
- 2.2.5. The current scheme is an amended version of the initial scheme submitted under this application. Officers have worked with the design team to ensure that the historic features are retained within the overall design and where possible enhanced to bring back traditional shop front surrounds to previous altered openings and other fenestration features being retained in their historic form.
- 2.2.6. The scheme also incorporates the Market Hall structure which will be retained and repaired on its High Street frontage. The traditional windows to the old court room will be maintained along with the masonry façade. At ground floor level on the left-hand side opening, a cast iron gate is in a poor state of repair and will be renovated to match similar gates on this same elevation. No other changes are proposed to this elevation

which forms the main aspect to the Market Hall within the current submission, however, works to repair the slate roof over this aspect will also be undertaken during the construction phase.

- 2.2.7. The two existing buildings which comprised the former M & Co building will be refurbished throughout. The building with a double frontage to the High Street and Upper Frog Street and immediately adjacent to the Market Hall structure, will provide the hotel entrance and reception area. Both buildings of the former M & Co which front Upper Frog Street will receive new mansard roof extensions to incorporate new hotel accommodation. These areas along with the upper levels will house the hotel bedrooms. The new roof structures will have a metal standing seam roof covering which is considered to be an appropriate material in this context and will not detract from the historic fabric of the existing buildings. Solar panels, air conditioning and mechanical ventilation for the restaurant will also be located at roof level over both new mansard roofs
- 2.2.8. The existing M & Co buildings have an existing link structure between them at first floor level which extends across St Nicholas Lane. This link structure, along with the mosaic tiles, traditional shop fronts and first floor retail fenestration fronting High Street form the most historic features of these buildings and will be retained as part of the current scheme.
- 2.2.9. The two frontages off Upper Frog Street will comprise the main entrances to the café and restaurant aspects. The restaurant will also incorporate a new traditional shop front surround to the existing modern fenestration facing Upper Frog Street which will match the existing traditional shop front to the restaurant.
- 2.2.10. Planning conditions will be imposed to ensure potential disruption from construction works and associated noise, dust and restricted access are kept to a minimum and will address the concerns raised in this respect. The amended scheme also includes a replacement toilet facility in the form of a disabled toilet at ground floor level to replace the existing toilet facility lost within the redevelopment of the first-floor zone within the Market Hall. Whilst this will address the concerns raised on the loss of toilet facilities for market traders, it will not address the loss of existing storage facilities which were also raised as a concern.
- 2.2.11. The concern raised on loss of communal seating is not shared by Officers given that this area will be maintained long term and whilst this area may be impacted during construction works, there is no reason why this cannot be returned once certain super structure works have been completed. Conditions will be imposed to minimise the scale of disruption to existing market traders given their close proximity to the proposed works.
- 2.2.12. The proposed siting of the works within this location is considered acceptable as the proposal has a scale, form, mass, and design which is in-keeping within this area of Tenby. Officers have worked with the development team at pre-application stage through to the planning application stage to ensure that the overall design and

prominent street frontages are respectful to the site and its sensitive surrounding buildings and structures as mentioned above.

2.2.13. The proposal seeks to retain commercial uses within these buildings and provide new mixed commercial uses (C1 & A3), which incorporates sustainable design principles and is therefore considered to be in accordance with LDP2 Policies 8, 14 and 29.

2.3 Impact on Ancient Monuments

2.3.1. The application site is located approx. 314 metres west of Tenby Castle (PE163), 540 metres to the west of St Catherine's Fort (PE450) and 38 metres to the east of Tenby Town Walls (PE007). It is noted that these sites are located across roads from the proposed development with several existing buildings in between and therefore no direct visibility between the applicant site and the scheduled areas. Cadw has been consulted on the application and no response has been received. Officers consider that the current proposal is unlikely to have any significant adverse impact on these sites.

2.4 Impact on Listed Buildings

- 2.4.1. Correspondence has been received which raises concerns that alterations to the Market Hall will be detrimental to its appearance and whether refurbishment throughout the whole of the Market Hall building is necessary.
- 2.4.2. The concerns raised on the need for refurbishment of the whole of the Market Hall structure, whilst material in respect of the red line area, are not considered to be fully relevant to this current application where they fall outside of the application area and will not be addressed further within this report.
- 2.4.3. Section 314A of the *Town and Country Planning Act 1990*, the provisions of TAN 24 (The Historic Environment) require that special regard be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The impact on the listed Market Hall itself is low, with the facade remaining unchanged. The main change is the extension of the old Town Hall chamber back into the Market Hall to create a first-floor spa for the adjacent hotel. It is not clear how the work will abut the existing Market Hall roof or whether the section of roof over the spa will be replaced to match in that the Market Hall roof is a modern replacement (1980s) this is less of a concern as to loss of historic fabric than how the constructional detail will work. However, this together with the appearance of the elevation within the market and the lighting of the space below would be addressed through appropriate planning conditions. As such, it is considered that the development as a whole would maintain the setting of the Market Hall and various listed buildings which adjoin and are opposite the application site both within High Street and Upper Frog Street.

2.5 Impact on Conservation Area

- 2.5.1. Section 160 of the *Historic Environment (Wales) Act* requires that when considering planning applications, special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area. The plans as revised are considered by officers to preserve the appearance of Tenby Conservation Area by retaining the historic features and fenestration of the buildings and ensuring that mansard roofs are appropriately designed so as not to be dominant from the public realm.
- 2.5.2. In terms of character, the proposal brings a use into the town centre that historically is not alien - there were once several hotels within the town walls with only a few now remaining including the Tenby House and the Royal Lion. The initial proposal to fit bi folding/sliding restaurant doors to the former display windows facing St Nicholas' Lane was a matter of concern due to the change in character of what is a traditional and intimate lane.
- 2.5.3. These have been revised in favour of fixed glazing. With the hotel use being effectively enclosed within the envelope of the building with no overspill or opening out of former shopfronts for 'cafe culture', the proposal is now considered acceptable.

2.6 Amenity and Privacy

- 2.6.1. Policy 30 (Amenity) of LDP2 seeks to protect the amenity of people living in the National Park and states that development will not be permitted where it has an unacceptable adverse effect on amenity, particularly where:
 - a) the development would have a detrimental impact on the quality of the environment currently enjoyed by people living, working or visiting the Park; 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 effect; and/or
 - d) the development is visually intrusive.

Policy 30 (Amenity) supports Policy 14 (Conservation of the Pembrokeshire Coast National Park) in not allowing development that creates a visual intrusion.

2.6.2. Given the nature of the current proposal, its location within Tenby Town Centre, it is considered that the privacy and amenity of any nearby neighbours will not be significantly affected in this instance. The proposal is considered to comply with the requirements of LDP2 in relation to Amenity.

2.7 Biodiversity, Protected Sites, Green Infrastructure & Landscaping

2.7.1. PPW12, TAN5 and LDP2 Policy 11 (Nationally Protected Sites and Species) require biodiversity 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.

- 2.7.2. To comply with PPW and the *Environment (Wales) Act 2016*, planning authorities are expected to ensure every development positively contributes to biodiversity.
- 2.7.3. Chapter 6 of PPW states that green infrastructure plays a fundamental role in shaping places and our sense of well-being, and is intrinsic to the quality of the spaces we live, work and play in.
- 2.7.4. It also states that a Green Infrastructure Statement should be submitted with all planning applications and that the Green Infrastructure Statement will be an effective way of demonstrating positive multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the stepwise approach has been applied.
- 2.7.5. Officers have reviewed the Green Infrastructure Statement in relation to the existing site and the proposed site. The location is such that there are currently no green infrastructure features, with no opportunity to provide additional green infrastructure features; however, the Green Infrastructure Statement, which proposes the installation of 3 no. swift boxes would result in a net benefit for biodiversity and is considered to be proportionate in this instance and can be supported by Officers.
- 2.7.6. In addition, based on the ecology report submitted by Kite Ecology, it is considered that a European Protected Species licence is not required and there is a reasonable likelihood that bats will not be affected by the development. With this aspect in mind, informatives will be added to any consent granted to remind the applicant and any contractors of their responsibilities if bats are encountered during on-site work. Natural Resources Wales has also been consulted as part of the application process and does not raise adverse comments.
- 2.7.7. As such, the proposal conforms with the relevant requirements of PPW12, TAN5 and Policy 11 of LDP2.

2.8 Access and Parking

- 2.8.1. Correspondence has been received which raises concerns on lack of parking provision and potential impact to Upper Frog Street traffic flow from the development and construction phase.
- 2.8.2. Policy 59 (Sustainable Transport) of LDP2 is a strategic policy that ensures opportunities are taken to improve and promote sustainable travel choices and reduce the need to travel by car by permitting proposals that assist in delivering improved traffic and parking management.
- 2.8.3. Additionally, Policy 60 (Impacts of traffic) of LDP2 permits development where appropriate access can be achieved and requires that proposals do not generate an unacceptable adverse effect on congested areas, have an unacceptable adverse effect on road safety, nor undermine the vitality and viability of town centres.

- 2.8.4. The application site is located within the walled town between Upper Frog Street (a narrow unclassified one-way street) and High Street (a two-way unclassified Street). Below the bridging link section of development, a pedestrian alley known as St Nicholas Lane runs through the site connecting High Street and Upper Frog Street. The site is within walking distance of transportation and amenities, with easy access to the cycle network.
- 2.8.5. The site is within "Zone 1" of the current adopted Parking Guidelines. The parking standards for Zone 1 state that no parking spaces are required for general purpose housing and apartments, and addresses the concern raised on lack of parking. Parking in the close vicinity of the site is constrained due to existing parking restrictions. There are double yellow lines on both sides of Upper Frog Street, but they are subject to timed restrictions. Some existing short stay (30 min) parking bays are located on High Street adjacent to St Mary's Church which is within easy walking distance to the hotel entrance. The site is accessible from High Street and Upper Frog Street by foot and is within walking distance of multiple public and private pay and display carparks located outside of the walled town. The nearest being 150m away South Parade, 200m Multi Storey, and 280m Seafront/South Beach.
- 2.8.6. The Highway Authority encourages all proposals to prioritise active travel and/or make contributions towards provision of sustainable transport networks within the proximity of the site. The closest bus stop is located 40m through the town wall arcade on South Parade, with routes to Haverfordwest, Narberth, Pembroke, Saundersfoot and Pendine. The railway station is approximately 400m west of the site, with trains calling in every two hours, towards Pembroke Dock (west) and west towards Carmarthen with further connections to Cardiff and beyond. The National Cycle Network Route 4, links Tenby to wider destinations with additional local cycle routes. The proposed basement floor plan shows provision for cycle storage facilities, which will encourage sustainable travel amongst guests.
- 2.8.7. The Highway Authority is not concerned with this development adversely affecting the highway network. However, it may have an impact during the demolition/construction phase(s). Due to the location of the site, surrounding nature of the highway and limited amenity space within the ownership of the applicant, a Construction Traffic Management Plan will be required, and this will address the concern raised on potential impact to Upper Frog Street traffic flow from the development and construction phase.
- 2.8.8. In line with the joint PCNPA / PCC SPG on Planning Obligations (September 2016) a financial contribution of £25,000 (twenty-five thousand pounds-index linked) can be requested to support active and sustainable travel improvements within the vicinity of Tenby and this will be achieved through a Planning Obligation which has not been submitted at present. The contribution would support implementation of EV charge points within the community by the Highway Authority. The Highway Authority considers that the proposed developments' visitors will have access to, and benefit from the active travel and sustainable travel improvements within the network to the Bus and Railway station and the EV charge points.

2.8.9. Therefore, subject to the submission of a Planning Obligation to secure the planning obligation for £25k, planning conditions to control the storage of cycles and to secure a Construction Traffic Management Plan, together with informatives the proposal is considered to accord with LDP2 policies 59 & 60.

2.9 Surface Water Drainage

- 2.9.1. Policy 32 (Surface Water Drainage) of LDP2 requires that development will be required to incorporate sustainable drainage systems for the disposal of surface water on site. This is to minimise adverse environmental impacts during construction and upon completion.
- 2.9.2. Pembrokeshire County Council drainage engineers consider that the proposed scheme will not change the current regime of surface water disposal for the site and therefore do not raise any adverse comments on the current application. They also confirm that the proposed scheme will not require SAB approval.
- 2.9.3. Dwr Cymru Welsh Water has also indicated that they would support the application subject to a condition to ensure that no surface water from any increase in roof area of the building / or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system. This condition will be imposed on any consent granted.

2.10 Other Matters

- 2.10.1. Correspondence has been received which raises concerns on the proposed bar/restaurant use and potential for anti-social behaviour. The proposed use has not occurred to date and if approved and implemented any anti-social behaviour will be managed by Pembrokeshire County Council – Public Protection Team. Control as to where, when, and to whom alcohol can be sold or supplied will be governed by the Licensing Act 2003. If any complaints are received moving forward, they can be addressed through separate legislation under Section 43 of the Anti-Social Behaviour Crime and Policing Act 2014.
- 2.10.2. Tenby Town Council support the application but seek protection of existing market operations, they also seek to retain appropriate levels of illumination into market area at ground floor level under the extended first floor zone. These aspects have been addressed within the report and associated planning conditions.
- 2.10.3. In addition, Tenby Town Council wish to have an agreed action plan for the refurbishment of the Market Hall. Unfortunately, the remaining Market Hall building falls outside of the application site and is not relevant for further consideration under this application.

3. <u>Conclusion</u>

It is considered that the proposed appearance, layout, access and scale of the proposed scheme would be acceptable. Following consideration of the policies contained within the statutory Development Plan (FW and LDP2) and National Planning Policy in the form of Planning Policy Wales (Edition 12) and having regard to all material considerations it is considered that the development will be in keeping with the aims of the LDP2, PPW12 and Future Wales.

4. <u>Recommendation</u>

That the application be delegated to the Chief Executive, Director of Placemaking and Engagement or to the Development Management Manager to issue planning permission upon receipt of a completed s106 legal agreement to cover a financial contribution towards active and sustainable travel improvements and subject to the conditions set out below.

If no completed legal agreement is received within 3 months Officers would request that delegation is also given to allow refusal of the application due to a lack of mechanism of securing active and sustainable travel improvements in accordance with Policy 55 (Infrastructure Requirements) of LDP2.

In reaching a recommendation, regard has been given to the requirements of sections 3 and 5 of the *Well Being of Future Generations (Wales) Act 2015.* It is considered that this recommendation is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

It is recommended that the application be **Approved** subject to the following conditions: for the following reasons

- The development shall begin no 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:
 - Drawing Reference P12 Rev C (Received 13/01/2025)
 - Drawing Reference P15 Rev A (Received 16/12/2024)
 - Drawing Reference P16 Rev C (Received 16/12/2024)
 - Drawing Reference P17 Rev A (Received 16/12/2024)
 - Drawing Reference P18 Rev B (Received 16/12/2024)
 - Drawing Reference P19 Rev A (Received 16/12/2024)
 - Drawing Reference P20 Rev B (Received 16/12/2024)
 - Drawing Reference P21 Rev A (Received 16/12/2024)
 - Drawing Reference P22 Rev F (Received 11/03/2025)
 - Drawing Reference P23 Rev D (Received 16/12/2024)

- Drawing Reference P24 Rev A (Received 13/01/2025)
- Heritage Impact Statement (Received 16/12/2024)
- Bat Potential Roosting Feature Assessment Report (Received 16/01/2025)
- Green Infrastructure Statement (Received 16/01/2025)
- Drawing Reference BC-01 (Received 16/12/2024)
- Technical Data Fan Model SDA450/4-1AC (Received 16/12/2024)
- Technical Data Fan Model SQU67/500-4-3 (Received 16/12/2024)

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 2 – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 14 (Conservation of the Pembrokeshire Coast National Park) and 29 (Sustainable Design).

3. No development shall take place until a qualified and competent archaeologist has submitted a written scheme of investigation (WSI) for approval in writing by the local planning authority. This WSI will describe the different stages of the work and demonstrate that it has been fully resourced and given adequate time. On behalf of the local planning authority, their archaeological advisors (DAT DM) will monitor all aspects of this work through to the final discharging of the condition. This work will not be deemed complete until all aspects of the WSI have been addressed and the final report submitted and approved.

Reason: To protect historic environment interests whilst enabling development. Policy: Local Development Plan 2 - Policy 8 (Special Qualities) and Planning Policy Wales (Edition 12 – Chapter 6 (Distinctive and Natural Places).

4. The development shall not be occupied until facilities for the sheltered, safe and secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the local planning authority and they shall be retained in perpetuity.

Reason: To reduce the likelihood of obstruction of the highway, danger to road users, to conserve public health and local amenity, to ensure satisfactory standard of sustainable development and in order to ensure a proper standard of development and appearance in the interests of conserving the amenities and special qualities of the area. Policy: Local Development Plan 2 – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 14 (Conservation of the Pembrokeshire Coast National Park), 29 (Sustainable Design), 30 (Amenity), 59 (Sustainable Transport) and Policy 60 (Impacts of Traffic).

- 5. No development shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include further information and plans on the following:
 - a) Parking for vehicles, site personnel, operatives and visitors
 - b) Expected trip generation for the construction period
 - c) Loading and unloading of plant and materials, including any use of banksmen and/or traffic management

- d) Storage of plant and materials
- e) Vehicle routing and turning, including swept paths
- f) Measures to prevent the deposit of materials on the highway
- g) On-site turning for construction vehicles.

The agreed plan shall be adhered to throughout the construction of the development. **Reason:** To reduce the likelihood of obstruction of the highway, danger to road users, to conserve public health and local amenity, to ensure a satisfactory standard of sustainable development and in order to ensure a proper standard of development and appearance in the interests of conserving the amenities and special qualities of the area. Policy: Local Development Plan 2 – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 14 (Conservation of the Pembrokeshire Coast National Park), 25 (Recycled, Secondary and Waste Materials), 29 (Sustainable Design), 30 (Amenity), 31 (Minimising Waste), 59 (Sustainable Transport) and Policy 60 (Impacts of Traffic).

- 6. Prior to commencing the associated A3 uses on within the development hereby approved an Odour Impact Assessment Report shall be submitted to the Local Planning Authority for approval in writing. The assessment report will:
 - be site-specific, determining the potential of adverse impact on the proposed neighbours from cooking odours;
 - detail ductwork to final termination (showing the location of all the major components of the extract system;
 - demonstrate how the location of discharge, velocity of dispersal and dilution of the residual odours will be achieved so as not to cause a loss of amenity.

The development will be maintained thereafter in accordance with the approved details. **Reason**: To ensure the proposed development does not suffer from odours associated with the A3 use/s, in the interest of amenity. Policy: Local Development Plan 2 – Policies 30 (Amenity), and 38 (Visitor Economy (Strategy Policy)), and 57 (Town and District Shopping Centres) of the Pembrokeshire Coast Local Development Plan and Future Wales, the National Development Framework for Wales.

- 7. Prior to commencing the development hereby approved a Noise Impact Assessment report by a suitably competent person must be submitted to the Local Planning Authority for approval in writing. The report shall include:
 - a) an assessment of all noise emissions from the proposed development.
 - b) details of existing background and predicted future noise levels at the boundary of nearby noise sensitive premises.
 - c) a written scheme of how the occupants of any noise sensitive premises will be protected from noise from the proposed development with noise attenuation measures as appropriate.
 - d) a written scheme of any necessary noise attenuation measures and demonstrate how nearby residents will be protected from noise from the proposed development.

The assessment shall be appropriate for all times of day and night when the commercial development (including deliveries) will operate. The report should include any supporting calculations. If the levels predicted in the report are unacceptable, it may be

necessary to include mitigation to reduce noise levels to an acceptable level. The development will be maintained thereafter in accordance with the approved details. **Reason:** To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies 30 (Amenity), and 38 (Visitor Economy (Strategy Policy)), and 57 (Town and District Shopping Centres) of the Pembrokeshire Coast Local Development Plan and Future Wales, the National Development Framework for Wales.

8. Prior to first use of the site, a Waste Management and Recycling Strategy plan setting out how waste will be stored and collected will be prepared and submitted to the Local Planning Authority for approval in writing. The strategy should include noise prevention measures. The measures shall thereafter be implemented in accordance with the approved waste management plan for the lifetime of the development. Reason: To ensure appropriate waste management & recycling facilities are provided to accommodate all waste generated by the proposed development, in the interests of preventing litter or vermin, and to ensure that the proposed use(s) does not give rise to the loss of amenity to nearby properties, and to accord with the aims of Policies 30 (Amenity), and 38 (Visitor Economy (Strategy Policy)), and 57 (Town and District Shopping Centres) of the Pembrokeshire Coast Local Development Plan and Future Wales, the National Development Framework for Wales.

Once the use approved has been commenced, there shall be no deliveries to or dispatches from the premises outside the hours of:

- Monday Friday: 9am 6pm
- Saturday 9 2pm

No deliveries shall take place on Sundays or Bank Holidays.

Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance, and to accord with the aims of Policies 30 (Amenity), and 38 (Visitor Economy (Strategy Policy)), and 57 (Town and District Shopping Centres) and Future Wales, the National Development Framework for Wales.

- Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:
 - Noise & vibration arising from all construction related activities in accordance with BS52281. This should also include suitable restrictions on the hours of working on the site including times of deliveries
 - Dust arising from all construction related activities.
 - All waste materials must be removed and disposed of at an authorised waste disposal site.
 - Artificial lighting used in connection with all construction related activities and security of the construction site.

Working hours, deliveries and vehicle movements must be restricted to:

- 8 am to 6 pm, Monday to Friday
- 8 am to 1 pm, Saturday
- No working on bank holidays
- No working on Sundays unless previously agreed with the LPA as out of season period and undertaking essential works to the internal structure of the Market Hall development

The agreed plan shall be adhered to throughout the construction of the development. **Reason:** To reduce the likelihood of obstruction of the highway, danger to road users, to conserve public health and local amenity, to ensure a satisfactory standard of sustainable development and in order to ensure a proper standard of development and appearance in the interests of conserving the amenities and special qualities of the area. Policy: Local Development Plan 2 – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 14 (Conservation of the Pembrokeshire Coast National Park), 25 (Recycled, Secondary and Waste Materials), 29 (Sustainable Design), 30 (Amenity), 31 (Minimising Waste), 59 (Sustainable Transport) and Policy 60 (Impacts of Traffic).

- 10. Prior to the commencement of works on site, a refurbishment / destructive asbestos survey of buildings to be altered or partly demolished shall be submitted to and approved in writing by the applicant.
 - The survey must locate and identify all asbestos containing materials before any structural work begins at a stated location or on stated equipment at the premises.
 - Any asbestos containing materials must be removed and disposed of in accordance with the correct procedure prior to any demolition or construction works carried out.

Development shall not be carried out other than in accordance with the approved details.

Reason: Details are required to be submitted prior to commencement of works to ensure that risks from asbestos to the environment, future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors. Policy: Local Development Plan 2 – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 14 (Conservation of the Pembrokeshire Coast National Park), 25 (Recycled, Secondary and Waste Materials), 29 (Sustainable Design), 30 (Amenity), 31 (Minimising Waste), 59 (Sustainable Transport) and Policy 60 (Impacts of Traffic).

- 11. No development shall take place until the following details have been submitted to the Local Planning Authority and approved in writing:
 - Details of the interface with the existing market roof and roof of the new spa.
 - Details as to the finish and decoration of the internal elevation facing into the existing market hall.
 - Details of lighting to the ground floor area below the extension.

Development shall not be carried out other than in accordance with the approved details.

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 2 – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 14 (Conservation of the Pembrokeshire Coast National Park) and 29 (Sustainable Design).

12. No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment. Policy: Local Development Plan 2 – Policy 29 (Sustainable Design).

5. Informatives

Pembrokeshire County Council as SuDS Approving Body (SAB) considers that the proposed works will not require SAB approval. Please see <u>www.pembrokeshire.gov.uk/planning-contacts/sustainable-drainage-approving-body</u> (SAB) for more information.

PCC Access Officers consultation response.

Please note: Pembrokeshire Schools operate on an asymmetric week and many schools in the area will finish between 12noon and 1pm on a Friday. This will need to be considered within any future CTMP for the proposed development.

Prior to commencement, the Applicant shall seek to enter into a S106 Agreement for the financial contribution of funds towards improvements of EV Charging points within the vicinity of the site, (approximately £25,000-index linked). Details of which are to be agreed, in writing, by the Local Planning Authority.

The developer is reminded it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecute persistent offenders. (Highways Act 1980, Sections 131, 148 and 149).

It is recommended that the applicant be informed that all British bat species are European Protected Species by virtue of their listing under Annex IV of EC Directive 92/43/EEC ('The Habitats Directive'). This Directive has been transposed into British Law under the Conservation of Habitats and Species Regulations 2017. British bats are also protected under Schedule 5 of the Wildlife and Countryside Act (1981) (as amended).

It is recommended that the applicant and contractors be informed of the possibility of encountering bats unexpectedly during works.

If bats are encountered on site works should stop immediately an NRW should be contacted (Natural Resources Wales, - General Enquiries:

<u>enquiries@naturalresourceswales.gov.uk</u> or 0300 065 3000 Mon-Fri, 8am - 6pm) a licence may then need to be applied for from NRW. Licences are not automatically granted by virtue of a valid planning consent and it may be possible that the necessary licence application may be refused.

FOOTNOTE: An odour impact assessment must be carried out by competent person/s and in line with current best practice and guidance. Applicants are referred to guidance provided by Institute of Air Quality Management (IAQM):

Guidance on the Assessment of Odour for Planning (version 1.1 July. 2018). Useful guidance is provided by DEFRA – Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2005). (This guidance was officially withdrawn in 2017 but remains a useful reference point). If odour levels predicted in the report are unacceptable, it may be necessary to refuse the application.

Footnote: All noise assessments should be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants <u>http://www.association-of-noise-consultants.co.uk/</u> (020 8253 4518) or the Institute of Acoustics http://www.ioa.org.uk (0300 999 9675) for a list of members.

ACM Footnote: Asbestos cement sheet and textured coating (artex) materials may be removed by non-licensed contractors, but should be done in accordance with the guidance:

https://www.hse.gov.uk/pubns/guidance/a14.pdf

HSE - Asbestos: Asbestos essentials

Most other asbestos materials must be removed by a contractor licensed by the Health and Safety Executive. If at any stage during the demolition process asbestos is suspected, the work should stop immediately, and the material should be investigated.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location of the

apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The planning permission hereby granted does not extend any rights to carry out any work to the public sewerage or water supply systems without first having obtained the necessary permissions required by the *Water industries Act 1991*. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact our new connections team on 0800 917 2652 for further information on water & sewerage connections.

In accordance with Planning Policy Wales (Edition 12) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

