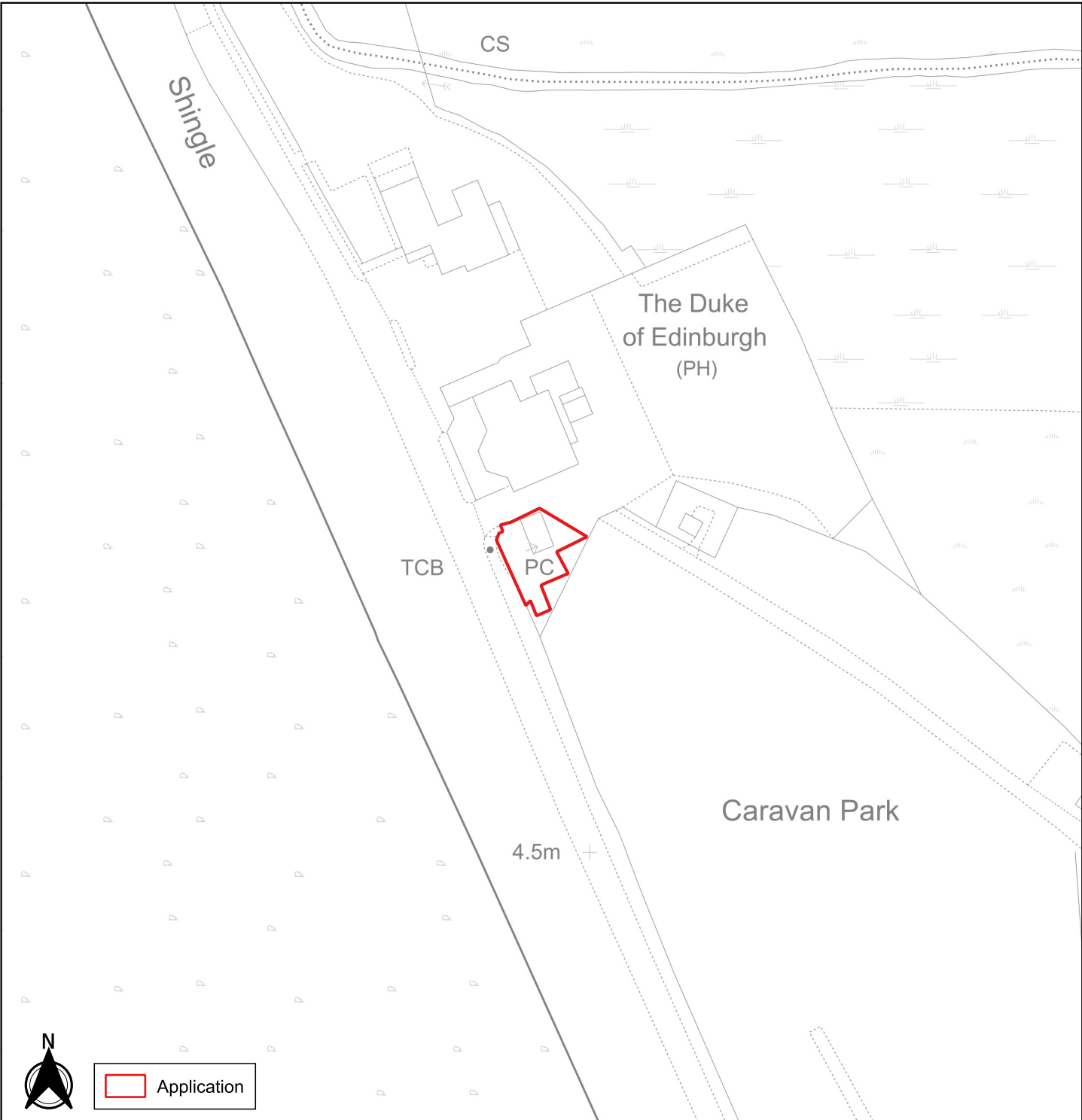




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PEMBROKESHIRE COAST NATIONAL PARK AUTHORITY

COMMITTEE REPORT



Ref No: NP/25/0483/S73

Proposal: Variation of condition 2 (design of lighting) of NP/23/0527/FUL and variation of condition no.4 of NP/23/0527/FUL for food outlet to ice/cream/coffee bar/sandwich/hot food (not fried) and alcohol sales

Site Location: The Landsker Line, Adjoining Newgale Camping Site, Newgale, Haverfordwest, Pembrokeshire, SA62 6AS

Recommendation: **Approve**, subject to conditions

This application is being considered by the Development Management Committee in accordance with the scheme of delegation as the Director with responsibility for planning considers that it raises matters of public and/or member interest.

A previous planning application for this site was considered and approved by the Development Management Committee on 13th March 2024.

Full plans and details of the application can be found on-line here: [Citizen Portal Planning application details](#)

Summary:

This application is a Section 73 application. Section 73 of the 1990 Act allow applications to be made for planning permission without complying with conditions previously imposed on an extant planning permission. Where a Section 73 application is granted, its effect is to grant a new planning permission.

The original application involved the change of use of a former toilet block to an ice cream and coffee shop. As part of this conversion an accessible toilet and disabled car parking space was provided. This application seeks to amend the development to enable a broader range of retail sales including alcohol and hot food (not fried). It also seeks to amend details of the external lighting fixtures from that previously approved and agreed under a discharge of condition relating to NP/23/0527/FUL. A minor adjustment to the signage of the disabled parking bay is also included on the plans.

The proposal is considered acceptable and can be supported by Officers, however as the effect of the permission is to grant a new permission, the policy considerations relevant to the original permission have been revisited and updated Welsh Government (WG) policy on flood risk considered. The original permission was granted to run until 2034 – as the considerations which supported this time limit have not changed, this condition is recommended once again. Conditions in relation to the availability of the accessible toilet and the hours of operation of that facility and the business as a whole are also considered to remain necessary.

Consultee Response

- PCC Public Protection – Support

- PCC Licensing – Support alignment with licensing but note some complaints received since licence issued around operation and further discussions will take place with licence holder to mitigate these issues
- PCC Coastal Rivers and Drainage Team – Observations – note that comments on previous planning application remain relevant.
- Nolton and Roch Community Council: Observations

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*.

Nolton and Roch Community Council commented as follows:

'Upon opening the Landsker Line, it has been promoted primarily as a bar. One of the earliest promotional posts on social media focused on bar prices, although I appreciate the fact that an entertainment and alcohol license had indeed been granted. I personally question whether there was any intention to operate the property as an ice cream parlour / coffee shop / small retail outlet. In fact, aside from references in the planning documents, I have only once seen the property classified as "ice cream parlour".'

While the retrospective planning application goes some way toward clarifying the situation, I would respectfully ask PCNPA to take the following into account:

1. *Disabled Parking: With the designated disabled parking space now in place, it is essential that this area remains unobstructed and fully accessible throughout the operational hours of the Landsker Line.*
2. *Boundary and Alcohol Consumption: With the site boundary clearly defined, it is the responsibility of the owners to ensure that alcohol purchased at the Landsker Line is consumed within either the Landsker Line premises or Newgale Campsite. This is important, as during the summer months we have observed picnic benches being placed along the pebble bank and therefore as per point 4C in the supporting documents, the presence of the Landsker Line has in fact contributed to negative visual change to Newgale, which has prompted complaints from local residents.*
3. *Events and Increased Footfall: While I commend the owners for their investment and acknowledge the popularity of music events, concerns remain about the scale of attendance. Large numbers of people are gathering on the pebble bank, moving back and forth to the venue which has resulted in disruption, including pebbles being displaced onto the road. Whilst safety of the customers was discussed at the initial planning application, the level of increased footfall has surpassed my expectations.*

In light of the above, I would encourage PCNPA to carefully consider these points before granting approval of the retrospective planning application.'

Policies considered - Development Plans

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

Future Wales: The National Plan 2040 [Future Wales: The National Plan 2040](#) (FW)

Local Development Plan 2 (Adopted September 2020)

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

- Policy 01 (National Park Purposes and Duty)
- Policy 07 (Countryside) (Tier 4) (Strategy Policy)
- Policy 08 (Special Qualities)
- Policy 09 (Light Pollution)
- Policy 10 (Sites and Species of European Importance)
- Policy 11 (Nationally Protected Sites and Species)
- Policy 14 (Conservation of the Pembrokeshire Coast National Park)
- Policy 29 (Sustainable Design)
- Policy 30 (Amenity)
- Policy 31 (Minimising Waste)
- Policy 32 (Surface Water Drainage)
- Policy 34 (Flooding and Coastal Inundation)
- Policy 35 (Development in the Coastal Change Management Plan)
- Policy 38 (Visitor Economy) (Strategy Policy)
- Policy 41 (Caravan, Camping and Chalet Development)
- Policy 42 (Site Facilities on Tent, Chalet and Caravan Sites)
- Policy 55 (Infrastructure Requirements)
- Policy 57 (Town and District Shopping Centres)
- Policy 59 (Sustainable Transport) (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: <https://www.pembrokeshirecoast.wales/wp-content/uploads/2024/01/LDP-Text-for-Adoption-Web.pdf>

Planning Policy Wales (PPW12)

PPW12 sets out the land use planning policies of the Welsh Government.

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.

- [Planning Policy Wales 12](#) (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) www.gov.wales/technical-advice-notes:

- TAN 5 – Nature Conservation and Planning
- TAN 15 – Development, flooding and coastal erosion (2025)

LDP2 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: [Supplementary](#)

[Planning Guidance \(LDP2\) - Pembrokeshire Coast National Park](#)

- SPG - Biodiversity
- SPG - Landscape
- SPG - Seascapes
- SPG - Sustainable Design and Development

Constraints

- LDP Coastal Risk Area
- Technical Advice Note – C2
- Flood Zone 3
- Special Area of Conservation – within 500m
- Safeguarding Zone
- Hazardous Zones
- ROW Coast Path – within 10m
- Potential for surface water flooding
- Recreation Character Areas
- Low Coal Risk
- Surface Coal
- Affordable Housing Submarkets
- Seascape Character Areas
- Landscape Character Area

Officer's Appraisal

Newgale campsite is located alongside the A487 which runs immediately behind the shingle bank of Newgale beach. The majority of the site is located within a floodplain and is visually prominent within the landscape of the National Park, due to its position at the coastal end of an open valley extending inland towards Rhyndaston Mountain, affording widespread views from many vantage points between.

The Landsker Line is a former toilet block immediately adjoining the campsite and in the same ownership. The original permission allowed its conversion to a takeaway ice cream parlour/coffee bar. The changes included a takeaway café area, ice cream cabinet, customer waiting area and the provision of a public accessible toilet and disabled parking space. Since the development was converted, the applicant has gained a license for the premises from the Local Authority and sold alcohol and a wider range of food than originally permitted. This application seeks to regularise the planning position to accord with the licensing situation and enable hot food such as pasties to be sold. The development proposed does not increase the footprint of the original building and no changes to the physical building with the exception of external lighting arrangements are proposed as part of this Section 73 application

1. Site and Proposed Development

The proposal comprises:

- A variation of condition 4 of the original permission to enable the sale of alcohol and hot food with the exception of fried food.
- A variation to condition 2 to amend the drawings in relation to external lighting
- Amendments to the signage associated with the disabled car parking space are also shown on the plans.

The existing wording of conditions 2, 4, 5 and 8 of planning application NP/23/0527/FUL which are relevant to this proposal are as follows:

Condition 2:

The development shall be carried out in accordance with the following approved plans and documents: 01 Expanded Site Location Plan rec'd 30/01/2024 02 Rev C - Location and Block Plans rec'd 30/01/2024 04e Site Plan received 30/01/2024 08a Proposed Elevations 07c Proposed Floor Plan Drawing Ref: P04 Proposed Site Layout rec 19/02/25 Drawing Ref: P05 Proposed Floor Plan rec 19/02/25 2 of 6 Drawing Ref: P06 Proposed Elevations rec 19/02/25

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). Condition No. 2 has been amended under NP/25/0098/NMA

Condition 4.

The gross retail floorspace hereby permitted shall not exceed 40 square metres and shall not be used for any purpose other than the sale of ice cream/coffee and ancillary beach themed retail goods, and shall not be used for any other purpose including those set out in class A1 or any other purposes within class A3 of the Schedule to the Town and Country Planning (Use Classes) order 1987 or any Order revoking, amending or reenacting that Order with or without modification. The retail floorspace hereby approved shall not be subdivided.

Reason: In the interest of protecting the vitality and viability of other nearby retail centres and to meet the objectives of the PPW (Feb 2024) and Policy 57 Town and District Shopping Centres of the Pembrokeshire Coast National Park Local Development Plan 2 (end date 2031).

Condition 5.

There shall be no change of use to a takeaway sales for fried food or any other use within the A3 use class outside of an A1 coffee shop/ice cream parlour use.

Reason: For the avoidance of doubt and to allow for the usual retail use of a coffee shop.

Condition 8.

Prior to the erection of any external lighting, a light mitigation strategy, to include measures to reduce light spillage, shall be submitted to and approved in writing by the Local Planning authority. The light mitigation strategy shall include:

- a. Details of the siting and type of all external lighting
- b. Drawings setting out light spillage in key sensitive areas,
- c. Details of lighting to be used both during construction and operation

d. Measures to monitor light spillage once development is operational. All external lighting shall be installed and retained as approved during construction and operation in perpetuity.

Reason: To comply with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 and the Environment (Wales) Act 2016. Condition No. 8 has been partially discharged under NP/24/0668/DOC

2. Relevant Planning History

- EC05/132 – Enforcement investigation - Breach of condition 4 of planning application NP/23/0527/FUL – Retail use broader than that permitted by condition – application invited.
- NP/23/0527/FUL -Change of use of former public toilets to takeaway ice cream parlour/coffee bar with toilet facility for public use and a disabled parking space. Approved by Committee subject to legal agreement 13th March 2024, decision issued July 2024.
- NP/25/0098/NMA – Non material amendment to approve a revised internal floor plan. Approved 17 March 2025
- NP/24/0668/DOC - Discharge of conditions 8 (external lighting), 11 (Parking & Levels) and 12 (Refuse) of NP/23/0527/FUL – partially discharged 21st February 2025

3. Key Issues

The application raises the following planning matters:

- 3.1 Policy and Principle of Development
- 3.2 Siting, Design, and Impact upon the Special Qualities of the National Park
- 3.3 Amenity and Privacy
- 3.4 Biodiversity, Protected Sites, Green Infrastructure & Landscaping
- 3.5 Access and Parking
- 3.6 Surface Water Drainage

3.1 Policy and Principle of Development:

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. Future Wales – The National Plan 2040 (FW), was adopted on 24th February 2021 and is the National Development Framework for Wales, and the national tier of the Development Plan. Policy 4 (Supporting Rural Communities) states that Strategic and Local Development Plans must identify their rural communities, assess their needs, and set out policies to support them. On page 104, Future Wales states that: '*National Park Authorities are unique planning entities with a specific remit to reflect the distinctive characteristics of their areas...and that Future Wales policies respect the functions of National Parks in terms of their statutory purposes...*'.

3. 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.
4. Section 73 of the 1990 Act allow applications to be made for planning permission without complying with conditions previously imposed on an extant planning permission. Where a Section 73 application is granted, its effect is to grant a new planning permission.
5. Case law has established that an application under Section 73 of the *Town and Country Planning Act 1990* is an application for planning permission. The local planning authority can grant permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original condition(s) should continue. The original planning permission will continue to subsist whatever the outcome of an application under section 73.
6. In the case of this application the permission has been implemented but is not in accordance currently with the requirements of Condition 4 or with the partial discharge of condition 8 in relation to lighting. Rather than having 4 downward facing lights at the front of the property, 2 have been installed at the front and 2 at the side. An invitation to submit a Section 73 application was extended to the applicant to seek to resolve these issues.
7. The policy framework identified for the existing permission still remains broadly the same in that the LDP2 and Future Wales have not changed. Planning policy is therefore consistent with the previous application in relation to tourism and retail matters. The coastal change policy context of LDP2 also remains the same, however since the 2024 permission was granted an updated Welsh Government Technical Advice Note 15 on flooding has been issued.
8. The previous Committee report is attached as Appendix 1 for information, however key policy points relevant to the consideration of this section 73 application are set out below.
9. The application site lies outside any Centre boundary as defined by Local Development Plan 2 and is therefore classified as Countryside where development must be strictly controlled. The Centre boundary of Newgale is located a short distance away to the north - the boundary includes the residential and commercial properties which rise up Newgale Hill. Policy 7 of the Plan (Countryside) sets out the types of development that are acceptable, in principle. This includes tourist attractions where the need to locate in the countryside is essential, extensions to established businesses and assisting coastal communities in preparing for and adapting to coastal change. Proposals which constitute the conversion of appropriate buildings to a range of uses and proposals for a new or extended community facility are supported in principle.
10. The building has already been converted under the existing permission and therefore the principle of conversion is already established. The development has also already

established the single accessible toilet and this is currently conditioned under the existing permission to be opened 8am to 8pm on all dates that the ice cream parlour/coffee shop is open. This element of the development is a valuable community facility. Policy 54 Community Facilities of LDP 2 aims to protect against loss of community facilities by resisting development that would adversely affect their operation. Any Section 73 permission therefore must ensure that an appropriate condition replicating that of the original permission is in place which ensures that the accessible toilet is open 8am to 8pm for the dates that the ice cream parlour and coffee shop is open.

Retail Impact

11. The policy framework on retail impact was identified when considering the previous application and remains relevant for this Section 73 proposal:
12. Policy 54 Community Facilities supports the provision of new and extended facilities (including convenience shops) where these are well located to meet a community's needs.
13. Planning Policy Wales Edition 12 recognises that shops ancillary to other uses can serve a useful role in rural areas (pointing to examples such as farm shops), it advises Planning Authorities to take account of the following in considering such proposals (paragraph 4.3.42):
 - The potential impact on nearby retail and commercial centres or village shops;
 - The desirability of providing a service throughout the year; and
 - The likely impact of traffic generated and access and parking arrangements.
14. The proposal as suggested would serve the general public and not simply those visiting the campsite. Detailed consideration of parking and highways matters is set out below. In this case, the current proposal is for a gross floorspace of approximately 40 square metres, with a part of this floorspace providing a single public accessible toilet. Whilst planning policy does not seek to prevent competition between businesses, it does seek to ensure that businesses within town centres or locations identified in a retail hierarchy are protected from negative impacts.
15. The previous consideration of the proposal mentioned that whilst no information on the potential impact on nearby centres had been provided, the scale of the floorspace involved would limit potential impacts and further controls in the form of planning conditions (ensuring this is not an open A1 or A3 permission) could reduce the potential of negative impacts.
16. In broadening out the potential sales from this property, the Authority therefore needs to consider whether this is likely to impact on any businesses within retail centres or locations identified within a retail hierarchy – this includes impacting on locations within St Davids.
17. The ability to sell alcohol increases the A3 element of the proposal, as does the ability to sell hot food. Officers consider however, that the small level of floorspace involved and the lack of internal seating area associated with the site limits the likely impact of this proposal on retail centres and on the retail hierarchy.

18. The previous permission did not permit fried food as fried food can result in a need for specific ventilation requirements and has the potential to have increased amenity impacts in terms of smell. That remains the case and fried food is not proposed.
19. The previous permission limited time of operation to 10pm and this limit is still considered relevant in terms of protecting wider amenity and limiting the potential wider impacts of the proposal. PCC Licensing have also confirmed that the 10pm limit accords with the licensing permit.
20. Subject to conditions limiting time of use to 10pm and the limitation on fried food, the broader level of use associated with the proposed amendment to condition 4 is considered acceptable in terms of not being likely to undermine the retail hierarchy or retail centres. Issues in relation to amenity are discussed below.
21. Paragraph 4.229 which supports Policy 42 of the LDP2 which states: 'extensions to established businesses in the countryside are sometimes needed along with the need for new businesses needing to join existing clusters. Assessing traffic impacts will be required. Those that cause significant adverse effects that cannot be mitigated will not be permitted'. Traffic impacts are assessed below – however as with the previous permission it is recognised that the coffee shop/ice cream operation supports the operation of the campsite and that the ability to provide elements of hot food which are non fried links to the campsite operation. The previous permission was tied by a legal agreement to the campsite and this legal agreement applies to subsequent Section 73 approvals. This tie recognises that the proposed retail use is likely to support the campsite (an existing rural business) financially.

Flood Risk

22. The location of the development is within the Coastal Management Change Area.
23. When the previous application was considered, the Technical Advice Note in place at the time was the previous Technical Advice Note 15 on Development and Flood Risk (2004). On 31 March 2025, the Welsh Government issued the first revision to TAN15: Development and Flood Risk, since its original publication in 2004. The 2025 Technical Advice Note 15 provides advice on Development, Flooding and Coastal Erosion. Alongside the publication of the updated TAN 15, NRW has withdrawn the Development Advice Maps (DAMs) and replaced them with the Flood Map for Planning (FMfP), which presents the most up-to-date spatial data on flood risk and is the starting point for assessing flood risk in planning decisions. While the site was previously within DAM Zone C2, it is now identified as lying within Flood Zone 3 under the FMfP.
24. TAN 15 (2025) paragraph 4.7 states that *“Planning Authorities need to exercise caution when allocating sites for new development and considering applications where the Flood Map for Planning clearly shows areas at risk. The level of caution increases with the level of vulnerability and likelihood. However, the fundamental principles of the TAN are to restrict new development in Zone 3 Subject to the limited exceptions in section 10 and to ensure that decision makers have taken flood risk matters into consideration in all other zones.”*

25. Commercial and retail development is a less vulnerable development type under the TAN. The approved application was an amendment from a previously refused scheme and did not seek to extend the footprint of the original building and was supported by a Flood Consequences Assessment. The new TAN notes that planning applications in Zone 3 require the strongest justification and that no new highly vulnerable development on greenfield land should be permitted in zone 3 regardless of the conclusion of any Flood Consequence Assessments. It goes on to state that other proposals will only be appropriate if they are essential to the Development Plan Strategy to regenerate an existing settlement or achieve key economic or environmental objectives. Any redevelopment proposal must be consistent with the acceptability considerations in section 11 of the TAN.
26. The TAN comments on the importance of policies on coastal development being specific to the characteristics of the coastline in the plan areas, which is the case for the PCNPA coastal policies.
27. The FCA provided for the existing 2024 permission remains applicable for this site. This FCA was undertaken in 2023 and notes that (in contrast with a previously refused application) the proposal would not increase the vulnerability of the site to flooding as no extension to the building was proposed. In terms of flooding, the FCA concluded that the lifetime of the development was considered to be 75 years.
28. The previous Planning Statement supporting the permitted application states that flood design measures will be implemented within the ground floor where possible, including the potential use of demountable flood defence barriers of up to 600mm to defend ground level doorways and low windows and that safe escape would be provided by implementing a flood warning and evacuation plan post development and subscribing to the NRW's flood warning service.
29. In considering the proposal against the new guidance in Technical Advice Note 15 (2025), officers consider that the proposal is not essential to the Development Plan Strategy to regenerate an existing settlement. It will in a limited way contribute to economic objectives. The building is in place and the conversion has taken place under an extant permission and the property does meet the definition of brownfield or previously developed land set out in Planning Policy Wales Edition 12. Therefore, subject to an informative to ensure delivery of mitigation measures set out within the FCA, the proposal is therefore considered to be acceptable in terms of national and local planning policies in relation to flood risk.

Coastal Change

30. Paragraph 6.5.16 of Planning Policy Wales requires planning authorities to use shoreline management plans to identify stretches of coast where coastal defences will no longer be maintained and to include specific policies to manage development in such areas.
31. The National Park LDP 2 identifies Coastal Change Management Areas to address the risk areas identified by the Shoreline Management Plans. The application site is within a Coastal Change Management Area defined in LDP2. Policy 35 Development in a

Coastal Change Management Area does not permit residential development within such locations. In terms of other new development, the policy states that *"uses in the Coastal Change Management Areas will be required to demonstrate that it will result in no increased risk to life or significant increase in risk to property"*.

32. The FCA submitted indicates that the site is entirely above the 1:200 year and 1:1000 year level at the present day. Comparison of the climate change sea levels with topographic site levels shows that the site is entirely below the 1:200 year and 1:1000 year level in 2100. Subject to the recommendations of the FCA being implemented the flood risk within the coastal change area relating to the building itself is considered acceptable in the short term. Paragraph 6.5.17 of Planning Policy Wales states that: *"...proposed development in areas of coastal change should only take place where risks and consequences are understood and can be acceptably managed over the lifetime of the development."* As noted in the applicant's FCA *"During periods of high tide and accompanying tidal surge in conjunction with severe weather events, failure of the shingle bank (coastal defence embankment) structure due to overtopping results in shingle being deposited on the highway, together with resultant floodwaters which necessitates the closure of the A487 highway to enable the shingle bank being re-profiled."*
33. The West of Wales Shoreline Management Plan states that in Policy Unit 2.11, the current epoch is Managed Realignment (MR) and to manage shingle on the road, but with the long-term intent of allowing the shingle ridge to behave naturally, with the epoch changing to No Active Intervention (NAI). In relation to the previous application a response from the PCC Flooding and Land Drainage officer identified that a report commissioned by Pembrokeshire County Council concluded that the shingle bank will become increasingly unstable and vulnerable to failure, with a likelihood that by 2030 the current situation may become unsustainable. Until the situation becomes unviable due to engineering and/or cost constraints, Pembrokeshire County Council will clear the highway of shingle and reinstate the crown of the shingle defences, however their response points out that increased incidents of failure of the sea defence and flood events will affect the highway, application site and surrounding areas. As part of the proposal relates to provision of an accessible toilet facility, it is anticipated that this aspect of the provision would require access by car. There is significant uncertainty based on Pembrokeshire County Council's position regarding the highway and shingle bank as to whether or not highway access will be achievable post 2030.
34. PCC Flooding and Land Drainage officers have confirmed that these comments remain applicable to this application. However, they note that 2030 is not a definitive date for the failure of the shingle bank, but that the shingle bank will become increasingly unstable over time.
Based on the previous advice a condition was placed on the existing permission requiring the use to cease in 2034 and the land to be restored. Officers consider that based on the information available, this condition is also necessary once more in relation to this Section 73 application.
Subject to a condition regarding time limits, the proposal may be considered to accord with relevant policies in relation to coastal change.
35. On the basis of the policy analysis above, the proposal is considered to comply with the requirements of National and Local planning policies when considered as a whole.

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

36. Planning Policy Wales (Edition 12) references the need for good design and states that 'meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales. PPW goes on at 6.3.9 to state: 'd'. *The special qualities of designated areas should be given weight in the development planning and the development process. Proposals in National Parks and AONBs must be carefully assessed to ensure that their effects on those features which the designation is intended to protect are acceptable. The contribution that development makes to the sustainable management of the designated area must be considered.'*
37. Policy 08 (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.
38. 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.
39. Policy 29 (Sustainable Design) of LDP2 requires all development proposals to be well designed in terms of place and local distinctiveness.
40. Parts of the Pembrokeshire Coast National Park are still relatively undeveloped with minimal impact of lighting on the night sky. Policy 9 seeks to conserve that character and limit the impact of lighting which could negatively impact on the special qualities of the National Park.
41. The bulk of the building is as existing, and has been already converted for use. The amendments to lighting are considered acceptable in design terms being very minor in nature and subject to acceptability in relation to ecological matters. The minor amendments to disabled parking signage are considered appropriate. The amendments to the sale of items is not anticipated have an impact in terms of the design, appearance or wider special qualities of the National Park. Therefore, subject to an appropriate condition in terms of compliance on lighting, the scheme would be considered acceptable under the relevant national and Local Development Plan Policies identified above.

3.2 Amenity and Privacy:

42. 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.

- 43. There are no neighbouring residential properties that would be negatively affected by the development. The previous permission ties the ownership of the toilet block to the operation of the campsite. As this is the case, the operation of the coffee shop/ice cream parlour can be expected to take place in a manner which is complementary to the operation of the campsite.
- 44. As identified by PCC Licensing a license has already been granted for the venue and this allows the sale of alcohol until 10pm. This has been in operation over the 2025 summer. The licensing response notes that there have been some complaints received in response to a consumption area that has subsequently formed on the shingle bank across the road directly opposite the premises, with some public safety concerns raised around customers potentially crossing back and forth the road, under the influence of alcohol. The shingle bank is outside the boundary of the licensed premises and as consumption of alcohol is not a licensable activity there is no licence breach. The matter is being referred to PCC Health and Safety with a joint approach being considered with the licence holder around how this risk can be mitigated.
- 45. From a planning perspective, there is already a public house adjoining this location which allows the sales of alcohol. Whilst this is temporarily closed following a fire, there is therefore already a location opposite the shingle bank which enables the crossing of the road to purchase alcohol. The amendment to Condition 4 to enable the sale of alcohol would align the planning permission with the licensing regime. Limiting this until 10pm at night would also align with the licensing approach and it is considered that this condition would limit the potential for adverse effects of noise later in the evening which might impact on the enjoyment of those staying in the campsite or on the beach. It is recognised that there can be amenity impacts immediately in the environs of locations where alcohol sales take place, however such impacts fall to the Licensing body and relevant Health and Safety bodies to police.
- 46. The sale of hot food, provided it does not involve fried food is not anticipated to create unacceptable adverse amenity effects and nor are the changes to lighting or the parking signage.
- 47. Appropriate waste disposal bins enabling disposal of waste and recycling is shown on the plan and replicates details submitted to discharge conditions in relation to waste on the existing permission. Subject to a condition requiring ongoing management in accordance with the details previously provided in relation to the use of a registered waste carrier, this is sufficient to manage this issue.
- 48. Therefore, subject to conditions in relation to hours of use, further limits on sales ranges and the disposal of waste the proposal is considered acceptable in terms of Policy 30 of LDP2.

3.3 Biodiversity, Green Infrastructure & Landscaping and Protected Sites

Biodiversity impacts

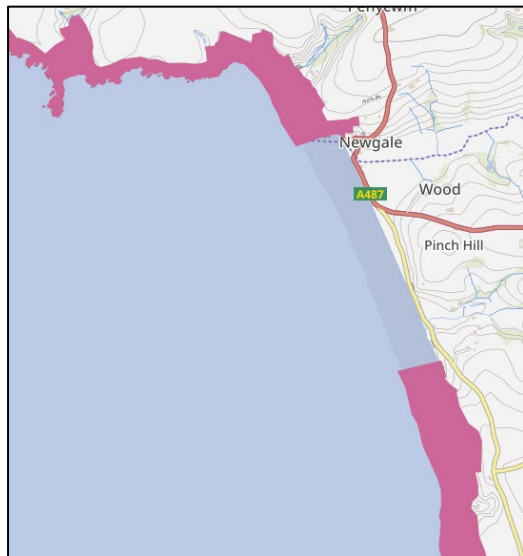
49. PPW12, TAN5 and Policy 11 (Nationally Protected Sites and Species) of LDP2 requires biodiversity considerations to be taken into account in determining individual applications. The presence of a species protected under UK or European legislation is a material consideration when dealing with applications that are likely to result in disturbance or harm to the species or its habitat.
50. This part of the coast is a sensitive location for Manx shearwaters. Manx shearwaters are particularly vulnerable to light pollution which may confuse them and cause them to collide with illuminated coastal developments. A condition previously imposed on the earlier consent had not been complied with and therefore, a condition requiring any revised lighting scheme to be submitted and approved will be imposed on this current application. The amendments to lighting from that previously approved as part of the discharged Condition 8 on the original permission are still hooded, downward facing and are of low lumens. The only amendment is the location of the lights.
51. Subject to a condition limiting any further external lighting without permission, this element of the proposal is considered acceptable in terms of any potential biodiversity impacts. The revised plans showing lighting were received after the Ecologists had commented on the scheme, so their response to this element of the scheme will be reported in a verbally update to Committee Members.

Net Benefit for Biodiversity and Green Infrastructure

52. To comply with Planning Policy Wales 12 (2024) and the *Environment (Wales) Act 2016*, planning authorities are expected to ensure every development positively contributes to biodiversity and that overall there is a net benefit for biodiversity and ecosystem resilience, resulting in enhanced well being.
53. Chapter 6 of Planning Policy Wales 12 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.
54. A range of green infrastructure in the form of native planting is shown on the plans. Subject to control by condition this is considered acceptable and to deliver a net benefit for biodiversity.
55. The Ecologists have commented on the planting proposed and advised that: *'the proposed site plan details 5 native shrubs/trees to be planted as part of the application, which is an acceptable net benefit to biodiversity'*.

Protected Sites

Sites of Special Scientific Interest (SSSI)



56. The *Wildlife and Countryside Act 1981 (as amended)* places a duty on public authorities in exercising their functions, so far as this is likely to affect the flora, fauna, geological or physiographical features of a Site of Special Scientific Interest (SSSI), to take reasonable steps consistent with the proper exercise of their functions to further the conservation and enhancement of those features.
57. The map above shows the location of the St Davids Peninsula Coast SSSI to the north of the site location and the Newgale – Little Haven Coast SSSI to the south of the site location. Given the distance from the SSSIs and provided there are adequate controls on further lighting no adverse effects are envisioned from the proposal.

Habitat Regulations Assessment

58. This site is adjacent to the Pembrokeshire Marine Special Area of Conservation (SAC).
59. SACs and SPAs are of European importance. Under the *Conservation of Habitats and Species Regulations (2017)* (the Habitats Regulations), all public bodies (including planning authorities) must have regard to the requirements of the EC Habitats and Birds Directives when carrying out their functions.
60. Before authorising development or adopting a land use plan which is likely to have a significant effect on a SAC or SPA (including where outside the boundary of the SAC or SPA), planning authorities must carry out an appropriate assessment of the implications for the designated features, consult NRW and have regard to NRW's representations.
61. In this case the Authority has considered the proposal and considers that there is no likely significant effect on a SAC or SPA – there is an existing permission on the site and this proposal will not create any additional foul flows.

62. Overall, the proposal is considered acceptable in terms of Policies 10 and 11 of the PCNPA LDP and compliance with the requirements of the Environment Act (Wales 2016), the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations (2017)

3.4 Access and Parking

63. 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.
64. Additionally, Policy 60 (Impacts of traffic) of LDP2 permits development where appropriate access can be achieved.
65. The site is accessed from the main A487 road which runs between Haverfordwest and St. David's.
66. The main campsite is accessed by an entrance point from the A487 at the bottom of Wood Hill and those staying in the campsite typically park their cars adjacent to their tents.
67. A revised scheme providing one disabled parking space as part of the site was submitted to the Authority in January 2024 as part of the previous application. In considering the previous application the Authority took the view that the majority of visitors will be resident within the campsite and some will use the neighbouring car park or walk from further car parks along the coast. Given that there are a high number of resident campers on the site adjacent, who will already be parked on the site and because of the need to ensure that the two businesses operated together this element was controlled by a section 106 of the Town and Country Planning Act 1990 – this section 106 applies to any subsequent Section 73 applications.
68. No significant changes have been made to the parking area as part of this application, with only a minor change proposed to signage. Subject to a condition ensuring that the disabled parking area is kept free and available for parking, no further conditions are considered necessary.
69. As set out within the Coastal Change analysis of the Policy and Principle of Development section, there is a lack of clarity around the potential access arrangements that will be available to the building and this area of Newgale post 2030. Give this uncertainty regarding the long-term accessibility of the site, a temporary permission only is considered appropriate; this can be controlled via planning condition. Subject to recommended conditions and notwithstanding objections received, the application is considered appropriate and is therefore considered to comply with Policies 59 & 60 of the Pembrokeshire Coast National Park Local Development Plan.

3.5 Surface Water Drainage:

70. 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.
71. The previous application indicated that foul flows were to be disposed of via the public sewerage system, with surface water proposed to be drained to a soakaway. These details are not amended by this proposal. PCC have raised no adverse comments in relation to drainage matters. Subject to condition, the application is considered acceptable in relation to drainage.

3.6 Other Material Considerations

72. The public sector equality duty (Section 149 of the Equality Act 2010) must be considered when granting planning permission for any development. The Welsh Government and local authorities have a duty to implement the UN Convention on the Rights of Persons with Disabilities (CRPD) in order to safeguard and promote all users' rights. In addition, the Welsh Government's Framework for Action on Independent Living imposes extra duties on public sector organisations in Wales to improve opportunities for disabled people to access services and facilities. In short, public authorities have a duty to: - advance equality of opportunity - eliminate discrimination and harassment - promote positive attitudes - encourage participation by disabled people. In providing an accessible public toilet, the proposal will contribute to delivering equality of opportunity and this element of the proposal is a material consideration in its favour – to ensure that this important community facility is open when the business is open a condition regarding hours will be applied.

4. Conclusion

73. Subject to appropriate conditions the proposed development is acceptable in terms of amenity, biodiversity impacts and green infrastructure. Conditions in relation to level of floorspace and nature of sales are necessary in order to safeguard against wider retail impacts. Given the uncertainty over the status of the shingle bank and its movements, a temporary permission until 2034 is considered appropriate. Overall and subject to these conditions, the proposed development is considered acceptable and to comply with the relevant requirements of national and local planning policy.
74. 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.

5. Recommendation

APPROVE, subject to the following conditions:

1. The development shall begin not later than two 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:
- Site Location Plan S01a
 - Proposed Floor Plan S03a
 - Site Layout S02a
 - Proposed Elevations S04a
 - Flood Consequence Assessment for Planning October 2023

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. The use shall be discontinued and the building and all paraphernalia / chattels associated with the use shall be removed from the land in its entirety on or before 1st February 2034 and the land shall be restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the local planning authority prior to the commencement of development.

Reason: To ensure adequate control of the development when the shingle bank is no longer maintained and the public highway is no longer cleared and to ensure appropriate landscape and environmental protection in this area of Coastal Change (Policy 35 Development in a Coastal Change Management Area).

4. The gross retail floorspace hereby permitted shall not exceed 40 square metres and shall not be used for take away sales for fried food. The retail floorspace hereby approved shall not be subdivided.

Reason: In the interest of protecting the vitality and viability of other nearby retail centres and to meet the objectives of the PPW (Feb 2024) and Policy 57 Town and District Shopping Centres of the Pembrokeshire Coast National Park Local Development Plan 2 (end date 2031).

5. The use shall not be carried out outside the hours of 8am to 10pm Monday to Sundays inclusive.

Reason: To protect the special qualities of the National Park including tranquillity and to protect general amenity (Policy 8 Special Qualities and Policy 30 Amenity of the Pembrokeshire Coast National Park Local Development Plan 2 (end date 2031)).

6. There shall be no change of use to a take away sales for fried food or any other use within the A3 use class outside of an A1 coffee shop/ice cream parlour use.

Reason: For the avoidance of doubt and to allow for the usual retail use of a coffee shop.

7. The accessible toilet included within the development shall be open to all members of the public from 8am to 8pm at all dates that the Landsker Line premises is open.

Reason: To ensure compliance with Policy 54 Community Facilities of the Pembrokeshire Coast National Park Local Development Plan 2 (end date 2031) and having regard to the Authority's duties under the Equalities Act 2010

8. No external lighting beyond that shown on the approved plans shall be erected, without the written approval of the Local Planning Authority. Any further external

lighting thereby approved shall be installed as approved and none further installed thereafter.

Reason: To comply with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 and the Environment (Wales) Act 2016.

9. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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 and to meet the objectives of the PPW (Feb 2024) and to satisfy Policy 32 Surface Water Drainage of the Pembrokeshire Coast National Park Local Development Plan 2 (end date 2031).

10. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the buildings; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To comply with the requirements of Planning Policy Wales Edition 12 and the Environment (Wales) Act 2016.

11. The disabled parking space and turning area shall be kept free of any obstruction and available for the parking and turning of motor vehicles at all times.

Reason: In the interests of accessibility and to satisfy the requirements of Policy 29 Sustainable Design of the Pembrokeshire Coast National Park Local Development Plan 2 (end date 2031).

12. The refuse storage, management and collection shall be implemented in accordance with the details provided in NP/24/0688/DOC on plans 04H and in cover letter dated 11th December 2024 and Appendix B and maintained thereafter.

Reason: In the interests of ensuring no risk of pollution through litter to the surrounding environment.

6. Informatives

This planning permission is subject to a legal agreement.

The applicants would be advised to sign up to the Natural Resources Wales Flood alert system and to install flood proofing measures to the building.



PEMBROKESHIRE COAST NATIONAL PARK AUTHORITY COMMITTEE REPORT

Application Ref	NP/23/0527/FUL
Case Officer	Kate Attrill
Applicant	Mr Harris
Agent	Hayston Development and Planning Ltd
Proposal	Change of use of former public toilets to takeaway ice cream parlour/coffee bar
Site Location	Redundant Toilet Block, Adjacent to Newgale Campsite, Newgale, Haverfordwest, Pembrokeshire, SA62 6AS

This application is being considered by the Development Management Committee as the Director with responsibility for Planning considers that it raises matters of public and/or Member interest.

A previous application for development on this site was considered by the Development Management Committee on the 6th September 2023.

Summary

This application involves the change of use of a redundant toilet block to a takeaway ice cream parlour/coffee bar providing a single accessible toilet cubicle facility.

The location is within both a flood zone and a coastal change management area. The proposal does not increase the footprint of the building and is classed as a low vulnerable use. Whilst the proposed retail element is not in a location supported by the Local Development Plan, its impact can be mitigated by planning condition. The provision of an enhanced community facility in the form of an accessible toilet facility is a material planning consideration in favour of the development. Subject to appropriate planning conditions and the submission of a signed Section 106 legal agreement, the proposed use is considered appropriate for a temporary planning permission. A permanent permission is not considered appropriate given the lack of certainty over the long-term accessibility of the building.

The application plans and full details can be found on the PCNPA website at: [PCNPA Planning \(pembrokeshirecoast.wales\)](https://pembrokeshirecoast.wales/PCNPA-Planning)

Consultee Response

Mid and West Wales Fire and Rescue Service	No objection
Nolton and Roch Community Council	No objection
PCC Access Officer	Advisory

PCC Civil Engineers

No adverse comment
on drainage issues,
detailed comments on
flood risk supplied.

PCC Highways

No objection

PCC Public Protection

No adverse comment

National Trust

Object

Dwr Cymru / Welsh Water

Conditional Support

Natural Resources Wales

No objection

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.

Three third party responses have been received comprising of two letters of objection. Issues raised include: insufficient parking facilities, traffic congestion, public safety from road impacts, commercial impact on other businesses within centres with potential negative local employment results, impact on the character of the area, environmental concerns regarding flood risk and breach of legal covenants on the land.

One letter of support has been received.

Whilst Nolton and Roch Community Council raised no objection to the proposed development in principle, they did however raise concerns regarding parking, litter and flooding which Members feel need to be further considered when assessing the application and the planning conditions which may need to be imposed to control the proposed change of use of the building. An additional comment was supplied also suggesting that Members feel if approval is granted for the change of use, the public toilet should remain free of charge to the general public in perpetuity and the opening times for the toilet should match those of other public toilets in the vicinity, typically over a 6-month period each year.

The material planning issues raised are addressed within the main body of this report.

Policies considered

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

[Local Development Plan 2 - Pembrokeshire Coast National Park](#)

Policy 1 National Park Purposes and Duty (Strategy Policy)

Policy 7 Countryside (TIER 4) (Strategy Policy)

Policy 8 Special Qualities (Strategy Policy)

Policy 9 Light Pollution

Policy 10 Sites and Species of European Importance

Policy 14 Conservation of the Pembrokeshire Coast National Park

Policy 29 Sustainable Design (Strategy Policy)
Policy 30 Amenity
Policy 31 Minimising Waste
Policy 32 Surface Water Drainage
Policy 34 Flooding and Coastal Inundation
Policy 35 Development in the Coastal Change Management Plan
Policy 38 Visitor Economy (Strategy Policy)
Policy 41 Caravan, Camping and Chalet Development
Policy 42 Site Facilities on Tent, Chalet and Caravan Sites
Policy 55 Infrastructure Requirements
Policy 57 Town and District Shopping Centres
Policy 59 Sustainable Transport (Strategy Policy)
Policy 60 Impacts of Traffic
Planning Policy Wales Edition 12
SPG Landscape
SPG Seascape
SPG Planning Obligations
SPG Caravan Camping and Chalet
SPG Sustainable Design and Development
SPG Biodiversity
TAN 12 - Design
TAN 24 - The Historic Environment

Future Wales 2040

Constraints

Special Area of Conservation – within 500m
Safeguarding Zone
Ancient Monument – within 500m
Hazardous Zones
ROW Coast Path – within 10m
Potential for surface water flooding
Recreation Character Areas
Low Coal Risk
Surface Coal
Affordable Housing Submarkets
Seascape Character Areas
Landscape Character Areas

Officer's Appraisal

Site and Context

Newgale campsite is located alongside the A487 which runs immediately behind the shingle bank of Newgale beach. The majority of the site is located within a floodplain and is visually prominent within the landscape of the National Park, due to its position at the coastal end of an open valley extending inland towards Rhyndaston Mountain, affording widespread views from many vantage points between.

It is also prominent in near views along the A487 as it sits alongside the main road between Haverfordwest and St David's.

The campsite adjacent is located outside the LDP 2 Rural Centre boundary for Newgale.

The Newgale campsite immediately adjacent covers a large area of land along the seafront, extending to some 8.77 acres in total, and is currently in the same ownership.

Relevant Planning History

NP/98/349 Certificate of Lawfulness as a camping site for tents and dormobiles, Certificate granted October 1998

NP/00/052 Toilet Block Extension – Approved

NP/07/450 Toilet block Extension – Approved

NP/19/0297/CLE – Use of campsite land for stationing of single mobile catering unit (for sale of hot & cold food & non-alcoholic drinks from 7am to 11pm) from beginning of June (weekends only) and 7 days a week from beginning of school holidays until September each year for use of occupiers of campsite only – Approved 23rd August 2019

NP/23/0124/FUL - Change of use of surplus public toilets to takeaway ice cream parlour/coffee bar & beach themed retail with small rear extension to create kitchen together with new public disabled toilet as required by Pembrokeshire County Council - Refused 6th September 2023

Description of Proposal

The proposal is for the change of use of the former public toilet block to a takeaway ice cream parlour/coffee bar. The changes proposed include a takeaway café area, ice cream cabinet, customer waiting area and the provision of a public accessible toilet.

The existing single storey building is constructed of concrete block with pebbledash render under a slated roof.

No increase in the footprint of the building is proposed, with the physical changes limited to internal layout changes, new windows, one new door and a re-rendering and painting of the building along with the introduction of solar panels on the roof. The window and door changes involve the introduction of new fenestration on the southwest elevation, a new door opening on the northeast elevation and a new window on the southeast elevation.

An external bird box and beaumaris midi bat boxes are proposed as part of external alterations. Some limited planting is proposed as part of the wider site.

Since the submission of the application, the application has been further amended twice in response to officer concerns, to add a parking and turning

space on the south-eastern side to allow for non-ambulant users of the toilet to access the site and park safely off the highway.

Key Issues

The application raises the following planning matters:

- Policy and Principle of Development
 - Conversion of building
 - Community Facility use
 - Retail impact
 - Flood risk / Coastal Change
- Siting, Design, Impact upon the Special Qualities of the National Park
- Access and parking
- Drainage
- Landscaping and Biodiversity
- Other material considerations: Accessibility, Well-being

Policy and principle of development

Future Wales – The National Plan 2040 (FW) which was adopted on 24th February 2021 is the National Development Framework for Wales and is the national tier of the Development Plan.

Policy 4 ‘Supporting Rural Communities’ states that Strategic and Local Development Plans must identify their rural communities, assess their needs and set out policies to support them.

On page 104, Future Wales states that: “National Park Authorities are unique planning entities with a specific remit to reflect the distinctive characteristics of their areas...” and that “Future Wales policies respect the functions of National Parks in terms of their statutory purposes...”

The application site lies outside any Centre boundary as defined by Local Development Plan 2 and is therefore classified as Countryside where development must be strictly controlled. The Centre boundary of Newgale is located a short distance away to the north - the boundary includes the residential and commercial properties which rise up Newgale Hill.

Policy 7 of the Plan (Countryside) sets out the types of development that are acceptable, in principle. This includes tourist attractions where the need to locate in the countryside is essential, extensions to established businesses and assisting coastal communities in preparing for and adapting to coastal change. Proposals which constitute the conversion of appropriate buildings to a range of uses and proposals for a new or extended community facility are supported in principle.

The building subject of the application is situated in the open countryside, alongside the A487 at Newgale, between the Duke of Edinburgh pub to the

north and Newgale Campsite to the south and was last used as a public toilet block previously operated by Pembrokeshire County Council.

Conversion of building

This proposal, which involves the conversion of an existing building without adding to its footprint as an employment use, is supported by Policy 7 Countryside (criteria c). Paragraph 4.44 notes that the policy aims to encourage reuse of buildings for employment and employment related activities. Notwithstanding this in-principle support, detailed considerations of flood risk and retail impacts are considered below.

Community Facility use

Public toilets are deemed a community facility within the Local Development Plan. The glossary of terms set out in Appendix 6 of LDP2 define community facilities as those providing for the health and welfare of the community as well as other requirements and public toilets certainly fulfil that role.

Policy 7 Countryside supports new or extended community facilities within the countryside.

Policy 54 of LDP2 aims to protect against loss of community facilities by resisting development that would adversely affect their operation or result in its loss, except where a suitable replacement or enhanced facility is to be made available or where it can be shown the facility is no longer required or is not commercially viable.

The building was historically used by Pembrokeshire County Council for the purpose of providing public toilets with the land on which it is built being under freehold ownership of the adjacent landowner at the time. The planning statement submitted by the applicant notes that the public toilets were closed by Pembrokeshire County Council in October 2021 following discussions of land ownership. This occurred prior to the current review into the closure of public toilets. Whilst the use of the toilets has ceased, in planning terms the use of the building remains as public toilets.

Appendix A of information supplied by the applicant confirms that a deed of release between the applicant and the County Council has been signed. This agreement involves the County Council surrendering its rights to the building, subject to the provision of a new toilet facility within the development. The agreement also sets out the periods of the year in which the new public toilet facility should be made available to the public.

The proposal as now submitted will provide a single accessible toilet, with the planning statement submitted to accompany the application stating that the minimum contractual toilet opening hours agreed with the County Council for this to be open would be 8am to 8pm from 1st April to 30th September, annually and in perpetuity.

As the current facility is not open to the public and the proposal would involve the refitting of a single accessible cubicle, the proposal is considered to provide an enhanced facility and therefore to meet the requirements of Policy 54 Community Facilities with regard to the provision of the accessible toilet.

Retail impact

The proposal includes the change of use of the majority of the former toilet block to A1/A3 use class (takeaway ice cream and coffee bar). Policy 57 supports changes of use, redevelopment or development of new buildings within specific locations. It supports A1, A2 and A3 uses or community facilities where they are located within a Rural Centre. This reflects national planning policy and the principle of town centre first locations for A class use proposals.

Policy 54 Community Facilities supports the provision of new and extended facilities (including convenience shops) where these are well located to meet a community's needs.

Planning Policy Wales Edition 12 recognises that shops ancillary to other uses can serve a useful role in rural areas (pointing to examples such as farm shops), it advises Planning Authorities to take account of the following in considering such proposals (paragraph 4.3.42):

- The potential impact on nearby retail and commercial centres or village shops;
- The desirability of providing a service throughout the year; and
- The likely impact of traffic generated and access and parking arrangements

The proposal as suggested would serve the general public and not simply those visiting the campsite. Detailed consideration of parking and highways matters is set out below. Concerns have also been raised during the public consultation regarding the potential commercial impact on other nearby businesses. Whilst planning policy does not seek to prevent competition between businesses, it does seek to ensure that businesses within town centres or locations identified in a retail hierarchy are protected from negative impacts.

In this case, the current proposal is for a gross floorspace of approximately 40 square metres, with a part of this floorspace providing a single public accessible toilet. Whilst no information on the potential impact on nearby centres has been provided, the scale of the floorspace involved would limit potential impacts and further controls in the form of planning conditions (ensuring this is not an open A1 or A3 permission) could reduce the potential of negative impacts.

The proposed retail use is likely to support the campsite (an existing rural business) financially, it is in a location outside the Rural Centre of Newgale. Whilst the proposed location of the development would serve visitors to

Newgale, some of whom may be staying on the campsite, it is situated outside the Rural Centre of Newgale and therefore contrary to the provisions of Policy 57.

The retail element of the proposal is therefore not considered to comply with LDP 2 policy 57 or national planning policy, however the small-scale nature of the level of floorspace proposed mean that it would be possible to ensure a development that was acceptable when considered against the LDP 2 as a whole, if appropriate planning conditions were applied. Given that part of the justification for a retail use in this location would be to ensure compliance with Policy 7 Countryside (which supports extensions to existing businesses), a legal agreement requiring that the building was not operated or sold separately to the campsite would be necessary if the application was approved.

Paragraph 4.229 which supports Policy 42 of the LDP2 which states: 'extensions to established businesses in the countryside are sometimes needed along with the need for new businesses needing to join existing clusters. Assessing traffic impacts will be required. Those that cause significant adverse effects that cannot be mitigated will not be permitted' (see Policy 59 and Policy 60) but this would also require it be retained as part of the operational development of the campsite.

Flood risk

The application site lies wholly within Flood Zone C2 in the Development Advice Map as defined by Natural Resources Wales (NRW) and is within the Coastal Management Change Area.

Welsh Government's Technical Advice Note 15 (TAN 15) identifies C2 flood plain as those areas of the floodplain without significant flood defence infrastructure. This constraint is acknowledged by the applicant. The flood risk area is extensive and covers the adjacent road, much of the campsite and the pub.

Policy 34 of LDP2 is the strategy policy for flooding and coastal inundation and directs development away from areas at risk from flooding, unless there are sound social or economic justifications in accordance with the advice set out in TAN15. Whilst the Authority must consider the current TAN 15 position based on the Development Advice Map - this does not take account of possible impacts of climate change. The Flood Map for Planning has no official status until it is formally implemented through planning policy, however, it represents the best available information the Welsh Government have on flood risk and Natural Resources Wales will continue to use this to inform their planning advice. The Flood Map for Planning rivers and sea shows the site to be located within Flood Zone 3 (at flood risk).

Whilst TAN15 allows for less vulnerable development in C2 zones, it must meet the justification tests of being part of or assisting with a local authority regeneration initiative or strategy to sustain an existing settlement OR be

necessary to key employment objectives supported by the local authority and other key partners to sustain an existing settlement or region. In addition, it must meet the definition of brownfield land AND the potential consequences of flooding been found acceptable.

An updated Flood Consequences Assessment (FCA) was prepared in October 2023 in support of the current application. This FCA notes that (in contrast with the previously refused planning application) the current proposal will not increase the vulnerability of the site to flooding as no extension to the building is proposed. The proposed use is classified as less vulnerable development.

In terms of flooding, the FCA concludes that the lifetime of the development is considered to be 75 years.

The Planning Statement supporting the application states that flood design measures will be implemented within the ground floor where possible, including the potential use of demountable flood defence barriers of up to 600mm to defend ground level doorways and low windows and that safe escape would be provided by implementing a flood warning and evacuation plan post development and subscribing to the NRW's flood warning service. In considering the proposal against the existing guidance in Technical Advice Note 15, officers consider that the proposal does not form part of a local authority regeneration initiative or strategy. The proposal would in a very limited way contribute to supporting broader employment objectives. The building does meet the definition of brownfield or previously developed land set out in Planning Policy Wales Edition 12, subject to appropriate conditions to ensure delivery of mitigation measures set out within the FCA, the proposal is therefore considered to be acceptable in terms of national and local planning policies in relation to flood risk. NRW have not objected to this application on flood risk grounds.

Coastal change

Paragraph 6.5.16 of Planning Policy Wales requires planning authorities to use shoreline management plans to identify stretches of coast where coastal defences will no longer be maintained and to include specific policies to manage development in such areas.

The National Park LDP 2 identifies Coastal Change Management Areas to address the risk areas identified by the Shoreline Management Plans. The application site is within a Coastal Change Management Area defined in LDP2. Policy 35 Development in a Coastal Change Management Area does not permit residential development within such locations. In terms of other new development, the policy states that "uses in the Coastal Change Management Areas will be required to demonstrate that it will result in no increased risk to life or significant increase in risk to property".

The FCA submitted indicates that the site is entirely above the 1:200 year and 1:1000 year level at the present day. Comparison of the climate change sea

levels with topographic site levels shows that the site is entirely below the 1:200 year and 1:1000 year level in 2100.

Subject to the recommendations of the FCA being implemented the flood risk within the coastal change area relating to the building itself is considered acceptable in the short term.

Paragraph 6.5.17 of Planning Policy Wales states that:

"...proposed development in areas of coastal change should only take place where risks and consequences are understood and can be acceptably managed over the lifetime of the development."

As noted in the applicant's FCA "During periods of high tide and accompanying tidal surge in conjunction with severe weather events, failure of the shingle bank (coastal defence embankment) structure due to overtopping results in shingle being deposited on the highway, together with resultant floodwaters which necessitates the closure of the A487 highway to enable the shingle bank being re-profiled."

The West of Wales Shoreline Management Plan states that in Policy Unit 2.11, the current epoch is Managed Realignment (MR) and to manage shingle on the road, but with the long-term intent of allowing the shingle ridge to behave naturally, with the epoch changing to No Active Intervention (NAI). As set out in the PCC Flooding and Land Drainage officer consultation response, a report commissioned by Pembrokeshire County Council concluded that the shingle bank will become increasingly unstable and vulnerable to failure, with a likelihood that by 2030 the current situation may become unsustainable. Until the situation becomes unviable due to engineering and/or cost constraints, Pembrokeshire County Council will clear the highway of shingle and reinstate the crown of the shingle defences, however their response points out that increased incidents of failure of the sea defence and flood events will affect the highway, application site and surrounding areas. As part of the proposal relates to provision of an accessible toilet facility, it is anticipated that this aspect of the provision would require access by car. There is significant uncertainty based on Pembrokeshire County Council's position regarding the highway and shingle bank as to whether or not highway access will be achievable post 2030. Given this position, and the longer term increased risks to the site over time, officers consider the Authority should consider imposing a temporary permission condition to ensure that the development can be sufficiently controlled during its lifespan and that a scheme for removal and remediation can be delivered in the longer term. Subject to a condition regarding time limits, the proposal may be considered to accord with relevant policies in relation to coastal change. On the basis of the policy analysis above, the proposal is considered to comply with the requirements of National and Local planning policies when considered as a whole.

The retail element of the proposal does not comply with the locational requirements of Policy 57 Town and District Shopping Centres but potential retail impacts resulting from the proposal can be controlled acceptably via the imposition of appropriate planning conditions. Conditions in relation to flood

risk mitigation and to ensure that the building is used in conjunction with the campsite only are also considered necessary. Subject to the imposition of such conditions, the development is considered acceptable in principle when considered against the LDP2 and National Planning Policy as a whole. The potential accessibility of the site from the public highway longer term is a material consideration, and this aspect is assessed further in the section on Access and Parking below.

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

Planning Policy Wales (Edition 12) references the need for good design and states that ‘meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.

PPW goes on at 6.3.9 to state: ‘The special qualities of designated areas should be given weight in the development planning and the development process. Proposals in National Parks and AONBs must be carefully assessed to ensure that their effects on those features which the designation is intended to protect are acceptable. The contribution that development makes to the sustainable management of the designated area must be considered’.

TAN 12 (Design) at 2.5 makes the point that ‘good design is not inevitable. It requires a collaborative, creative, inclusive, process of problem solving and innovation – embracing sustainability, architecture, place making, public realm, landscape, and infrastructure’.

TAN 12 (Design) at 2.6 states that “Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities”.

Policy 8 of the Pembrokeshire Coast National Park Local Development Plan 2 (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.

Policy 14 of the Plan seeks to conserve and enhance the Pembrokeshire Coast National Park and states that development will not be permitted where this would have an unacceptable adverse effect on the qualities and special landscape and seascape character of the Pembrokeshire Coast National Park including locally distinctive characteristics by a) causing visual intrusion; and/or b) introducing or intensifying a use which is incompatible with its location; and/or failing to harmonise with, or enhance the landform, landscape and seascape character of the National Park; and/or losing or failing to incorporate important traditional features.

Policy 29 of LDP2 requires all development proposals to be well designed in terms of place and local distinctiveness (criterion (a)).

Parts of the Pembrokeshire Coast National Park are still relatively undeveloped with minimal impact of lighting on the night sky. Policy 9 seeks to conserve that character and limit the impact of lighting which could negatively impact on the special qualities of the National Park.

Given that the bulk of the building is as existing, in terms of siting and design, subject to the imposition of a condition to control external lighting, the scheme would be considered acceptable under Local Development Plan Policies.

Amenity and Privacy

Policy 30 of LDP2 refers to 'amenity' in general with criteria (a) and (b) seeking to avoid incompatible development and significant adverse impact upon the amenity enjoyed by neighbouring properties.

There are no neighbouring residential properties that would be negatively affected by the development. Appropriate conditions governing hours of operation can be applied to protect the public amenity of those staying in the campsite. As such the proposed development is considered to comply with Policy 30 of the LDP2.

Access and Parking

Policy 59 (Sustainable Transport) seeks to permit development which promotes sustainable travel choices and reduces the need to travel by car by ensuring new development is well designed and provides appropriate access for pedestrians, cyclists, vehicles and public transport where appropriate and not permitting proposals that cause significant concerns about potential transport impacts which cannot be satisfactorily mitigated.

Policy 60 (Impacts of Traffic) prevents development where appropriate access cannot be achieved; where traffic would generate an unacceptable adverse effect in terms of congestion, times of generation or where there is an unacceptable adverse effect on road safety.

The site is accessed from the main A487 road which runs between Haverfordwest and St. David's.

The main campsite is accessed by an entrance point from the A487 at the bottom of Wood Hill and those staying in the campsite typically park their cars adjacent to their tents.

A revised scheme providing one disabled parking space as part of the site was submitted to the Authority in January 2024.

No information on how or where the wider public using the toilet and shop would park had initially been provided to the LPA, however it is assumed that the majority of visitors will be resident within the campsite and some will use the neighbouring car park or walk from further car parks along the coast. Given that there are a high number of resident campers on the site adjacent,

who will already be parked on the site, it is considered reasonable for the operation and ownership of the two to be kept as one through a legal agreement under section 106 of the Town and Country Planning Act 1990 and this is referred to in the recommendation.

The Highways Authority have been re-consulted and they have raised no objection to the development including the revised plans to include a disabled parking space.

As the proposal is for a limited retail use in association with an existing business and there is an expectation that the main users will be those visiting the campsite, the lack of specific general parking spaces for the proposal is considered acceptable, provided appropriate conditions ensuring the building cannot operate separately to the campsite are in place, although there is a potential that it will lead to further applications to provide parking on the land adjacent within the applicant's control. The provision of one disabled parking space will be undertaken using permeable material.

As set out within the Coastal Change analysis of the Policy and Principle of Development section, there is a lack of clarity around the potential access arrangements that will be available to the building and this area of Newgale post 2030. Given this uncertainty regarding the long-term accessibility of the site, a temporary permission only is considered appropriate; this can be controlled via planning condition.

Subject to recommended conditions and notwithstanding objections received, the application is considered appropriate and is therefore considered to comply with Policies 59 & 60 of the Pembrokeshire Coast National Park Local Development Plan.

Landscaping & Biodiversity

To comply with Planning Policy Wales (2024) and the Environment (Wales) Act 2016 planning authorities are expected to ensure every development positively contributes to biodiversity.

The proposal is supported by a Green Infrastructure Statement and biodiversity enhancements are shown on the plans including bat and bird boxes and some small areas of native planting. Information to ensure the delivery of the planting to be provided can be controlled via condition.

Subject to the condition, the application is considered acceptable in relation to Landscaping and Biodiversity considerations.

Drainage

The application indicates that foul flows are to be disposed of via the public sewerage system, with surface water proposed to be drained to a soakaway. Dwr Cymru have not objected to the proposal but recommend a condition to

ensure that surface water does not enter the public sewerage network. PCC have raised no adverse comments in relation to drainage matters.

Subject to the condition, the application is considered acceptable in relation to drainage.

Other Material Considerations:

Access

The public sector equality duty (Section 149 of the Equality Act 2010) must be considered when granting planning permission for any development. The Welsh Government and local authorities have a duty to implement the UN Convention on the Rights of Persons with Disabilities (CRPD) in order to safeguard and promote all users' rights.

In addition, the Welsh Government's Framework for Action on Independent Living imposes extra duties on public sector organisations in Wales to improve opportunities for disabled people to access services and facilities. In short, public authorities have a duty to:

- advance equality of opportunity
- eliminate discrimination and harassment
- promote positive attitudes
- encourage participation by disabled people
-

In providing a public accessible toilet, the proposal will contribute to delivering equality of opportunity and this element of the proposal is a material consideration in its favour.

Well-being

This report takes account of the duty placed on Pembrokeshire Coast National Park Authority as a public body, by the Well-Being of Future Generations Act 2015, to carry out sustainable development. The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 has been considered. This report is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in the Act.

Conclusion

The proposed change of use of former public toilets to takeaway ice cream parlour/coffee bar is considered acceptable subject to a range of conditions and a legal agreement to address the following matters:

- Hours of availability of toilet facilities
- Hours of operation of shop/sales

- Control of retail sales/product types and floorspace
- Ensuring building is operated as an ancillary operation to the existing campsite business
- FCA flood risk mitigation requirements
- Control of external lighting
- Temporary permission
- Drainage condition
- Planting condition

The provision of an accessible toilet cubicle is a material consideration in favour of the application.

Recommendation

It is recommended that the application be delegated for approval to the Director of Placemaking, Decarbonisation and Engagement subject to receipt of a Section 106 legal agreement to ensure that the former toilet building is retained in the same ownership as the campsite in perpetuity and operated as part of the wider campsite business and subject to the conditions listed below.

If the Section 106 legal agreement is not completed within 3 months of the date of the Committee resolution, then delegated power be given to the Director of Placemaking, Decarbonisation and Engagement to exercise discretion to refuse the application on the grounds of non-compliance with Policy 7 Countryside and Policy 42 Site Facilities on Camping, Chalet and Caravan Sites of the Local Development Plan 2.

Recommended conditions:

1. The development shall be carried out in accordance with the following approved plans and documents:

01 Expanded Site Location Plan rec'd 30/01/2024

02 Rev C - Location and Block Plans rec'd 30/01/2024

04e Site Plan received 30/01/2024

Proposed elevations 08a

Proposed Floor Plan 07c

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).

2. The development shall begin not later than two 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).

3. The use shall be discontinued and the building and all paraphernalia / chattels associated with the use shall be removed from the land in its

entirety on or before 1st February 2034 and the land shall be restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the local planning authority prior to the commencement of development.

Reason: To ensure adequate control of the development when the shingle bank is no longer maintained and the public highway is no longer cleared and to ensure appropriate landscape and environmental protection in this area of Coastal Change (Policy 35 Development in a Coastal Change Management Area).

4. The gross retail floorspace hereby permitted shall not exceed 40 square metres and shall not be used for any purpose other than the sale of ice cream/coffee and ancillary beach themed retail goods, and shall not be used for any other purpose including those set out in class A1 or any other purposes within class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any Order revoking, amending or re-enacting that Order with or without modification. The retail floorspace hereby approved shall not be subdivided.

Reason: In the interest of protecting the vitality and viability of other nearby retail centres and to meet the objectives of the PPW (Feb 2024) and Policy 57 Town and District Shopping Centres of the Pembrokeshire Coast National Park Local Development Plan 2 (end date 2031).

5. The premises shall not be used for the sale of hot food for the consumption on or off the premises.

Reason: In the interest of protecting the amenity of the immediate area and the vitality and viability of other nearby retail centres and to meet the objectives of the PPW (Feb 2024) and Policy 57 Town and District Shopping Centres of the Pembrokeshire Coast National Park Local Development Plan 2 (end date 2031).

6. The use shall not be carried out outside the hours of 8am to 10pm Monday to Sundays.

Reason: To protect the special qualities of the National Park including tranquillity and to protect general amenity (Policy 8 Special Qualities and Policy 30 Amenity of the Pembrokeshire Coast National Park Local Development Plan 2 (end date 2031))

7. The ice cream parlour/coffee shop and ancillary beach retail sales element of the building shall not be operated until the accessible toilet facility has been constructed and opened to the public. Once operational, the toilet shall be open 8am to 8pm at all dates that the ice cream parlour/coffee shop is open.

Reason: To ensure compliance with Policy 54 Community Facilities of the Pembrokeshire Coast National Park Local Development Plan 2 (end date 2031) and having regard to the Authority's duties under the Equalities Act 2010.

8. Prior to the erection of any external lighting, a light mitigation strategy, to include measures to reduce light spillage, shall be submitted to and approved in writing by the Local Planning Authority. The light mitigation strategy shall include:
- a. Details of the siting and type of all external lighting
 - b. Drawings setting out light spillage in key sensitive areas,
 - c. Details of lighting to be used both during construction and operation
 - d. Measures to monitor light spillage once development is operational.

All external lighting shall be installed and retained as approved during construction and operation in perpetuity.

Reason: To comply with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 and the Environment (Wales) Act 2016.

9. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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 and to meet the objectives of the PPW (Feb 2024) and to satisfy Policy 32 Surface Water Drainage of the Pembrokeshire Coast National Park Local Development Plan 2 (end date 2031).

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To comply with the requirements of Planning Policy Wales Edition 12 and the Environment (Wales) Act 2016.

FLOOD RISK Informative
DCWW Informative