

Item 5 - Report on Planning Applications

Application Ref: NP/15/0085/FUL

Case Officer	Caroline Bowen		
Applicant	Mr P Prosser		
Agent			
Proposal	Change of use of fort & island to visitor attraction uses including C1, D1 and D2 with gift, food & drink & retail uses A1 and A3. Change of use of generator house to ticket and retail use A1 & A3. Restore/replace railings, install 2 cranes, 2 boat landings, construct security residence use C3, construct toilet & pumping facilities, install cliff nature walk, signage, path lighting, operations lighting, replace fort entrance bridge, install services, repair stairs & install new, install CCTV.		
Site Location	St Catherines Island, Castle Beach, Tenby, Pembrokeshire, SA70 7BP		
Grid Ref	SN13870035		
Date Valid	07-Feb-2015	Target Date	03-Apr-2015

Summary

This planning application has been brought before the Development Management Committee because it is a major application, as defined under the terms of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

The application is a resubmission of a proposal for works comprising the restoration and conversion of the fort, the provision of new buildings to provide supporting facilities/services, and the improvement of access to and on St Catherine's Island to create a family visitor attraction.

Planning permission was originally sought in 2013 for a number of works to allow St Catherine's Island, Tenby, to become a tourist attraction. Following the consultation on the application, and the consideration of all material considerations and the relevant national and local development plan policies, the application was recommended for refusal on the grounds that the application has been submitted with ambiguous, insufficient, and contradictory information, meaning that the impact of the proposal on the special qualities of the National Park, the Tenby Conservation Area, the Scheduled Ancient Monument, the listed buildings and the settings of nearby listed buildings, and on national and internationally important habitats and protected species could not be ascertained; that the scheme proposes an unacceptable level of lighting that is harmful to the special qualities of the National Park; that the proposed new dwelling in the open countryside has not been robustly justified in terms of it being essential for the use of the site, and that the proposed solar panels, roof-top shops and new dwelling are harmful to the special qualities of the National Park.

Item 5 - Report on Planning Applications

A subsequent appeal made to the Planning Inspectorate was dismissed on the sole ground that the Inspector, whilst satisfied that there was sufficient evidence to indicate that there is on-going use of the fort by bats, felt it was insufficient, on a precautionary basis, to establish the extent of or to assess the impact of the project on that use. He concluded that *'Despite there appearing to be little doubt that the potential impact could be mitigated, it would not be appropriate to leave this matter to be dealt with by planning conditions. For that reason, planning permission should not yet be granted.'*

The Inspector considered, in his conclusion set out in paragraphs 110 to 116 of the appeal decision, that the proposed use was acceptable, that the uncertainty arising from potentially incompatible uses could be resolved by the use of planning condition(s), that the proposed external lighting could be further considered by use of a planning condition, and that he was satisfied that the proposed cabin would be for use by staff and visitors, and it would provide necessary security for the project.

The re-submission is, therefore, as originally presented, with the addition of a new protected species survey. At the time of writing this report, Natural Resources Wales have not yet responded, therefore, a further verbal report on this issue will be made to members. There has been no other change in the information submitted in this application, therefore, the appeal decision is a significant material consideration.

In light of the Inspector's comments and conclusion, the proposal, subject to a detailed scheme of conditions to control the use and details, the development is considered acceptable in accordance with the aims and requirements of policies 1, 2, 8, 9, 10, 11, 14, 15, 29, 30, 32, 32, 33, 34, 35, 52 and 53 of the Pembrokeshire Coast National Park Local Development Plan (Adopted September 2010).

Consultee Response

Tenby Town Council: Recommend Refusal

The Victorian Society: Objecting

Tenby Civic Society: Concern

PCC - Transportation & Environment: No objection

Dyfed Archaeological Trust: Conditional Consent - Grampian Style condition recommended as per response to previous application NP/13/0071

Dwr Cymru Welsh Water: Conditional Consent

Public Response

The application has been advertised appropriately advertised as a Major Development in the Local Press (Pembrokeshire Herald) and through a site notice in accordance with the statutory requirements. Furthermore letters were sent to neighbouring occupiers. At the time of writing this report, 11 letters have been received, including a petition from the Lexden Terrace

Item 5 - Report on Planning Applications

Conservation Group; Tenby Civic Society have written to advise of three concerns, which they consider are resolvable by planning condition, so that the scheme is not further delayed; and a petition of support comprising 838 signatures and 315 comments has been submitted. In summary, the following points are made:-

- Unlike the busier character of the town, the area around the harbor and Castle Hill is quiet and restrained. Views focus on the Island and it is important that the character of the island is maintained in those views.
- The proposed D2, A1 and A3 uses should not be unrestricted and should be ancillary to the principal use.
- The plans are totally out of keeping with such an important landmark on the Pembrokeshire Coast National Park.
- Concern that the change in character of the Island to a tourist attraction will be harmful.
- The Island has become an important wildlife habitat and the proposal is bound to be harmful to the SSSI and SAC.
- Loss of amenity of residents overlooking the Island
- Nuisance of the vehicular movements to and from the island both during the building work and afterwards for maintenance work and delivery of supplies.
- The lighting proposed would be a gross intrusion into the night sky for residents and holidaymakers.
- Not opposed to the principle of opening St Catherine's Island and the Fort to visitors and welcomes the low key and unobtrusive way in which it has been managed over the last year, but concern about enabling the site to be made accessible in a way which takes account of the setting of this important site and the cluster of listed buildings and heritage assets of which it is part; retains the views which are a key part both of Tenby's heritage and its attractiveness to visitors and shows regard for the amenity of residents.
- Concern at the omission of the bridge – any permission granted should exclude any implied permission in principle for the bridge, which should be subject of an application in its own right and considered on its own merits.
- That the operating time should be no later than 23.00.
- There should be a condition prohibiting the generation or distribution of music or other amplified sound on the Island, other than in the Fort itself.
- Blanket provision for overnight stays (in relation to the C1 Hotel use) should not be allowed.
- The proposals are too much. Having visited the fort, it is a good space and very interesting, but to have an extended opening and all the extras would spoil the magic of the place.
- The energetic, imaginative and organized lease-holders have already spent a large amount of money on their project and further major expenditure is planned... I wish them luck with their visitor numbers so long as these do not have a negative impact on the special

Item 5 - Report on Planning Applications

conservation area that is Castle Hill, Castle Beach, St Julian's Terrace and St Julian's Street.

- On consideration of the proposed development for this fort, it can only be surmised that this outstanding habitat for wildlife is likely to be detrimentally altered. The application appears extremely complex; encompassing numerous possible options, many of which will involve great disturbances to the immediate environment.
- Seaside resorts such as Tenby must develop and adapt to meet the changing needs of tourism. However, surely such developments should attempt to enhance the natural attractions and ambience of this beautiful, historic town.

If the Island and fort were to open late in the evening, this would obviously have a knock-on effect on traffic movement in the harbour area, already notorious for problems of access and restricted parking. As regular holidaymakers we had the good fortune to go on to the Island in September and the experience was magical. We know Tenby well, and development of the Island as proposed will only add to the intrinsic charm and interest of the National Park and the town too. The Island has had various uses in the past and it is only right and proper that it should be brought into use again. Policies Considered

Policies considered

Please note that these policies can be viewed on the Policies page Pembrokehire Coast National Park website - <http://www.pembrokeshirecoast.org.uk/default.asp?PID=549>

Circular 60/96 - Planning and the Historic Environment: Archaeology

Circular 61/96 - Conservation Areas

LDP Policy 01 - National Park Purposes and Duty

LDP Policy 02 - Tenby Local Service and Tourism Centre

LDP Policy 07 - Countryside

LDP Policy 08 - Special Qualities

LDP Policy 09 - Light Pollution

LDP Policy 10 - Local Sites of Nature Conservation or Geological Interest

LDP Policy 11 - Protection of Biodiversity

LDP Policy 14 - Protection of Buildings of Local Importance

LDP Policy 15 - Conservation of the Pembrokehire Coast National Park

LDP Policy 17 - Shore Based Facilities

LDP Policy 18 - Porthgain, Saundersfoot and Tenby Harbours

LDP Policy 29 - Sustainable Design

LDP Policy 30 - Amenity

LDP Policy 31 - Minimising Waste

LDP Policy 32 - Surface Water Drainage

LDP Policy 33 - Renewable Energy

Item 5 - Report on Planning Applications

LDP Policy 34 - Flooding and Coastal Inundation
LDP Policy 35 - Visitor Economy
LDP Policy 44 - Housing
LDP Policy 45 – Affordable housing
LDP Policy 48 - Community Facilities and Infrastructure Requirements
LDP Policy 49 - Retail in the National Park
LDP Policy 50 - Town and District Shopping Centres
LDP Policy 52 - Sustainable Transport
LDP Policy 53 - Impacts on traffic
PPW7 Chapter 04 - Planning for Sustainability
PPW7 Chapter 05 - Conserving and Improving Natural Heritage and the Coast
PPW7 Chapter 06 - Conserving the Historic Environment
PPW7 Chapter 07 - Economic Development
PPW7 Chapter 08 - Transport
PPW7 Chapter 09 - Housing
PPW7 Chapter 10 - Planning for Retailing and Town Centres
PPW7 Chapter 11 - Tourism, Sport and Recreation
PPW7 Chapter 12 - Infrastructure and Services
PPW7 Chapter 13 - Minimising and Managing Environmental Risks and Pollution
SPG05 - Sustainable Design
SPG06 - Landscape
SPG08 - Affordable Housing
SPG12 - Parking
SPG13 - Archaeology
SPG14 - Renewable Energy plus Addendum on Field Arrays
SPG17 - Conservation Area Proposals
TAN 02 - Planning and Affordable Housing
TAN 04 - Retailing and Town Centres
TAN 05 - Nature Conservation and Planning
TAN 06 - Planning for Sustainable Rural Communities
TAN 11 - Noise
TAN 12 - Design
TAN 13 - Tourism
TAN 14 - Coastal Planning
TAN 15 - Development and Flood Risk
TAN 16 - Sport, Recreation and Open Space
TAN 18 - Transport

Item 5 - Report on Planning Applications

TAN 22 - Planning for Sustainable Buildings

Officer's Appraisal

Background and Site Description.

The Listings Schedule for St Catherine's Fort describes the building as being situated on a prominent position on St Catherine's Island to the east of the town and south east of Castle Hill. It was a marine fort of 1868-1870, built for the defence of Milford Haven as one of the series of Palmerston Forts built to secure the naval harbours from seaborne attack. The fort is mainly constructed of rock-faced limestone with limestone dressings and some granite detail. Entrance is across a dry moat and bridge to an arched entrance. The fort has a basement, ground and first floor, and is flat roofed behind a low parapet. It was decommissioned as a fort in the early 20th Century, becoming a private dwelling; then brought back to military use in the Second World War. The last use was between 1968 and 1978 as a zoo.

There is a further building to the west of the Island, which housed the generators, and is also a listed structure. It is a stone-built single story building, with concrete flat roof, and blocked in windows. A series of pathways links the two buildings and the beach entrance (to the southern end of the Island), and the boat landing platforms (to the northern side of the Island).

Constraints

The fort is a Scheduled Ancient Monument (SAM) and a Grade II* Listed Building. The generator house is also a Grade II* listed building. The Island falls outside of the Centre boundary defined for Tenby in the Pembrokeshire Coast National Park Local Development Plan, but does fall within the boundary of the Tenby Conservation Area. The Island is surrounded by the Carmarthen Bay and Estuary Special Area of Conservation (SAC), along with the Tenby Cliffs and St Catherine's Island Site of Special Scientific Interest (SSSI). The coast line is identified as being susceptible to flooding, as denoted in the Technical Advice Note 15 – Flooding.

Relevant Planning History

Planning permission for the works to allow St Catherine's Island to allow it to be used as a visitor attraction was refused on the 17th July 2013. A subsequent planning appeal was dismissed by the Planning Inspectorate on the 4th August 2014.

Listed building consent for alterations to the generator building was approved on the 15th May 2013 (reference NP13/0031).

Item 5 - Report on Planning Applications

Current Proposal

The current application seeks full planning permission for works comprising the restoration and conversion of the fort, the provision of new buildings to provide supporting services, and the improvement of access on St Catherine's Island to create a family visitor attraction. The development as proposed on the submitted drawings is as follows:

- The change of use of the vacant fort to primarily an exhibition space, with supporting uses encompassing storage space, retail space, food and drink and public toilets. A new toilet building would be constructed in the defensive ditch in front of the fort, whilst on the roof, two new buildings would be constructed to provide food and drink outlets, with storage. The toilets would be constructed of timber boarding walls under galvanized corrugated steel roofs, and would measure approximately 25.6m x 3.1m x 4.3m. The roof buildings would also be timber clad under simulated lead roofs. They would measure approximately 10m x 4m x 2.5m at their maximum extents.
- Access to the western tip of the Island at a gated entrance from the beach, with a pathway leading to the generator building. This would be converted into the Island's welcome area, which would provide space to sell tickets, together with a small refreshments kiosk.
- To the north of the generator building would be a new build timber cabin, to provide accommodation for security staff, plus a first aid / office / CCTV room. The proposed structure would be constructed of timber walls under a sloped simulated lead roof, and will have a small balcony/deck looking at to sea at its eastern end. The structure and balcony would measure approximately 4.8m x 15.2m x 4.2m at its maximum extent.
- The existing pathways are to be retained and defined with safety railings and low level illumination. Further external lighting is proposed through freestanding lamp posts and post lights and feature lighting.
- A high level nature walk, and cameras for nature watching.
- A series of ancillary works comprising the installation of services (gas, electric, water and waste water drainage); two boat landing platforms, a mooring buoy and associated hard standing to be created on the northern side of the Island, a HIAB crane and a boat offloading crane; repair and installation of stairs; a replacement fort entrance bridge; solar panels, signage; telescopes; a flag pole and CCTV.

For clarification, whilst the Design and Access Statement refers to a bridge to the mainland for access purposes, it is clear that the intention is that this element is a separate planning application from the internal and island works, and the bridge is not referred to in the submitted description of development. As such it does not form part of the planning application.

Item 5 - Report on Planning Applications

Key Issues

The application raises the following planning matters;

- Principle of the development
- Design and layout
- Special Qualities of the National Park.
- Listed Buildings on and near the site and the Conservation Area setting
- Sustainable Design
- Archaeology
- Protected Species and Biodiversity
- Highway Safety
- Amenity and Privacy
- Consultation responses.
- Other Material Considerations

Principle of the development:

St Catherine's Island lies to the east of Tenby, and, as the Island is not included within the Centre boundary for Tenby, is designated as open countryside in terms of the policies in the Pembrokeshire Coast National Park Local Development Plan. The site falls within the Tenby Conservation Area. Policy 7 of the Local Development Plan only permits tourist or recreational activities in the open countryside where the need to locate there is essential, and that existing buildings are converted to provide the required facilities. In the appeal decision, the Inspector determined that...*'The LDP identifies Tenby as a centre where visitor, recreational and leisure attractions are to be permitted. The Plan records that it has suffered some decline in tourism and tourist attractions. St Catherine's Island, however, lies outside the built-up area of Tenby and so is in the countryside for this purpose. While the full extent of the proposed use needs to be explored, the NPA accepts that, as a visitor attraction, it falls within the limited range of developments which may be acceptable in accordance with Policies 7 and 35(d). Even so, it would normally still need to be demonstrated that the proposal requires a countryside location. In this case, however, because of the Island's inherent links with Tenby, the NPA accepts the principle of its use as a visitor attraction without the need for further evidence.*

I have no cause not to accept that pragmatic approach, one which may apply in other respects. Even had that not been the case, however, it seems to me that the proposal – dependent as it is on St Catherine's Island and afort – can only take place where it is. Its location is therefore dictated and consequentially essential. Moreover, it also involves the re-use of existing buildings and it is difficult to conclude other than that, in these terms at least, the proposal complies with Policies 7 and 35(d) (Paragraphs 29 and 30)

Design and layout.

Item 5 - Report on Planning Applications

The application proposes the change of use and extension of the fort to provide for a number of uses. These are shown on the proposed floorplans for the fortress as follows:-

Basement -

- exhibition space (approximately 40 metre square internal dimensions);
- storage space (approximately 15 metre square internal dimensions);
- new toilets in moat (approximately 26 metre square internal dimensions);

Ground floor -

- storage space (approximately 42 metre square internal dimensions);
- exhibition space (approximately 195 metre square internal dimensions);
- food and drink provision (approximately 76 metre square internal dimensions);
- retail unit (approximately 38 metre square internal dimensions);
- public toilet (approximately 9 metre square internal dimensions);

First floor -

- exhibition space (approximately 83 metre square internal dimensions);
- storage space (approximately 9 metre square internal dimensions);

Roof -

- food and drink (approximately 40 metre square internal dimensions);
- storage space (approximately 14 metre square internal dimensions).

In addition to the proposed uses shown on the floorplans of the fort, the accompanying documents supporting the application propose additional ones, including the use of it for weddings and entertainment uses, education and display uses, and as a hotel.

The overall external appearance of the Fort would be unchanged by the proposal. In respect of the proposed uses and the addition of the new build elements of the proposal, the Inspector commented that;

'...while inevitably individual activities referred to in the application and its supporting documents have attracted attention, it is important to retain in mind that together they would comprise a single composite, or mixed, use as a visitor attraction. (paragraph 34).

'...Where there is doubt over the use, suitable controls could be introduced by, for instance, limiting the activities and layout to those proposed in the application. (paragraph 71)

It is, therefore, clear from the appeal decision that any ambiguity in respect of the proposed uses can be adequately addressed by planning condition to ensure that the primary use as a visitor attraction is maintained.

Item 5 - Report on Planning Applications

Impact of the proposal on the Special Qualities of the National Park.

Policies 8 and 15 of the Local Development Plan seek to protect and enhance the special qualities of the National Park. The policy priorities are to ensure that the sense of remoteness and tranquility is not lost, and wherever possible are enhanced; that the identity and character of towns and villages is protected from poor design and layout, that the pattern and diversity of the landscape is protected and enhanced, that protected species and habitats are protected, and that the historic environment is protected and where possible enhanced. In addition, Policy 15 seeks to prevent development that causes significant visual intrusion, is insensitively and unsympathetically located within the landscape, introduces / intensifies a use that is inappropriate to its location, that fails to harmonise with the landscape character of the National Park, and that loses or fails to incorporate important traditional features.

The application site falls within Landscape Character Area 2 – Tenby, as defined in the Authority's supplementary planning guidance on Landscape Character Assessment. The management guidance advises to preserve the traditional coastal town character, through planning of development to ensure they are in keeping with the character of the traditional built form, whilst balancing the need for sustainable economic development serving the needs of visitors and residents alike.

It is considered that the proposed use would accord with this principle, and the Inspector considered that ..'Although questions of impact on amenity and character and appearance have been raised and considered; on this issue I do not consider that the proposed use would have adverse consequences for the landscape as such.'

Impact of the proposal on the Listed Buildings on and near the site; and on the setting in the Tenby Conservation Area.

Cadw have been consulted on the new submission and indicated that they required additional time to comment. This is in order to discuss the issue of the proposed solar panels, as it was raised at appeal that it was unclear whether this element had been granted Scheduled Ancient Monument Consent (SMC) previously. At the time of writing this report, no response has been received, and officers will make a further verbal report to committee.

The Victorian Society have responded to their consultation, and reiterates its original objection, advising that whilst it considers the principle of a change of use may well be acceptable, it finds the application unconvincing in several key respects and the proposed alterations and additions both unjustified and damaging, particularly in relation to the loss of a possibly original footbridge and the siting of the toilets in the dry moat. At appeal, The Inspector advised that the works and their impact on the fort were acceptable.

Listed Buildings on and near the site and the Conservation Area setting

Listed Building Consent was previously granted under NP/13/0031.

Item 5 - Report on Planning Applications

In terms of the Island's setting in the Conservation Area, the Inspector commented that *'The proposal would provide the improved public access and interpretation referred to in the NPA's Conservation Area Proposal, as well as promote the public understanding and enjoyment of the fort as encouraged by the National Park's designated purpose. Its use as a visitor attraction... ..is a practical and sensitive response to the buildings history and place; it could be appropriately low key and not over-intrusive. It offers an acceptable balance of possibly competing interests, if suitably controlled. In that way... ..I consider that the use would enhance both the character and appearance of the conservation area without detracting from the setting of either the fort itself or the listed buildings and ancient monuments in the vicinity.'* (paragraph 48)

Sustainable Design

The eastern part of the fort roof is proposed for coverage by an array of solar panels, which are intended to contribute to the energy requirements of operation the fort as a visitor attraction. The 263 solar panels would cover the outside curved parapets at the far south eastern corner, and would be angled at the same shallow slope. The sustainable provision of energy is supported, in principle, under Policy 33 of the Local Development Plan (LDP), subject to there being no over-riding environmental and amenity considerations. The Inspector had considered the original view by officers that they would appear as an anomaly, however, stated that his view was that, from the point of planning permission, *'the panels are an unfortunate but justifiable addition to the listed building'* (paragraph 101)

Archaeology.

Dyfed Archaeological Trust have been consulted to ascertain their views on the resubmitted proposal. The Island has a long history of occupation and the Trust have advised that their earlier response still stands - that the impact of the proposal on the Island's archaeology can be dealt with by a "Grampian" condition, which is a condition requiring archaeological investigation to be carried out before any works are commenced on site.

Protected Species and Biodiversity.

The Island is both a Special Area of Conservation (SAC), and a Site of Special Scientific Interest (SSSI), and used by protected species, particularly bats. Policy 8 of the Local Development Plan seeks to protect the special qualities of the National Park, including amongst other things, the restoration and enhancement of the National Park's ecosystems. Policy 9 seeks to minimise light pollution. Policy 11 states that development that would disturb or otherwise harm protected species or their habitats will only be permitted where the effects can be acceptably minimised or mitigated.

Natural Resources Wales have been consulted on the resubmission, which included a new protected species report. At the time of writing this report, they have indicated that they required additional time to consider the proposal

Item 5 - Report on Planning Applications

in light of the appeal decision. In light of this, a further verbal report will be made to committee on any responses subsequently received.

Highway Safety

Policies 52 and 53 of the Local Development Plan specifically refer to the traffic impacts of proposed development. The Highways Development Control Officer was consulted on this application, and reiterated the previous advice - there was no objection to the proposal on highways grounds, as it was not anticipated that there would be particular road transportation problems during the necessary building works, and that parking for staff, users, and occupiers would have to be in leased spaces or public car parks. The proposal lies immediately adjacent to a Centre, and will, therefore, be considered to be accessible as it will benefit from transport modes other than reliance on the private car.

Amenity and Privacy.

Policy 9 advises that proposal that are likely to result in a significant level of lighting shall include a full lighting scheme and will be permitted where the light proposed relates to its purpose and where there is not a significant adverse effect on the character of the area, local residents, vehicle users, pedestrians and the visibility of the night sky. Policy 30 of the Local Development Plan refers to amenity, seeking to avoid incompatible development and significant adverse impact upon the amenity enjoyed by neighbouring properties.

Objections have been raised by several properties as to the potential for nuisance to be experienced by the operation of the site, and at the impact of the proposed external lighting, which indicates that some areas of the Island would be flood lit and light washed for functional purposes. The Inspector concluded in the appeal decision that these issues could be subject of planning conditions, to ensure that the appropriate balance between the use and the impact on amenity can be ensured.

Officer's response to the objections raised.

As detailed earlier in the report, further objections have been received to the proposed development. A number of these responses have referred to the use of conditions to ensure that the proposal is appropriate to the landscape and setting, however, there were concerns still expressed in relation to the impact on wildlife, the impact of external lighting, that a hotel use was proposed and at the uncertainty in respect of the bridge.

Tenby Town Council has recommended that this application be refused, as it considers that the ... *'proposal lacks clarity about the eventual use making it difficult to assess the full impact of the application.*

It is clear from the appeal decision that the Inspector considered that the uncertainty in respect of the proposed uses, including any proposed residential or hotel uses, could be dealt with by condition. There has been no

Item 5 - Report on Planning Applications

further information or material consideration that would outweigh this conclusion, and officers consider that the use of a planning condition to ensure the precise uses contained in the development would be appropriate.

Other Material Considerations.

- **Drainage matters:**
Policy 32 of the Local Development Plan requires development to incorporate sustainable drainage systems for the disposal of water on site. The application proposes the use of the mains sewer for foul drainage, with surface water being discharged to the existing watercourses. Welsh Water was consulted on the application and have raised no objection to the proposal subject to conditional requirements for arrangements for foul and surface water drainage.
- **The Appeal Decision – APP/L9503/A/13/2210367:**
As detailed in the report, the recent appeal decision is a material consideration which has significant weight. The re-submitted planning application is unchanged from the original submission, save for the new protected species survey, thus the appeal decision is relevant to the determination of this current application. Members will note that officers have inserted pertinent comments into the main report; however the appeal decision is appended to this report in its entirety for reference.

Conclusion

Following consideration of the policies within the Local Development Plan and having regard to all material considerations including the Appeal Decision and the Inspector's comments and conclusions, the proposal, will add to the tourist offer of Tenby by providing a new visitor attraction. This attraction will provided economic benefit as well as protect the integrity of the historic fort by providing a new use.

Subject to a detailed scheme of conditions to control the use and details, the development is considered acceptable in accordance with the aims and requirements of policies 1, 2, 8, 9, 10, 11, 14, 15, 29, 30, 32, 33, 34, 35, 52 and 53 of the Pembrokeshire Coast National Park Local Development Plan (Adopted September 2010).

Recommendation

As the range of conditions to be imposed requires further consideration and scrutiny and that officers will be required to ensure that all conditions are carefully worded to meet the six tests to ensure effectiveness (as outlined in Welsh Government Circular 016/2014) it is recommended that the application be delegated to the Chief Executive (National Park Officer) / Director of Park Direction and Planning or Head of Development Management to grant planning permission subject to conditions.

Item 5 - Report on Planning Applications

At the time of writing it is considered that such conditions would relate to the following matters:

- time compliance
- layout to be limited strictly in accordance with plans
- the proposed mixed uses being ancillary and subservient to the main use of the fort as a visitor attraction with no uses being operated individually of the attraction and no full residential use,
- activities and uses to be limited strictly in accordance with plans and no outdoor storage of goods
- the cabin to be occupied ancillary to the use of the fort and island and not as a sole/main residence or for any commercial use
- a detailed external lighting scheme indicating candela, light spillage and hours of operation
- hours of operation for the visitor attraction
- noise levels and no amplified sounds/music outside of the Fort itself
- no display of advertisements without advertisement consent
- archaeological condition
- method statement for the construction period
- conditions suggested by statutory consultees

Penderfyniad ar yr Apêl

Gwrandawriad a agorwyd ar 26/02/14
Ymweliad â safle a wnaed ar 03/04/14

gan **Robert Gardener BSc (TownPlan)**
MRTPI

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 4 Awst 2014

Appeal Decision

Hearing opened on 26/02/14
Site visit made on 03/04/14

by **Robert Gardener BSc (TownPlan)**
MRTPI

an Inspector appointed by the Welsh Ministers
Date: 4 August 2014

File Ref: APP/L9503/A/13/2210367

Site address: St Catherine's Island, Castle Beach, Tenby, Pembrokeshire SA70 7BP

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (T&CP Act 1990) against a refusal to grant planning permission.
- The appeal is made by Mr Peter Prosser acting as The Tenby Island Project (the appellant) against the decision of the Pembrokeshire Coast National Park Authority (NPA).
- The application Ref NP/13/0071, dated 15/01/2013, was refused by notice dated 17/07/2013.
- The development proposed is:-
 - Change of use of fort;
 - Change of use of generator house;
 - Restore/replace railings;
 - Install 2 cranes;
 - Install 2 boat landings;
 - Construction of security residence;
 - Construct toilet and pumping facilities;
 - Install cliff nature walk;
 - Install signage;
 - Install path lighting;
 - Install operational lighting;
 - Replace fort entrance bridge;
 - Install services;
 - Repair stairs and install new;
 - Install CCTV.
- Internal and external changes to Grade II* listed building, including new windows, new doors, removal of walls, installation of new stairs, creation of new partitions, installation of services, gas, electric, waste water, installation of replacement flagpole, installation of solar panels, water tanks, telescopes, railings and new roof rooms.
- The hearing sat for 3 days on 26-27/02/14 & 03/04/14.

Summary of Decision: The appeal is dismissed.

Procedural Matters

Costs Application

1. At the hearing an application for an award of costs was made by the NPA against the appellant. This is the subject of a separate Decision.

The description of proposed development

2. The description of the proposed development stated in the bullet points above is that given on the application form. It differs from that used by the NPA in its 'notice of refusal', which is:

Change of use of fort to a visitor attraction with gift, food and drink retail;
Change of use of generator house to ticket and retail facility;
 Restore/replace railings;
 Install 2 cranes;
 Install 2 boat landings;
 Construction of private/security residence;
 Construct toilet and pumping facilities;
 Install cliff nature walk;
 Install signage;
 Install path lighting;
 Install operational lighting;
 Replace fort entrance bridge;
 Install services;
 Repair stairs and install new;
 Install CCTV.

3. I have underlined the amendments made. Despite suggestions to the contrary, I am satisfied that they were as agreed following a suggestion by the NPA¹. Importantly, they help to clarify the proposed change of use, originally undefined and a matter of debate which I address below.
4. The agreed description, adopted by the NPA, also omitted the final section commencing "*Internal and external changes to Grade II* listed building*" set out fully in the above opening points. This has implications since, while many of the items there described may not themselves amount to development requiring planning permission, several clearly do, most notably the solar panels, railings and new roof rooms. There is no reason given for this omission and nothing to suggest from either the appellant or the NPA that the items were to be removed from the application. Indeed, they feature significantly both in the officer's report on the application and the reasons for refusal given by the NPA.
5. I have considered the appeal on the basis of both the amended description and the additional works to the listed building set out.

Other consents

6. The fort is included on the list of buildings of special architectural or historic interest, Grade II*. The proposal includes works of alteration and extension to the fort which under other circumstances would require Listed Building Consent (LBC). In this instance, the fort is also a Scheduled Ancient Monument (SAM) and any works to it require Scheduled Monuments Consent (SMC). This requirement takes precedence; LBC as such is not also specifically required².
7. Cadw administers applications for SMC on behalf of the Welsh Ministers. It has made two grants of SMC for works to the fort. The first was granted, subject to conditions,

¹ E-mail exchange dated 25 February 2013

² s61 of the Listed Buildings Act 1990

on 05/11/12 and was for various works. Several, such as the replacement fort entrance bridge over the dry moat (see below), are included within the current appeal application and therefore the effect of those on the SAM has already been accepted.

8. The second application sought SMC for the remainder of the works in the appeal proposal and was being dealt with by Cadw in parallel with the NPA's consideration of the appeal application. However, Cadw did not issue a decision on the SMC application until 07/01/14, after the decision to refuse planning permission was made and after the appeal was lodged. When considering the appeal application, officers advised members of the NPA that Cadw objected to the proposed works. For the most part that was not correct, as Cadw then explained to the NPA. At that stage it was seeking further information. In the event, by letter dated 07/01/14, Cadw appeared to grant SMC for all of the works applied for.
9. That was certainly the understanding of both the NPA and the appellant at the hearing. However, that is now in question, particularly whether or not the SMC granted on 07/01/14 extended to the solar panels. Cadw had previously, on 04/12/13, indicated to the appellant that, while it was 'minded' to approve the SMC application, the solar panels had been excluded from consideration. Although Cadw has since stated³ that that was still its intention, it is not clear that the solar panels were in fact excluded from the SMC granted.
10. Cadw accepts that the validity of the SMC in this regard is ultimately a matter for the courts. However, the NPA's objection to the effect of the solar panels on the listed building, stated in its reasons for refusal, was mitigated by its belief that SMC had been granted. That can no longer be assumed to be the case. In addition, it is now apparent Cadw remains concerned at the visual impact implications of the solar panels on the scheduled monument. It has invited a further application in respect of the panels and offered to discuss them further. That being Cadw's position, it is a material consideration to be taken into account.
11. The SAM encompasses the fort itself, together with its defensive ditch, or dry moat, and the bridge over it, and the larger portion, but not all, of St Catherine's Island. However, the generator house, referred to in the description of development, is outside the limits of the SAM but has been treated as within the curtilage of the Grade II* listed fort. Although not separately included on the statutory list, it remains subject to the need for LBC⁴. The works to convert the generator house to a ticket and retail unit for which planning permission is sought in the appeal application were separately granted LBC by the NPA on 15/05/13, subject to conditions⁵.
12. Important consents are therefore already in place for most of the works proposed. Even so, the need of planning permission where development⁶ is involved remains. In accordance with s38(6) of the 1990 Act, as amended, the application is to be determined in accordance with the development plan unless other material considerations indicate otherwise.

³ By letter to Mr Prosser dated 02/07/14

⁴ s1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990

⁵ NPA Ref: NP/13/0031

⁶ s55 of the T&CP Act 1990, as amended

The Site and Surroundings

13. The appeal site is St Catherine's Island, a limestone outcrop up to 30m. high set a short distance off the mainland and Tenby town. Positioned prominently at its highest, south-west end is St Catherine's Fort, built between 1868 and 1870, one of a series known as a Palmerston forts, after the Prime Minister of the day, commissioned to defend ports and harbours around England and Wales.
14. The fort is a solid, rugged affair constructed of dressed and tooled limestone blocks with substantial granite additions which add to its imposing, austere character and appearance. Its main entrance is approached from the landward side, across the beach and island and by bridge over a dry moat cut through the rock. There are few openings, the main ones being on the seaward elevations to facilitate 6 internal gun emplacements, or casemates, 3 on each side of the main, ground floor hall. This part is rectangular, illuminated by skylights in the flat roof. This roof is set within deep parapets within which are proposed the 'roof rooms' (**the kiosks**) for food and drink with outside seating.
15. At the seaward end are 3 intermingled semi-circular bastions which provided sunken gun platforms at roof level, again within substantial perimeter parapets. The latter are wide, smooth and with shallow, outward facing slopes. It is on these surfaces that the solar panels are proposed. Within the thick walls below the gun level are a number of rooms down to ground level in which powder and shells were separately stored. There are also smaller rooms over 2 levels inside the entrance elevation. These continue down to an additional basement level, the outer face of which is exposed onto the floor of the dry moat. This is where the **toilet block** is proposed.
16. The island topography has been considerably re-modelled in places to accommodate various military and other installations, including paths to and from the beach which separates the island from the mainland, and elevated boat landings for deliveries. The **generator house**, a flat-topped concrete structure set high on the island between the fort and beach, is a 20thC addition. Adjoining that is a lower platform, on which can be seen the remains of what is said to have been an early 20thC chalet or summerhouse. Lower still is the site of wooden cabins erected when the fort was being built, shown in late 19thC photographs. It is on this site that the private/security residence is proposed (**the cabin**).
17. The fort was decommissioned in 1906 but resumed its military role during the Second World War. In between the wars and following, there is evidence that there was both a residential use in the form of the chalet as well as the adaption of the fort itself. However, its last use was as a zoo from 1968 until it closed in 1979, since when it has been vacant.
18. St Catherine's Island is separated from the mainland by Castle Beach, from which it is accessible for 6 hours twice each day at low tide but cut off at high tide. It is perhaps 100m from the mainland and Tenby town. At low tide, Castle Beach is a broad, sandy expanse which continues as South Beach to the south-west. To the north is Castle Hill, a high, rocky headland which juts out into the sea and, in turn, separates Castle Beach from the Harbour and North Beach beyond. As its name implies, Castle Hill is the site of a medieval fortification, now a public park with circuitous paths, a bandstand prominently positioned facing St Catherine's Island and surmounted by a statue to Prince Albert. The hill provides expansive and elevated public views of the island and there is a strong visual association between them, as there is between the island and the mainland development lining the cliffs which flank Castle Beach.

19. Unlike the physical and visual separation between St Catherine's Island and North Beach and Tenby harbour created by Castle Hill, around Castle Beach the enveloping effect of the headland and the mainland create a close relationship with the island. At this point the mainland buildings are principally late Georgian town houses, many of which are listed including Lexden Terrace, Grade II*, which front St Julian's Street but have elevations and gardens facing the sea. Most remain in residential use. They both define the edge of the town and face directly towards the island and its fort which feature prominently in the quite spectacular sea views available from both public and private vantage points. These give way southwards to large Victorian buildings, now mainly hotels and guest houses along Paragon and The Esplanade, both of which are along the cliff edge and also given wide public views of the island.

Reasons

Planning Policy

20. The Pembrokeshire Coast National Park Local Development Plan (**the LDP**) was adopted in September 2010. Policy 1 requires that development in the National Park is compatible with the conservation and enhancement of its natural beauty, wildlife and cultural heritage as well as with the public understanding and enjoyment of those qualities. This follows the statutory purposes and duties of the National Park designation. Due regard is also be had to the need to foster the economic and social well being of its communities, where compatible with the statutory duty to protect the special qualities of the National Park.
21. LDP Policy 8 identifies and prioritises those special qualities of the National Park for protection. These include (a) its sense of remoteness and tranquillity, (b) the identity and character of its towns, (c) the pattern and diversity of its landscape, (d) its historic environment, (g) its species and habitats (for their amenity, landscape and biodiversity value) and (i), while avoiding the development of the undeveloped coast, safeguarding the developed coast for uses that need such a location. For the most part, these are cross-referenced to other policies which specifically target that priority.
22. In that way, for (a) Policy 9 seeks to limit light pollution while for (c) Policy 15 does not permit development which would adversely affect the qualities and special character of the National Park by, for instance, introducing a use which would be incompatible with its location or would fail to harmonise with the landform and landscape or incorporate traditional features. Policy 30 applies equivalent considerations where development would unacceptably impact on amenity where people live or visit, lead to noise or adverse light impacts or would be visually intrusive.
23. Policy 35 sets out the plan's strategy for the visitor economy which is to attract visitors outside the peak season while ensuring that the National Park's environment as a landscape of national and international importance is conserved and enhanced. Criterion (d) permits visitor attractions, for instance, in Tenby, defined at Policy 2 as the Local Service and Tourism Centre, and Local Centres. Outside these the need to be in a countryside location will need to be demonstrated and existing buildings should be used wherever possible.
24. I refer to other policies as necessary when considering the individual issues.
25. As stated St Catherine's Fort is a listed building (LB) and an ancient monument (SAM). It is also within the Tenby Conservation Area and within the setting of a wide range of other heritage assets, including the listed buildings in St Julian's Street mentioned, as

well as Castle Hill, the site of another SAM. As such, the Listed Buildings Act 1990⁷ imposes other statutory requirements:

- (a) s66(1) requires that, when considering whether to grant planning permission for development which affects a Listed Building or its setting, special regard is to be had to the desirability of preserving the building or its setting, or any features of special architectural or historic interest it possesses; and
- (b) s72(1) sets a general duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

26. The island is set within and below high waterline level at least, and is part of the Tenby Cliffs and St Catherine's Island Site of Special Scientific Interest (SSSI). It is also part of the Carmarthen Bay and Estuaries Special Area of Conservation (SAC). I comment further on the reasons for those designations in due course, as I do on the likely presence on the island of internationally and/or nationally protected species and habitats. In addition to the Policy 8(g) requirement, LDP Policy 11 only permits development which would disturb or harm protected species or their habitats where the effects would be acceptably minimised or mitigated.

The main issues

27. From the representations received and the reasons for refusing planning permission given by the NPA, I consider that the main issues to be determined are:

Issue 1 whether the effects of the proposed use and/or works variously on:

- (a) the vitality and viability of Tenby's retail function;
- (b) the special architectural and historic interest of St Catherine's Fort;
- (c) the character or appearance of the Tenby Conservation Area;
- (d) the setting of nearby listed buildings;
- (e) the amenity of the area, including the living conditions of local residents;
- (f) nature conservation interests, and
- (g) overall, the special qualities of the National Park.

can be properly assessed from the information available. It follows that if such effects can be assessed, whether they are acceptable or not needs to be determined. This responds to Reason for Refusal 1;

Issue 2 is the impact of the proposed external lighting scheme, particularly in relation to interests (b)-(g) above;

Issue 3 is whether or not the private/security residence (cabin) is a justified inclusion within the scheme or, if necessary, as an acceptable exception to local and national policies which limit new dwellings in the countryside; and

⁷ The Planning (Listed Buildings and Conservation Areas) Act 1990

Issue 4, is the effect of the solar panels, the roof rooms (kiosks) and private/security residence (cabin) on the interests (b)-(e) and (g) above.

The latter 3 issues respond to Reasons for Refusal 2, 3 and 4 respectively.

28. In large measure these issues also cover matters raised in other representations received. However, 2 other particular matters are identified. The first concerns a pedestrian bridge which would link the island with the mainland. Although intended as part of the Tenby Island Project, a bridge scheme has been prepared and publicised, it is not included in the appeal or, at the time of the hearing, any other application. The second, related matter questions the viability of the project. The omission of the bridge at this stage is criticised in the officers' report to the NPA but neither of these matters features in the reasons for refusing planning permission. Nor has the NPA raised them subsequently as further main issues. I do not consider them to be determinative issues, although I comment on them below.

The principle of the use

29. The LDP identifies Tenby as a centre where visitor, recreational and leisure attractions are to be permitted. The plan records that it has suffered some decline in tourism and tourist attractions. St Catherine's Island, however, lies outside the built-up area of Tenby and so is in the countryside for this purpose. While the full extent of the proposed use needs to be explored, the NPA accepts that, as a visitor attraction, it falls within the limited range of developments which may be acceptable in accordance with Policies 7 and 35(d). Even so, it would normally still need to be demonstrated that the proposal requires a countryside location. In this case, however, because of the island's inherent links with Tenby, the NPA accepts the principle of its use as a visitor attraction without the need for further evidence.
30. I have no cause not to accept that pragmatic approach, one which may apply in other respects. Even had that not been the case, however, it seems to me that the proposal – dependent as it is on St Catherine's Island and fort – can only take place where it is. Its location is therefore dictated and consequentially essential. Moreover, it also involves the re-use of existing buildings and it is difficult to conclude other than that, in these terms at least, the proposal complies with Policies 7 and 35(d).
31. As a SAM and a Grade II* listed building, the fort is of both local and national importance. As I shall explain, its condition is of concern. There is a general presumption in favour of the preservation of listed buildings⁸ and recognition that new uses may provide the key to their preservation⁹. Cadw also supports bringing the building back into use and considers that the proposal may provide the potential means of doing this.
32. With these aspects in mind, I do not consider that the principle of re-use as a visitor attraction as such need be objectionable and may indeed offer benefits. The objections raised relate to more specific concerns.

⁸ Planning Policy Wales, Edition 7, July 2014

⁹ Circular 61/96 'Planning and the Historic Environment', paragraph 12

Issue 1 – the adequacy of the supporting information and the effect of the proposal

33. It is the NPA's contention, stated in Reason for Refusal 1, that the impact of the proposal cannot be comprehensively assessed because of contradictory, ambiguous and insufficient detail provided. If that is so, it is difficult to comprehend how the conclusion was also reached, again stated in the same refusal reason, that the proposal would necessarily be contrary to policy and detrimental to a number of interests. At the hearing the NPA identified those instances where its contention applied. They comprise 3 groups, relating to (i) the proposed mix of uses, (ii) the operational development (**the works**) and (iii) protected habitats and species. However, I have considered (iii) as part of (i).

On (i), the mixed use

34. The proposal has been variously described as a visitor, a family and a tourist attraction although no distinction was drawn between them for policy or other purposes. Although the application refers separately to the change of use of the fort and of the former generator house, they are part of the same overall proposal. Indeed, while inevitably individual activities referred to in the application and its supporting documents have attracted attention, it is important to retain in mind that together they would comprise a single composite, or mixed, use as a visitor attraction.
35. Concern has arisen, however, as to what that may involve. In turn, the resulting uncertainty has, it is contended, prevented the necessary assessment of whether it would be compatible with, for instance, the island, its heritage and its surroundings. That concern has been additionally and particularly expressed by the Lexden Terrace Conservation Group and by the Tenby Civic Society.
36. In response to the change of use to "... a visitor attraction with gift, food and drink retail", the application gives the floor areas to be given over to shops, cafés and storage within both the fort and the generator house. The location and distribution of these activities in both buildings are clearly shown and further described in plans to all floors, including the roof of the fort where food and drink would be available from the kiosks together with outside seating. Otherwise, the larger proportion of the floor areas is simply given as to be for 'other' purposes but which the floor plans describe as 'Exhibition Space'. This was clarified as being multi-use including space for display, interactive exhibits, interpretation, art installations, seating, viewing etc., as well as circulation routes and corridors to cover topics as diverse as the fort and its history and the marine environment of the island.
37. Externally, the location of footpaths and public access areas are given, together with restored boat landing areas and details of intended external lighting. To this extent at least I consider that the nature of the principle components and activities involved in the visitor attraction are clearly and sufficiently explained.
38. There are, however, other intended activities referred to and it is these, as well as operational questions, which appear to be the main cause of concern. While the forms deny that that there would be hotel floor space or rooms, elsewhere¹⁰ it is said that the application seeks an umbrella use to include, as well as those already identified, elements of Class D2 'Assembly and Leisure' and Class C1 'Hotels' uses. These are, it is explained, to allow, for example, weddings and entertainment to take place (Class

¹⁰ "Planning Application 2 2012"

D2) and some overnight events, such as star gazing, when temporary sleeping arrangements would be provided (Class C1).

39. The number or frequency of such events is not stated, nor, beyond weddings, is the nature of the 'entertainments' which may be envisaged. This has inevitably led to speculation about what they might be and their possible implications in terms of, for instance, noise and disturbance on the area, particularly at unsocial hours, for the inherent character of the island and fort as an integral part of the local scene and through other intrusive effects such activities may have. That doubt is furthered since the application seeks to be open between 08.00 and midnight every day¹¹, to which must be anticipated overnight events outside of these times.

Issue 1(a) - the effect of the use on Tenby's retail function

40. The proposed mixed use includes a retail element. LDP Policy 49 establishes the retail hierarchy to be followed in the National Park while Policy 50 is intended to ensure the continued vitality, viability and diversity of town and district shopping centres. Proposals for retail development outside existing centres such as Tenby are to be restricted and those that would potentially damage or undermine their retail role resisted. The NPA considers that the proposal could potentially harm these interests.
41. An assessment of the impact of the retail element provided by the appellant¹² assessed that the Class A retail floorspace in the scheme would add only 0.7% to that available in the town centre, 0.4% to its comparison goods offer and 1.6% to the gift shop floorspace presence. In addition the proposed café would add 2.7% to the town's restaurant and café provision. Overall, it concluded that the impact of 'retail' activity of this scale on Tenby's town centre function would not be unacceptable. It also suggested that, for this purpose, the proposal should be treated as part of the town centre and so accord with the LDP intentions. As indicated, the NPA has in effect adopted that approach for the project in relation to its tourism policies. Whether or not the retail element of the project should be treated in the same way, and despite concern from some existing local traders, I have nothing of substance from the NPA or any other source to contradict the overall conclusion reached or to show that a more detailed impact assessment is needed. In my view, what has been provided is sufficient and adequate for a conclusion to be reached.
42. Moreover, as a potentially significant tourist attraction, the project may well have a positive impact for the town centre by generating further visitors, including out of season, an objective of Policy 35. The 'retail' floorspace as such is modest – the café element would be 76 m², gift shop 62 m² and the combined refreshment and retail use of the generator house some 62 m².¹³ Again, these would be components of the overall mixed use by providing directly for those attracted to the project rather than having a separate retail purpose. In the absence of a bridge link to the mainland, the restricted access caused by the tides would also limit the impact on Tenby town centre. These factors diminish further any potential threat which even the small scale retail component involved might have offered to Tenby's function in this regard. I do

¹¹ Application forms

¹² Retail Proposal Review, Avondale Management Dec 2012

¹³ There is some discrepancy between various documents and plans over the actual figures but not of such significance to affect my assessment

not consider that vitality and viability of the town would be materially damaged or undermined by the proposal.

Issue 1(b) - the effect of the use on the fort as a listed building/Scheduled Ancient Monument

43. PPW¹⁴ restates the statutory presumption in favour of the preservation of listed buildings¹⁵ and W.O. Circular 61/96¹⁶ advises that new uses may be the key to that process. Among the special qualities of the National Park, Policy 8 identifies the need to protect the historic environment. The fort is clearly a very important historic asset but now requires attention. Cadw has found that, while the masonry shell remains in good condition, it has suffered badly from weather and vandalism and that many parts of the building are badly decayed or damaged. The condition of iron and steel lintels over openings, in particular, may potentially lead to structural failure. Some may prefer to retain the island and fort's abandoned, almost forlorn, romantic state. While not without its attraction, such a possibility would not remedy the fort's current state of deterioration or safeguard it into the future.
44. As a possible means of helping to preserve the listed building, the principle of the re-use of the fort has much to commend it. While the continuation or reinstatement of the original use is favoured as the first option, PPW guidance recognises that not all such uses will be viable. There is no suggestion that the fort would resume either its original military purpose or its last use as a zoo. Cadw, in its dealing with the SAM, has given support to bringing the monument back into use, as has the NPA and others, and believes that the proposal is potentially a way of doing this. I consider the suitability of the works elsewhere but in overall terms the proposed internal and external adaptation to permit the use as a visitor attraction has been accepted. That it would offer a means of both securing the repair and reinstatement of the listed building and a beneficial use to help secure its future maintenance is a highly supportive factor. I see nothing in the proposal to either adapt or use it as a visitor attraction, as described, which detracts from its historic or architectural importance.

Issue 1(c) & (d) - the effect of the use on the character or appearance of the Tenby Conservation Area and on the setting of listed buildings

45. St Catherine's Island and its fort are prominent in the maritime environs which have influenced much of the development of Tenby. They are significant contributors to the character and appearance of the Tenby Conservation Area as well as principal components of the setting of the fringe of listed buildings and the ancient monuments facing it. For the most part, they fall within Zone 1 of the conservation area, the Walled Town and St Catherine's Island, identified within Tenby Conservation Area Proposals¹⁷. However, there is also a significant visual interaction between Zone 3, The Esplanade, and the island. The main character distinction between the two zones derives from their different periods of development. Zone 1 is characterised by its medieval street pattern and, particularly close to the island, the late-Georgian/Regency architecture which lines much of the cliff tops, almost entirely

¹⁴ Planning Policy Wales, Edition 7, July 2014

¹⁵ s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

¹⁶ "Planning and the Historic Environment: Historic Buildings and Conservation Areas"

¹⁷ Supplementary Planning Guidance adopted by the NPA 12/10/2011

listed. Zone 2 has a later, more typically regular 19thC street scape and buildings. From my inspection, the island does not obviously accord with the character of either area but is nevertheless historically and visually linked closely to both, a view supported by the appellant's historic environment inter-visibility assessment¹⁸.

46. The proposals document, in fact, is almost silent on the presence or contribution of St Catherine's Island and fort within the conservation area. While opportunities for development and enhancement are identified elsewhere within the conservation area, despite its prominence and long period of neglect the island is not included. Although identified as a landmark building, it is not identified as a priority amongst the buildings, areas and themes which contribute most to the special qualities of the conservation area. Insofar as comment is made on any development opportunity the island may offer, the inference is that it should be low-key and sensitive with improved access and interpretation.
47. Although now open to the public on a limited basis, St Catherine's Island has been unused for a sufficiently long period that it has assumed a passive, quiet if not brooding, presence. Bringing it back into use would inevitably have implications for the way in which it currently co-exists with its surroundings. Despite the already strong role that tourism plays in Tenby, it is relatively restrained such that the architectural and historic integrity of the conservation area remains dominant. I agree with those who are concerned that, in this setting, the island should not become an over-developed 'theme' park. However, the current 'nil-use' situation is unlikely to be sustainable if the historic asset is to be effectively preserved and any benefit which it may offer to Tenby's tourist function realised.
48. The proposal would provide the improved public access and interpretation referred to in the NPA's Conservation Area Proposals, as well as promote the public understanding and enjoyment of the fort as encouraged by the National Park's designated purpose. Its use as a visitor attraction, as the application sets out, is a practical and sensitive response to the building's history and place; it could be appropriately low-key and not over-intrusive. It offers an acceptable balance of possibly competing interests, if suitably controlled. In that way, while I have yet to deal with the works and external illumination, I consider that the use would enhance both the character and appearance of the conservation area without detracting from the setting of either the fort itself or the listed buildings and ancient monuments in the vicinity.

Issue (e) – the effect of the use on amenity

49. Policy 30 states that development which would have an unacceptable impact on amenity, as enjoyed in people's homes, workspaces and recreational areas, will not be permitted. In this instance, the proposed change of use will have implications for both the significant residential presence on the mainland, notably on St Julian's Street, as well as the public using Castle Beach and other attractions nearby. It was pointed out to me that noise from, for instance, music from the bandstand on Castle Hill and people playing on the beach can be heard by local residents. Generally, although no doubt there are wide seasonal variations, during the day, when the beach and other tourist facilities are also busy, there is already a large visitor presence with associated noise and possible disturbance. I recognise also that visitors and deliveries would need to pass through St Julian's Street or other Tenby centre streets to the island.

¹⁸ Tenby Island Project Phase I, Historic Environment Desk-based Assessment, Trysor September 2012

However, during normal daylight hours at least, there is little if anything to establish that the proposal would unacceptably increase the existing level of activity in the area or that its associated effects would adversely detract from the amenity the locality provides for residents or visitors.

50. At other times, however, the area is relatively quiet, particularly at night and the early morning and particularly on the seaward side, overlooking the beach and the island. An assessment has been provided of the noise likely to be generated by construction work but not by the proposed mixture of uses. Residents of Lexden Terrace refer to noise from public houses and other activities on the town side being experienced until closing time, around 11.00pm. The seaward side, however, is quiet. The amenity of the area outside such times would be more sensitive to even modest change, both from movements to and from the island and from the use of the island itself. The application proposes extensive opening hours, from 08.00 to 12.00 midnight, although the purpose of public access during such extensive hours is not fully clear. As explained, other activities could go on beyond that time while the likelihood of staff arriving and departing outside these times has also been raised.
51. Coupled with the unspecified extent of the other, Class D2 and Class C1, uses the speculation and concern over what may be intended or may evolve is understandable. That in part is attributable to the attempt to categorise each component of the mixed use. I am in no doubt for instance that the reference to a 'hotel' use, highlighted as a particular issue in the officers' report, does not accurately reflect the casual overnight arrangements explained or intended and has served to cloud the matter. In addition, despite its external bulk, the internal floorspace of the fort is not extensive and it is clear that what there is would need to be shared if all these various activities are to be accommodated. It seems to me that the scope for such activities to predominate, outside its principle use as a visitor attraction, is very limited. Even so, the scope for other events within the 'entertainment' category is broad, the effects of which, particularly in the evening and late at night, can only yet be guessed at.

Issue (f) – the effect of the use on protected species and habitats

52. Among its special qualities, LDP Policy 8 requires the species and habitats of the National Park to be protected and enhanced while Policy 11 states that development which would disturb or harm protected species or their habitats will only be permitted where effects can be suitably minimised or mitigated. These policy requirements reflect the statutory obligations which apply to European and national protected species and habitats, notably set out in the Species and Habitats Regulations 2010 (the Habitats Regulations).
53. In this case St Catherine's Island is situated within two important ecological designations, being the Tenby Cliffs and St Catherine's Island Site of Special Scientific Interest (SSSI) and the Carmarthen Bay and Estuaries Marine Special Area of Conservation (SAC), a designation of European significance. In addition to the requirements of the LDP, the Habitats Regulations state that any plan or project should not normally be agreed unless it is apparent beyond reasonable scientific doubt that it will not affect the integrity of a SAC.
54. The SSSI comprises the cliffs and the foreshore around Tenby. Its special interest is for its littoral rock and sandy shore communities, an assemblage of nationally rare and scarce plants and 2 areas of geological importance, identified as South Cliffs and North Beach, not St Catherine's Island. Nor is it apparent that the island is host to the other items of special interest. However, the designation also includes specialised cave and

overhang communities for which the island is particularly identified. While elsewhere it is not apparent that the extent of the SSSI is confined to the intertidal zone, as the appellant claims, in the case of the island it would seem to be so and has not been disputed.

55. The SSSI is part of the much more extensive SAC which also applies to the beach and sea-bed around the island. Most of the island, that part above high tide level, is consequently not subject to the obligations imposed by these designations. The SAC has been designated because it contains, and has a high diversity of, habitat types and/or species which are rare or threatened within a European context. In addition to the various species identified as being of European interest (Annex 11 species), the significant habitats are salt meadows, estuaries, sandbanks and intertidal mudflats and sandflats not covered by seawater at low tide (Annex 1 habitats).
56. The appellant has identified 4 items within the proposal which may have implications for the ecological interests of the SAC. These are the renewal of the boat landings, areas of replacement railings, the placing of underwater cameras and the laying of services across Castle Beach since they enter the marine zone below high water level. These works items, it is said, were prepared in consultation with the appropriate bodies¹⁹. These formerly included the Countryside Commission for Wales (CCW), now part of Natural Resources Wales (NRW). For convenience I use NRW to refer to both incarnations involved in consideration of the project.
57. The application was supported by a Protected Species Survey which, although referring to the numerous tidal caves, concentrated on the above high water level implications of the project and gave little attention to any marine habitats which may be affected. Even so, neither the NPA nor NRW has suggested that any of the special ecological interests or the integrity of the SAC would be specifically threatened, nor did the officers' report set out such an objection. Here also, however, the contention is that there is insufficient information on which to make such an assessment.
58. While the main attention at the hearing and since has been given to the use of the island by bats, to which I turn shortly, little of substance has been added - scientific or otherwise - to suggest that either the SSSI or SAC is likely to be threatened. It seems that the laying of services across Castle Beach, a busy tourist beach in any event, has been accepted as unlikely to have any significant adverse effect on the marine life within it. The NPA felt that the fixing of the boat landings and railings had not been sufficiently explained to determine their impact on the rock faces but I share the appellants' view that they are adequately explained in the drawings and supporting statements. What is proposed is no more than drilling and bolting to hold the pre-formed sections in place. The method of installation for the underwater cameras is also fully set out and would involve placing cameras fixed to concrete slabs on the sea bed with cables to the island following natural features and clipped to the cliff surface. Again, with such detail available, it has not been shown that significant adverse effects would result. Indeed, the NPA's ecologist felt that there was sufficient information to carry out a screening of Likely Significant Effects for purposes of Regulation 61 of the Habitats Regulations²⁰. It does not appear that it was carried out but for the purposes

¹⁹ Countryside Commission for Wales, Environment Agency Wales (both now Natural Resources Wales)(NRW), as well as the Crown Commission.

²⁰ Memorandum, Jane Hodges to Julia Evans, 09 May 2013, the NPA is a 'competent authority' for this purpose

of this appeal I am satisfied that the proposal would not prejudice either the integrity of the SAC by affecting the features which led to its designation or damage the special interest of the SSSI. This matter would not justify withholding planning permission.

59. The principal remaining concern relates to the use of the island, but particularly the fort, by bats. All species of bats and their roosting sites are protected by both United Kingdom and European legislation and the presence of a protected species is a material consideration when considering development proposals. As well as the Protected Species Survey, a specific Bat Survey was also undertaken following desk and field study work. While a number of bat species had been recorded in the vicinity in recent years, no previous records of bats on the site were found. The field survey work found that 2 species of bat – common pipistrelle and soprano pipistrelle – were foraging in low numbers over the island's grassland. Within the fort, during survey periods in July a single brown long-eared bat dropping was found which was very old and was felt to be the result of casual or adventive access. No further signs of bat use of the building were evident during August but in September four fresher droppings of lesser horseshoe bats were found. During this period 3 dusk emergence surveys and 1 dawn survey were carried out. No bats were recorded returning to roost in the fort and no bats were seen flying within it. A habitation survey was undertaken later, in February the following year. Again, there was no evidence of bats being present.
60. The conclusion reached by the appellant's ecologist was that, while there was evidence of historic and current use of the fort by bats, it was indicative of casual use by a foraging individual rather than indicative of regular roosting behaviour. Neither the NPA nor NRW have contradictory evidence of their own but consider that the survey work was inadequate, that the results are insufficient to arrive at the conclusions reached and that further investigation should take place. On that basis, they contend that it cannot yet be assessed whether or not the proposal would be likely to result in disturbance or harm to bats or the habitat the fort may provide or what mitigation may be required.
61. As TAN 5²¹ points out, it is considered best practice to carry out survey work to establish the presence or otherwise of protected species before submitting an application for planning permission. That practice was followed here. Moreover, when commenced, the survey methodology was as agreed as appropriate with NRW, albeit with a previous ecologist for the appellant. However, there were then 2 deviations from what had been agreed, excluding the fact that the hibernation survey due in November/December was not undertaken until February, but still within the Bat Conservation Trust (BCT) guideline period.
62. The first deviation was that the desk study, to determine the location of known roosts in the locality, did not include all available records, notably those kept by the West Wales Biodiversity Information Centre (WWBIC). A data trawl of such organisations is also advocated as best practice by BCT²² and should include data up to 10km. from the site where, as in this case, there are designated sites such as SACs or SSSIs.
63. A principal purpose of such a study is to devise an appropriate survey methodology. Since the agreed survey had been prepared taking into account the importance of the area for bats, it was felt that the need for the search had been circumvented. While I

²¹ Technical Advice Note 5 'Nature Conservation and Planning' 2009

²² "Bat Surveys, Good Practice Guidelines"

understand that view, it is apparent from the data provided by the NPA, sourced from WWBIC, that the importance of the area for bats may be more significant than had been assumed. Although the initial survey methodology had already been agreed, such information would – and should – have influenced later events.

64. The second deviation is that static detectors, planned to monitor activity at the fort during 2 periods of several weeks in early August and late September, were not used. This was because the size of the building and the number of potential roosting points would have required a high number of detectors, which would have been vulnerable to those gaining unauthorised entry to the island, a known problem. Moreover, it was felt that the results would not necessarily have indicated that bats were roosting rather than simply investigating the building. The omission of the detectors was agreed with NRW, but on the clear understanding that the remaining survey work should more than adequately compensate for it, particularly since parts of the exterior of the fort are difficult to view and access externally but lend themselves to the use of static detectors.
65. It is not apparent that the remaining survey work was then materially upgraded to compensate for the lack of the detectors originally agreed. More directly, the fresher lesser horseshoe bat droppings were found in the fort late in September, after it had been decided to omit the detectors early in August. The appellant points out that the Lesser Horseshoe Handbook advises that the presence of very small numbers of droppings in a building should be treated with caution and, without other evidence, should not be interpreted as establishing a roost and may be of little significance. The level and commitment to the survey work is also said to have been commensurate with that of the BCT guidelines. Even so, I consider that the finding of the fresher droppings was sufficiently significant to cause doubt as to the level and purpose of the use of the fort by bats and to strongly indicate the need for further assessment.
66. There are other factors which support that conclusion. The island is close to the Pembrokeshire Bats and Bosherton Lakes SAC for which greater horseshoe bats are a primary reason for its selection and lesser horseshoe bats a qualifying feature. In particular, it includes, at Beech Cottage, Waterwynch SSSI, only 1.8km away, a large and very important nursery of the lesser horseshoe bat in Pembrokeshire. In accordance with BCT guidelines, the presence of such a protected SAC species is likely to have required a greater level of survey effort. In addition, the scale, layout and number of rooms involved added to the complexity of the surveillance required which has led to the adequacy of the number of surveyors involved - 2 internally and 2 covering the exterior - being questioned. The NPA contend that the fort is a building type preferred by lesser horseshoe bats which also adds to the potential for that species to be present. The appellant's ecologist contends that the building's exposure to the elements and the cold and draughty conditions which exist limit its attraction as a roost²³, particularly as a hibernation roost. At best the issue is unresolved. However, the appellant's survey does recognise that the building has a high to moderate potential for supporting day and night roosting bats and that butterflies and moths are present which are known to occur in buildings where bats are found.
67. Having established that the possible presence of protected species and habitats is a material consideration, TAN 5 advises that decisions must be informed by adequate

²³ In this context, 'roost' may be of several different types and includes perches and resting places. This does not alter the materiality of the issue.

information in order that any possible detrimental effect on protected species is properly addressed. Otherwise a decision may be open to legal challenge. In this instance, while I appreciate that the survey work undertaken has revealed only limited evidence of bat use of the fort, I consider that the various factors I have outlined strongly suggest that the level of the survey effort was an insufficient response. The appeal proposal would result in wholesale changes to both the exterior and interior of the fort, as well as its re-occupation and consequent increased level of activity, as well as internal and external illumination. That would have obvious consequences of the potential, if not actual, use by a protected species. Without information to adequately assess the potential harm, TAN 5 again advises that planning permission should be refused if significant adverse effects on nature conservation interests are possible. My conclusion is that that is the case here.

68. This is an unfortunate situation particularly since NRW accept that it is likely that relatively simple mitigation measures could be put in place and the appellant has indicated a willingness to do that. There is also clearly a difference of professional opinion. Even so, until the scale and nature of the use of the fort by bats has been more reliably established, the need for and suitability of such a solution, and the form it might take, is unknown. For that reason, I do not consider that such important considerations should reasonably be left to be resolved by planning condition. For the same reason, it is not yet possible to determine whether the potential benefits which the project offers, as I have previously described, might outweigh the potential nature conservation interests engaged here.

(g) – the effect of the use on the special qualities of the National Park

69. I have left this matter to now since in most respects the special qualities of the National Park which the NPA has identified as potentially under threat in its Reason for Refusal 1 are those already addressed – notably the historic environment (Policy 8(d)) and local biodiversity (Policy 8(g)), the latter furthered by Policy 11. I do not need to repeat my views on those. Policy 15 is also referred to, the purpose of which is to ensure that the qualities of the National Park's landscape are not lost to future generations. The matters to be considered include visitor intrusion and uses incompatible with their location, but from a landscape perspective. Although questions of impact on amenity and character and appearance have been raised and considered, on this issue I do not consider that the proposed use would have adverse consequences for the landscape as such. The effect of the proposed works, together with the lighting scheme, the cabin and additions to the fort I deal with below.

Summary of the effect of the use

70. In almost all respects the application has been supported by adequate and satisfactory supporting information to permit the impact of the use on a wide range of interests to be assessed, as I have explained. That is not the case in relation to the protected species and habitats which may be directly affected, as I have explained. That reason alone is sufficient to warrant planning permission being withheld.
71. The principle use proposed is that of a visitor attraction and for that also the information provided has led me to the view that it is acceptable. Indeed, in terms of potential tourism benefits and helping to safeguard the future of the historic fort, there is much to commend it. Where there is doubt over the use, suitable controls could be introduced by, for instance, limiting the activities and layout to those proposed in the application. As to the 'other' uses the appellant has asked to be included, they are not in the agreed description of development. The application as

such does not include use as either a hotel or for entertainment in the terms of either Use Class D2 or C1.

72. Even so, the term 'visitor attraction' is not defined and a wide range of activities may plausibly fall within it. In addition, potentially harmful limited period, temporary uses could also take place without planning permission²⁴ unless controlled. I agree that there is need for further clarification and definition but which could properly be dealt with by condition rather than require outright rejection. Indeed, I consider that on these matters the way forward should be by imposing an appropriate degree of control over, for instance, the range of activities permissible and such operational matters as frequency of events, hours of use and deliveries, noise (including from music) or outside activities. These would need to be agreed in response to proposals put forward but I have no reason from what was said at the hearing that there is an unwillingness to do so. As discussed at the hearing, other controlling measures such as the need for alcohol and music licences may also apply. In these ways; what I believe to be a most worthwhile project could receive a level of support, would allow it and maintenance of the fort to progress. It is unfortunate, as the Fortress Study Group comments, that the use of conditions in the decision was not taken further.

On (ii) – the operational development (the works)

73. As well as the conversion of the fort and generator house, the works for both of which have been in large part accepted, there are 2 new buildings proposed, being the new toilet block in the dry moat, and the cabin. There is nothing lacking or uncertain in the proposals for those or concerning the roof-top kiosks or solar panels. Indeed, based on the application details the NPA was able to come to firm conclusions on those proposals. Consequently, they are not included amongst those matters which cannot be assessed because of contradictory, ambiguous and insufficient information.
74. At the hearing this criticism was identified as being limited to the lack of specific details on architectural elements said to be essential components of the design. Of those, it was clarified that concern at fixings for the boat landings and crane mountings on the cliff faces is related to the effect on the island's ecology, which I have dealt with elsewhere. The works to the generator house, having already been granted LBC, are not in dispute. There were, however, 2 instances exemplified where a comprehensive assessment could not be made. The first is the railings being proposed to line the footpaths around the island, as well as on the roof of the fort. The NPA says that, for instance, the profile of the uprights and handrails is not clear. The second concerns details of replacement windows and other joinery items to the fort.
75. Circular 61/96²⁵ states that adequate information should be available to assess the effect of proposed works on a listed building before granting consent. However, it also advises that conditions may be imposed requiring the subsequent approval of specified details if there is sufficient detail to assess the impact of the proposals on the building as a whole. In this instance, as pointed out, Cadw has been able to assess, and grant SMC for the works in question within the SAM with, for instance, a condition requiring details of the railings to be agreed. In addition, the NPA was able to grant LBC for similarly detailed drawings for works to the generator house, also including sections of the same railings.

²⁴ by the Town and Country Planning (General Permitted Development) Order 1995

²⁵ Paragraph 111

76. The application here, of course, is not for listed building consent and, notwithstanding s66 of the LB&CA Act 1990, should not be treated as such. In my view there is sufficient detail in the scheme drawings for the works to be adequately assessed for planning permission purposes. Typical railing details are shown on Drawing SCF-OB1-09/12²⁶ at a large scale of 1:20. Similarly, the proportions, style and materials of the intended windows and other joinery items which would affect the external appearance of any of the buildings can be readily gauged from the application drawings. Even were further detail required, the same ability to impose conditions to remedy any uncertainty exists. I do not consider that the works have been inadequately described or that proper assessments cannot be made. This criticism is not justified.

The effect of the works

77. As to their effect on the fort, the railings are a safety feature and also a consequence of permitting public access to the roof areas. They share a common design with railings proposed elsewhere, are suitably plain and robust for both this former military building yet sufficiently slender and refined not to unduly disfigure the characteristic smooth profile of the fort or its island setting. That is assisted by the fact that they would be positioned mainly at the south-eastern end of the building, by the gun emplacements, furthest away from the mainland and views of the island.
78. In addition, portions of the family of railings have already been accepted in connection with the approved works to the generator house, grant of LBC NP/13/0031. To my mind they are consistent with the restrained and reasoned approach reflected in the overall scheme. Similarly, the replacement windows and so on are suitably robust for the rugged, military character of the fort in its own right, as well as the Tenby Conservation Area, the setting of the other listed buildings in the mainland and the special qualities of the National Park.
79. As to other works, subject to agreement of details and following acceptance by Cadw, the NPA considers that other alterations to the fort and the replacement bridge over the dry moat are acceptable, as do I. The toilet block in the dry moat, however, has not been universally welcomed, including by the Victorian Society. Cadw considers that it would be largely hidden in the cutting, which would be the case. As such it would have little discernible impact on either the remainder of the Conservation Area, the setting of the fort and other listed buildings when seen from the surrounding area or for the various qualities of the National Park. Nevertheless, the immediate setting of the fort would inevitably change.
80. Placing the building in the dry moat would both physically and visually obstruct a full appreciation of the scale and purpose of this historic feature, integral to the defensive design of the fort. However, important characteristics of the moat, including its plan form and considerable depth, would still be clearly apparent. In addition, the contemporary design and relatively lightweight appearance of the toilet block, incorporating timber and metal cladding, would immediately identify it as a modern intervention, sitting within but not part of the moat and separate to the bulky stone mass of the fort. It has not been suggested that such facilities could be acceptably provided within the fort nor has a suitable, possibly less harmful alternative location on the island been identified. Indeed, the lack of another suitable location influenced Cadw's acceptance of this part of the scheme.

²⁶ Drawing 10 as assembled for the hearing

Summary of the effect of the works

81. The supporting information is more than adequate to allow full assessment and has shown that the impact of the works, beyond the specific issues to follow, is acceptable.

Issue 2, the proposed lighting scheme

82. As LDP Policy 9 requires, the application includes a full and extensive lighting scheme. Its main features are the external illumination of the main fort elevation which faces the mainland and of outside areas, mainly footpaths, by a mix of lamp standards and bollard lights. In addition, several spotlights are proposed to illuminate the jetty and landing areas when those are in use. The effect of lighting large areas of the island has been a particular objection.
83. As I saw, at night the island is in virtual darkness, which adds to its air of isolation and mystery. While the harbour and North Beach areas have noticeably higher levels of illumination, lighting on the mainland opposite the island is more subdued and muted in effect. Overly intense or widespread illumination such a short distance off-shore could be extremely intrusive in this dark setting, disruptive and harmful to the existing night-time character and contrary to those policies and requirements to safeguard and protect the special qualities of the National Park and its historic heritage. The protection of the sense of remoteness and tranquillity of the National Park, identified as one of its special qualities, is to be achieved in part through the minimal impact of lighting on the night sky.
84. Even so, Policy 9, directed at managing light pollution, permits proposals involving lighting where, firstly, it relates to the purpose of the proposed development and, secondly, will not have a significant adverse impact on the character of the area, other users and the visibility of the night sky. As to the first consideration, much of the lighting proposed would be functional, either for the safe use of the footpaths and landing areas or to draw attention to the island and fort as local features. Its impact on the locality is in question but the scheme is firmly related to the purpose of the project. As to the second consideration, the essential ingredients of the lighting scheme could significantly add to the drama of the island and its fort after dark, much as the illumination of Castle Hill and St Mary's Church has done, as the appellant suggests. This could enhance their contribution to the local scene but is a matter of balance. If not carefully controlled, illuminating the island could be intrusive and out of keeping with its essential character. However, while it would change the outlook for local residents, it is unlikely to adversely affect their living conditions as such.
85. I accept that the lighting scheme has been carefully designed. Other than perhaps for the fort, the light effect would be directional rather than spread, would be low key and low energy. The array and disposition of the fixtures and fittings are shown so that paths would be illuminated by low bollard lighting with higher columns only at intersections. It is proposed that the lighting would be switched off when not in use while those occasions when, for instance, sky watching is taking place would be further self-limiting because of the disruptive effect of light pollution. In that regard, the washing of the fort may particularly affect the night sky. Even so, as indicated, there is potential merit in highlighting the main elevation of the fort for the added drama it would create, even if only on an occasional basis. Such considerations support the scheme. Even so, the impact of the totality of the combined illumination on the locality is difficult to gauge particularly since it would be depend considerably on the intensity of the light produced and, importantly, frequency and duration of use.

In that respect, the inference is that the illumination would need to be switched on up to midnight if the attraction is to remain open to that time of day.

86. Bringing the fort and island into public use is desirable and therefore a level of illumination is inevitable for both safety and security. The scheme is a good attempt to meet these objectives but its impact cannot be fully assessed. The appellant accepted that further consideration should be given and this, too, could be the subject of a planning condition.
87. This would also allow the implications of illuminating the island and fort for their use by bats, once that is more clearly established, to be taken into account.

Issue 3 – the private/security residence/cabin

88. The NPA considers that the cabin should be treated as a dwelling. There is support for doing so since the application documents refer to it variously not only as a private/security residence but also as a 'Class C3 dwelling' and a 'security dwelling'²⁷. As the island is in the countryside for planning policy purposes, LDP Policy 7 applies and permits only housing for essential farming or forestry needs. Clearly that is not the intention here. TAN 6²⁸ advises that new dwellings in the open countryside may be more widely justified to support rural enterprises where it is essential for workers to live at, or close to, their place of work. Whether a dwelling is essential is dependant on the needs of the enterprise concerned and robust evidence of that is required. It would reasonable to treat the project as such a 'rural enterprise' but the various tests and appraisals set out in TAN 6 for new dwellings on new enterprises such as this have not been applied, a criticism made in Reason for Refusal 3.
89. The appellant, however, contends that such considerations are not applicable to the circumstances here. I tend to agree, but not because of any historic but now long gone residential use or because the chosen site has the characteristics of Previously Developed Land²⁹, as the appellant contends. Although the cabin design shows that it would have the essential facilities for day to day living, it would be a multi-purpose building the function of which would be supportive of and ancillary to the main visitor attraction use. It would, for instance, be used by staff when cut-off from the mainland, as a first aid and medical room, as accommodation for security staff providing 24-hours supervision as well as, for example, visiting experts teaching on astronomy courses, and as a staff room and an office. Importantly, it is not evident that the cabin would be occupied as a sole or main residence; indeed, such a range of shared activities may not be conducive to that possibility.
90. The appellant contends that the cabin would meet essential functional requirements, particularly to ensure the security of the project. The island and fort have been subject to vandalism. In the absence of contradictory evidence I have no reason not to accept that such a need would exist. The NPA has questioned why such accommodation, if required, could not be provided in the fort itself, a reference to one of the criteria set out in TAN 6. As mentioned previously, despite its obvious bulk, the internal space is limited. The internal layout of the various rooms is also such that it is not obvious how similar accommodation could be provided inside the building

²⁷ see for e.g. Planning Application 2 2012 and Design and Access Statement Revised 12/2012

²⁸ Technical Advice Note 6 'Planning for Sustainable Rural Communities'

²⁹ As defined in Planning Policy Wales, Edition 7, July 2014

without both significantly reducing the space available for the visitor attraction and interfering with public access and appreciation of a significant portion of the fort.

91. There are considerations here which set the proposed cabin outside the normal local and national policy restriction on new housing in the countryside. Partly that is because of the island's inherent links to the town of Tenby, a factor which the NPA has adopted for the visitor attraction itself but not for either its retail element or the supporting cabin. It seems to me that the project should be treated as a whole and subject to the same reasoning. However, the most significant factor is because the cabin would be multi-purpose, ancillary to the visitor attraction rather for permanent occupation as a dwelling. However, that relationship would need to be maintained in order to justify permitting it. Although the appellant has indicated that its use should be 'without restriction', preventing its use as a sole or main residence and/or ensuring that it would only be used as part of the visitor attraction could and should be secured by condition. On that basis, I consider that addition of the cabin and the facilities it would provide is acceptable.

Issue 4 - the cabin, roof top kiosks and solar panels

The cabin

92. This new building is proposed on an existing terrace or platform cut into the island topography above the cliffs on the north side, relatively close to the generator house. It is shown as a single storey, mono-pitch structure with walls of vertical timber cladding and a simulated lead roof the design of which is similar to that of the rooftop kiosks. It would sit on concrete or similar supports above existing ground levels and have a small balcony jettied towards the sea.
93. In this exposed position, the cabin would be open to view from the shore, particularly Castle Hill, as well as from Castle Beach below. Its position on the terrace, cut into the slope, and its low profile mean that it would not break the island profile in most views but would sit into the landform. As pointed out, this was the location of workmen's huts during the construction of the fort and adjoins the site of the later 1920's summerhouse. While they provide some historic reference, they are long gone and their relevance is limited. Even so, the chosen site has the advantage of utilising the now mature re-modelling of this part of the island and avoids disturbing the topography elsewhere. Although it would add another structure on the island, as the NPA points out, clustered as it would be with the generator house, the spread of buildings would be relatively contained.
94. The NPA considers that the design and materials of the cabin are inappropriate since they make no reference to this historic location or setting of the fort. However, it is not immediately apparent where alternative design references should be taken from. The architectural and historic character of the island development is different to that of the mainland. Nor, to my mind, does the robust, military presence of the fort offer any obvious guidance for such a modest structure. The squat, utilitarian generator house could be followed since it is of a scale which equates more readily to what is required and has historical credentials. While it could be followed, it could result in a far more solid and potentially greater, permanent presence on the island which I do not consider necessary. The cabin mimics the original workmen's huts, a concept seemingly supported by Cadw although it would be outside the SAM. The historic association with the huts is tenuous but not without merit. The building would sit lightly on the island and, while unlikely to be seen together, would be consistent with the design theme and materials chosen for structures proposed elsewhere.

95. There is a justified need for the accommodation provided by the cabin and the selected site and design an appropriate response to the constraints which exist. It would inevitably be a new feature in the immediate setting of the fort. However, its impact would be limited by its position and small scale and could be further mitigated by suitable colour finish, as the appellant's Historic Environment Desk-based Assessment suggests. The character and appearance of the wider conservation area would be preserved, adverse consequences for the setting of other listed buildings have not been claimed, or for the corresponding qualities of the National Park.

The roof top kiosks

96. The pair of kiosks would offer refreshments at roof top level, where the island location can be appreciated and from where excellent views of Tenby and the mainland can be gained by the public. They would, however, be positioned in the sunken area of the roof, behind enclosing parapets. In this area are the rooflights and chimneys over the main hall which the kiosks would flank rather than mask. As with the toilet block, there has been no attempt to mimic the stone construction of the fort. The kiosks would be lightweight, clad in timber with shallow, mono-pitch roofs covered in simulated lead sheeting, much as the cabin. While neither the design nor the materials reflect the host building, such seemingly flimsy 'sheds' would not compete with solidity of the fort or overpower the architecture of the sunken roof. This approach would not be invasive since the works would be easily reversible and cause less change than would structures replicating existing materials and features. As with the toilet block, the concept acceptably differentiates between old and new. Cadw has also accepted this approach.
97. As observed during the site inspection, being set in the sunken roof area, deep inside the parapets, neither the kiosks nor the accompanying retractable awnings would breach the profile of the fort or feature in views from the mainland. Consequently, the contribution of the fort to the character and appearance of the conservation area and the setting of the mainland listed buildings and ancient monuments would be preserved. As with the cabin, while no doubt other solutions are possible, I consider that the kiosks are an appropriate response to the design issues faced. They would also assist the public appreciation, enjoyment and attraction of this aspect of the fort and its maritime setting.

The solar panels

98. The proposed array of 263 solar panels would be positioned at the extreme south-east corner of the fort in 3 concentric rows following the curved plan form. They would literally cover the wide outside parapets around the roof-top gun emplacements. The parapets are currently bitumen capped, flat but set to a shallow, outward slope. The panels would be relatively thin, some 100mm, set close on the parapet and at the same shallow slope. As such, they would be at a considerably flatter angle than that required for optimum efficiency but are presented as a compromise.
99. The solar panels are intended to contribute to the energy needs of the fort as a visitor attraction. The array may reasonably be treated as a small scale renewable energy scheme to be favourably considered in accordance with LDP Policy 33, so long as it would have no over-riding environmental or amenity considerations.
100. As explained, Cadw's position is that this aspect of the scheme requires further discussion because of the potential impact on the setting of the ancient monument, although it had assessed the visual impacts of these and other works from Castle Hill,

from the beaches and elevated coastal vantage points to be limited. As such, the proposed solar panels have been neither accepted nor rejected in respect of the SAM.

101. From such distant public viewpoints I am satisfied that the profile of the fort would not be unduly altered or marred. As such, the contribution of the fort to the conservation area and to the setting of the mainland listed buildings would not be materially affected. When seen from the roof, by those visiting the fort, however, they would undoubtedly appear as an alien feature, which the NPA describes as an anomaly. My view is that, from the point of view of planning permission, the panels are an unfortunate but justifiable addition to the listed building.

Other matters

Bridge link to the mainland – access for all

102. It is intended that the Tenby Island Project would, in due course, be linked to the mainland by a pedestrian bridge, currently planned to span to Castle Hill. The appeal proposal - the conversion and use of the fort and island - has been referred to as the first phase of the project, with the bridge being the second. A scheme has been prepared which has received publicity. As a result, there has been both support for the principle of the bridge, including from the NPA's officers, and objection to it.
103. A number of reasons were given for it not being included now, with the appeal application. In essence, they are that there are outstanding issues, notably concerning archaeology, and it was felt that the two phases should be dealt with separately. Whatever the cause, both the proposal for a bridge and the absence of a bridge as part of the application scheme has featured in the representations made. Indeed, it is contended that a bridge link to the mainland would destroy the essential remoteness of the island while its omission is alleged to undermine the commercial viability of the project. However, it is not part of the application or, consequently, the appeal proposal.
104. At the hearing, the appellant acknowledged the importance of the bridge to the project since it would help to both ensure access to the island at all times, not just at low tide as now, but also for the less able members of society. The Design and Access Statement provided acknowledges that currently there is no disabled access to the island due to the beach and cliff path access and that a second application, for the bridge, would be to ensure access for all abilities. It follows that without a bridge link the project would not be fully accessible. Although, when referring to a bridge link, the officers' report contends that it would be premature to grant planning permission unless access for all can be achieved, the NPA's reasons for refusal do not. Objectors, however, suggest that the proposal fails to comply with LDP Policy 52, Sustainable Transport, and particularly criterion (c) which requires that new development should provide appropriate access for pedestrians, cyclists and vehicles. It is not apparent that this policy is specifically to safeguard the interests of the less able but the desirability of 'Ensuring Access for All' is set out in PPW³⁰. The aim should be to ensure adequate accessibility for all, although the difficulties presented by, for instance, historic buildings are recognised.
105. I accept that, because of the island's topography and its separation from the mainland, access for all to the project cannot be secured unless and until a bridge link

³⁰ Section 3.4

is provided. While no doubt the desirability of providing such access will be a matter to take into consideration if and when an application for a bridge is made, the acceptability of such a solution is by no means assured. Also as indicated, leaving the fort unused is unlikely to secure its future or safeguard it as an important heritage asset. Access for all is a difficulty likely to be faced by most proposals for the re-use of the fort and island, and almost certainly by any use promoting public access and thereby contributing to local tourism, significant supporting factors. Consequently, I do not consider that such potentially wide-ranging benefits should be foregone because of lack of access for all, highly desirable as that undoubtedly is. Insofar as Policy 52(c) is applicable, having regard to the obvious physical and natural access restriction which exist, the access is appropriate.

Bridge link to the mainland - viability

106. In my view whether or not the project is viable is a matter principally for those promoting it. The absence of a Business Plan has been remarked on, although the appellant says one was not requested, but no evidence has been presented that the project would not be viable with or without a bridge to the mainland. At the hearing, the appellant confirmed that a bridge link is important to the project for the reasons already set out but that it was not essential. I have no cause to consider otherwise.
107. The guidance in PPW is that the aim should be to identify the optimum viable use for a listed building that is compatible with its character and setting. However, it also advises on the need for flexibility where new uses have to be considered to ensure a building's survival. The concern expressed in this case is that, should the project fail, the buildings – indeed, the island – may become unsightly with consequent harm to the amenity of the area. However, should that situation arise the fort, the generator house and island would have undergone considerable restoration and renovation. That alone would have helped to secure the preservation and enhancement of important heritage assets and contributors to the local scene, all of which have been neglected for a long time. I do not consider that the question of viability is a principle issue in this case or one which is not overwhelmingly outweighed by the potential benefits which the scheme offers.
108. For all of these reasons I believe that the inclusion of a bridge to the mainland is neither critical to the project nor does it prevent the favourable determination of the appeal should other reasons favour it.

Archaeology

109. The NPA's reasons for refusal also refer to the detrimental impact of the scheme on the special archaeological interest of the island and fort. The consequences for the above ground remains – the fort and so on – have already been addressed. In other respects, it seems that the construction of the fort and its dry moat together with other structures is likely to have removed whatever remains might have existed, including St Catherine's Chapel from which the island takes its name. The Dyfed Archaeological Trust has also referred to the long history of occupation, however, and has requested a 'catch-all' condition requiring archaeological investigation before any works are commenced. The NPA appears to have accepted that advice. This matter would not justify planning permission not being granted.

Conclusions

110. There is a clear need to balance potentially competing interests. The proposal would have a number of benefits including the securing of the restoration and future use of the historic fort while adding a potentially significant visitor attraction to the Tenby offer, for both of which there is LDP support. The island and its immediate surroundings, however, are historically, environmentally and residentially sensitive and the undoubted amenity they provide for those that live in and visit the area demands significant protection. I do not agree that, in very large part, the application does not provide the sufficient and satisfactory information needed to enable an appropriate level of assessment of the impact of the proposal on those interests. The principle use proposed is that as a visitor attraction for which the activities involved have been described, including in detailed layout plans for the fort, generator house and island. For the reasons I have given, and subject to other factors, I consider that use is acceptable. The omission of a bridge link to the mainland and lack of a business plan to establish viability do not alter that conclusion.
111. The appellant's request, made outside the application forms and plans, for other possible activities to take place, has clouded consideration of the development proposed. Understandably, that has caused considerable uncertainty of what may be involved and what its effect might be. In such a sensitive location the impact of potentially incompatible uses could be severe. Even so, I consider that that uncertainty, together with other operational concerns, could be resolved satisfactorily by the use of planning condition(s).
112. That, however, is not the case in respect of protected species and/or habitats. Although professional opinion is divided, I am satisfied that there is sufficient evidence to indicate that there is on-going use of the fort by bats but insufficient, on a precautionary basis, to establish to what extent or to assess the impact of the project on that use. Despite there appearing to be little doubt that the potential impact could be mitigated, it would not be appropriate to leave this matter to be dealt with by planning conditions. For that reason, planning permission should not yet be granted.
113. In my view the proposed works are also suitably and adequately explained for proper assessment to take place. The NPA was unable to identify instances otherwise which could not also be safely left to be dealt with by planning conditions. The alterations to the fort and additions within the Scheduled Ancient Monument, as well as to the generator house, have been subject to separate scrutiny and consents, I have concluded that they would have no unacceptably adverse consequences for the heritage assets on the island, their setting or the setting of the listed buildings and ancient monuments on the mainland. The character and appearance of the Tenby Conservation Area would be preserved and, beyond uncertainty over the impact on bats, the special qualities of the National park protected and in some respects enhanced. The creation of a visitor attraction offers considerable potential for improved public understanding and enjoyment of the natural beauty, wildlife and cultural heritage of the 'Park.
114. As to the more specific objections raised, the proposed lighting scheme (Issue 2) would inevitably have a significant impact on the local scene. The island would be far more conspicuous during the hours of darkness than it currently is. Here also there is a balance required between enhancing the potential drama of the island and fort and maintaining their existing low-key contribution. Further consideration is required and this, too, could be the subject of a planning condition.

115. The cabin (Issue 3) would have a multi-purpose role in support of the visitor attraction. Insofar as it would have a residential use, it would be for members of staff and visitors required to stay overnight when needed. In so doing I am satisfied that it would provide necessary security for the project. Since it has not been presented as a permanent dwelling I do not consider that the tests normally applicable to new dwellings in the countryside are relevant. Rather, as an integral part of the visitor attraction the NPA's acceptance that further evidence of the need for a countryside location is not required should also apply.
116. For the reasons given, I consider the effect of the cabin, the roof-top kiosks and solar panels (Issue 4), the subject of particular objections by the NPA, on the range of interests already addressed would be satisfactory.

Formal Decision

117. The appeal is dismissed.

R G Gardener

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr P Prosser	Appellant, owner and manager of the Tenby Island project
Mr T Prosser	Appellant's brother

FOR THE LOCAL PLANNING AUTHORITY:

Mrs V Hirst	Head of Development Management
Mr R Scourfield	Building Conservation Officer
Mrs L Lawrie	Ecologist to the National Park Authority
Mr C Lawrence	Natural Resources Wales

INTERESTED PERSONS:

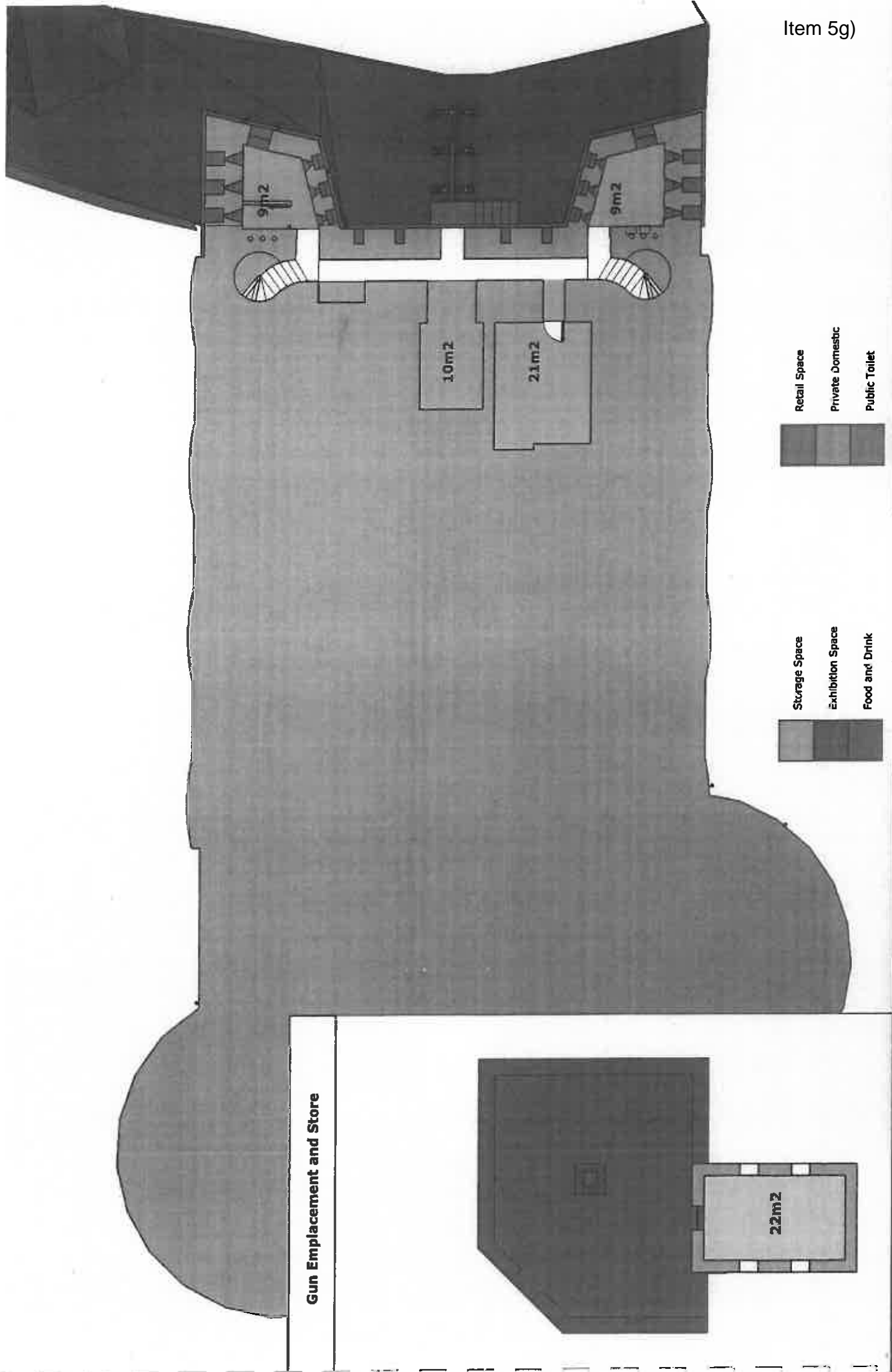
Mr D Fraser	The Lexden Terrace Conservation Group
-------------	---------------------------------------

DOCUMENTS (provided at the hearing and since)

- 1 Letter of Notification of the Hearing dated 10/02/14 (Typical sample)
- 2 Letter dated 17/03/14, comments of Tenby Civic Society, presented at Hearing
- 3 Copy of letter dated 18/02/14 from the Fortress Study Group (Appellant)
- 4 Cross-referenced lists of Refused Drawing Reference Numbers ((a) & (b))(NPA)
- 5 E-mail exchange 25 February 2013, NPA and Mr Prosser re: amendment to description of the proposal (NPA)
- 6 Report to Development Management Committee, 17/04/13 – Application NP/13/0031, Listed Building Consent for works to generator house together with application documents, including Acer Ecology Bat Surveys October 2012 and March 2013 (NPA)
- 7 2 Photographs, original cabin and artist's impression of proposed new cabin (Appellant)
- 8 3 photographs, Tenby Harbour and Tenby South Esplanade (Appellant)
- 9 E-mail exchange Mr Lawrence and PCNPPA dated 15/03/14 re: agreed bat survey with Kite Ecology (NPA)
- 10 'Bat Survey Position' Statement, 26/02/14, together with Letter from Acer Ecology, 26/02/14, e-mail exchange between Mr Prosser and Mr Scourfield and exchange of correspondence between Mr Hudson (Acer Ecology) and J A Garner (then CCW)

(Appellant)

- 11 Application for Scheduled Monument Consent (Request document, 08/08/2012), together with list of Application Document Index (Appellant)
- 12 e-mail dated 02/03/14 from Mr Fraser (Lexden Terrace Conservation Group), re: possible condition for closing times
- 13 Suggested 'Ecological Conditions' (NPA)
- 14 Response to Ecological Conditions (Appellant)
- 15 List of 'contradictory, ambiguous and insufficient information' (NPA)
- 16 Further submissions dated 14/03/14 re: protected species, together with Appendices A, B and Bat Species Records: 10Km buffer, St. Catherine's Island (NPA)
- 17 Acer Ecology letter dated 19/03/14 in response to PCNPA submissions of 14/03/14 (Appellant)
- 18 Response dated 20/03/14 to PCNPA Submission of 14/03/14 with Acer Ecology letter dated 19/03/14 (Appellant)
- 19 Letter from Cadw to Mr Prosser dated 02/07/14 re: solar panels (Appellant)
- 20 Bundle of documents submitted fro Scheduled Ancient Monuments Consent 29/01/2013 (Appellant)



Item 5g)

Gun Emplacement and Store

22m²

10m²

2.1m²

9m²

9m²

- Storage Space
- Exhibition Space
- Food and Drink
- Retail Space
- Private Domestic
- Public Toilet

September 2012

R

CAW

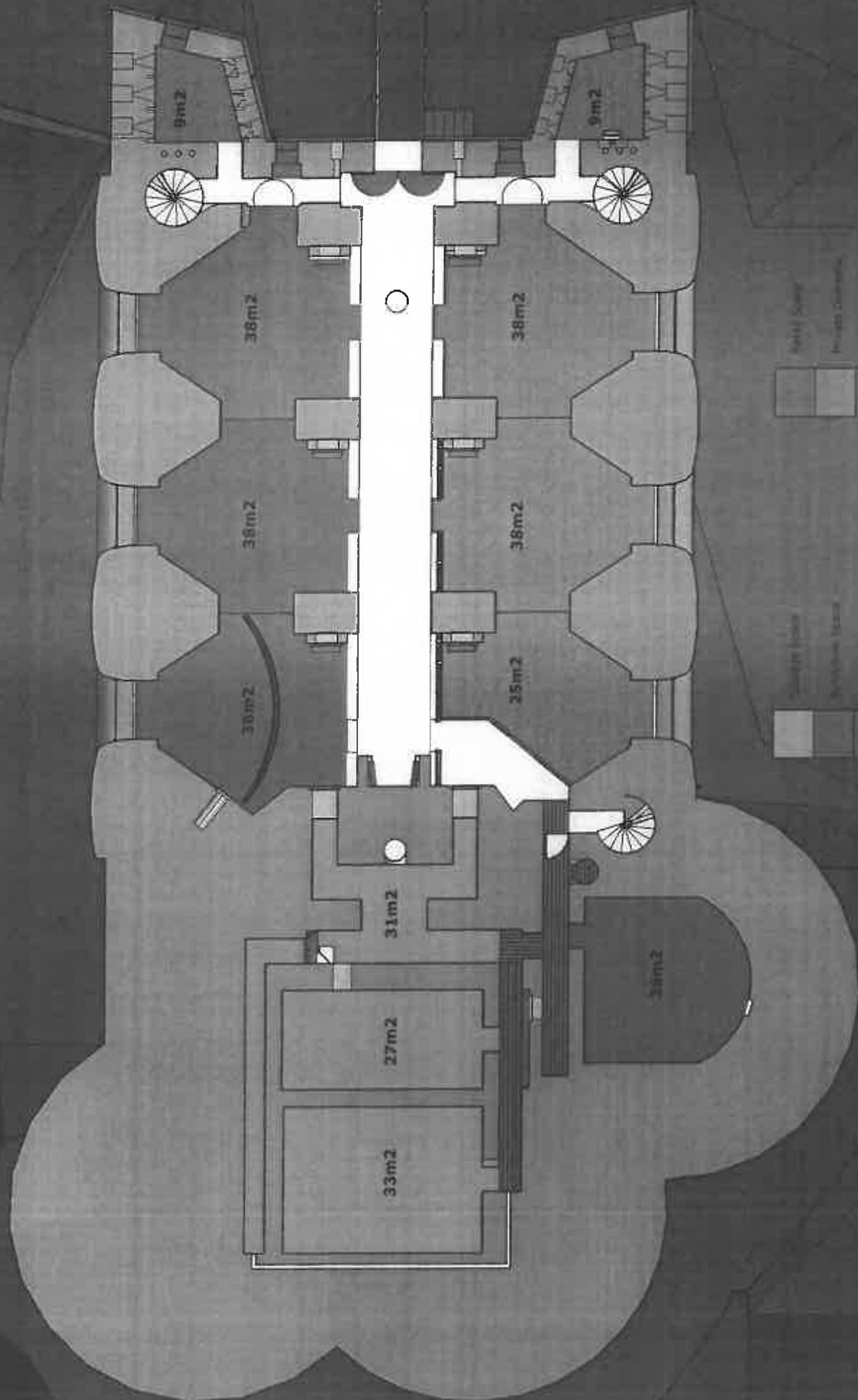
SCALE 1:100

St. Catherine's Fort - Floor Plans

St. Catherine's Fort

FORTRESS

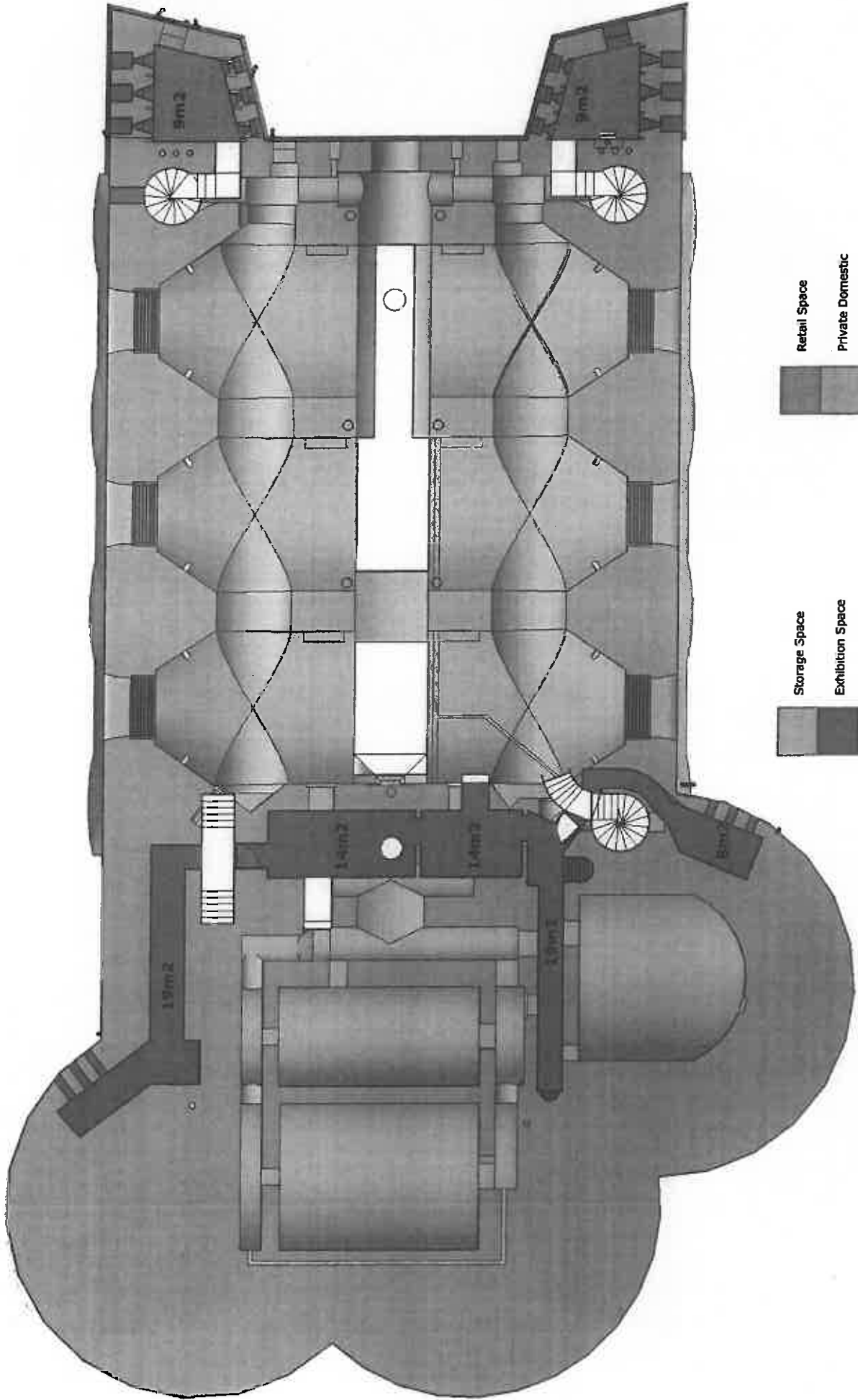
Drawing 1: Existing Basement and Store Floor Plan



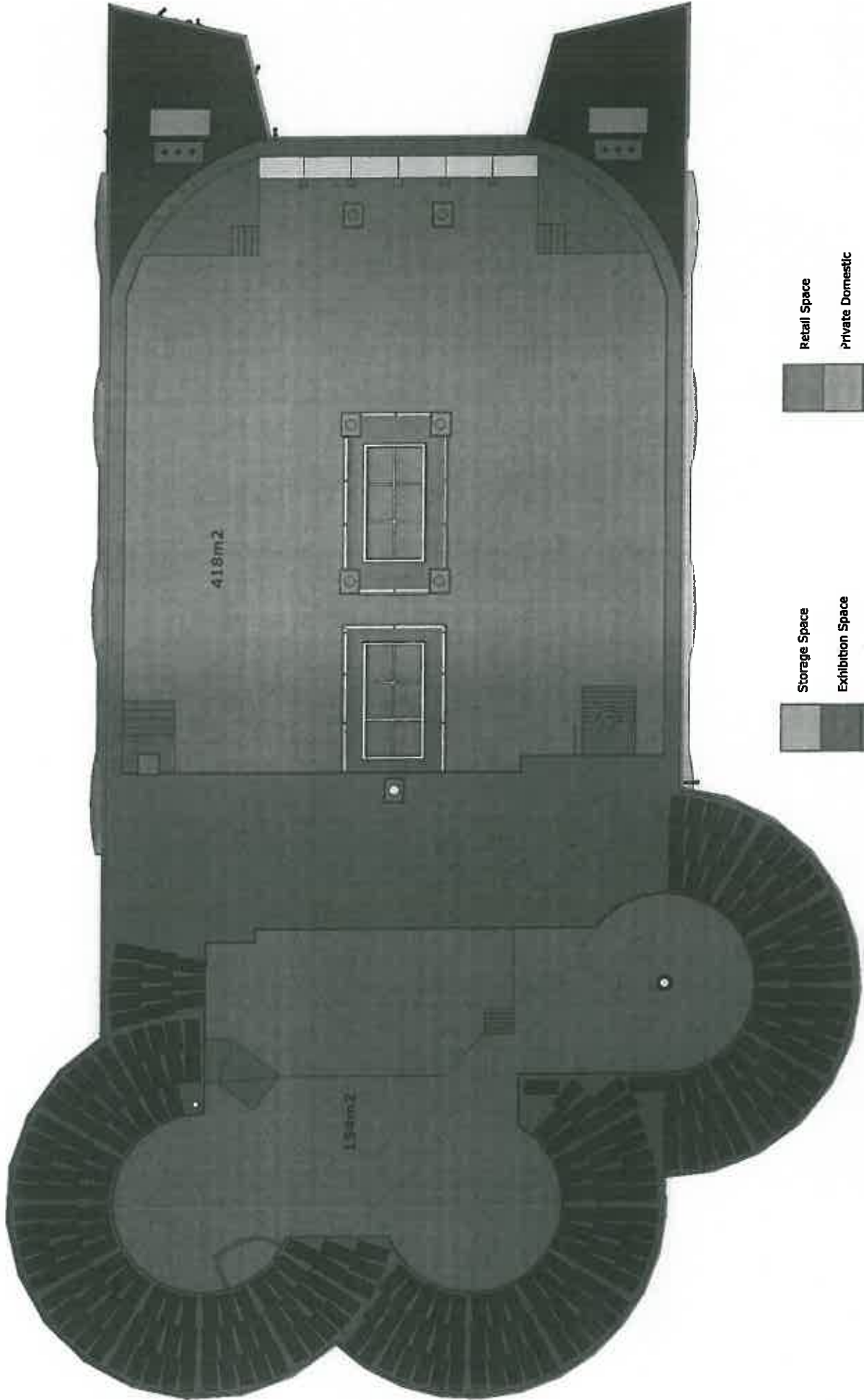
Drawing 2 : Existing Ground Floor Plan

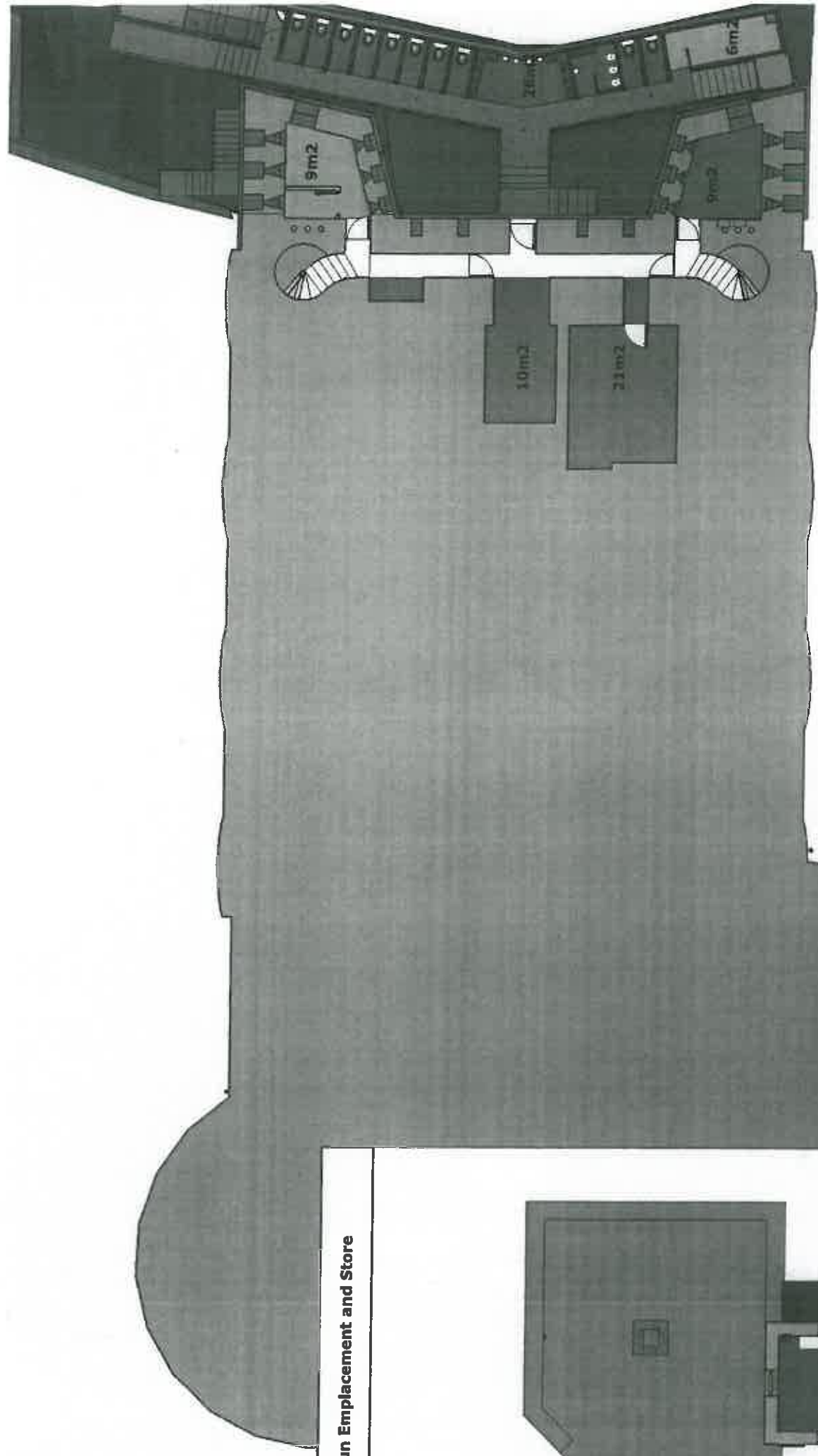
September 2012	R	1
SCALE 4:1.000		

St. Catherine's Fort 1/Floor Plan



September 2012	R	2
SCALE 1:100		

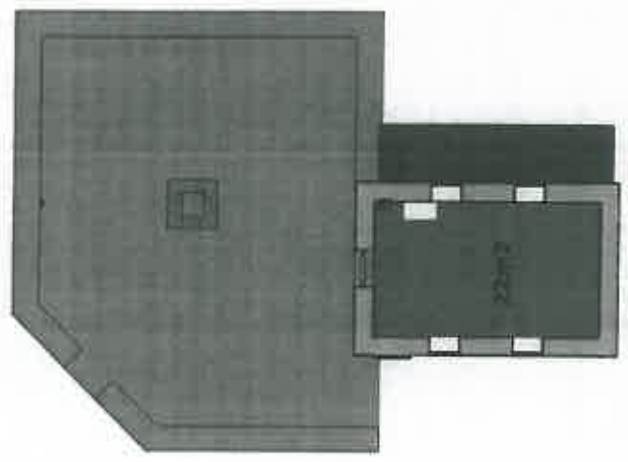


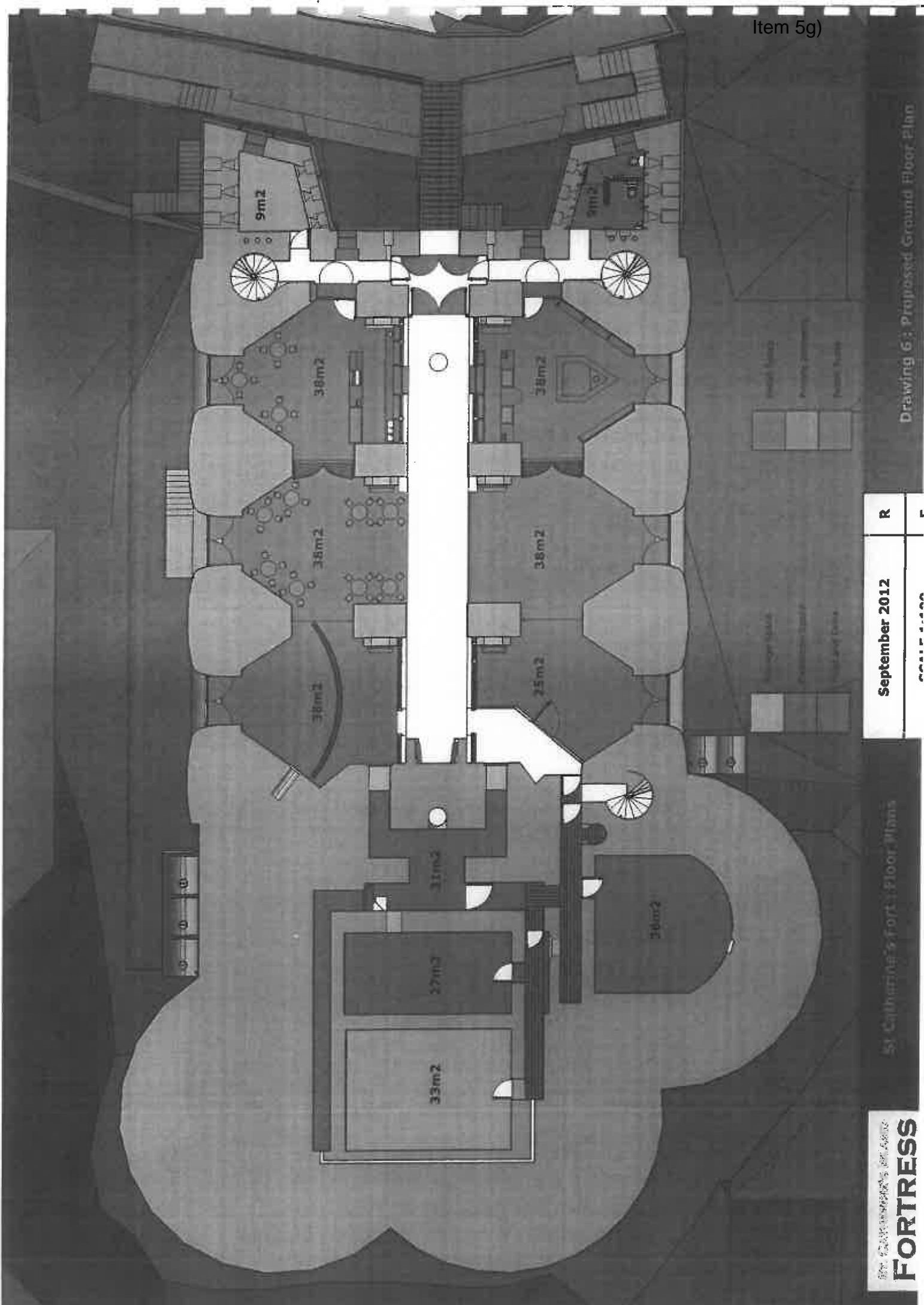


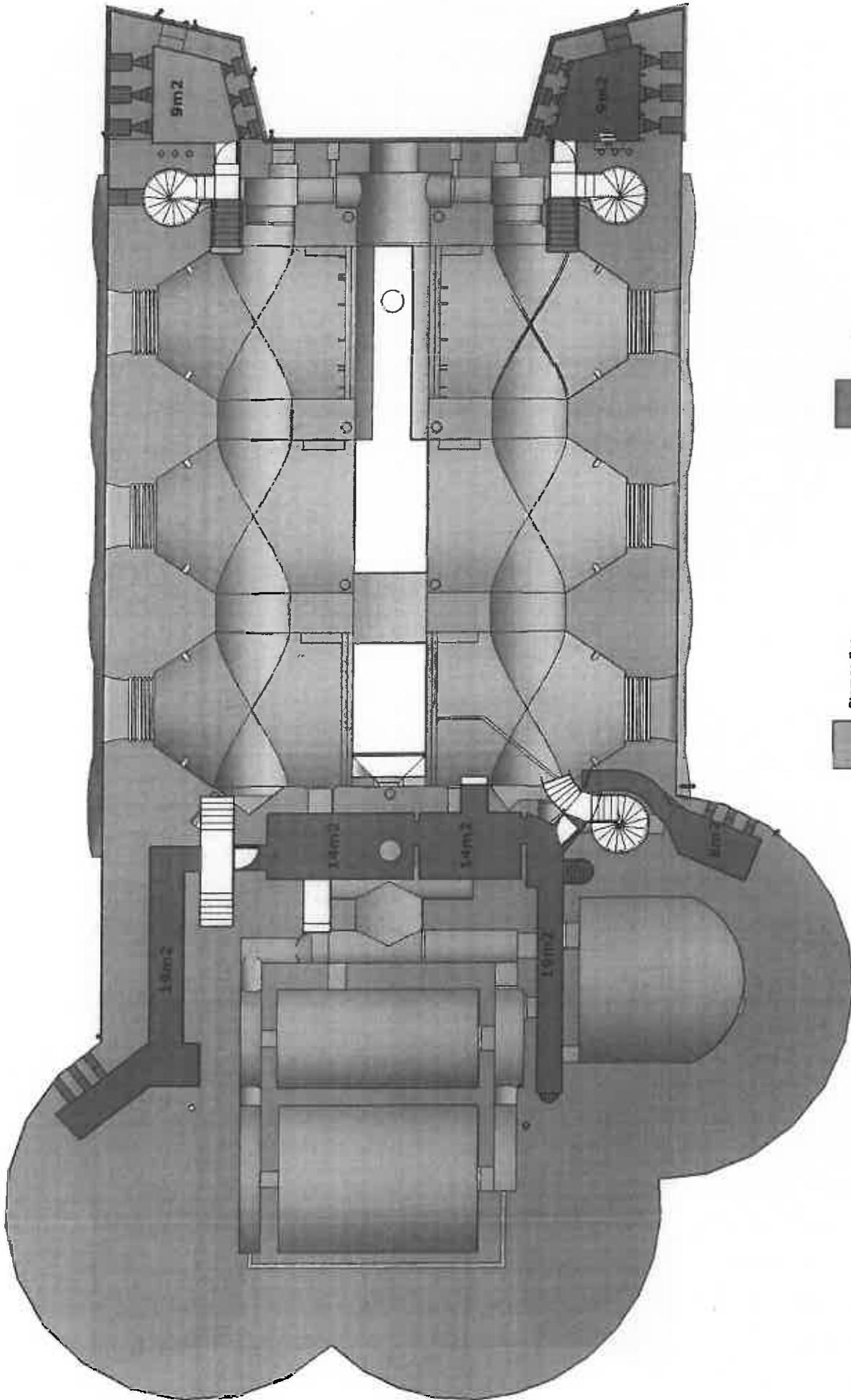
Item 5g)

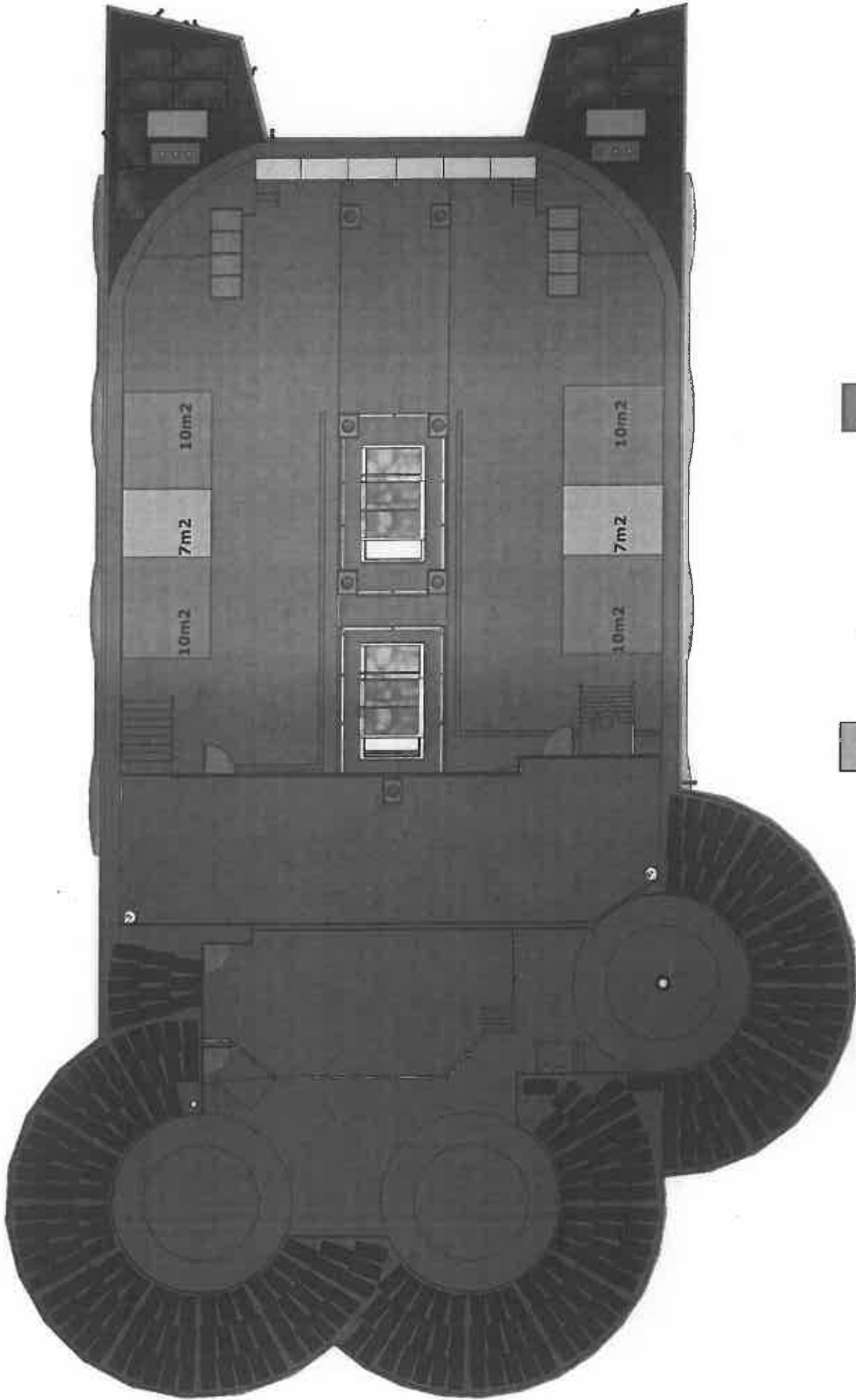
Storage Space	Retail Space
Exhibition Space	Private Domestic
Food and Drink	Public Toilet

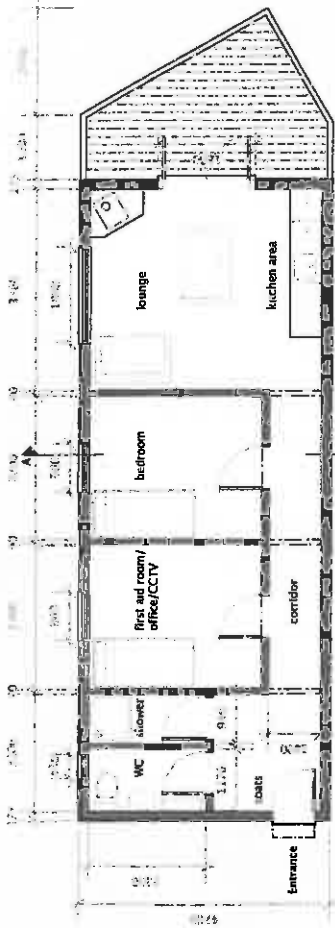
Gun Emplacement and Store



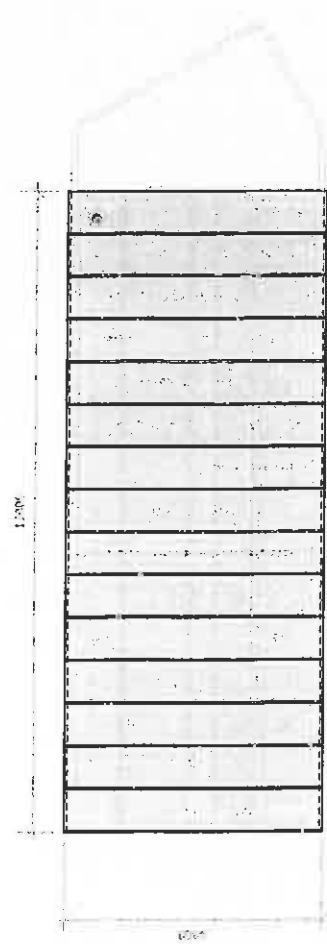




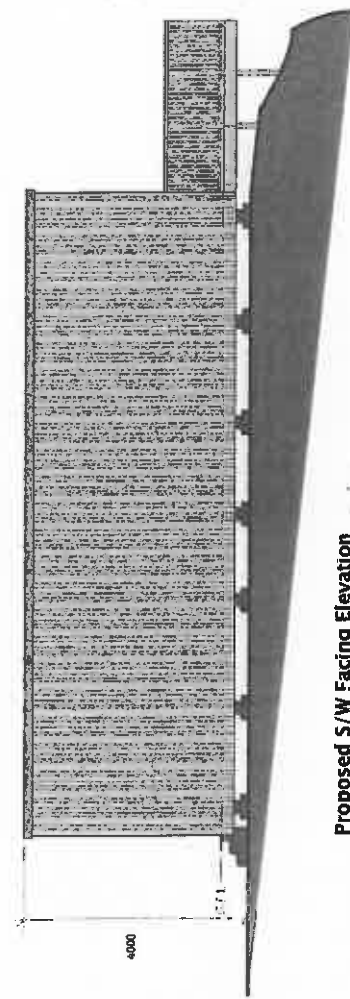




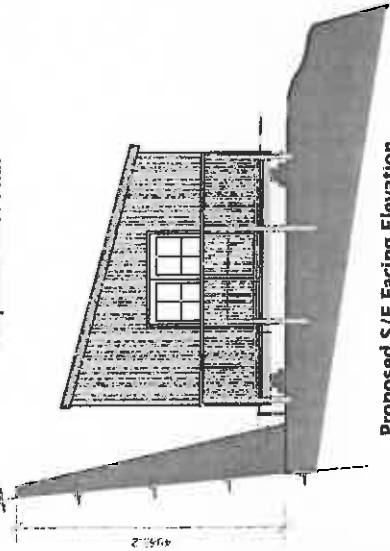
Proposed Floor Plan



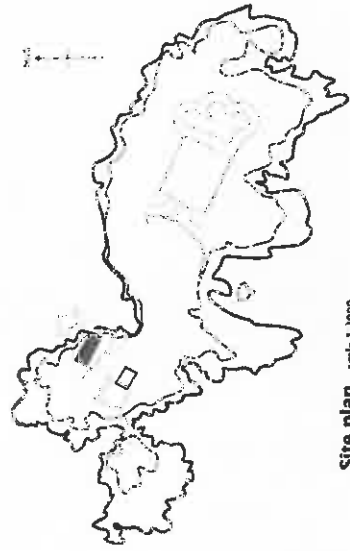
Proposed Roof Plan



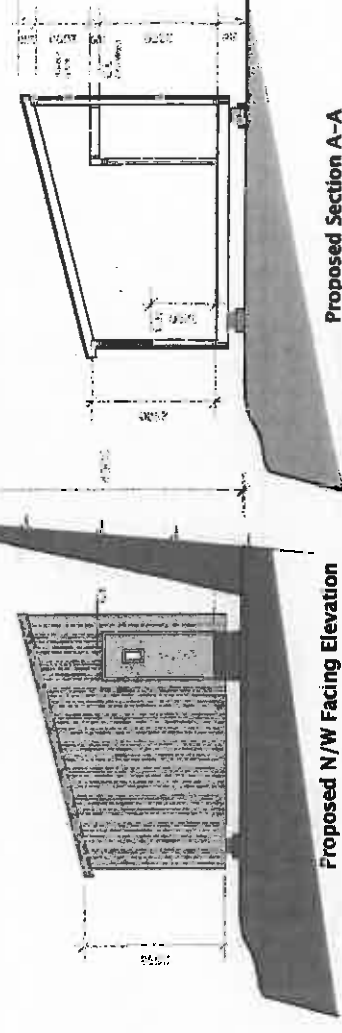
Proposed S/W Facing Elevation



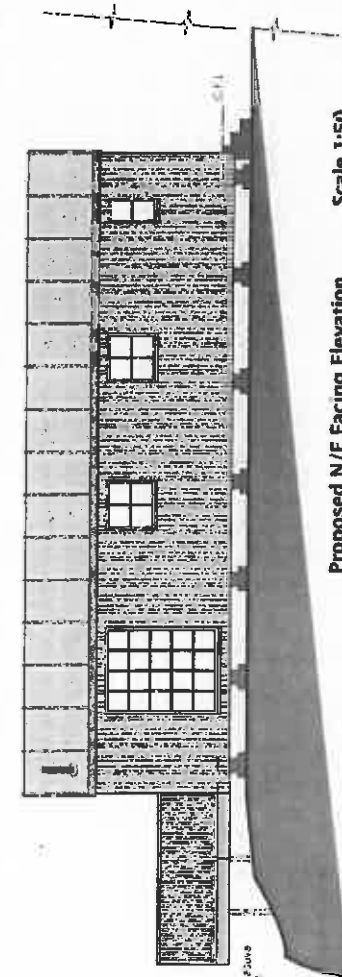
Proposed S/E Facing Elevation



Site plan scale 1:2000



Proposed N/W Facing Elevation



Proposed N/E Facing Elevation

Scale 1:50

New Build Timber Cabin
Proposed Plans & Elevations
 (all drawn to scale 1:100)

Project Ref SCF-PA1-01/12
 Drawing no. SCF-PA-NB1-P&E01A

Date 10/07/12

Drawing Notes

- Timber cabin to provide accommodation for 24 hour on site security & first aid facilities.
- New build timber cabin to be of timber construction, timber clad with a sloped simulated lead roof
- Timber deck/balcony with railings to extend out from S/E facing end


FORTRESS
 Client's details
 contact@tenbyisland.co.uk
 www.tenbyisland.co.uk
 Planning Page Ref 8