
Application Ref: NP/14/0113

Application Type	Full
Grid Ref:	SN13610045
Applicant	Mr C Cutting
Agent	
Proposal	Change of use from fishmongers to small scale art gallery selling work from local artists & offering locally sourced & made snacks & hot/cold refreshments such as cream teas.
Site Location	Penniless Cove Hill, Tenby, Pembrokeshire, SA70 7BZ
Case Officer	Ceri Porter

Summary

This application is being reported to the Development Management Committee for consideration as the recommendation for approval is contrary to the views expressed by Tenby Town Council. The Town Council recommend refusal in respect of pedestrian safety due to the narrowness of the vehicular access road to the working harbour which would cause conflict with people accessing and egressing the premises

Planning permission is sought to change the use of no. 2 Penniless Cove, Tenby from retail fish premises to an art gallery with a small area selling snacks and hot and cold drinks. The small arch premises are a listed building and will not be altered externally. The existing character of the listed building itself, the immediate harbour area and the surrounding conservation area is consequently preserved. Whilst Penniless Cove Hill is used by vehicles, it is not a County highway, serves a small limited number of businesses / uses and its gradient and width requires drivers to exercise caution. Notwithstanding the proposal, the existing use of the property is retail which could open for public use without the benefit of planning permission. As such there would no significant change in circumstances to that existing with no undue risk to pedestrian safety.

Given the above, the proposal is considered to be acceptable having regard to the relevant policies set out in Planning Policy Wales (2014), Technical Advice Notes and the Local Development Plan; and all other material considerations. The application is therefore recommended for approval, subject to conditions restricting tables, chairs, fittings etc. within the highway and prior agreement of any adverts on site.

Consultee Response

Conservation Officer: Supporting

Tenby Town Council: Recommend Refusal - due to risk to pedestrian safety.

Tenby Civic Society: No objection - Appropriate use in a charming location. A small cafe with covered seating would be a valuable addition to the harbour.

There may be issues re: cafe overprovision but this is small. The arches have visually poor appearances and a programme to renovate them would upgrade the arches.

PCC - Transportation & Environment: Conditional Consent - No significant change in circumstances. Condition recommended to prevent tables, chairs etc within highway

Public Response

The application has been appropriately advertised, and two representations have been received. The issues raised in these representations can be summarised in the following points:

- There are already too many cafes within Tenby;
- Highway Safety - Penniless Cove Hill is a narrow steep hill giving access to the harbour. Vehicular access is allowed all year round to permit holders, 2 vehicles cannot pass each other. An attraction on the hill would cause no end of problems for users;
- Inappropriate use for a listed building with no running water

Policies considered

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

LDP Policy 01 - National Park Purposes and Duty

LDP Policy 02 - Tenby Local Service and Tourism Centre

LDP Policy 08 - Special Qualities

LDP Policy 15 - Conservation of the Pembrokeshire Coast National Park

LDP Policy 18 - Porthgain, Saundersfoot and Tenby Harbours

LDP Policy 29 - Sustainable Design

LDP Policy 30 - Amenity

LDP Policy 50 - Town and District Shopping Centres

LDP Policy 53 - Impacts on traffic

PPW6 Chapter 05 - Conserving and Improving Natural Heritage and the Coast

PPW6 Chapter 06 - Conserving the Historic Environment

PPW6 Chapter 07 - Economic Development

PPW6 Chapter 10 - Planning for Retailing and Town Centres

TAN 12 - Design

Officer's Appraisal

Background

The site forms part of an improvement scheme of 1813 to connect the harbour to the town via an arcaded roadway. The site itself is one of the arch vaults accessed from the roadway. The arches are grade II listed.

The site is located on the edge of the Retail Centre of Tenby as defined in the Local Development Plan (LDP) and within the Harbour Area of Tenby.

Although currently vacant the site has been previously used for the retail sale of fish ('Petes Plaice') that was granted planning permission in 2002 as a permanent use.

History

NP/98/037 – Retail sale of fresh fish – Approved

NP/01/581 – Permanent use as a fresh fish business – Approved 19.02.02

NP/01/371 - Continued use as retail Fresh Fish business - Approved

Constraints

- Special Area of Conservation – within 500m
- SSSI within 50m
- LDP Designation
- Biodiversity Issue
- LDP Centre: 60pc aff housing; 30 units/ha
- Recreation Character Area
- Listed Building
- Conservation Area
- TPO within 10m

Current Proposal

The current proposal seeks planning permission to change the use of the existing fish retail use (A1 use) to a mixed use of art gallery with the ancillary sale of snacks and hot and cold drinks.

The unit is a relatively small space at 24.6sqm therefore the sale of food and drink would be largely takeaway with no more than 8 no. covers within the unit to allow maximum space for the display and sale of local produce/art.

Any cooking or preparation in respect of food will take place off site and only minimal reheating on site.

No external alterations are proposed and nothing is to affect the fabric of the building internally therefore Listed Building Consent is not required.

Key Issues

This proposal raises the following material considerations:-

- Principle of Development;
- Visual Amenity;
- Impact on Listed Building and Conservation Area;
- Amenity & Privacy; and,
- Highway Safety

Principle of Development

The application site is located within the Centre Boundary for Tenby, on the edge of the defined Retail Centre and within the Harbour Area.

Policy 18 of the LDP refers to development within Harbour Areas where development will be permitted provided that it sustains working harbour activities and conserves and enhances the existing character of the harbour.

The proposed change of use to a mix of art gallery / sale of refreshments from a fish retail unit is considered to continue a public use that will generate an income to the harbour area, provide an additional feature within the area and can only serve to improve the appeal of the area. As the proposal involves no alteration to the property, the existing character of the harbour is retained and it will ensure the arch remains in good repair when other arches are in poor condition.

In respect of over-provision of cafes within the locality as raised in the representations, the main use of the unit is proposed as a gallery with ancillary selling of snacks and drinks. At 24sqm the applicants envisage 8 covers at most within the building as they wish to maximise the gallery and craft selling space.

Visual Amenity:

Policy 15 LDP seeks the conservation of the Pembrokeshire Coast National Park with criteria 'a' and 'b' resisting development that would cause significant visual intrusion and/or, that would be insensitively and unsympathetically sited within the landscape. Policy 30 of the LDP seeks to avoid development that is of an incompatible scale with its surroundings (criterion 'b') or is visually intrusive (criterion 'd').

The proposed change of use involves no external alteration to the existing arch and is therefore considered to be entirely appropriate to its surroundings.

Impact on Listed Building and Conservation Area:

Policy 8 of the LDP refers to the protection of the special qualities of the Pembrokeshire Coast National Park and criterion 'd' in particular states that a priority is to ensure that the historic environment is protected and where possible enhanced.

The application site is situated in Tenby's Conservation Area. The special qualities are defined in the Tenby Conservation Area Proposals SPG which was adopted in 2011. Conservation Area and Listed Building policy is set out in Chapter 6 of PPW (edition 4). Paragraph 6.5.9 states that where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. Paragraph 6.5.17 states that: any proposals which conflict with the objective of preserving or enhancing the character or appearance of a conservation area would be strongly resisted. Proposals should retain the current character and appearance of the area or make a positive contribution to it.

As outlined above there will be no change to the appearance of the arch with the proposal only seeking to change the use of the building.

Amenity and Privacy:

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

The application site has a current A1 retail use for the sale of fish. The proposed use as a gallery with small café will involve no cooking or preparation of food on site and will largely involve the sale of coffee and tea for takeaway. As such no extraction system or other equipment is required for the proposal and it is considered that any nearby residents would not be affected. The site has electricity and water.

Highways and Parking

Policy 53 refers to impact on traffic and states that development will be permitted where appropriate access can be achieved and goes on to list instances where access will be considered inappropriate.

Tenby Town Council and one letter of representation have raised concern regarding pedestrian safety on a narrow highway.

Whilst it is accepted that Penniless Cove Hill is used by vehicles and particularly in the summer months can be busy with pedestrians, the road is not an adopted highway but is used by the public and leads steeply down to a small permit holder only car park that does not serve the general public. Anyone driving a vehicle along the Hill would do so with caution given the number of people and gradient. The building currently has a lawful retail use that the public could visit without the benefit of planning permission therefore the proposed change of use would see no significant change in circumstances.

PCC Highways have also commented that there are currently doors on the fish shop that open outwards to be clipped to the wall, in a similar fashion to all the other garages, fishermen's stores, and the adjacent electricity cabin. The road is 5 metres wide at this point, with the entrance door to the Chapel directly opposite, so whilst there is room for small signs, paintings on the wall and a small waste bin, there could be concern that attempts to extend some sort of eating area in the road, or large cheese-board signs, could cause a physical blockage. A condition would therefore be recommended that there be no tables, chairs or fixtures extending more than 300mm into the highway.

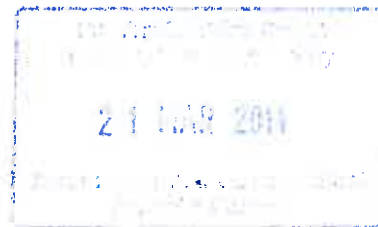
Given the above, it would be unreasonable to object to the change of use on the grounds of highway safety.

Conclusion

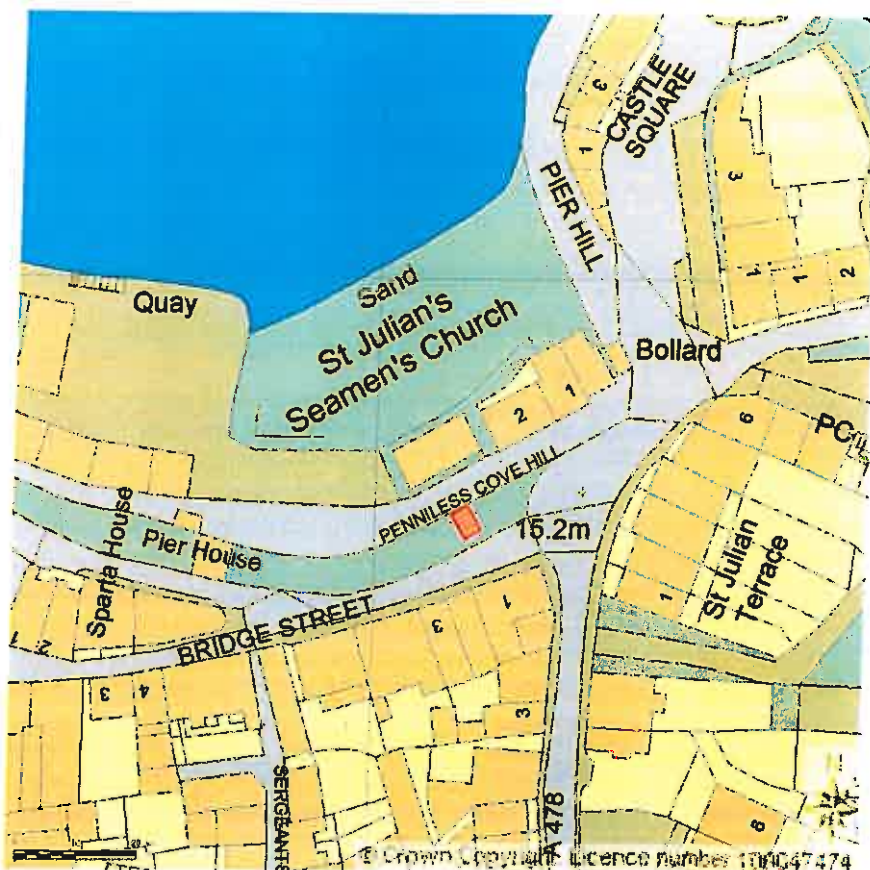
The proposed change of use is considered to represent an appropriate use that would be in-keeping with both the listed building and this part of the Tenby Conservation Area. The proposed change of use would result in little change from the retail use already approved at the site and would not be detrimental to highway safety. It is therefore recommended that the proposal be approved subject to standard conditions plus one restricting objects in the highway.

Recommendation

That the application be approved subject to conditions relating to time for implementation, compliance with the approved plans, controlling signage and not allowing objects and fixtures in the highway.



**SITE LOCATION PLAN
AREA 2 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 213611, 200473**



Please note, the site is located beneath park.

Supplied by Streetwise Maps Ltd
www.streetwise.net
Licence No: 100047474
21/03/2014 07:47