

Application Number

P/2019/0238/LB

Site Address

Harbour Light Restaurant
North Quay
Roundham Road
Paignton
Torbay

Case Officer

Ross Wise

Ward

Roundham with Hyde

Executive Summary/Key Outcomes

The application proposes internal and external alterations to a harbour-side building located at North Quay, Paignton, which contains restaurant and retail units, which are currently vacant, along with storage associated with the harbour. The proposal is for the extension of the restaurant use, which would fill the whole of the building, and would include the addition of an external terraced area at first-floor level, external store areas attached to the east of the building, external seating areas, along with new condenser units, structural alterations and changes to the fenestration.

The proposal is considered to be acceptable in terms of the impact on the listed building. The proposal meets the requirements of the Torbay Local Plan and the Paignton Neighbourhood Plan.

Recommendation

That Listed Building Consent is granted, subject to the conditions detailed below. The final drafting of conditions and addressing any further material considerations that may come to light to be delegated to the Assistant Director of Planning and Transport.

Reason for Referral to Planning Committee

As the proposed development is on land owned by Torbay Council, is not a minor variation to an existing planning permission, and the application has received objections, the Council's constitution requires that the application be referred to the Planning Committee for determination.

Statutory Determination Period

29th April 2019.

Site Details

The application site comprises a Grade II listed building, containing vacant restaurant and retail units along with storage uses associated with the harbour. The listing states that the building was likely to have been used as fish cellars and net stores associated with the fishing industry, which then later, in part, came into use as a restaurant with some storage use associated with ships in the harbour.

The building has two storeys.

The site is located within Flood Zones 2 and 3. The site is also within the designated Roundham and Paignton Harbour Conservation Area. There are a number of Grade II Listed Buildings within the immediate vicinity of the site. The site is within 250 metres of Roundham Head SSSI. The site is not located within Paignton Town Centre, however it is in close proximity.

Detailed Proposals

The application proposes internal and external alterations to the application building with the creation of a restaurant across both floors, including a small coffee shop/takeaway to the ground-floor. Internally, the proposal would involve the removal of six stores and two shops at the ground-floor level and the removal of one store area at first-floor level.

The external alterations include a ground-floor extension off the southern elevation to accommodate storage including refuse storage; the addition of a first-floor, outdoor terraced area, also off the southern elevation; the removal of the existing shutters and awnings; the insertion of a serving hatch to the north-western elevation at ground-floor level; the replacement of windows, doors and downpipes; the blocking up of a number of doors; and associated works. The proposal would include outdoor seating areas alongside the building at ground-floor level, as well as on the proposed first-floor terrace. There would also be repairs to the historic fabric of the building.

This application for listed building consent is only concerned with works affecting the fabric of the building, and complements the associated application for planning permission.

Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

Development Plan

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")
- The Paignton Neighbourhood Plan.

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Published standing Advice

- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report:

Summary Of Consultation Responses

Historic England: On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.

Interim Heritage Advisor: The building is located in the Roundham & Paignton Harbour Conservation Area and is a Grade II Listed Building. The building appears from the historic records to have started life as a fish cellar and net store. The reports suggest that due to the nature of the historic use of the building as a store the majority of the historic fabric seems to be limited to the existing rubble wall build up and exposed timber roof structure.

In my view whilst the building has a considerable history the historic merit lies in its historic use and its architecturally functional design. I am aware that the case officer has negotiated changes to the original submission which has served to make improvements and helped resolve some of the concerns regarding the details, and achieved an acceptable balance between the commercial operation of the building whilst maintaining the building's special merit. The treatment to the area of the existing gift shopfront has been an issue of debate, however, the shopfront in itself whilst part of the story of the building is not intrinsic in terms of the buildings architectural or historic merit. The treatment of this area with timber board should at least serve to echo the buildings original purpose.

It will be important to carefully condition any permission including to ensure that details of the new fenestration is submitted for approval.

On balance whilst the proposal involves a number of interventions these do not cumulatively cause significant harm of the building's overall significance as a listed building, especially accounting for the fact that the use of the building should ensure it has an available longer term future. I also consider that the alterations are considered to preserve the character and appearance of the Roundham & Paignton Harbour Conservation Area.

Summary Of Representations

Publication type: Neighbour notification letters/Site notice/Newspaper advert
7 objections have been received from 4 parties. Issues raised:

- Impact of noise and smells.
- Opening hours.
- Lack of privacy.
- Extent of seating area.

- Overdevelopment.
- Impact on harbour businesses.
- Potential for vandalism in the underpass.
- Location of Air conditioning units.
- Nuisance from Gulls.

Relevant Planning History

P/2006/1341: Repointing Of Seaward North Sandstone Elevation. Approved 04/10/2006.

Key Issues/Material Considerations

The key issues to consider in relation to this application are:

Impact on heritage asset

Paragraph 124 of the National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In addition, paragraph 130 states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. Policy SS10 states that proposals will be assessed, amongst other things, in terms of the impact on listed and historic buildings, and their settings, and in terms of the need to conserve and enhance the distinctive character and appearance of Torbay's conservation areas. Policy HE1 states that development proposals should have special regard to the desirability of preserving any listed building and its setting, or any features of special architectural or historic interest which it possesses. Policy PNP3 of the Paignton Neighbourhood Plan states that improvement on the harbour and frontage to the harbour will be encouraged and development proposals supported subject to other policies within the Paignton Neighbourhood Plan.

The building's significance is derived from its associated use with the harbour as its probable historic use as a fish cellar and net store. The building presents an industrial architectural character that is still visible, even after the conversions of the upper floor and the creation of the underpass, connecting the harbour with the south-west coast path. In terms of its evidential value, there is likely to be little due to the previous conversion and its continuing use as storage.

On inspection of the site, much of the exterior is in what seems to be a relatively good condition. The exterior render, where rendered, shows little sign of decay or blistering. Given its painted finish it was unable to determine the materiality of the current render. Red breccia stone is exposed externally on the north elevation on the seaward side and internally within many of the ground level storage units. There is a varying degree in the internal quality of the storage units, due to their variable uses, with many requiring repair of the pointing, stonework and render.

The current Georgian style windows partially fill what is likely to have been the historic openings used to access the upper floors of the building. Painted shutters, proportionate to the size of the current windows, are present on the elevations but present no function and are purely ornamental, likely to have been installed in C20. Within the underpass, connecting the harbour to the Eastern Esplanade and the Seafront to the North, are two vacant shops and their frontages. These were installed in the late 1930s and are not an original feature of the building. Existing rainwater goods are painted in a vibrant blue colour to match the windows and shutters.

The application proposes internal and external alterations to the application building with the creation of a restaurant across both floors, including a small coffee shop/takeaway to the ground-floor. Internally, the proposal would involve the removal of six stores and two shops at the ground-floor level and the removal of one store area at first-floor level. The external alterations include a ground-floor extension off the southern elevation to accommodate storage including refuse storage; the addition of a first-floor, outdoor terraced area, also off the southern elevation; the removal of the existing shutters and awnings; the insertion of a serving hatch to the north-western elevation at ground-floor level; the replacement of windows, doors and downpipes; the blocking up of a number of doors; and associated works. The proposal would include outdoor seating areas alongside the building at ground-floor level, as well as on the proposed first-floor terrace.

As there seems to be little evidence of the original layout, as much as possible of the existing fabric should be retained and where the rubble wall is deteriorating and requires repair, this should be undertaken in an appropriate manner to ensure there are no adverse impacts on the significance of the listed building. Where the removal of sections of the fabric are proposed, they have been subject to scrutiny and negotiation to ensure their removal is appropriate and necessary. A condition will be used to ensure the appropriate materials are used where any repairs to the existing stonework, pointing and render are required.

The removal of the shutters and painting of the rainwater goods, is considered to result in an improvement in the appearance of the listed building. Additionally the upgrade or removal of poor quality non-original elements from building are considered to have a similar effect. For example, the steel access staircase to the south elevation at the eastern end of the building. The introduction of the terrace area as an extension of the eastern end of the building remains subservient to the existing structure as it does not project beyond its building line and creates a stepping down of built elements. The palette of materials proposed for the construction of the terrace are similar to that of the existing building. However, the proposed terrace presents a modern touch to the nature of its design with structural steel columns, toughened glass balustrades and stained timber louvered panels. This specific approach clearly identifies the terrace as a modern addition, enabling it to be clearly read as such, without the creation of a pastiche design.

The Council's Interim Heritage Advisor has gone on to state that whilst the building has a considerable history the historic merit lies in its historic use and its architecturally functional design. Attempts have been made to negotiate changes to the original submission, which sought to make improvements and assisted in resolving some design concerns, which has achieved an acceptable balance between the commercial operation of the building whilst maintaining the building's special merit. For instance, the treatment to the area of the existing gift shopfront has been an issue of debate, however, the shopfront in itself whilst part of the story of the building is not intrinsic in terms of the building's architectural or historic merit. The treatment of this area with timber board should at least serve to echo the building's original purpose, to ensure this a planning condition will be employed.

The Council's Interim Heritage Advisor has recommended conditioning details of new fenestration and concludes that on balance whilst the proposal involves a number of interventions these do not cumulatively cause significant harm to the building's overall significance as a listed building, especially accounting for the fact that the proposed use of the building should ensure it has an available longer term future.

Should listed building consent be granted, a planning conditions should be employed to secure details of the proposed windows and door, and works to the fabric of the building, to ensure that the materials enhance and conserve the Listed Building and to ensure that the proposal complies with the requirements of the Planning (Listed Building & Conservation Area) Act 1990.

Local Finance Considerations

S106/CIL -

S106:

Not applicable.

CIL:

The CIL liability for this development is Nil.

Statement on Human Rights and Equalities Issues

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equalities Act - In arriving at this recommendation, due regard has been given to

the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

EIA/HRA

EIA:

Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

Conclusion

The proposal is considered acceptable, having regard to the Torbay Local Plan, the Paignton Neighbourhood Plan, and all other material considerations.

Condition(s)/Reason(s)

Window and Door Details

Prior to the installation of new windows and doors, the following shall be submitted to and approved in writing by the Local Planning Authority:

- Sections at a scale of 1:1 and elevations at a scale of 1:10, of all new windows and doors
- Reveal sections, drawn to a scale of 1:1-1:10
- Sill sections, drawn to a scale of 1:1-1:10

The development shall then proceed in full accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure an acceptable form of development in the interests of the character and appearance of the Harbour Light Restaurant Listed Building in accordance with Policy HE1 of the Torbay Local Plan.

Materials

Prior to the use of any building materials that would be used for the repair of the historic fabric of the building, or within the external appearance of the building, including cladding, stonework and mortar, the proposed materials (including samples where appropriate) shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall thereafter be undertaken in accordance with the approved details, and shall be retained as such for the life of the development.

Reason: To ensure an acceptable form of development in the interests of the character and appearance of the Harbour Light Restaurant Listed Building in accordance with Policy HE1 of the Torbay Local Plan.

Informative(s)

01. In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for listed building consent.

Relevant Policies

DE1 - Design
SS10 - Conservation and Historic Environment
HE1 - Listed Buildings
PNP3 – Paignton Harbour