

Application Number

P/2014/1238

Site AddressPaignton Pier
Eastern Esplanade
Paignton
Devon
TQ4 6BW**Case Officer**

Carly Perkins

Ward

Roundham With Hyde

Description

New first floor over existing building for outdoor cafe use. Entrance towers over existing building. Bridge connecting new first floor over existing two buildings. New disabled toilets. Re-cladding & re-fenestration of existing buildings. General use of pier open decks.(Revised plans received)

Executive Summary/Key Outcomes

The application is for Paignton Pier which is located to the east of Esplanade Road. The pier is within flood zones 2 and 3 and positioned close to three listed buildings, the Redcliffe Hotel to the north and Harbour Lights and Paignton Harbour to the south. The Roundham and Paignton Conservation Area boundary lies to the south of the site.

The pier includes two flat roofed single storey buildings either side of the Pier entrance at the shoreward (western) end which leads on to a pavilion type building used for arcades and an open air area towards the pier-head that is used for rides. The proposal is for the erection of entrance towers to the western end of the pier, a first floor extension to the rear of the entrance space and the use of the roof space above the northern and southern wings for seating, the erection of new toilets, the recladding and refenestration of the existing buildings and the general use of the open decks to the eastern end of the pier.

The principle of the proposal is considered acceptable, and would make a positive contribution to the tourism offer in Paignton through the enhancement of an existing tourism facility in a sustainable location in terms of walking, cycling and public transport opportunities. The design of the proposal reflects the original design of the Pier in 1878 with its 'carnavalesque' roof design. The choice of materials and form of the building is considered acceptable in terms of the setting of the nearby listed buildings and also to the Urban Landscape Protection Area that is located to the west.

Subject to comments from Natural England with regard to the impact on the

Marine Special Area of Conservation which lies beneath the pier and the submission of a satisfactory site specific flood risk assessment by the applicant the works are considered acceptable.

Recommendation

Conditional approval; subject to consultation responses from Natural England with regard to the Marine Special Area of Conservation and the applicant submitting a site specific flood risk assessment which is acceptable to the Director of Place, within 3 months of the date of this committee or the application be reconsidered in full by the committee; unless otherwise agreed by the Director of Place in consultation with the Chairman of the Development Management Committee; conditions are listed at the end of this report, however final drafting and determination of appropriate planning conditions to be delegated to the Director of Place.

Statutory Determination Period

8 weeks, the determination date is the 12th March 2015; this has been extended to the 27th March 2015 to allow the site specific flood risk assessment to be submitted, comments from Natural England to be received and for the application to be considered by the Development Management Committee.

Site Details

The application site is a Victorian pier originally built in 1878/79. The pier comprises an entrance building, a pavilion building along the neck of the pier and then an open deck area towards the pier head. The pier is located west of the Urban Landscape Protection Area and Coastal Preservation Zone and above the Marine Special Area of Conservation. The pier is located within flood zone 2 and 3 and positioned close to three listed buildings, the Redcliffe Hotel to the north and Harbour Lights and Paignton Harbour to the south. The Roundham and Paignton Conservation Area boundary lies to the south of the site.

Detailed Proposals

The proposal is for the erection of entrance towers to the western end of the pier, a first floor extension to the rear of the entrance space and the use of the roof space above the northern and southern wing for seating, the erection of new toilets, the recladding and refenestration of the existing buildings and the general use of the open decks to the eastern end of the pier. The proposal include neon sting lighting, street lamps to match those already existing on the pier and materials include glass reinforced plastic cladding in cream and turquoise, glazing and lead effect roofing canopies.

Summary Of Consultation Responses

Senior Design and Heritage Officer: The proposal is acceptable and its impact on the designated heritage assets will be negligible.

Drainage Engineer: The existing information supplied does not address issues with regard to flood risk, flood mitigation or flood safety. Before planning permission can be granted the applicant must supply a revised site specific flood risk assessment demonstrating how the risk of flooding is to be mitigated together with details of the flood plan identifying in detail the evacuation and flood response procedures that are to be followed.

Marine Management Organisation: The Marine Management Organisation would consider works below the mean high water spring mark; works are described as deposits, removal, construction dredging etc. Works such as painting of the pier supporting structure may require a licence by the MMO.

South West Water: No objection in terms of its impact upon the public foul drainage network.

Environmental Health: Due to the distance between the site and nearby businesses a condition in relation to the use of music is not necessary; any complaints could be considered using Statutory Nuisance Provisions. An hours of operation condition could however be imposed to control the hours during which music could be played.

Environment Agency: No comment.

Natural England: Comments awaited.

Summary Of Representations

One representation has been received. Issues raised:

- Impact on existing drainage as a result of additional cafe and toilets
- Impact of an additional takeaway within close proximity of existing similar businesses

This representation has been sent electronically for Members consideration.

Relevant Planning History

P/2013/0869 Replacement and upgrade of existing public telephone kiosk with kiosk combining public telephone serve and ATM service APPROVED 03.10.2013

P/1996/0139 Retention of kiosk and use for sale of sea food, ice cream, toffee apples, popcorn, renewal of application APPROVED 18.03.1996

P/1980/1636 Renew superstructure and widen APPROVED 28.08.1980

Key Issues/Material Considerations

The main issues are the impact of the proposal on tourism, the character and appearance of the area, local amenity and flood risk.

Tourism:

Policy TU3 states that proposals for the improvement of existing and the development of new tourist facilities on sites other than those identified in Policies TU1 and TU2 will be permitted provided they preserve or enhance the attractiveness and competitiveness of the resort in terms of the range and quality of its tourist facilities, the location is readily accessible by a range of means of transport, the scheme is of a satisfactory scale and design in relation to its surroundings and does not harm residential amenity, the scheme does not conflict with relevant landscape protection policies and does not cause harm to Torbay heritage resource. Paragraph 5.43 of the explanation expands on this to say that proposals that enhance the attractiveness of the resort, particularly all weather and non-seasonal facilities will be welcomed in principle. In this instance the proposal is considered acceptable making a positive contribution to the tourism offer in Paignton through the enhancement of an existing all weather (at least in part) tourism facility in a sustainable location close to existing public transport, walking and cycling routes.

Design:

The proposal looks to reflect the flamboyant design of the original pier in 1878. The pier at present is reasonably low key with single storey flat roof elements fronting on to the green and whilst the use of lighting has been explored the pier is currently relatively understated. The design of the proposal reflects the original design of the Pier in 1878 with its 'carnavalesque' roof design and colourful use of lighting. The design is unlike other buildings and structures nearby but imitates the style of a traditional Victorian pier which would not look out of place in seaside locations as a standalone structure. The proposal sits just outside of the coastal preservation zone and the urban landscape protection area. It is noted that the proposal will have an impact on the setting of these designations. In addition whilst some distance from the listed buildings (Harbour Lights, Redcliffe Hotel and Paignton Harbour) and the Roundham and Paignton Harbour Conservation Area, all are visible in views of the pier such that the proposal would affect the setting of these heritage assets. Whilst it is accepted that the proposal will become more prominent due to the increase in height, the principle of the development is supported and it is considered that on balance as the overall design of the scheme is architecturally sound, the increase in visibility is

also acceptable. Whilst noted that views of the pier are possible within the context of the listed buildings and conservation area the impact on their setting is considered limited by reason of the separation distances.

Paragraph 134 of the National Planning Policy Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this instance in line with comments above, the proposal will contribute to the enhancement of the area as a location for all year round tourism in line with policies TUS and TU3 of the Torbay Local Plan 1995-2011. In addition the works include the positive enhancement of the pier improving its appearance within the setting of the nearby listed buildings and conservation area and therefore it is considered that the works accord with paragraph 134 of the National Planning Policy Framework. Similarly with regard to the coastal preservation area and urban landscape protection area, the works relate to an existing structure and the footprint of the works does not exceed those of the existing pier. As above, whilst the proposal will increase visibility of the pier the proposal reflects the original Victorian architecture which is considered to be a suitable design for a standalone structure such as this. The design has a mixture of roof forms and storey heights which help to break up the scale of the structure in views from the north, south and west and as such is considered acceptable.

The general use of the open air decks toward the rear of the pier up to a height 6m (stationary position) is considered acceptable and a condition has been recommended restricting the height of any rides in this area to 6m maximum. A height of 6m has been recommended as this would accord with the eaves height of the rear elevation of the entrance building and therefore would reflect the scale of the proposed building rather than appearing overly dominant towards the rear of the pier.

Flood Risk and Drainage:

The application site is within flood zone 2 and 3 and although noted that the works are largely located at a higher level, flood mitigation and safety procedures still need to be considered. Some information has been provided with regard to flood risk and mitigation however the Council's Drainage Engineer has stated that this isn't sufficient to demonstrate that the issue of flood risk has been addressed and that a revised site specific flood risk assessment demonstrating how the risk of flooding is to be mitigated together with details of the flood plan must be submitted prior to planning permission being granted.

Representations with regard to drainage have been noted and in response South West Water have been consulted with regard to the foul drainage capacity in light of the additional toilet blocks and cafe. South West Water has not raised any concerns with regard to foul drainage as a result of this proposal.

Local Amenity:

The overall use of the pier as a leisure/entertainment facility will remain as existing and in light of the distance from neighbouring buildings the proposal is not considered to result in any serious detriment to neighbouring amenity.

Other Issues:

Representations with regard to the impact of a takeaway at lower ground floor level are noted, this has now been removed from the application and therefore this issue has not been considered further.

S106/CIL -

N/A

Conclusions

The principle of the proposal is considered acceptable making a positive contribution to the tourism offer in Paignton through the enhancement of an existing tourism facility in a sustainable location in terms of walking, cycling and public transport opportunities in accordance with policies TUS and TU3 of the Torbay Local Plan 1995 -2011. The design of the proposal reflects the original design of the Pier in 1878 with its 'carnavalesque' roof design, the choice of materials and form of the building is considered acceptable in terms of the setting of the nearby grade II listed buildings, conservation area and the urban landscape protection area and coastal preservation area to the west. Subject to comments from Natural England with regard to the impact on the Marine Special Area of Conservation which lies beneath the pier and the submission of a satisfactory site specific flood risk assessment by the applicant the works are considered acceptable.

Condition(s)/Reason(s)

01. No music shall be played externally outside of the following hours 1100-2200 daily.

02. Children/adult fairground rides located within the areas hatched green and purple on drawing number 17 ('Activity Plan') shall be no more than 6m tall when in a static position.

Relevant Policies

- TUS Tourism strategy
- TU3 New tourist facilities elsewhere
- EPS Environmental protection strategy
- BES Built environment strategy

BE1 Design of new development
BE5 Policy in conservation areas
BE6 Development affecting listed buildings
NPPF National Planning Policy Framework