

Application Number

P/2011/0490

Site Address

The Old Market House
The Quay
Brixham
Devon
TQ5 8AW

Case Officer

Mrs Alison Read

Ward

Berry Head With Furzeham

Description

Revisions to approved scheme P/2009/0219/PA and P/2009/0220/LB (Revised plans)

Executive Summary/Key Outcomes

This is a retrospective application for a revised scheme to that approved in 2009 for the change of use of the premises to a cafeteria and restaurant with balcony to front elevation. (P/2009/0219/PA and P/2009/0220/LB See History).

The revised proposal is considered to be acceptable on planning merit as the amendments are of a relatively minor nature, are as agreed in negotiation with the planning officers and the conservation officer and should have no detrimental impact on the character and appearance of the listed building, the conservation area or the amenities of the vicinity. As such the revised scheme would be in compliance with the objectives of relevant local plan policies.

There have been a number of objections to the originally submitted plans (revised plans submitted during course of application have been re-advertised). Brixham Town Council support the revised application (supersedes original objection). The application is being considered at committee as the property is a council asset and as such cannot be considered under delegated powers (and there are also objections).

Recommendation

Committee Site Visit; Conditional Approval

Site Details

The proposal site is the Old Market House on The Strand/The Quay, Brixham. The building faces towards the inner harbour in the vicinity of the Golden Hind, with The Strand running along the rear of the building and The Quay to the north-west.

The site is a 2-storey Grade II Listed building with a former use associated with the shipping industry. The listing clarifies that the building is believed to date from 1799, the building had a painted stone rubble finish of white with a black plinth with brick quoins around the doors and windows and a slated roof. The building is a long freestanding building with its north-west corner sharply splayed at the point where The Strand turns into The Quay.

The most recent previous use of the first floor was as a maritime museum (The Deep) and the ground floor uses included a fish mongers, café, stores and tourist information centre.

The site lies within Brixham Town Conservation Area and forms part of the secondary shopping frontage in the town.

The building had planning permission and listed building consent for alterations, extensions,

conversion to restaurant/cafeteria with balcony to front elevation approved in 2009. (See History)

Detailed Proposals

This is a retrospective application for a revised scheme to that approved in 2009 for the change of use of the premises to a cafeteria and restaurant with balcony to front elevation. (P/2009/0219/PA and P/2011/0220/LB See History).

The alterations to the scheme are of a relatively minor nature and have been agreed in negotiation with planning officers and the conservation officer.

The amendments to the approved scheme are:

- Increase depth of balcony by 450mm from face of existing wall
- Revision to balcony column detailing
- Increase width of external stair flight from 775mm to 1000mm
- External stair glass balustrade design amended to match balcony
- Additional steps/landing to N-E harbour elevation raised to enable level access to new internal floor
- Steps landing to S-E side elevation extended to comply with Building Regulation requirements. Finish amended to granite to match existing finish
- 2 no. flues added to roof to accommodate stove and boiler (reduced from 4no. on original drawing submitted for 9/5/11 application)
- Replacement of roof with natural slate
- Glazed screens added to 2 no. windows on S-W The Strand ground floor elevations with shutters on hold open during trading
- Glazed screen to 1 no. window at first floor on side S-E elevation. Oak rail to be inserted in existing receivers with shutters opening internally to remain
- Details of internal extract ventilation submitted
- Air intake louvre added to small boarded up window to RHS of N-E harbour elevation
- Air intake louvre omitted from first floor window on S-W The Strand elevation and replaced with window to match existing
- New external wall opening to be formed at first floor level on side N-W Middle Street elevation to accommodate extract air. Clay pipes to be inserted into external face of opening to mask louvre behind as Tony Garratt LBO recommendation
- Rainwater goods amended from cast iron to galvanised metal
- Glazed screen to second RHS opening on ground floor N-E harbour elevation amended to match adjacent screens
- Portholes omitted from door on RHS ground floor N-E harbour elevation
- Internal layout amendments to first floor kitchen and servery. Stove omitted from first floor trading area

Summary Of Consultation Responses

Conservation; The revised scheme has been agreed in negotiation with the conservation officer.

Environmental protection; Observations awaited

Summary Of Representations

Brixham Town Council; recommend approval.

There have been a number of objections. Summary of reasons for objection:

- 1) Overdevelopment
- 2) Impact on local area/not in keeping with local area
- 3) Alterations and enlargement of balcony detrimental to appearance of building

- 4) Concerns about odours and flues
- 5) Concerns work started without compliance with conditions attached to 2009 applications (N B conditions discharged on 09.06.11.)

Relevant Planning History

There is a long history for this site; the most relevant applications are listed below:

P/1982/0225	Use Exhibition-Info Bureau. Approved 30/04/1982.
P/1982/0226	Use Exhibition-Info Bureau. Approved 30/03/1982.
P/1990/0396	Alterations, And Formation Of Entrance And Windows, And Internal Alterations. Approved 15/05/1990.
P/1990/0775	Change Of Use Of Ground Floor Store To Museum Shop, Ancillary To The Museum, And External Alterations To Building. Approved 05/06/1990.
P/1992/0521	Reinstate First Floor Window. Approved 29/05/1992.
P/2003/0199	Listed Building Application For Alterations To Facilitate Wheelchair Access, Illuminated Lantern And New Redirect Sign. Approved 28/05/2003.
P/2007/0514	Installation Of Part Glazed Timber Doors. Approved 19/07/2007.
P/2007/0685	Installation Of Part Glazed Timber Doors. Approved 19/07/2007.
P/2008/0645	Alterations, Extensions, Conversion To Restaurant With Pedestrian Access. Withdrawn 29/05/2008.
P/2008/0646	Alterations, Extensions, Conversion To Restaurant With Pedestrian Access. Withdrawn 29/05/2008.
P/2009/0219/PA	Alterations, extensions, conversion to restaurant/cafeteria with balcony to front elevation (revised scheme). Approved 09/06/2009
P/2009/0220/LB	Alterations, extensions, conversion to restaurant/cafeteria with balcony to front elevation (revised scheme). Approved 09/06/2009
CN/2011/0044	Discharge of condition to applications P/2009/0219/PA Conditions 1, 2 ,3 ,4, 7 and 8. P/2009/220/LB - 1, 2, 3,4, 6 and 8. Approved 09/06/2011
P/2011/0491/LB	Current accompanying LB application also being considered at committee
P/2011/0698/AD	New pub signs; Current advertisement consent application also being considered at committee

Key Issues/Material Considerations

Principle and Planning Policy -

This is a retrospective application for a revised scheme to that approved in 2009. The change of use of the premises to a cafeteria and restaurant was considered to be acceptable in principle and consistent with the relevant Local Plan policies and has already been approved.

Listed Building/Conservation Area

The alterations to the main building include the restoration of many of the features of historic and architectural value and reinstalling windows etc. The erection of the balcony and conversion of the building has enabled the removal of the paint and lime wash to the external walls and has restored the building to its original rubble stone appearance.

The alterations to the balcony and other alterations to the previously approved scheme are of a minor nature which would have no significant adverse impact on the character and appearance of the listed building or the conservation area and in some cases are improvements to the scheme as suggested and agreed in consultation with the planning officers and the conservation officer.

Amenity

The proposed change of use is likely to cause an increased level of noise in the area, due to the nature of the use. However, the building is situated within the town centre, where such uses are most

appropriate and detailed conditions in relation to opening hours and possibly regarding the extract ventilation will ensure that the amenities of neighbouring occupiers are protected.

Economy -

The site lies within the town centre and as such a commercial use for the building is advantageous and the A3 use should also retain vitality in this part of the harbour. The ground floor cafeteria with outdoor seating/tables on the harbourside and restaurant on the first floor with a balcony overlooking the inner harbour should provide a valuable facility and improved dining experience for customers in this prime location, which should contribute to the enhancement of the area as a location for all year round tourism to the benefit of the local economy, as well as creating jobs. (Policy TU1)

Climate change -

Sustainability; The proposal makes use of an historic building, which was under-used following the closing of The Deep. The scheme also makes sustainable use of a building within the town centre/inner harbour area of Brixham, ensuring that the vitality and viability of the harbour area is maintained and reducing the requirement for out of town destination restaurants.

Environmental Enhancement -

The proposal involves the complete renovation of the listed building which is in a prominent town centre/harbourside location and should enhance the character and appearance of the listed building and the conservation area. (Policies BES, BE1, BE5, BE6 and TU1)

Vibrant Town Centres -

The proposed change of use and improvement works to the listed building will revitalise a key building within the town centre, providing a facility which should enhance the vitality of the inner harbour area.

S106/CIL -

A financial appraisal and cost schedule was submitted with the original application in 2009. This information confirmed the cost of the works to restore the building. As such the contribution requested in this instance towards sustainable transport was used instead to enable the improvements to this important listed building.

Disability Issues - The proposal will provide ramped access to the ground floor and a disabled lift to the first floor, ensuring that the building is compliant with the relevant building regulations and the Disability Discrimination Act.

Crime and Disorder - The proposed use may result in the consumption of alcohol if the applicant applies for a licence, however, the licensing authority will have the opportunity to restrict the license to within the premises if they so wish. The change of use is acceptable on planning merit and the issue of licensing is a separate matter for consideration by the relevant authority.

Conclusions

The revised proposal is considered to be acceptable on planning merit as the amendments are of a relatively minor nature and should have no detrimental impact on the character and appearance of the listed building, the conservation area or the amenities of the vicinity. Therefore, having regard to all national and local planning policies and all other relevant material considerations it is recommended that this application be approved.

Recommendation

Committee Site Visit; Conditional Approval.

Condition(s)/Reason(s)

01. The use hereby approved shall take place only between the hours of 09:00 and 23:00 daily unless with the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the area and in accordance with policies EP4, EP5 and S4 of the saved adopted Torbay Local Plan (1995-2011).

Relevant Policies

BES	Built environment strategy
BE1	Design of new development
BE5	Policy in conservation areas
BE6	Development affecting listed buildings
TU1	Harbourside and waterfront regeneration
S1	Town Centres
S4	Secondary shopping frontages
CF6	Community infrastructure contributions
EP3	Control of pollution
EP4	Noise