

Application Number

P/2015/0589

Site AddressAdjacent Inner Harbour
The Strand
Torquay**Case Officer**

Mrs Ruth Robinson

Ward

Tormohun

Description

Coffee sales kiosk.

Executive Summary/Key Outcomes

This application is for a purpose designed kiosk for the sale of coffee and snacks to be located on The Strand within the Torquay Harbour Conservation Area. It is proposed to site it on the linear strip of public amenity space that immediately borders the length of the listed quayside.

This is identified in the Torquay Town Centre Master Plan (adopted June 2015) as 'arguably one of the most important public spaces in Torquay' although it is recognized as one in need of improvement. Proposals to achieve this are included in this document.

As a temporary measure, a portacabin has been erected on the application site for the sale of refreshments. This was put in place in advance of an application being made and has generated a number of complaints.

This structure is of a poor utilitarian design and is unacceptable in terms of location, design and its impact on the character of the Conservation Area and on views of the harbour.

The proposed kiosk is 2 metres wider and a metre higher than the existing portacabin. This is a sizeable structure and is considered unduly dominant and of a design that does not obviously fit with the character of the harbour.

The location is also of concern in terms of the impact on key public views of the harbour and on the quality of this important public space. It could also impede implementation of the improvements included in the adopted Master Plan.

Whilst it is recommended that this application is refused, it is suggested that an alternative scheme be invited prior to any action being taken to secure the removal of the portacabin and that a three month period be allowed to seek some resolution of the matter.

Recommendation

Refuse for the following reason:

The proposed kiosk, due to a combination of location, size and height, is unduly dominant and does not relate well to the character of the harbour in terms of its overall design. It adversely impacts on the quality of the public space of which it forms a part and on public views of the harbour and as such is harmful to the character and appearance of the Conservation Area and adjacent listed structures. Its location would also frustrate implementation of adopted proposals for improvement of the public realm along The Strand. It is thus contrary to policies TU1, BES, BE1, BE5 and BE6 of the saved Adopted Local Plan 1995-2011, to the Adopted Torquay Harbour Master Plan and to the relevant provisions of the NPPF.

It is also recommended that any action to secure the removal of the existing portacabin be held in abeyance for a 3 month period to allow the applicant to come forward with a more suitable alternative scheme in terms of location and design that relates better to the character of the Conservation Area.

Statutory Determination Period

The application should be determined within 8 weeks expiring on the 21st August.

Site Details

The small rectangular application site is located on the listed Harbourside in a linear strip of amenity space which is identified as a key public space in the adopted Torquay Master Plan. This is an important pedestrian route and an opportunity to enjoy views across the harbour and out to sea. It largely comprises public seating and planting beds with footpaths to either side. It is positioned close to the bus stops and bus shelters which occupy a substantial part of The Strand.

It is currently occupied by an 'off the shelf' portacabin which is being used for the sale of coffee and snacks. This was put in place prior to a planning application being submitted. It is proposed to replace this unauthorised structure with a purpose designed permanent structure.

Detailed Proposals

The application is for the construction of a 'purpose built' kiosk with a floor space of about 12m² for the sale of coffee and snacks. It is to be constructed of 'timber effect' panelling and uprights which support a pitched 'slate coloured' roof with ridge detail which attains a height of 4.2M. It sits on the limestone plinth left from the partially dismantled seating and planting bed. It is to be shuttered when closed. The hours of opening are 8.00-23.00 hours.

Summary Of Consultation Responses

Historic England: Do not wish to comment and prefer the assessment to be based on local policies.

Conservation Officer: Considers it would be harmful to the character of the conservation area and particularly to the listed harbour.

Environmental Health Officer: Would like to see hours of operation restricted to 23.00 to avoid impact on residential amenity.

Environment Agency: Has no objection subject to the flood resilience measures outlined in the submitted flood risk assessment being implemented.

Drainage Engineer: Has no objection subject to compliance with flood resilience measures.

South West Water: Has no objection.

Summary Of Representations

11 letters of objection have been received. Concerns relate to the impact on views of the Harbour, erosion of public open space and adverse impact on the character of the Harbour, impact on pedestrian safety, impact on existing businesses, question need given quantity of vacant premises in this part of town, litter, loss of public seating and the fact of it being in situ in advance of planning permission being granted.

Relevant Planning History

The existing structure on site was erected without planning permission.

Key Issues/Material Considerations

Principle and Planning Policy -

The Torquay Harbour Conservation Area is the most architecturally significant and diverse of all of the Conservation Areas. The Harbour has listed quay walls and is often described as the 'jewel in the crown' making it one of the most valuable elements within this rich and varied townscape. The need to protect the character of the harbour, key views of it and its contribution to the quality of the townscape is a key policy requirement.

Policy TU1 of the Adopted Local Plan 'Harbourside and Waterfront Regeneration' explains that as major focal points for tourism, shopping and leisure, development must safeguard the charm and heritage value of the site. Policies BES, BE1, BE5 and BE6 are relevant in ensuring that schemes are designed to the highest quality and that development is sensitive to its context in terms of its position in the Conservation Area and in relation to nearby listed buildings.

In the emerging Local Plan the harbour is identified as a Core Tourism Investment Area and proposals to upgrade its environment, particularly the quality of the public realm are included in the Torquay Town Centre Master Plan, adopted June 2015, which is now for planning purposes a supplementary

planning document (SPD) and so of material weight.

The proposed kiosk is positioned within a linear strip of amenity space which is largely dedicated to public seating and low level planting and bordered by public footpaths. This is described as one of Torquay's most important spaces in the Torquay Town Centre Master Plan where important views of the harbour can be enjoyed.

It is necessary to consider whether its location is appropriate in terms of its prominence in the street scene and impact on views, whether the loss of the open area and impact on the public realm is acceptable, whether the design is of a sufficiently high standard and how it relates to the proposals to improve this space included in the Torquay Town Centre Master Plan.

Other issues raised in public consultation relate to the impact on other businesses, levels of vacancy and the unauthorised nature of the current kiosk. [c1]

Is this an acceptable form of development in this location?

To reach a judgement about this it is necessary to consider the use, its location and the quality of the design. In terms of use, the provision of a small kiosk selling drinks and snacks is an acceptable addition to the harbour activity. From a commercial point of view, the location adjacent to the bus shelters with its steady flow of customers makes sense.

The location, in a key public space, is however poor in terms of townscape, the quality of the public realm and ease of pedestrian movement. The proposed kiosk is substantially bigger than the existing structure. It will be 2 meters wider, a meter taller and about 400mm deeper.

Whilst the design of the new kiosk could be described as an improvement on the portacabin, it is a bigger structure and is unduly dominant, on views and on the quality of the public space.

It is superimposed on the public realm rather than integrated within it. It will impinge on the public footpaths to either side of the structure, will be intrusive and dominating in public views of the harbour and when viewed in association with the adjacent bus stops/ shelters this prominent harbour edge would look increasingly 'cluttered'. This would further affect the visual quality of this key public space.

The need to substantially upgrade the quality of The Strand is recognised and proposals to achieve this included in the recently adopted Master Plan. A permanent structure in this location would prevent these proposals from coming forward.

It also identifies that Victoria Parade would be the best location for the incorporation of 'contemporary food pods' There are concrete bases already in situ from former kiosks which could probably be better utilized for a similar use to that included in this application.

The Highway Authority also has drawn up proposals for improvement to the public realm along The Strand which may be included in future LTP funding applications. These are all compatible with the proposals included in the Master Plan but would not accommodate a structure of the size and position proposed.

There is the opportunity in determining the application to balance any harm to the conservation area against the public benefit. It will provide 1-2 full time jobs and offer convenient refreshments to passersby. It is not considered that currently this offers sufficient mitigation.

Is there a need for this development given the levels of vacancy in the immediate area?

There is no shortage of outlets selling coffee and snacks around the harbour and the lower part of the town. There are also a number of vacant units. Objections have been received from nearby businesses concerned at the increasing competition and the 'unfair' advantage that this scheme would enjoy in terms of lower operating costs. It is not a function of the planning system to intervene in competition; this is properly a matter for the market.

The purpose of the Torquay Town Centre Master Plan is however to ensure that development around the harbour is appropriate in terms of scale, form and the contribution it makes to the overall vitality of the area. In the long term, and without this framework for growth, the spread of 'low cost' commercial set ups such as this could lead to a disincentive to invest in the existing buildings around the harbour and the lower part of the town. This should be resisted in the interests of ensuring that the existing building stock is viable, fully used and maintained.

Can the amenity impacts of the scheme be properly controlled?

The obvious impacts on the local environment can be controlled through conditions to ensure that litter and waste is properly managed and that hours of operation are confined to those regarded as necessary by the EHO.

S106/CIL -

N/A

Conclusions

Both the existing and the proposed kiosks are unacceptable in terms of location, size and design. It would thus be contrary to various policies in the Adopted and

Emerging Local Plan relating to the quality of design of both space and buildings and would be harmful to the character of the Conservation Area.

The Torquay Town Centre Master Plan, which is recently adopted and is of material weight in determining applications includes public realm improvements for The Strand which this proposal would frustrate. It also indicates that uses such as this would be better absorbed along Victoria Parade.

It is recommended that the application be refused, but that further discussions take place to identify a more appropriate location and form of development and that providing a resolution is identified within the next 3 months, no action be taken to secure the removal of the existing portacabin from the site.

Relevant Policies

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