

Application Number

P/2015/1230

Site AddressNorth Quay Slipway
Vaughan Parade
Torquay
Devon**Case Officer**

Mrs Ruth Robinson

Ward

Tormohun

Description

Erection of Coffee Kiosk for temporary 2 year period: April to October in summer location adjacent to the existing seafood kiosk and November to March in winter location adjacent to top of slipway.

Executive Summary/Key Outcomes

This application is for re-siting of the existing kiosk, currently located on The Strand within the Torquay Harbour Conservation Area. Two new locations are proposed: A 'summer time' location at the top of the slipway adjacent to the existing seafood kiosk on Vaughan Parade and a 'winter time' location on the opposite side of the slipway closer to main pedestrian areas on the Strand. The proposal is for a two year period only.

This kiosk, which was erected without planning permission in its current location, generated a significant level of objection when constructed and an application to erect a purpose designed permanent structure in its place was refused by Development Management Committee (DMC) at its meeting of the 10th August.

The reasons for refusal related to the dominance of the proposed structure which was significantly larger than the existing kiosk, its impact on important views of the harbour and the wider Conservation Area, on the key public realm on which it was sited and the fact that it would inhibit the implementation of public realm improvements along The Strand as included in the adopted Torquay Town Centre Master Plan.

It was recommended at DMC that an alternative scheme be investigated and a three month period was allowed for resolution of the matter. This period of time expired in November 2015. No action was taken to secure removal of the structure as good progress was being made to identify an alternative scheme.

The Officer report to DMC described the existing kiosk as utilitarian and unacceptable in terms of its impact on the Conservation Area. However, the new location(s) are more discrete and less central to public views across the Harbour. This helps overcome the impacts outlined above. However, whilst the kiosk is not

acceptable as a permanent feature in the townscape it is considered acceptable on a temporary basis as any harm is limited, short-lived and reversible. This will allow the business to continue pending the agreement of a more long term strategy for the disposition of catering outlets around the harbour, as part of the Council's Masterplan delivery work.

As such the proposal constitutes less than substantial harm which can be justified against the contribution made to the vibrancy of the harbour.

Recommendation

Approve, subject to conditions controlling hours of use and to ensure it complies with the summer and winter periods of occupation which comprises April to October in the summer location adjacent to the existing seafood kiosk and from November to March in the winter location on the opposite side of the slipway. A condition is also necessary to secure its removal at the end of the two year period.

An informative should be added to the decision notice to make it clear that due to the appearance of the kiosk, its retention beyond the two year temporary period is unlikely to prove acceptable.

Statutory Determination Period

The application should be determined within 8 weeks expiring on the 11th February.

Site Details

The application relates to two rectangular areas of land located at either side of the slipway from the harbour on Vaughan Parade. This comprises a summer location (March to October) adjacent to the existing sea food kiosk on Vaughan Parade and a winter location (November to March) on the opposite side of the slipway. The sites are located within the Torquay Harbour Conservation Area and the slipway and adjacent Vaughan Parade are Grade II listed.

Detailed Proposals

The application is for the relocation of the existing kiosk from The Strand to this new position. The hours of opening are 8.00-23.00 hours.

The summer/winter options arose as the best options, within the Harbour area, and are adjacent to the existing seafood kiosk. However the applicant had concerns that during the winter months this would be isolated from the main areas of footfall and so requested that a winter location closer to the bus stops be considered.

Summary Of Consultation Responses

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

Conservation Officer: Considers the revised location a better option in terms of the impact on key views of the Harbour and is acceptable due to its temporary nature.

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

5 letters of objection have been received. Concerns relate to the poor quality appearance of the kiosk, the impact on views of the Harbour, the adverse impact on the character of the Harbour, the impact on existing businesses, impact on views from adjacent premises and lack of toilet and washroom facilities.

6 letters of support cite the contribution the business makes to the level of activity and improved 'buzz' in the harbour.

Relevant Planning History

The existing kiosk on The Strand was erected without planning permission.

P/2015/0589: Replacement of kiosk with a larger permanent structure for sales of coffee and refreshments: Refused: 20.08.15 with recommendation that enforcement action be held in abeyance for 3 months to identify an alternative scheme.

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 SDT2 of the Adopted Local Plan 'Torquay Town Centre and Harbour' explains the area will be a major focal point for tourism, shopping and leisure but that this must be carried out in a way that conserves the area's historic character

and environmental value. Policy SS10 is 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.

Proposals for development have to be measured against these policy requirements to ensure that increased vitality of the area is encouraged whilst mindful of the need to protect the quality of the environment.

There are a number of key issues to be balanced in reaching a determination on this application. These are the contribution that the successful operation of the kiosk has had on the vitality of the area weighed against the impact of its location in terms of impact on views, listed buildings, the Conservation Area and the quality of the public space. It is clearly beneficial to try and encourage its continued presence in the locality but in a more discrete location and for this reason officers were tasked with identifying a more suitable scheme to come forward.

There is good progress on work to deliver key projects and improvements identified in the Torquay Town Centre Master Plan. As part of this opportunities for 'designed in' catering outlets will be examined and may present an opportunity for a permanent facility to be included in this area.

For this reason it is considered that a temporary two year period of occupation for the existing kiosk in the new location represents a more pragmatic way forward. The summer location adjacent to the existing seafood kiosk is more discrete in terms of views and whilst the slipway is listed, as is the adjacent terrace on Vaughan Parade, the provision of a functional structure does not look as out of place as the current position perched on former seating and planting beds. Whilst the winter location is less acceptable in terms of the impact on the historic character of the Harbour, this is only for four months of the year and the applicant contends that closer proximity to the areas of greater footfall in quieter months is important to the continued success of the business. It is considered that as any 'harm' is minimal, reversible and short-lived the benefits of economic activity and added vibrancy offer adequate mitigation.

Will this development adversely affect Local Businesses?

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.

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

It is considered that the revised location is acceptable in terms of impact on views and on the quality of the public realm.

The existing kiosk, whilst of a utilitarian appearance, will not look out of place in this more discrete location adjacent to another similar structure. However given its appearance, such a proposal would be more difficult to accept as a permanent proposition given its prominence in the Conservation Area and proximity to listed structures. However on a purely temporary basis, pending the resolution of a longer term strategy for providing 'designed in' catering outlets it is considered that the benefits of the proposal in terms of its contribution to the local economy and vibrancy of the harbour outweigh the limited, short-lived and reversible impacts on the townscape.

Recommendation

Approve, subject to conditions controlling hours of use and to ensure it complies with the summer and winter periods of occupation which comprises April to October in the summer location adjacent to the existing seafood kiosk and from November to March in the winter location on the opposite side of the slipway. A condition is also necessary to secure its removal at the end of the two year period.

An informative should be added to the decision notice to make it clear that due to the appearance of the kiosk, its retention beyond the two year temporary period is unlikely to prove acceptable.

Relevant Policies

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