

North Yorkshire Council
Community Development Services
Strategic Committee
Thursday 30 January 2025

ZF24/00334/LB - Works to the West Pier and the buildings on it, comprising:

Building 1 - external repairs; external and internal alterations; demolition of lean-to outbuilding, stone steps, stone balcony and balustrade; erection of plant room, storage extension and glazed extension with balcony above.

Building 2 - external repairs; external and internal alterations. Building 3 - external repairs; demolition of external stairs and balcony; external and internal alterations. Demolition of buildings 4, 5 & 6. Erection of 1no. three-storey building and 1no. single storey building. Resurfacing pier. Formation of access road and pedestrian routes. Installation of street furniture and creation of car parking at West Pier, Scarborough, North Yorkshire, on behalf of North Yorkshire Council

Report of the Head of Development Management – Community Development Services

1.0 Purpose of the report

- 1.1 To determine an application for Listed Building Consent (ref: ZF24/00334/LB) for works to the West Pier, Scarborough Harbour.
- 1.2 In accordance with the North Yorkshire Council Constitution, the application has been brought to the meeting of the Committee as the Council is the applicant.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That Listed Building consent is GRANTED subject to the conditions set out at the end of this report.

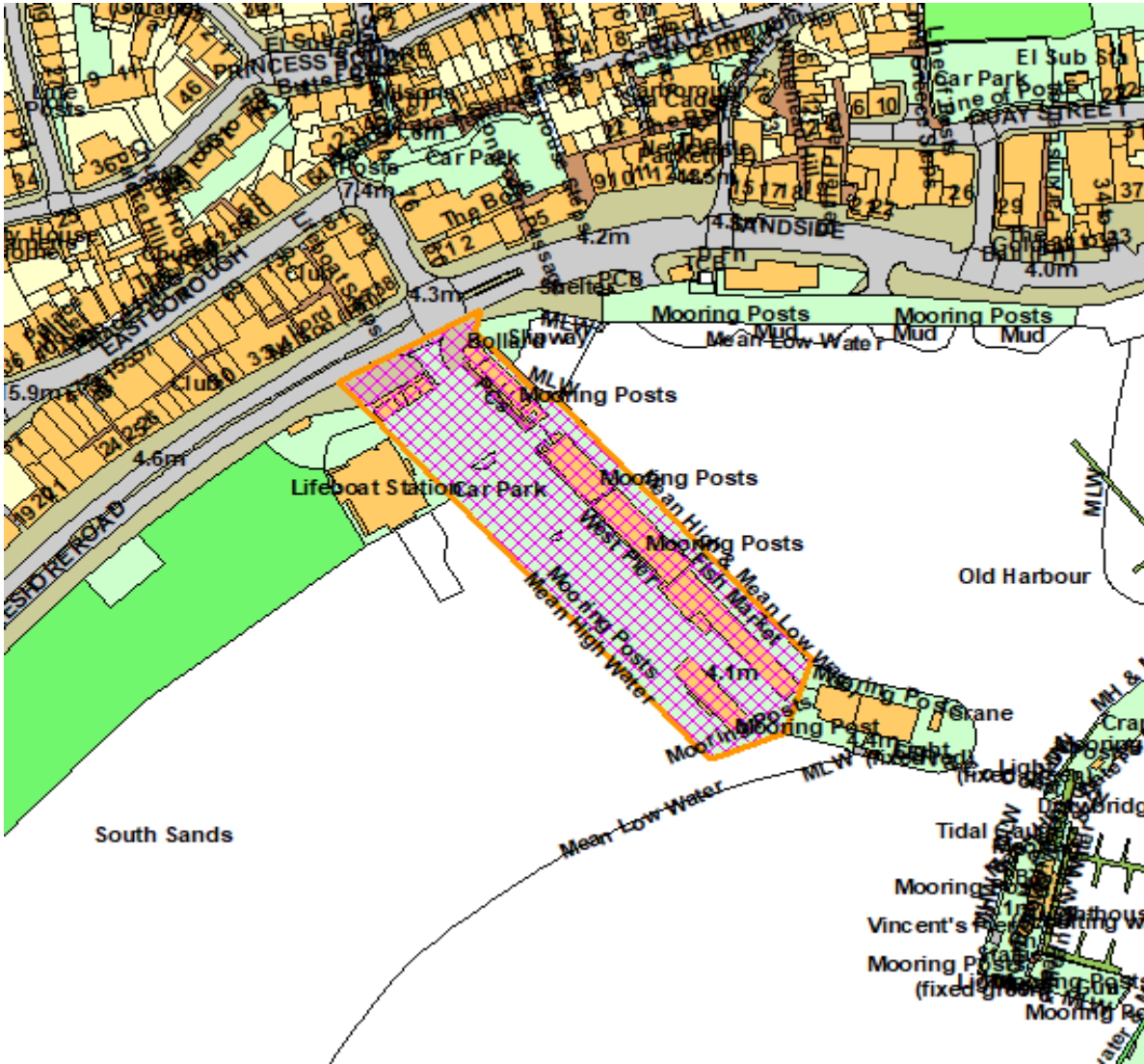
- 2.1 This application seeks Listed Building consent for works to Scarborough Harbour's West Pier, which benefits from Grade II Listed status. The works include: the wholesale re-landscaping of the pier's western side; the demolition of the existing kiosk building fronting Foreshore Road; the demolition of the fishing industry bait shed building; the extension of the old Harbour Master's office building together with its conversion to a restaurant; and, the provision of new fishing industry and tourism related buildings and facilities on the pier.

2.2 The first consideration is whether or not the proposed works will preserve the special interest of the Listed Building. Officers conclude that the proposed works meet this test.



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3.0 Preliminary matters

3.1 Access to the case file on Public Access can be found here:

[ZF24/00334/LB | Works to the West Pier and the buildings on it, comprising: Building 1 - external repairs; external and internal alterations; demolition of lean-to outbuilding, stone steps, stone balcony and balustrade; erection of plant room, storage extension and glazed extension with balcony above. Building 2 - external repairs; external and internal alterations. Building 3 - external repairs; demolition of external stairs and balcony; external and internal alterations. Demolition of buildings 4, 5 & 6. Erection of 1no. three-storey building and 1no. single storey building. Resurfacing pier. Formation of access road and pedestrian routes. Installation of street furniture and creation of car parking. | West Pier Scarborough North Yorkshire](#)

3.2 Users of the West Pier often refer to it as having a 'wet-side' and a 'dry-side'. The pier's harbour facing wharf is principally used by the fishing industry and is referred to as the 'wet-side', whilst the car park and tourist related activities on the pier's southern/ seaward side are known as the 'dry-side'. The 'wet-side' and 'dry-side' descriptors are used in this report.

3.3 Members will note that both Historic England and the Conservation Officer as expert consultees have provided detailed written comments which combine their consideration of planning application ZF24/00333/RG3 and Listed Building Consent application ZF24/00334/LB, but it is important for Members to hold in mind that the considerations for each from a heritage perspective are distinct; as set out in Section 9, the focus in this case is whether the special interest of the Listed Building comprising the West Pier as a whole is preserved.

4.0 Site and Surroundings

4.1 Scarborough's West Pier is the westernmost element of the town's operational harbour, located in South Bay.

4.2 The West Pier is listed Grade II. It is one of four piers, which form the Old Harbour and East Harbour, covered by a single listing entry 124290. The listing name refers to these piers as 'East Pier, Old Pier, Vincent's Pier and West Pier.' The listing came into effect on 7 June 1973 and refers to the late C19 Harbour Master's office and fish sheds being in situ on the West Pier at the time of listing.

4.3 Comprising 0.81 hectares of land, the application site includes the major part of the West Pier, but excludes the northern tip. It includes an active wharf on its east (harbour) side (the wet-side), a public car park with 109 spaces and six buildings.

4.4 Buildings and structures currently on the West Pier within the application site are:

-Building 1 - former Harbour Master's offices - built circa 1890, a two storey brick building with a pitched roof and stone details, extended circa 1910. The building has been adapted to contain the public lavatories on the ground floor. The upper floor has a stone balcony and metal railings to the front elevation.

-Building 2 - harbour offices - built circa 1926, a brick building stylised to match the earlier harbour offices with pedimented gables and a concrete balcony with metal railings.

-Building 3 - fishing industry and café - built circa 1990, a brick-built building with a pitched roof and a steel balcony to the front elevation.

-Building 4 - fishing industry - built in the late C20, a single storey brick/ block-built building with a steel profile sheet roof.

-Building 5 - fishing industry - built circa 1950, a two storey brick-built building with a pitched roof

-Building 6 - kiosks - built in the late C20, a range of single storey brick-built kiosks with a flat roof.

History

- 4.5 By way of a brief history of the West Pier, construction began in 1817 to form a southerly enclosing arm to the Old Harbour. It was originally a slim structure of sandstone blocks, the same substantial blocks used to construct the East Pier. The Heritage Statement states it was constructed to separate the sandbank on the west side from the harbour area and that it was devoid of permanent structures when first built. The 1850 OS map notes a fish market and lifeboat house at the northern end. The West Pier was widened in 1877 and extended across to what was then the Outer Island Pier. The widened pier is shown on the 1890 OS map. This is the first OS map showing the Harbour Master's Office (building 1) in situ close to Sandside. This OS map also shows fish sheds occupied the length of the east side. The pier was widened again in 1910 on its west side. The Heritage Statement states this was to create a larger area for the fish market. The 1910 OS map records the enlarged footprint of the Harbour Master's Office with the canted extension added. The 1926 OS map shows the second Harbour Office (building 2) in situ.
- 4.6 Significant development of the West Pier took place in the C20, with the pier structure itself being heavily modified during this period and the majority of buildings on the pier (buildings 3, 4, 5 and 6 together with those outside of the application site area) being constructed in the latter half of the century.

Significance

- 4.7 Being a much-modified operational component of the Scarborough Harbour (i.e. a functioning sea defence), defining the significance and special interest of the West Pier as a Listed Building is not entirely straightforward.
- 4.8 The submitted heritage statement identifies the significance of the pier structure itself as being formed of four elements; a limited number of visible original stone blocks give the pier structure evidential and aesthetic value, its history gives the pier historical value and it being part of a group of pier structures gives it 'communal' value.

4.9 In its consultation response, Historic England identifies the significance of the West Pier resting to a large extent in the impressive buildings at the landward end of the pier, the most important of these being the first Harbour Office (building 1) which was designed in 1890 in a characterful arts and crafts style followed by the 1926 'building 2', which carries over the architectural style of building 2.

5.0 **Description of the proposal**

5.1 The following works to the West Pier and the buildings on it are proposed:

- Building 1 - external repairs; external and internal alterations; demolition of lean-to outbuilding, stone steps, stone balcony and balustrade; erection of plant room, storage extension and glazed extension with balcony above.
- Building 2 - external repairs; external and internal alterations.
- Building 3 - external repairs; demolition of external stairs and balcony; external and internal alterations.
- Buildings 4, 5 & 6 - demolition.
- Erection of a three storey building at southern end of application site (new building 4)
- Erection of a single storey building at northern end of application site (building 7).
- Resurfacing of the pier on the southern side of the buildings with the formation of an access road, pedestrian routes and a car park along with the installation of street furniture.

6.0 **Planning Policy and Guidance**

6.1 Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that, in considering whether to grant listed building consent for any works the local authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The following contains policy and guidance pertinent to the making of such an assessment.

Adopted Development Plan

6.2 The Adopted Plan for this site is:

- Scarborough Borough Local Plan 2011 to 2032 adopted 2017

Emerging Development Plan

6.3 The emerging Local Plan for North Yorkshire is at an early stage and no weight should be attached to it.

Guidance

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- National Design Guide
- Historic Environment Good Practice in Planning: 2

-Conservation Principles

7.0 Consultation Responses

7.1 The following consultation response have been received and are summarised below.

7.2 Historic England:

-Does not object to the proposals.

-Scarborough's West Pier is over 200 years old and is a very prominent historic feature of Scarborough's South Bay. It is Grade II listed and is located in Scarborough Conservation Area. The most important historic building on the pier is the curtilage listed former Harbour Offices at the landward end which is an attractive Victorian red brick building.

-We are broadly supportive of the majority of the works proposed for the West Pier.

-The repairs to buildings 1 and 2 together with proposed hard landscaping works have the potential to have a very positive impact on the significance of the Listed pier and the Scarborough Conservation Area.

-We do however have concerns about the impact of the proposed front extension on the original Victorian Harbour Office (Building 1).

-The glazed extension on the front elevation of building 1 would cause less than substantial harm to the building.

-We also wish to highlight the importance of ensuring the use of the highest quality materials for the new hard landscaping within the Conservation Area. These issues are important in order to ensure that the proposal meets the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the government's objectives for the historic environment, as set out in Chapters 12 and 16 of the National Planning Policy Framework (NPPF).

7.3 Amenity Societies: Of the Amenity Societies consulted only the Garden's Trust responded with 'no comment'.

7.4 NYC Conservation Officer:

-A level of harm (less than substantial) would result to building 1 (Harbour Master's Office). This is by virtue of the proposed construction of a glazed flat roofed extension, the loss of external fabric (stone balcony, stone steps and cast-iron support) and the proposed alterations to the historic floor plan which remains, in part, on the upper floor.

-The extension would harm the aesthetic value of the exterior. The internal alterations would connect the individual cell style compartmentalized rooms on the upper floor. This would harm the historic value of the floor plan.

-Any harm to the significance of a designated heritage asset/s requires clear and convincing justification (NPPF 200). The applications are supported by a Heritage Impact Assessment which sets out how other proposals were considered and discounted for this building. It concludes that the amount of additional floor space required, could only be delivered if the building was extended along the front elevation as it is proposed in these submissions.

-Amendments could reduce the level of harm identified but not remove it. Unless any wider public benefits (economic, social or environmental), are sufficient to outweigh the level of harm identified, in the overall planning balance, the proposal is contrary to the Policy DEC5 of the Local Plan and the NPPF.

7.5 At the time of writing, public comments have been received from 21 interested parties. Of these, 17 are in objection and 4 in support. Additionally, 'The Friends of West Pier' group has submitted letter of objection to which there are 252 signatories. A summary of comments made is provided below. However, comments can be viewed in full at the above weblink.

7.6 Support:

-Scarborough's West Pier needs to be modernised to the standard of other places and provide a better offering for locals and tourists.

-The proposal is essential to the economic future of the town and levelling up of its community. Scarborough cannot continue to see major developments fail.

-The pier is currently in a dilapidated state that is also dangerous due to the heavy mix of cars and pedestrians.

7.7 Objection:

-The harbour and piers are the most important, significant and sensitive conservation area in the district. Residents and visitors enjoy seeing the workings of the harbour, and this is a key attraction upon Scarborough's South Bay.

-The proposed development would completely change the ambience of the area and would push the maritime industry to the end of the pier, out of public sight.

-The proposed development disregards conservation protocol and expropriates the pier towards total commercialisation.

Design

-The proposed 3-storey building would not be in keeping with the other one and two-storey buildings.

-If Building 1 is to be used as a restaurant, provisions must be made for boat repairs and works upon the East Sandgate slipway, to ensure that complaints are not lodged against boat users.

-Building 1 would be better used as a maritime heritage centre/ museum/ the harbour office. The existing toilet block is of an ideal size/location and does not require change of use.

-The proposed toilet provision appears to be less than the existing and doesn't include any shower/ foot-washing facilities for beach users.

-The creation of the new plaza area will achieve very small returns for the short few times of year it is used.

-To allow flexibility for the movement of the prospective boat lift and placing of boats on the pier for inspection, service and repair, the proposed 'parking and public activity zone' should be provided in robust surface materials that can withstand commercial activity.

Heritage

-The proposed glazed extension to the frontage of the Grade-II Listed Building 1 is out of character with the detailed characteristics of the principal elevation. It would dominate the façade and undermine the clear architectural rhythm provided by the existing balcony and gables. Additionally, the provision of seating on the roof of the extension would result in a cluttered appearance.

-The proposed alterations to Building 1 are a continuation of the destruction of the architectural merit and purpose of the Listed Building. The offices are in use and are of great value to the local creative industries, harbour, coastal businesses and community. There is a clear demand for these unique spaces, and for the lower-level offices to be reinstated. The building should be restored back to its original architectural merit.

-Demolition of existing fish stalls is a poor decision; they are part of Scarborough's character.

Loss of parking

-Loss of 28 parking spaces is concerning. These spaces are essential to harbour users and Foreshore workers, as well as disabled tourists who have limited mobility.

-The loss of parking will have a knock-on effect as visitors will take trade elsewhere.

-Where will the potential new 130 employees created by the West Pier development park?

Investment in Scarborough Harbour's marine and fishing Industry

-North Yorkshire Council do not own Scarborough Harbour. All revenue generated on harbour land should be used solely for harbour purposes.

-The pier requires extensive stabilisation work before any consideration of development can take place.

-The addition of more shops, cafes and restaurants would dilute the retail and hospitality industry on South Bay further.

-Investment in the marine industry would pay long-term dividends rather than short-term seasonal rental profits for North Yorkshire Council.

-The application mentions a boat hoist as proposed by the fishermen, which would be a huge marine attraction for Scarborough. However, this is not shown on the submitted plans, nor has sufficient space been safeguarded for the installation of such a boat hoist in the future. The proposal should be deferred until the provision of a boat hoist, and/or the necessary space safeguarded.

-The regeneration proposals should be firmly based on diversifying harbour operations to provide new income streams and employment and investment opportunities.

-Scarborough Harbour is well placed to support the burgeoning offshore wind farm industry operating from Dogger Bank.

- The proposed scheme restricts the harbour's ability to adapt to future maritime opportunities, which in turn would limit the diversification of its role, future income streams and new well-paid, skilled jobs.
- Shellfish industry has been impacted by mass die-off that has reduced stock. Therefore, a hatchery is needed to replenish stock, and additional space should be factored in for this facility and shellfish pot storage on West Pier.
- There are many restaurants in the area already, the provision of another in building 1 is unnecessary and would have an impact upon local business.

Employment

- The application proposals will have a negative impact on employment, conflicting with Local Plan Policies EG1 and EG5.
- It is stated 130 jobs will be created, however, there is a critical shortage of retail and hospitality workers to fill these roles.
- This development will exacerbate the employee shortage for other businesses upon the seafront and town centre.
- The jobs being created will likely be unskilled, low-paid and seasonal.
- We should be encouraging skilled, all-year round employment that is not tourism dependent.

Health and Safety

- Increasing the use of the pier for tourism and leisure purposes poses a significant safety risk as the general public will be in close proximity to the fishing industry operations and heavy goods vehicles.
- The provision of a balcony extension on building three would inhibit the safe passage of vehicles and would present a health and safety risk.
- There is a risk to safety emanating from the proximity of the sub-station (which is a fire risk due to its near-water location) to the fuel stores in the lifeboat station.
- If the sub-station is water damaged it may cause the failure of critical navigation and communication equipment sited at the end of the pier, which will endanger vessels in bad weather.
- The presence of a substation in a flood zone presents a safety risk, and there is potential for an explosion.

Flood Risk

- This is a high-risk area due to high tides. West Pier is subject to regular flooding and overtopping that will only become more frequent.
 - The development conflicts with Local Plan Policy ENV3 (environmental risk).
 - The pier is not suitable for the development of retail shops and restaurants. The new buildings would be constantly in need of repair and cleaning.
 - Raw sewage washes onto the pier from Eastborough during flash floods, which would not make the pier a suitable location for retail food outlets. This issue has not been addressed by the application.
 - The provision of a new electricity substation is dangerous considering the pier's susceptibility to flooding.
 - The new electric car charging points would be damaged by seawater.
- Use of 'Town Deal' Funds

- The Town Deal fund should be used in the Town Centre, which is rapidly deteriorating.
- The 'Town Deal Board' is not representative of the town and do not understand the workings of the port.
- Alternative regeneration projects, such as the 'Sleeping Beauty' town square scheme at Westborough were widely supported and would be a more appropriate use for the 'Town Deal Fund'
- To obtain Town Deal funding, it must be demonstrated that there is significant support from the local community. The council have failed to fulfil their responsibility as there has not been sufficient consultation and engagement throughout the process and the local community, businesses and stakeholders do not support the scheme.

Use of Pier Buildings for Non-Marine Activities

- Building 3 was funded by the Ministry of Agriculture and Fisheries (MAFF) in the pre-Marine Management Organisation period (MMO). As such it is understood to be designated solely for marine use and would require a Harbour Revision Order (HRO) for any change of use to a non-marine related use. A HRO should be applied for.

Additional points

- The Council has not consulted technical bodies including the Marine Management Organisation, Northern Powergrid, The Health and Safety Executive, the RNLI, North Yorkshire Fire and Rescue. North Yorkshire Council Health and Safety and NEDL.
- The case is made that the restaurant will be a high-end seafood restaurant to showcase the catch landed on the pier, which would add significant value to the local economy. In reality the restaurant in building 1 is likely to be a fast-food restaurant.
- The submitted bat survey work is out of date.

7.8 There has been a single round of public consultation in respect of this application for Listed Building Consent. However, further information supplied by the applicant in respect of the associated application for planning permission (ZF24/00333/RG3) yielded a further objection in respect of this application for Listed Building Consent from the Friends of Scarborough Harbour group. The full comment is available to view on the public website, but it is summarised by the following points:

- The proposal conflicts with the Council's stated objective of providing a boat lift on the West Pier- the scheme as proposed would fetter the ability to provide the lift owing to spatial conflict on the pier (i.e. there is proposed to be a building sited in the only practical place a boat lift could be positioned).
- Revisions to the proposals should be made to allow for the provision of a boat lift, which will benefit growing industrial sectors including offshore wind.
- The proposal results in the loss of industrial/ employment floorspace, contrary to policy EG5 of the Local Plan.
- Use of the pier as proposed fetters the ability of Scarborough Harbour to capitalise on growing industrial sectors (including offshore wind) and will prevent the shell

fishing industry from bouncing back from recent large scale 'die off' of stock in the North Sea.

-The West Pier is in poor condition and submitted information in this respect has not been made public.

-An up-to-date long-term strategy for the Scarborough Harbour needs to be developed before this application is considered.

-The heritage significance of building 1 could be better safeguarded by an alternative use, potentially office uses.

-The scheme proposed for building 1 would cause considerable harm to its significance.

-The planning decision should be taken by the local area Planning Committee and by local Councillors, and not by the Council's Strategic Planning Committee.

-By focussing on the wind energy sector for Scarborough Harbour, Scarborough could emulate Grimsby's success.

-There is the potential to use Scarborough Harbour as a service base for crew transfer vessels used in the offshore wind sector.

-Increasing the number of public events held on the West Pier would harm fishing and industrial users operating from the pier.

-The proposed development does little to reduce carbon emissions associated with the pier - a scheme based around wind energy would assist in a significant reduction in carbon emissions.

-Developing town centre uses on the West Pier (which is outside the designated Town Centre Area) will harm the economic vitality of Scarborough town centre itself.

-Funding should be moved to a more appropriate scheme.

-The business case made in favour of the (high end) restaurant use of building 1 is not realistic - such a use will not result in the number of permanent jobs stated.

-Restaurant use of building 1 will have significant traffic implications, especially if the number of covers suggested by the applicant's modelling is correct.

-It is highly unlikely a significant amount of local catch will be sold by the proposed restaurant in building 1 (significant amounts of white fish is not landed on the pier and the lobster catch is seasonal).

-The costs of developing the site as proposed are increasing.

8.0 **Environmental Impact Assessment**

8.1 Not relevant in this case: the allied development proposal was subject to a screening exercise and found not to be Environmental Impact Assessment development.

9.0 **Main Issues**

9.1 The West Pier as a whole is a Listed Building, itself part of a 'group Listing' comprising the Scarborough Harbour's main piers; the West Pier together with the buildings and structures on it benefit from Listed status.

9.2 In line with the point of law set out at section 6, the first consideration for the Committee is whether the proposed works preserve the Listed Building or its setting or any features of special architectural or historic interest which it possesses.

10.0 **Assessment**

10.1 The proposed works to the West Pier involve: new hard landscaping on the West Pier's dry-side; the extension and refurbishment of building 1; the external and internal improvement and refurbishment of buildings 2 and 3; the replacement of the old kiosk building on the corner of Foreshore Road and West Pier with a new single storey building 7 (oriented parallel to building 1); the demolishing of building 5; and, the replacement of the existing building 4 with a new two-and-a-half storey building.

10.2 In this case, Historic England is the statutory consultee in respect of the conservation of the historic built environment and Members are advised to give considerable weight to its comments. Whilst not a statutory consultee, the Council's Conservation Officer has submitted comments. These also carry considerable weight.

10.3 Offering broad support for the scheme, in its formal comment on the application Historic England states:

We broadly welcome this regeneration of the pier.... The scheme offers a great opportunity to repair and re-use the historic buildings on the pier...

10.4 However, Historic England does raise some concerns in respect of the proposals to building 1, and these concerns are broadly echoed by the Council's Conservation Officer.

10.5 With this in mind, it is first worth considering the impact of the proposal on building 1 in particular, before approaching the impact of the development on the West Pier as a whole (as a Listed Building).

Building 1 - significance and 'less than substantial' harm resulting from proposal

10.6 It is reasonable to suggest that building 1 is considered by both Historic England and the Council's Conservation Officer to be the most significant element of the West Pier as a Listed Building.

10.7 The Heritage Statement, which considers the significance of building 1, concludes that it is an important building within the complex forming West Pier and that it is a good example of a Harbour Master's Office, but that the building is in decline and that a financially viable use is needed to ensure the building continues as a feature of the pier.

10.8 In brief, it is the view of Historic England that the removal of the existing balcony and the adding of a flat-roofed glazed extension (with first floor balcony) to the front of this building will conceal features of interest on its attractive principal elevation. It is judged by Historic England that the development of building 1 as proposed will result in 'less than substantial harm' to it.

10.9 These views are broadly echoed by the Council's Conservation Officer, who (in simplified terms) considers that in practice the extension to building 1 will not be a visually light-weight transparent addition as the applicant contends. The Conservation Officer highlights that the extension would harm the aesthetic value of

the exterior, would result in the loss of external fabric and that the internal alterations would harm the historic value of the floor plan. Like Historic England, the Conservation Officer also considers the level of harm to be in the 'less than substantial' category.

- 10.10 Further, the Conservation Officer indicates that an alternative design would be less harmful so the identified 'less than substantial' harm is not justified. The NPPF, at paragraph 213, states that any harm to the significance of the designated heritage asset (including 'less than substantial' harm) should require clear and convincing justification.

Building 1 - justification for the identified 'less than substantial' harm - restoration of its historic fabric and securing of its long-term future

- 10.11 Starting with the justification for altering building 1 at all, the Heritage Impact Justification Report sets out the reasons for the use of building 1 for tourism related activities rather than other buildings. The evidence provided (including details of market testing) indicates that a restaurant use would provide a sustainable use for the heritage asset to ensure its long-term viability.
- 10.12 Turning to the justification for the form of the work proposed, the applicant submits that an extension of the building is necessary to make a sustainable restaurant use viable. Highlighted within the Heritage Statement are the negative impacts of the proposal including the removal of the existing balcony, stairs to the side of the balcony and removal of the metal railing, first floor alterations and new glass structure to the front elevation.
- 10.13 The Heritage Impact Justification Report considers whether an alternative design would be less harmful to the building's significance. It details the early concepts for the building and explains how these have developed with the input from heritage and conservation advice, submitting that a more sensitive approach to the extension and restoration has now been developed. Consideration is given to whether building 1 could be extended in a different way with an extension of the size necessary to secure a viable restaurant use of the building, and it highlights that it is common practice for a Listed Building to be extended at the back of the building away from the principal façade, however the constraints of the proximity of the rear of the building to the wharf-edge do not support this option. Further, it is concluded that there is no scope to extend over the adjacent slipway as it remains in active use, with 'air space' for boats coming in and out of the water required. Officers are advised that the wharf access to the south of the building is critical to harbour operations and cannot be compromised, which prevents significant development to that elevation.
- 10.14 Although both Historic England and the Conservation Officer have identified 'less than substantial' harm to the significance of building 1 it should also be noted that there are positive effects to the building from the proposals. These are detailed in the Heritage Impact Justification Report and Heritage Statement and include replacement of decayed and eroded stone dressings, re-pointing, replacement of badly eroded brick, replacing defective roof tiles, removing the modern single storey extension and repairing and restoring the front elevation.

- 10.15 To conclude on the issue of building 1, it is important to hold in mind that both statute and the national planning policy (NPPF) require considerable importance and great weight to be assigned to any harm to the significance of a Listed Building.
- 10.16 Officers agree with the assessment of both Historic England and the Conservation Officer in that 'less than substantial' harm to the significance of building 1 will result from the proposal. This is because of the removal of the original balcony, railings and stairs to the frontage, modification of the plan form and addition of a glass frontage extension.
- 10.17 At paragraph 213, the NPPF requires that any harm to a designated asset should require clear and convincing justification and Officers consider that this justification has been provided; the development would result in significant immediate restoration of historic fabric and would secure a long-term viable use consistent with the conservation of building 1. When considering the conservation benefits, it should also be held in mind that paragraph 212 of the NPPF instructs decision makers to apply great weight to the conservation of the building, i.e. Officers consider it would be appropriate for Members to assign great weight to the benefits to the significance of the building comprising the restoration of its historic fabric and the securing of its long-term future.

The West Pier as a whole Listed Building - overall benefits to its significance

- 10.18 Even if Members were not persuaded that the 'less than substantial' harm to building 1 would be fully justified by the immediate benefits to that building, Officers consider that the 'less than substantial' harm caused to building 1 (as an element of the Listed Building) would be fully justified and outweighed by the following benefits to the significance of the Listed pier as a whole resulting from the proposal:
- The general restoration and visual improvement of the fabric of building 2, including re-roofing (with existing tiles re-used where possible and like-for-like replacement of the central leaded section), the like-for-like replacement of rainwater goods, repairs and repointing of the chimneys and other external masonry, the like-for-like replacement of coping stones, the replacement of windows and doors with (principally) timber units and the replacement of the failing concrete balcony with a steel facsimile ;
 - The demolition of buildings 4 and 5, which in the view of Officers currently blot the appearance of the pier as a Listed Building for its users and in close, middle and long range views from beyond the pier;
 - The introduction of a co-ordinated hard landscaping scheme to the pier's dry-side environment utilising high quality street furniture will lead to a significant 'uplifting' of the West Pier's appearance for its users and from beyond the pier in short, middle and long-range views;
 - The modernisation of fishing facilities allowing for the long-term continued operation of an industry on this site which is of local and national cultural significance;
 - The improved 'soft segregation' of tourism and industrial uses will allow people to further engage with and enjoy the West Pier as a heritage asset and cultural resource.

- 10.19 Overall, noting Historic England's broad support for the scheme as a statutory consultee, and even when the 'less than substantial' harm to building 1 is factored-in, Officers consider that the proposal will enhance the significance of the pier as a whole as a Listed Building.

Additional considerations

- 10.20 Public comments question the right of the applicant (the Council) to carry out the proposed works given its obligations as Port Authority. The Council as applicant has sought legal assurance regarding its ability to deliver the full scheme and understands that there is no legal impediment to it doing so.

11.0 Conclusion

- 11.1 The core issue for consideration is whether or not the proposed works will preserve the special interest of the Listed Building comprising the West Pier as a whole.
- 11.2 Localised 'less than substantial' harm to building 1 (which in line with paragraph 208 of the NPPF is assessed as being an important component of the Listed Building's significance) would result from the proposals, but in line with paragraphs 212 and 213 of the NPPF the view of the Case Officer this harm is justified. Identified benefits to the significance of the Listed Building outweigh the harm.
- 11.3 In any case, the opinion of the Case Officer is that the works will enhance the significance of the West Pier as a Listed Building as a whole, in accordance with policy DEC5 of the Local Plan and the overarching objectives of Section 16 of the NPPF.

12.0 RECOMMENDATION

- 12.1 That Listed Building Consent be GRANTED subject to the conditions set out below:

- 1 Except where may be modified by the conditions of this consent, the development shall be implemented in accordance with the following plans and details:

2135-JSA-ZZ-XX-DR-A-90002 Existing Site Plan P2
2135-JSA-ZZ-XX-DR-A-90003 Proposed Site Plan P6
2135-JSA-ZZ-XX-DR-A-90010 Demolition Site Plan P3

2135-JSA-01-ZZ-DR-A-02210 Building 1 Proposed GA Plans P7
2135-JSA-01-ZZ-DR-A-02215 Building 1 Proposed GA Elevations P6
2135-JSA-01-ZZ-DR-A-20300 Building 1 Proposed Detailed Arrangement - Section A-A P1
2135-JSA-01-ZZ-DR-A-20301 Building 1 Proposed Detailed Arrangement - Section B-B & C-C P1
2135-JSA-01-ZZ-DR-A-02212 Building 1 Proposed Detailed Arrangement - Section B-B P1
2135-JSA-01-00-DR-A-03010 Building 1 Demolitions Ground Floor Plan P5
2135-JSA-01-01-DR-A-03011 Building 1 Demolitions First Floor Plan P5
2135-JSA-01-02-DR-A-03012 Building 1 Interventions Roof Plan P3
2135-JSA-01-ZZ-DR-A-03015 Building 1 Interventions Front Elevation P5

2135-JSA-01-ZZ-DR-A-03016 Building 1 Interventions Rear Elevation P5
2135-JSA-01-ZZ-DR-A-03017 Building 1 Interventions Gable Elevation P5
R22032-100 Building 1 Proposed Stone Repairs
R22032-101 Building 1 Proposed Stone Repairs

2135-JSA-21-XX-DR-A-21907 Building 1 Detail 7 Existing Building to New Balcony P1
2135-JSA-21-XX-DR-A-21908 Building 1 Detail 8 Edge of New Balcony P1
2135-JSA-21-XX-DR-A-21911 Building 1 Detail 11 Existing to Conservatory Connection East P1
2135-JSA-02-ZZ-DR-A-02220 Building 2 Proposed GA Plans P4
2135-JSA-02-ZZ-DR-A-02225 Building 2 Proposed GA Elevations P6
2135-JSA-02-00-DR-A-03020 Building 2 Demolitions Ground Floor Plan P2
2135-JSA-02-01-DR-A-03021 Building 2 Demolitions First Floor Plan P3
2135-JSA-02-02-DR-A-03022 Building 2 Interventions Roof Plan P1
2135-JSA-02-ZZ-DR-A-03025 Building 2 Interventions Front Elevation P1
2135-JSA-02-ZZ-DR-A-03026 Building 2 Interventions Rear Elevation P1
2135-JSA-02-ZZ-DR-A-03027 Building 2 Interventions Gable Elevations P1
2135-JSA-03-ZZ-DR-A-02230 Building 3 Proposed GA Plans P6
2135-JSA-03-ZZ-DR-A-02235 Building 3 Proposed GA Elevations P5
2135-JSA-03-00-DR-A-03030 Building 3 Demolitions Ground Floor Plan P3
2135-JSA-03-01-DR-A-03031 Building 3 Demolitions First Floor Plan P3
2135-JSA-03-02-DR-A-03032 Building 3 Interventions Roof Plan P3
2135-JSA-03-ZZ-DR-A-03035 Building 3 Interventions Front Elevation P1
2135-JSA-03-ZZ-DR-A-03036 Building 3 Interventions Rear Elevation P1
2135-JSA-03-ZZ-DR-A-03037 Building 3 Interventions Gable Elevations P1
2135-JSA-23-00-DR-A-03200 Main Works Building 3 Proposed Demolitions Ground Floor Plan P2
2135-JSA-23-01-DR-A-03201 Main Works Building 3 Proposed Demolitions First Floor Plan P2
2135-JSA-23-02-DR-A-03202 Main Works Building 3 Demolitions Roof Plan P2
2135-JSA-04-ZZ-DR-A-02240 Building 4 Proposed GA Plans 1of2 P5
2135-JSA-04-ZZ-DR-A-02241 Building 4 Proposed GA Plans 2of2 P5
2135-JSA-04-ZZ-DR-A-02245 Building 4 Proposed GA Elevations P5
2135-JSA-07-ZZ-DR-A-02270 Building 7 - Proposed GA Plans P5
2135-JSA-07-ZZ-DR-A-02275 Building 7 - Proposed GA Elevations P5

SHF.718.002.ENZ.XX.00.DR.L.30.001 PL06 Hard landscape plan sheet 1 OF 2
SHF.718.002.ENZ.XX.00.DR.L.30.002 PL06 Hard landscape plan sheet 2 OF 2

22113-RCE-LTG-XX-DR-E-B1-01 - P04 - B1 - Lighting & Emergency Lighting
22113-RCE-LTG-XX-DR-E-B2-01 - P04 - B2 - Lighting & Emergency Lighting
22113-RCE-LTG-XX-DR-E-B3-01 - P04 - B3 - Lighting & Emergency Lighting
22113-RCE-LTG-XX-DR-E-XX-01 - P02 - External Lighting

Reason: To avoid doubt

- 2 No demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried out except where shown and noted on the approved drawings.

Reason: To avoid doubt and to ensure the special interest of the Listed Building is preserved. Policy DEC5 of the Local Plan.

- 3 All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.

Reason: To avoid doubt and to ensure the special interest of the Listed Building is preserved. Policy DEC5 of the Local Plan.

- 4 The works shall not commence beyond preliminary groundworks, which means the digging of trenches for services and foundations, until a schedule of all of the proposed new external materials of construction, including details of the proposed hard surfacing materials, has been submitted to and approved in writing by the Local Planning Authority. The submitted schedule shall specify each material and its surface finish, including colour. The works shall be implemented in accordance with the approved schedule.

Reason: To ensure the special interest of the Listed Building is preserved. Policy DEC5 of the Local Plan.

- 5 Prior to their installation, typical details of the following items of street furniture to be incorporated into the design, including a material specification and an assembly drawing at no less than 1:20 scale, shall be submitted to and approved in writing by the Local Planning Authority:

- a) Bollards to be used to exclude traffic from pedestrianised areas;
- b) Raised planting beds, with cross-section;
- c) All seating types;
- d) Lighting columns;
- e) Litter bins; and
- f) The electric vehicle charging bollards.

The above-mentioned street furniture shall be installed in accordance with the approved details.

Reason: As cumulatively these items will have a significant impact on the appearance of the Listed Building. To ensure the special interest of the Listed Building is preserved. Policy DEC5 of the Local Plan.

- 6 Prior to their installation, except where details are provided in the plans listed in condition 1, plans and details of the following items at not less than 1:20 scale, which shall specify materials, surface finishes and colours, shall be submitted to and approved in writing by the Local Planning Authority prior to their installation:

- All new windows and doors;
- All new rainwater goods; and
- All new external balconies.

The works shall be implemented in accordance with the approved details.

Reason: As cumulatively these items will have a significant impact on the appearance of the Listed Building. To ensure the special interest of the Listed Building is preserved. Policy DEC5 of the Local Plan.

- 7 Prior to works beginning on their installation, detailed engineering plans of the proposed foundations and plinth for building 4 shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

Reason: To ensure historical interest of the Listed pier is not harmfully impacted, to preserve the special interest of the Listed Building. Policy DEC5 of the Local Plan.

- 8 The original clock on building 1, which is to be removed from site for repair, shall be reinstated on building 1 in an operational condition prior to the first use of the extended building 1 as a restaurant.

Reason: As the clock is part of the Listed Building's special interest. To ensure the special interest of the Listed Building is preserved. Policy DEC5 of the Local Plan.

- 9 Notwithstanding the submitted and approved details, no extraction plant or equipment shall be installed in building 1 until precise details of the extraction routing through the building together with precise details of the exhaust arrangements have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

Reason: To ensure the special interest of the Listed Building is preserved. Policy DEC5 of the Local Plan.

Target Determination Date: 19 June 2024

Case Officer: Mr Daniel Metcalfe
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