

## Agenda Item

**REPORT OF**      **Head of Communities and Place**

**To:**                **Community and Resources Committee**

**Subject:**        **Restaurant proposal at Appledore Fishdock**

**Date:**            **November 2022**

**Reference:**

<p><b>PURPOSE OF REPORT:</b> To consider the conversion of the upstairs (1<sup>st</sup>) floor of Building A, currently a net loft and adjacent storage area, into a seafood restaurant</p>
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### 1. INTRODUCTION

TDC has received a proposal from Tony Rutherford, one of the tenants at the Fishdock, for the conversion of the net loft and adjacent storage area into a seafood restaurant. Tony Rutherford is the principal leaseholder at the Fishdock. Total rental income from the Fishdock is currently £49,251 – Tony Rutherford’s contribution to this is £37,500 or 76%. His lease, in the name of his trading company T & T Shellfish, expired 31/7/2022 and he currently occupies via a Tenancy at Will.

### 2. REPORT

Although TDC have known about Tony Rutherford’s proposal since 2021, the discussions this year were initiated following TDC Estates asking Tony whether he wanted to renew his lease which expired in July 2022. The answer was in principle yes but he also wanted to discuss the restaurant proposal to see if progress could be made.

TDC Estates held a meeting with all tenants at the Fishdock on 18<sup>th</sup> July 2022 where Tony presented his restaurant proposal and discussions ensued about the pros and cons of the scheme. In essence this is his idea to future proof the Fishdock as a going concern given the ongoing reduction in income from fishing and the fact that he is approaching retirement age. For further detail on the background to this proposal please see the attached Restaurant Conversion Proposal and a follow up letter dated 18<sup>th</sup> March 2022

The idea of the scheme is that the net loft and adjacent box storage room are converted into a restaurant with a balcony added to take advantage of the views. A lift would be installed to allow for disabled access. The restaurant would not open at lunchtime to minimise impact on the predominantly day time operation of the Fishdock.

The original proposal as presented to the meeting by Tony on 18<sup>th</sup> July envisaged a new building erected where the current storage area to the quay side of Building A. This idea was questioned by the other tenants who felt that this needed to remain as open storage and also as an area for lifting fishing boats out of the water. It was suggested that an alternative would be to alter Building B to provide mezzanine storage. Tony’s architect has now redesigned the proposal to take this into account and the proposed planning application will include this revised scheme. Please see attached drawings showing Building B as existing and proposed.

A further meeting was arranged for 13<sup>th</sup> October where tenants were invited to vote anonymously on the revised proposals. Most of the tenants did not attend in person as it turned out to be a good day to be at sea however they all submitted their thoughts which showed that they were in broad agreement with the principle of Tony’s plan and understood that it would help the Fishdock survive into the future but numerous reservations were expressed as follows:



- Re-assurance requested that the needs of fishermen are not adversely comprised. This includes ensuring that lease agreements are respected and rents cannot rise excessively on review. Also that the restaurant would not be able to expand into other areas of the Fishdock in the future.
- Tenants would like the first floor in Building B fitted before the restaurant is completed
- Parking issue needs to be sorted generally on the site – especially concerned about the general public parking in the working fishdock and in particular visitors to the restaurant
- Access is required to the yard 24 hours per day. Forklifts are in constant use. Limited lighting in the evenings. Areas need to be kept separate from the public

At present the site is not managed which is evident to any visitor to the Fishdock. TDC Facilities Manager devotes some time to the site but there is insufficient resource within TDC to provide part time general estate management let alone a full time manager. A co-operative has been tried before but was not successful. Part of Tony's proposal is that he takes a lease on the whole of the Fishdock and therefore would effectively take on the management responsibility. The other tenants would then become his subtenants which understandably they had reservations about particularly about Tony's ability to set rents, so if this route was taken safeguards would need to be built in but there is no reason why TDC Legal couldn't incorporate effective safeguards into the headlease and subleases.

### 3. IMPLICATIONS

#### Legal Implications

Conveyancing to put a new lease in place with Tony Rutherford/T & T Shellfish and undertaking surrender and regrants to tenants to put appropriate subleases in place. Tenancy at Will currently in place following the expiry of the lease in July 2022 to safeguard TDC from a legal point of view and ensure rent can still be charged whilst discussions around the restaurant proposal take place.

#### Financial Implications

The restaurant scheme would be at no cost to TDC. No discussions have taken place yet between Tony and TDC Estates team about rent for the restaurant lease but clearly TDC would expect to see greater rental income than at present.

#### Human Resources Implications

Officer input into negotiations.

Limited further management responsibility for Property team. Perhaps the need for regular all tenant meetings overseen by TDC Estates to ensure the new management model was not prejudicing the tenants in any way

#### Sustainability Implications

n/a

#### Equality/Diversity

As the proposed restaurant is on the first floor, the inclusion of a lift would allow for disabled access.

#### Risk Management

No further risks of ongoing maintenance works for TDC if a full repairing lease on the whole Fishdock is agreed.



Potential conflict between a working fishdock and members of the public visiting the restaurant. Physical separation measures would be needed

### Compliance with Policies and Strategies

The proposal complies with all four priorities of the Local Economy theme:

- Promote aspiration and growth to create a vibrant culture & thriving economy with quality jobs.
- Develop town centres and the rural offering; recognised as great places to live, visit and invest into.
- Create access to good quality jobs and employment.
- Support businesses and the local economy

The scheme envisages creating 10 – 12 local jobs. This is on top of work for local construction and fit out companies.

### Ward Member and Leader Member Views

## **3. CONCLUSIONS**

It was agreed that TDC would now take the proposal to C & R and if approved in principle this would allow Tony Rutherford to proceed with the submission of a planning application. TDC Estates feel that, should the committee be broadly supportive of the proposal, it would be possible to address the majority of the concerns expressed by the fishermen outlined in this report.

## **5. RECOMMENDATIONS**

That Members approve Tony Rutherford's proposal in principle which will allow him to submit a planning application.

## **SUPPORTING INFORMATION**

Consultations: Senior Management Team

Contact Officer: Nick Argles

Background Papers : Tony Rutherford restaurant proposal dated 150721  
: Net Loft Restaurant TR letter dated 180322  
: Final Business Plan dated 180322  
: Proposed FFPlans - Elevations Net Loft Restaurant  
: Existing and Revised drawings Building B

