

Application Number

P/2013/0690

Site Address

4 Old Mill Road
Torquay
Devon
TQ2 6AU

Case Officer

Mr Alistair Wagstaff

Ward

Cockington With Chelston

Description

Change of Use from A1 to A3/5

Executive Summary/Key Outcomes

This application proposes the change of use of the existing A1 unit to A3/ A5 restaurant with takeaway facilities. The proposed use is considered appropriate in its location within a local centre.

The potential impacts of the scheme upon the occupants of the neighbouring commercial and residential properties are capable of control via planning conditions. These include opening hour restrictions, vehicle deliveries and collection times, extraction system, and waste storage.

As such the scheme is recommended for conditional planning approval.

Recommendation

Conditional Approval; conditions at end of report.

Statutory Determination Period

8 week date expired, this application has been delayed due it needing to be determined at Committee.

Site Details

No. 4 Old Mill Road lies at the north eastern end of the group of commercial properties that make up this local shopping centre. The ground floor A1 retail unit is currently vacant. The first and second floors above form a single residential flat. A glazed shop front opens directly onto Old Mill Road, and a service lane to the side of the building gives access to the rear, where a small yard is enclosed from the lane.

Detailed Proposals

The Change of use of the ground floor vacant A1 unit into a A3/A5 Restaurant with takeaway. The application also includes an external flue on the rear corner

of the building discharging at roof level.

Proposed opening hours of 12pm-10:30pm

Summary Of Consultation Responses

Environmental Health: Concerned that the proposed application for a takeaway will lead to detriment to the amenity of the area from a number of sources, noise from patrons, noise from deliveries and noise and odour from the kitchen extraction system.

Having visited the area, there are already a number of takeaways in the area so whilst the proposed use represents an intensification of use of the area, do not feel that this will result in significant detriment.

Recommend conditions to cover:

- The existing hours of use to 10:30 pm be maintained.
- Limiting hours of deliveries and the collection of waste to between 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.
- An enclosed (roofed) bin storage area be constructed and that waste is only stored in purpose designed receptacles in the enclosed bin store until collection. No bins shall be stored in the rear lane.

It is noted that a design for the kitchen extraction has been submitted, however, there is insufficient detail to make a judgment on its effectiveness both for odour control or prevention of noise nuisance. Recommend that a condition requiring that the details and location of the kitchen extraction system be submitted and approved prior to commencement of works.

Summary Of Representations

4 objections received. The key issues of planning merit cited are; mix of uses in the centre, traffic generation particularly in evening, impact on residential amenity, litter, odour, disposal of waste, access to adjoining properties, changes to external stair case. These representations are available in PDF format for Members consideration.

Relevant Planning History

- | | |
|-------------|---------------------------------------------------------------------------------------------------------------------------|
| P/2005/0704 | Change Of Use Of Ground Floor From Use Class A1 To Use Class A5; Erection Of External Staircase REF - 07/07/2005 |
| P/2008/1379 | Change of use of ground floor to cafe (hot and cold food and drinks) PER - 15/12/2008 |
| P/2013/0474 | Change of Use from A3 to A3/5 & installation of extraction & flue to rear - This file no longer required as replaced with |

Key Issues/Material Considerations

The principle issues here are how the function of this designated local centre would be affected by the change of use from an A1 unit to A3/A5, and whether the amenities of the residential area and character of the commercial part of the place would be damaged by the scheme.

Local Centre

The local centre has a wide range of uses within its 24 units including a large number of A1 uses and other A classes uses as well as D1/ D2. The varied uses include for example an Estate Agent, Doctor's Surgery, Dance Studio and Launderette, which are generally less present in local centres.

Consideration has to be given as to whether the proposed change of use would complement the role and character of the centre. In this respect whilst there are 3 Hot Food Takeaways (A5) already operating in the centre there is only one A3 Use (restaurant).

In 2008 planning permission was granted for the change of use from A1 shop to A3 Restaurant on the application site. As such the Authority has already accepted the loss of the A1 retail use on this site. It is also currently the case that an A1 premises can be changed for a period of two years to A2, A3 or B1 without the need for planning permission.

Considering these facts and the range of other uses in the centre, the loss of an A1 unit is not considered detrimental to the centre, provided that a suitable alternative commercial use is provided. The provision of an A3/A5 unit in this location would fit with the centre and retain vitality and viability. The matters of concern raised in relation to the impact of the A3/A5 use can be dealt with by condition.

Amenity of surrounding premises

Unlike the previous application this application includes an element of A5 hot food takeaway, it has been confirmed by the agent that this element is required to make the restaurant viable. As previously stated there are existing takeaways successfully operating in the area without significant issue to the surrounding occupiers and in particular the residential properties. It is acknowledged that the inclusion of a takeaway element may increase the patronage of the premises, however, given its location in a local centre with a wide availability of on street parking it is not considered that it would create a substantive issue. Given the availability of on street parking it is not considered that there is likely to be substantial impact on the access to adjoining residential properties.

While this area is a commercial local centre it also contains a range of residential properties, however it has already been reported that there are existing A3 and

A5 uses successfully trading alongside the residential units in this centre. The plans include an extraction and ventilation system which will discharge above roof level limiting is potential for disruption. Environmental health have, however, identified that there is insufficient detail to determine the impacts and have recommended that this matter is conditioned to ensure it is satisfactory and will not result in a detrimental impact in relation to noise or odour.

Environmental health have also identified a range of other matters which raise the potential to impact the amenity of the surrounding occupiers this includes, storage of refuse, delivery and waste collection times and hours of operation. All of these matters raise the potential to impact on the amenity of the neighbours and are a key consideration in determining the application.

These matters are all able to be controlled by conditions to ensure that their potential to impact others is reduced. This will allow a currently vacant unit to be brought back in to use in a manner that ensures it will operate in a way which will preserve the amenity of surrounding occupiers.

In conclusion, it is considered that the proposed A3/A5 premises can be accommodated in this unit within the local centre without detrimentally impacting the centre or the surrounding residential properties.

Conclusions

It is considered that the proposed A3/A5 uses of this property will not negatively impact on the function of this designated local centre and it is not considered that the amenities of the residential area and character of the commercial part of the place would be damaged by the scheme subject to appropriate condition concerning its opening hours, storage of waste, deliveries and the specification of the proposed flue and extraction system.

Condition(s)/Reason(s)

01. The use hereby approved shall take place only between the hours of 9:00 a.m. and 10:30 p.m. Monday to Sunday, unless with the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the area and to meet the criteria of Policy S10 and the aims of BES of the Saved Adopted Torbay Local Plan 1995 to 2011.

02. Notwithstanding the plans hereby approved, details of type, specification and the location of the extraction and ventilation system shall be submitted to and approved by the Local Planning authority. The approved system shall be installed and permanently maintained to the agreed specification thereafter.

Reason: In the interest of the amenity of the surrounding area and in accordance with requirements of policies EP3 and EP4 of the Saved Adopted Torbay Local Plan 1995-2011.

03. Prior to the first uses of the premises, details of an enclosed (roofed) bin storage area shall be submitted to and approved by the Local Planning Authority in writing. The bin store shall be installed, used and permanently maintained for waste storage thereafter. Furthermore, no bins shall be stored in the rear lane.

Reason: In the interests of the amenities of the area and to meet the criteria of Policy S10, and EP3 of the Saved Adopted Torbay Local Plan 1995 to 2011.

04. Deliveries to the store and waste collection services shall only take place between 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays unless with the prior written consent of the Local. Planning Authority.

Reason: In the interests of the amenities of the area and to meet the criteria of Policy S10 and EP3 and BES of the Saved Adopted Torbay Local Plan 1995 to 2011.

Relevant Policies

BES Built environment strategy
S8 Hot take-away food
S10 Local Centres
T1 Development accessibility
EP3 Control of pollution
EP4 Noise