

Application Number

P/2014/1121

Site Address

First Church Of Christian Science Torbay
228 Union Street
Torquay
Devon
TQ2 5QS

Case Officer

Mr Scott Jones

Ward

Tormohun

Description

Removal of condition 3 (use only as Church) of planning approval P/1991/1711 to permit open use within Use Class D1 (Non-Residential Institutions)

Executive Summary/Key Outcomes

The proposal relates to the use of a relatively modest building located in the Torre shopping area, which changed use from a wholesale warehouse in the early 1990s to a church. It remained in use as a church until fairly recently.

The proposal seeks to remove a restrictive condition attached to the previous planning permission that limited the use solely to that of a church and for no other use, including other uses within the same use class (D1 - Non Residential Institutions). The application does not seek a change of use of the building in relation to the use classes order, it seeks to permit other uses usually allowed in-line with the use classes order and D1 class. Following the closure of the church the removal of the condition is sought to permit the building to be used as a community centre.

The removal of the condition will provide flexibility for the building to be used for other similar uses. This would for example permit a variety of uses such as a health centre, crèche, museum, community hall, art gallery, training centre, or forms of religious instruction.

Lifting the restrictive condition is considered acceptable on planning merit.

The building and location is considered appropriate for open D1 use, being centrally located in a mixed use area with good access available for the community. Other D1 uses are unlikely to result in determinable change to noise, traffic or other matters resulting from use.

Recommendation

Approval; conditions delegated to the Head of Place, to include hours of operation.

Site Details

228 Union Street Torquay, formally the First Church of Christian Science, a relatively modest scaled building on the south side of Union Street in the Torre Shopping Area and Tormohun Conservation Area.

The area has a largely shopping character, although there are pockets of residential use adjacent, on the upper floors above shops, and in neighbouring streets. Other significant uses in the immediate area include a snooker/pool hall opposite the site and the Conservative Club adjacent. Within a wider radius sit other D1 uses such as churches, medical facilities and community centres.

In the Saved Torbay Local Plan the site is shown as being within the Higher Union Street Local Centre (Policy S10.14).

Detailed Proposals

Remove Condition 03 attached to a planning approval granted in January 1992 (proposal for a change of use from a warehouse to a church) that restricted the use to a church and no other use, including any use within the same class as defined by the Town and Country Planning Use Classes Order 1987 (as amended).

Summary Of Consultation Responses

None.

Summary Of Representations

There have been no representations submitted in direct response to the formal application following its advertisement.

Prior to submission a petition of 166 signatures was received citing concern over future use of Number 228 in regard to the concentration of centres and HMOs in the area and their affect on anti-social behaviour and the general character of the area.

These have been electronically sent to Members for their consideration.

Relevant Planning History

P/1991/1711 Change of use from wholesale warehouse to a church -
Approved with conditions 24.1.92

Key Issues/Material Considerations

Saved Local Plan Policy CF1 (Provision of new and improved community facilities) is the key relevant local plan policy against which this proposal should be assessed. It states that new and improved community facilities will be permitted where they;

- (1) Would be readily accessible to the local community

- (2) Would not impact adversely on adjacent properties and surrounding neighbourhood, and
- (3) Would not cause serious congestion or a road safety hazard.

The key material consideration is whether providing flexibility for the building to be used for other uses within the same use class would provide an acceptable form of development considering the policy aims above.

The site is in a sustainable central location and is readily accessible to the local community.

The existing church use provides an established context for D1 use and it would be unlikely that wider amenity impacts from other uses within the same use class would arise. The concept of uses within the same class, by definition, will provide uses that are so similar in planning terms that the change from one to another does not normally require planning permission. It is noted that there are a number of uses that generate activity in the local area and the proposed use should be considered within the context of the site being located within a local shopping centre where there is already a level of activity. In order to consider the amenity of nearby residents it is suggested that a condition controlling the hours of use of the building is imposed.

In regard to road safety any proposed use within the D1 class is unlikely to result in any change to congestion or road safety over the current church use. The site is centrally located with good access for the community on foot and with public transport links and public parking nearby.

Removing the restrictive condition and providing the opportunity for broader use within the same use class is considered acceptable in the context. Retaining the use solely as a church is considered overly restrictive and would not provide the ability for the building to respond over time to market and commercial trends and keep the building in use.

S106/CIL -
N/A.

Conclusions

The building is considered suitable for open use within the class D1 "non-residential institutions" and hence the proposal to remove the condition is considered acceptable when assessed against planning policy and other material considerations and is recommended for approval.

Condition(s)/Reason(s)

01. hours of operation

Relevant Policies

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