

Application Number

P/2017/0966

Site Address

Former Changing Rooms
Stoodley Knowle Meadow
Torquay
TQ1 2JD

Case Officer

Mrs Saffron Loasby

Ward

Wellswood

Description

Change of Use to form Community Cafe, Store & Toilet Facilities

Executive Summary

The scheme proposes the conversion of an existing building located at the southern end of Stoodley Knowle Meadow close to Ilsham Road. Previously used as changing rooms for the adjacent sports pitches the development proposes to change the use of the property from a redundant D2 use to a seasonal community café with outside seating.

The changes proposed to the external appearance of the property are minimal. The primary addition will be a new raised external seating area comprising approximately 35sq.m. to be formed to the southeast of the existing building with surrounding balustrade. This will be made accessible for wheelchair users and people with pushchairs via a newly laid path and ramp.

The site is located in an Area of Special Advert Control and located close to several trees none of which are protected by Tree Preservation Orders. It is not located in a Conservation Area and there is no parking proposed with the change of use.

Recommendation

Approval: Subject to conditions delegated to the Executive Head for Assets and Business Services, to include those listed at the end of this report.

Reason for Referral to Development Management Committee

The building is owned by the Council and three objections have been received against the proposed development.

In line with the Council's constitution the decision should be made by the Development Management committee.

Statutory Determination Period

22nd November 2017.

Site Details

Date of Officer Site Visit: 4th October 2017

Detailed Proposals

The scheme proposes the conversion of an existing underused building located at the southern end of Stoodley Knowle Meadow close to Ilsham Road. The building was previously used as changing rooms for the adjacent sports pitches and has been unused for a number of years. The underuse of the property has meant the building is starting to deteriorate and become an eyesore within its wider setting.

The building comprises a single storey pitched roof building made of brick and a concrete tile roof. There are small areas of flat roof over the existing store and toilets. The new use will comprise a seasonal community café, store and associated toilet facilities. The primary addition will be a new raised external seating area to be formed to the southeast of the existing building with surrounding balustrade. This will be made accessible for wheelchair users and people with pushchairs. A serving hatch with canopy and roller shutter door for security when closed, will be located on the southeast elevation. The toilet facilities will be upgraded to ensure disabled access and baby changing facilities and a new timber roof will be provided. External materials include permeable paving resin bound aggregate to the terrace, paths and ramps and Millboard enhance grain smoked oak decking to the new raised terrace area (beam and block below). The external material schedule is included in the drawings submitted.

Summary Of Consultation Responses

Building Control - No comments received.

Arboriculture - The scheme is suitable on arboricultural merit subject to the noted tree report being an approved plan if consent follows.

Highways - No comments received.

Strategic Transport - The Local Plan does not set out parking standards for small cafes, but I would assess that changing rooms could generate a greater requirement during match-time peaks. There is on-street parking on Ilsham Road, and I would expect that many of the users would be existing visitors enjoying the area's recreation amenities. I note that the café would be wheel chair accessible. I think that we need a little more information about deliveries and collection of waste, as it appears that delivery vehicles will need to park on-street. A changing room (or other D2 use) could conceivably attract deliveries, so I have no in-principle objection. However it would be useful to know proposed frequency of deliveries, and to restrict them during un-social hours in the interests of residential amenity. I would suggest no deliveries before 7am or after 7pm Monday-Saturday and 10am-5pm Sundays and Bank Holidays.

An A3 use is a main town centre use, but sequential test issues can be weighed up against other benefits. The proposal brings a vacant building into use, will provide a benefit to local tourism/recreation and provides natural surveillance on the open space. On this basis I do not consider that there is an objection in terms

of retail policy.

Torbay Development Agency - Since the playing field was left to go 'wild' the changing rooms have been out of use. I also understand they have been subject to anti-social behaviour.

The TDA would support this alternative use of the changing rooms. The field has since become an area for families to walk, ride bicycles and as there is a children's play park adjacent to the building it seems to be an appropriate alternative use for local residents. There is a car park, at the Anstey's Cove end of the field. . This creation of a community café also fits with the Council's wellbeing aims.

In Ilsham Road there is a national multiple retailer convenience store, restaurants, tea rooms, bakery, public house and delicatessen and Kent's Cavern who also have their own restaurant. Some of these businesses may be against this use from a competition perspective, however a counter argument would be that a unused former changing room, attracting some unwanted attention which a local community group want to refurbish and bring back to use would be welcomed. Public toilets facilities will also be created which is helpful with the next nearest being Meadfoot Beach (Osbourne Hotel end).

Community Safety - No objections in principle but reference is made to the legislation regarding food hygiene, toilet layout, refuse areas, commercial waste, ventilation equipment for cooking, Health and Safety at work, designated smoking areas and late night refreshments regulations.

Summary Of Representations

Publication type: Neighbour notification letters/Site notice/Newspaper advertisement.

There have been a 14 representations, the majority of which (10) are in support of the proposed development. 1 representation was neutral. 3 representations received object on the following grounds (2 objections were received from the same person):

- o impact on the local area
- o not in keeping/potential to change the character of the area.
- o sets a precedent
- o traffic and access
- o noise
- o too commercial.

The letters of support refer to the following:

- o Impact on local area
- o It provides facilities
- o Makes tourist facilities better
- o Community asset

- o It removes an eyesore
- o Residential amenity.

Relevant Planning History

No relevant planning history. Pre-application discussions took place with in principle support being given verbally subject to consideration of other planning policies.

Key Issues/Material Considerations

The key issues to consider in relation to this proposal are principle of development, design, impact on the character of the area, neighbour amenity and highway safety. The key issues and accordance with adopted policies is discussed below.

Principle of Development

An application that positively promotes a community use is considered to be acceptable in principle but it is still subject to other material planning considerations. Whilst refurbishment and reuse of the existing building promotes sustainable development there are policies that are not wholly supportive without full justification and a well-balanced assessment of the policy criteria and proposal benefits.

In terms of broader principles Policy SS3 'Presumption in Favour of Sustainable Development' of the Local Plan advises that planning applications that accord with the policies in the Local Plan (and where relevant, with policies in Neighbourhood Plans) will be approved unless material considerations indicate otherwise. This policy follows the advice within the National Planning Policy Framework (NPPF), specifically paragraph 14 that sets out a presumption in favour of sustainable development. For decision taking, unless material planning considerations dictate otherwise, this means approving proposals that accord with the development plan without delay.

Paragraph 24 of the NPPF explains how planning authorities should apply a sequential test to planning applications for main town centres uses that are not in an existing centre and are not in accordance with an up-to-date-local plan. Torbay does benefit from having an up to date local plan but the existing building is still located outside of the town centre. The closest Local Centre is Wellswood, approximately 400m southwest of the application site.

On strict policy grounds an A3 use, such as that proposed, is considered to be a town centre use, and therefore subject to a 'sequential test' (subject to the scale of the development). A sequential test has not been carried out with respect to the proposals and it is not considered that they would satisfy such a test, accordingly, the proposals do not meet the requirements of Policy TC2 (retail hierarchy). However, the proposal is for a small-scale, seasonal use that officers are satisfied will have minimal impact on the vitality and viability of the main Torquay town centre or on the nearby Ilsham local centre.

Policy SC2 Sport, Leisure and Recreation of the Torbay Local Plan 2012-2030 states that there is a presumption against the loss of existing recreational and leisure facilities unless:

1. an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
2. the loss resulting from the proposed development would be replaced by equivalent or better provision; or
3. the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

In this case use of the adjacent land as playing fields has ceased because of poor ground conditions, subsidence and inability to use heavy grounds maintenance machinery to maintain it, as a result, there is no longer a need for associated changing rooms.

The change of use from changing rooms to café is considered to meet the requirements of Policy SC2 of the Torbay Local Plan 2013-2-2030.

Design

The existing building is a late 20C single storey development that was originally associated with the adjacent sports fields. The scheme looks to retain the existing size and scale of the building and improves the external appearance through the re-use of the building and some internal and external cosmetic changes. The new paintwork to the existing windows, replacement flat roofing and improved pathway/access will refresh the currently run-down building. The new outside seating area will provide an area for people to sit and enjoy the grounds with food and beverages available. The visual changes to the building are minimal.

The design of the proposed café is considered to meet the requirements of Policy DE1 of the Torbay Local Plan 2013-2-2030.

Impact on the character of the area

It has been raised in the representations that the character of the area will change adversely as a result of the new use. The new use bringing with it more people, traffic and associated noise.

The new use is proposed as 'Seasonal' and to be open 9am to 6pm everyday during high season. The building was previously used as a changing room for those using the sports fields. This would have involved a high number of visitors during the day on a regular basis and the building could easily be reverted back to this use if the sports fields were adequate for purpose. However, officers are advised the future of this field for sport is unlikely and a new community-orientated use has been sought.

It is not considered that the use of the building as a café will have a significantly adverse impact on the character of the area. The refurbishment of the building will

improve the property visually and the use of the property will bring more people to the field and surrounding area for leisure and recreation purposes. The scheme is considered to meet a number of positive criteria within DE1 of the Torbay Local Plan 2012-2030.

Impact on Neighbour Amenity

Concern has been raised by local residents in the immediate vicinity that the impact of an intensified use will result in harm on neighbour amenity by way of additional noise and disturbance. In light of a degree of concern in terms of hours of operation and kitchen odours, which can be mitigated by condition, the proposal is acceptable on amenity grounds and meet the requirements of Policy DE3 of the Torbay Local Plan 2012-2030.

As this area is not predominately commercial in its nature and there are a number of residential properties in close proximity it is considered appropriate in this instance to agree a delivery time condition to ensure the new use has minimal impact on local residents.

Highway Safety

No objections have been raised by the Councils highway officers or Strategic Planning. The proposal is considered to meet the requirements of policy TA2 and TA3 of the Torbay Local Plan 2012-2030.

Other Matters

The proposal brings a vacant building which is in need of refurbishment back into use providing a benefit to local tourism, recreation and provides natural surveillance over the adjoining open space.

With regard to the comments received from Environmental Health, most of the requirements come under different legislation and therefore no need to condition as part of a planning approval.

Impact of the development on the neighbouring trees is minimal. The submitted Tree Protection and Method Statement should form part of approval if granted.

Human Rights and Equalities Issues -

Human Rights Act: The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights.

In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests/the Development Plan and Central Government Guidance.

Equalities Act: In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

S106/CIL and Affordable Housing -

S106 contributions are not required from this development.

CIL: CIL is liable on out-of-town centre retail and food and drink development of more than 300 sq m, (at £120 per sq m). The application building comprises approximately 75m.sq. in total.

Proactive Working

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has concluded that the application is acceptable for planning approval/imposed conditions to enable the grant of planning permission.

Conclusions

Although arguably the proposals do not accord with policy TC1, they represent a small-scale form of development and otherwise accord with the provisions of the Torbay Local Plan 2012-2030. Other material considerations indicate that planning permission should be granted. The building will be improved visually and the new use will provide a benefit to local tourism, recreation and provides natural surveillance over the adjoining open space. The floor area of the building is not increasing and the new use will bring a redundant building back into use. The proposal is therefore recommended for approval subject to conditions.

Conditions to include:

1. A restriction on opening hours (Monday -Sunday 09.00-18.00 during High season only (April 1st to September 30th). Use and toilets to be closed out of season.
2. Extraction equipment condition - to overcome noise and odour
3. A restriction on delivery times (e.g. no deliveries before 7am or after 7pm Monday - Saturday and no deliveries before 10am or after 5pm Sundays and Bank Holidays during agreed opening times).
4. Removal of PD rights to avoid new uses without prior consultation.

Relevant Policies

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