

Application Number

P/2012/0099

Site Address

48 Torwood Street
Torquay
Devon
TQ1 1DT

Case Officer

Mr Adam Luscombe

Ward

Wellswood

Description

Change of use of ground floor and basement from class A1 to class A3.

Executive Summary / Key Outcomes

The application seeks consent to change the use of the premises from A1 (Retail/Shop) to A3 (Restaurant/Café).

The key issues are considered to concern the vitality and viability of the Town Centre and Harbourside area as well as the impacts such a use would have on the residential amenity of nearby occupants.

With conditions, as set out within the report, the proposed change of use is considered to be acceptable on planning merit.

Recommendation

Conditional Approval

Site Details

The site contains an existing retail unit that is currently vacant situated just up from the junction of Torwood Street, The Terrace and Parkhill Road. The site lies within the Town Centre boundary and is designated in the Saved Adopted Torbay Local Plan 1995-2011 as secondary shopping frontage.

Detailed Proposals

It is proposed to change the use of the unit from A1 to A3. No external changes are indicated at this time.

It is noted that an open A3 use allows for operation as Restaurants & Cafes as well as allowing permitted changes to Financial and Professional Services and Shops.

Summary Of Consultation Responses

No Comments

Summary Of Representations

Six letters of representation have been received. The issues raised include:

- Noise
- Smell
- Residential Amenity
- Access
- Waste Storage
- Impact on existing trade
- Fire Hazard

These letters are re-produced at Page T202.

Relevant Planning History

P/1980/3104: Use Ground floor as Retail Shop Class 1. Permitted
15.12.1980

Key Issues / Material Considerations

The key issues of this proposal relate to the impact on the town centre and this particular area in commercial terms and also with regards to any subsequent impact this may have on the residential accommodation in and around the building.

Given the Town Centre location there are not considered to be any parking or transport related issues.

The frontage is indicated as secondary shopping and as such other uses away from retail are considered acceptable under policy. The inclusion of other uses in the secondary shopping frontages allows for a diverse range of uses that can support the primary retail function of the area, in this case the lower town centre.

In this case, whilst it could support an additional restaurant or café in the area, the proposed planning use class jointly with the permitted development allowances would allow a variety of uses – all of which could be seen to support the primary function.

The vitality of the Town Centre is supported through the wide ranging uses and the loss of this individual, currently vacant, retail unit is not considered to have a significant bearing of the commercial viability of the wider area.

In relation to residential amenity and the impact of ventilation from and access to the premises there are valid considerations. However, the proposed use is not considered to result in any detrimental outcomes where these issues are clarified and consented to.

In this case, it would be able to require, by way of condition, that external changes where made to the shopfront and entrance to ensure the residents have

separate, safe and undisturbed, access to their property. Furthermore, in respect of noise and odour from ventilation systems these external changes would require a separate application. Consideration is also given to the volume created by guests at the premises and the disturbance this may have on the residents above. Again by way of condition, additional insulation could be required as well as limitations on the hours of operation.

Another concern raised is with the storage and removal of waste created by the premises. It is again considered appropriate to ensure that satisfactory means of waste removal and storage are put in place and therefore a condition has been included to that effect.

Economy -

The change of use could support additional employment into a commercial unit that currently lies vacant. Use of the premises by customers could also benefit other businesses in the area by attracting a greater and diverse range of customers to the Town Centre.

Vibrant Town Centres -

Creating additional jobs and bringing a vacant unit, which in itself is under utilising the town centre back into use, will have positive effects on the vitality and viability of the town centre and harbourside areas.

S106 / CIL - The application proposal has been assessed against the provisions of the document "Planning contributions and affordable housing, supplementary document update 3, Economic Recovery Measures April 2011". Based on a gross internal floorspace of 315sq metres, the calculation of a Sustainable Transport contribution in the Hotels & Catering category, would be £287.58 x 315 = £90,587.70. In mitigation the existing retail use would be deducted at £101.98 x 315 = £32,123.70. Therefore the total contribution would be £58,464. It is considered that the use of the premises, in terms of numbers of customers, would not be significantly different from the present Class A1 use. Furthermore, it is considered that the level of contribution would not meet the tests of Circular 05/2005 as being fairly and reasonably related in scale and kind to the proposed development. In addition, mitigation is considered appropriate, in recognition of the support for economic prosperity provided for by the above policy. On this basis, it is concluded that no sustainable development contribution should be required.

Conclusions

The proposed change of use is considered to accord with the policy, specifically as set out within the Saved Adopted Torbay Local Plan 1995-2011. For this reason the application is deemed acceptable and is therefore recommended for conditional approval.

Condition(s)/Reason(s)

01. Details of a new frontage shall be submitted to and approved by the Local Planning Authority prior to the commencement of a change of use in accordance with this application. Such details shall include clear definition of, and separate entrances for, the residents of the accommodation above and shall be fully implemented prior to the commencement of the use as hereby approved and maintained as such at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the change of use does not adversely impact on the amenity of the neighbouring occupiers in accordance with policy S4 of the Saved Adopted Torbay Local Plan 1995-2011.

02. Details of additional noise insulation and separation of the premises and the adjoining residential accommodation shall be submitted to and approved by the Local Planning Authority prior to the commencement of a change of use in accordance with this application. Such details shall then be implemented in full prior to the commencement of the use hereby approved and maintained as such at all times thereafter unless otherwise approved in writing by the Local Planning Authority.

To ensure that the change of use does not adversely impact on the amenity of the neighbouring occupiers in accordance with policy S4 of the Saved Adopted Torbay Local Plan 1995-2011.

03. Details of waste and recycling storage provision and means of removal shall be submitted to and approved by the Local Planning Authority prior to the commencement of a change of use in accordance with this application. Such details shall be fully implemented and provision made available prior to the commencement of the use hereby approved and maintained as such at all times thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the change of use does not adversely impact the character, appearance or amenities of the surrounding area in accordance with policy S4 of the Saved Adopted Torbay Local Plan 1995-2011.

04. The use hereby approved shall only be operational between the hours of 08:00 and 22:30 Sunday-Thursday and between the hours of 08:00 and 00:00 Friday and Saturday unless otherwise approved in writing by the Local Planning Authority.

To ensure that the change of use does not adversely impact on the amenity of the neighbouring occupiers in accordance with policy S4 of the Saved Adopted Torbay Local Plan 1995-2011.

Informative(s)

01. The applicants attention is drawn to the need to provide information to the Local Planning Authority, in accordance with the conditional approval, prior to the commencement of the use hereby approved. Failure to provide such information could invalidate the permission.

Relevant Policies

- BES Built environment strategy
- BE1 Design of new development
- BE5 Policy in conservation areas
- S4 Secondary shopping frontages