

**Application Number**

P/2012/0760

**Site Address**Minerva Hotel  
Adelphi Road  
Paignton  
Devon  
TQ4 6AW**Case Officer**

Mr Robert Pierce

**Ward**

Roundham With Hyde

**Description**

Change of use of guest house dining room to steak house with licensed bar.

**Executive Summary/Key Outcomes**

The application seeks consent to change the use of the ground floor dining area of the premises in the evening from a dining room associated with the use as a guest house to a fine dining Steakhouse with a licensed bar.

The key issues are considered to concern the vitality and viability of the Paignton Seafront (South) Principal Holiday Accommodation Area as well as the impact such a use would have on the residential amenity of nearby neighbours.

With conditions, as set out within the report, the proposed change of use is considered to be acceptable on planning merit. However, this should only be on a temporary basis for a period of 12 months to allow the impact of the change of use to be fully assessed particularly in relation to impact on residential amenity.

**Recommendation**

Conditional Approval; subject to the views of the Environmental Health Officer in relation to noise, odour and operating hours.

**Site Details**

The Minerva Hotel has 10 en-suite bedrooms with a dining room and on site car parking for 5 vehicles. It is situated within the Paignton Seafront (South) Principal Holiday Accommodation Area (PHAA) towards the bottom end of Adelphi Road near to the Paignton Rugby Club. The PHAA Monitor (2009) indicates that Adelphi Road has a mix of Residential, Holiday Flats, Hotels and a Care Home.

**Detailed Proposals**

Permission is sought to use the existing ground floor dining area as a Steakhouse which would operate in the evenings. The proposed opening times would be 5 pm to 10.30 pm for seven days per week. The bar would only be used by customers using the restaurant and guests staying in the hotel. The bar would close at 11 pm Mondays to Saturdays and 10.30 pm on Sundays. No external alterations are indicated, however, the applicant has confirmed that signage would be required (this would be the subject of a separate application for advertisement consent).

**Summary Of Consultation Responses**

Environmental Health: Observations awaited.

**Summary Of Representations**

Numerous letters of objection have been received, citing the following main issues:

- Fire safety, potential for cars to block exits
- Problems with refuse
- Nightly noise from music and people talking and smoking outside

- Smells from cooking
- Inadequate toilet facilities
- Too many pubs and restaurants in the area
- Closing hours for sale of alcohol not in keeping with a residential area
- Potential problems with illuminated signage (not part of this application).

These have been reproduced at Page P203.

### **Relevant Planning History**

No immediate relevant history. The application form indicates that pre-application advice was sought from Tim Wills (Enforcement Officer). this is in fact not the case.

### **Key Issues/Material Considerations**

The main issues with this change of use relate to its impact on the PHAA, the impact that it would have on nearby residential occupiers and also issues of traffic generation and car parking.

In terms of the use as a Steakhouse, it is considered that this will add variety for both holiday makers and residents alike and will raise the level of facilities on offer at this small hotel. However, the change of use has the potential to have an adverse impact on residential amenities, as a result of an intensification of use. The views of the Environmental Health Officer are awaited with respect to noise, hours of operation and odour.

Concerns have been raised by nearby residents in relation to cooking smells, noise and hours of operation. These issues are to a certain extent reliant on good management of the restaurant and this can be controlled by the appropriation of suitable conditions relating to opening hours and extraction.

In support of the proposal the applicant has confirmed that the hotel already serves evening meals and that there is an existing bar. There are 5 on site car parking spaces and there is a potential for an increase in traffic as a result of the proposal. This is however a location close to the town centre and near to public car parks and on street meter controlled spaces. The lack of sufficient on site parking is not therefore considered to be an issue.

**Principle and Planning Policy** - The proposal represents an additional facility for tourists and residents alike and will provide diversification for the existing hotel business so that this property can continue to provide tourism accommodation. Policy TU6 requires new uses to be compatible with the surrounding tourism-related uses and not to harm the holiday character and atmosphere of the PHAA. It is considered that the proposed restaurant use is policy compliant in this respect.

**Economy** - In terms of employment, the applicant proposes to employ a chef, a waitress and bar staff. In addition, the change of use will enable the retention of the hotel business and will support the holiday use on the site.

**Environmental Enhancement** - Future signage needs careful consideration, but this will be subject to a separate application for advertising consent.

**Accessibility** - The location is close to the Town centre and facilities including public car parks and bus routes.

**Vibrant Town Centres** - The proposal will add to the variety of facilities available in the PHAA. It is not considered that the development would harm the vitality and viability of the town centre, as this is an edge of centre development that will support linked trips to the centre itself.

**S106/CIL** - Not applicable as no additional floor space proposed, the scheme is a change from ancillary restaurant to a restaurant for visiting members of the general public.

### **Conclusions**

The proposed change of use is considered to accord with the relevant policies set out within the Saved Adopted Torbay Local Plan 1995-2011. The proposed change of use will add vibrancy to this part of the holiday character area and will provide diversification to support the existing hotel. For this reason the application is deemed acceptable and is therefore recommended for conditional approval. However, the views of the Environmental Health Officer in respect of the noise, smell and operating hours proposed will be an important consideration and will be reported verbally at the committee meeting. Due to the concerns raised and the potential to cause harm to neighbouring living conditions, it is recommended that conditions to control noise, odour and opening hours be imposed.

### **Recommendation**

Conditional Approval.

### **Condition(s)/Reason(s)**

01. The use of the premises hereby approved shall take place only between the hours of 5 pm to 11 pm on Mondays to Saturdays and 5 pm to 10.30 pm on Sundays 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 TU6 of the Saved Adopted Torbay Local Plan 1995 to 2011.

02. The premises shall only be used for Class A3 (restaurant and cafe) and for no other purpose, including any other purpose in Classes A2 (Financial and Professional Services) and A1 (Shops) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order.

Reason: Such proposals would be a separate matter to be considered on its merits, as the site lies outside of the town centre and to meet the criteria of Policies TU6 and SS of the Saved Adopted Torbay Local Plan 1995 to 2011.

03. The change of use to Class A3 hereby approved shall not commence until details, prepared in accordance with the document "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems" (DEFRA: January 2005), of the equipment proposed to be installed to treat and disperse emissions from cooking operations, incorporating carbon filters, have been submitted to and approved by the Local Planning Authority in writing and the equipment shall not be installed other than in accordance with the approved details. Following installation, the equipment shall be operated and maintained in accordance with manufacturer's instructions.

Reason: In the interests of amenity and in accordance with the objectives of Policy EP3 of the Saved Adopted Torbay Local Plan 1995-2011.

### **Relevant Policies**

TU6 - Principal Holiday Accommodation Areas

T25 - Car parking in new development

EP3 - Control of pollution