

P/2011/0163/PA

Roundham With Hyde Ward

10 - 12 Palace Avenue, Paignton

Change of use of ground and lower floors from class A1 (retail) to mixed A1/A3 use

Site Details

The property comprises 2 Victorian 2-storey buildings plus a basement. The property is currently arranged in 4 sections and comprises a double fronted retail unit and basement, first floor offices with ground floor street entrance and self contained flats on the upper floors. The retail units are presently vacant. The application site is located within the Primary Shopping Frontage of the Paignton central area. The site is located on the south side of Palace Avenue and stands within the Paignton Conservation Area. Supporting information indicates that the premises accommodates 178 square metres of retail showroom with an additional 106 square metres of ancillary storage area. Properties either side of the application site are occupied by Barclays Bank on one side and a tattoo parlour and barbers on the other side.

Relevant Planning History

P/2010/1227 Alterations, existing retail unit to be on ground and lower ground floors, re-furbishment of existing accommodation which includes 2 residential flats and formation of extension to form 9 residential units in total. This application is pending, currently under consideration.

Relevant Policies

Torbay Local Plan 1995-2011

SS Shopping Strategy

S1 Town Centres (Paignton)

S3 Primary Shopping Frontages. The shopping function of town centre primary shopping frontages will be safeguarded and enhanced. Development and change of use of ground floor retail premises (Use Class A1) for other uses (including A2 and A3) will not be permitted where:

- 1) The primary retail role and character is undermined.
- 2) It would harm the vitality and viability of the primary shopping frontage.
- 3) Introduction of non retail use would cause unacceptable fragmentation of the remaining shops.

Proposals

Permission is sought to change the use of the ground floor of the premises to include a mix of A3 and A5 (consumption of food on and off the premises) along with the existing A1 retail use. The application does not seek permission for any external alterations to the building, merely to establish the principle of a change of use in order to improve the prospects of the premises being let. The change of use only relates to the ground floor. No information has been submitted in respect of extraction and ventilation equipment at this stage. It does not involve any alterations to the character and appearance of the building.

Consultations

None

Representations

One letter of representation has been received from the occupier of the upper floor flat – No objections to a restaurant, main concern related to the location of the extractor fan and associated noise. Also collection of refuse is seen as a potential problem with noise from bottles etc. The representation has been re-produced at Page. P.200.

Key Issues/Material Considerations

In assessing this application, consideration should be given to the following criteria: The location and prominence of the premises within the shopping frontage, the floor space and length of frontage of the premises, the number distribution and proximity of other premises within A2 and A3 uses, the particular nature and character of the use proposed, including the level of pedestrian activity associated with it, the level of vacancies and ground floor properties and whether it would give rise to any problems related to noise, smell or any other environmental problems.

In support of the application, the agent has confirmed that the premises is located outside the "central core" of the Primary Shopping Frontage, near to the Secondary Shopping Frontage of Palace Avenue. It is accepted that the main shopping area in Paignton is the pedestrianised section of Victoria Street.

Whilst this is an area of primary shopping frontage, it is on the edge and in its character, location and range of uses it functions more as a secondary frontage. The premises does have a double frontage with generous floor areas within. However, the agent has confirmed that the premises have been marketed in an attempt to re-occupy it and the former use of the premises was as a ladies dress shop and prior to this it was occupied by the Lloyds Bank, Class A2. The ladies retailer vacated the site in October 2007 and it has been actively marketed since.

The Torbay Retail Monitor indicates that most of the units within this part of Palace Avenue are in use as retail shops with just a few cafes and restaurants. Because of this relatively healthy retail mix along Palace Avenue, it is not considered that the loss of the double fronted A1 unit would undermine the shopping character of the area. Indeed, an A3 restaurant facility could be seen as a complimentary use ideally located for theatre goers at the Palace Avenue Theatre.

Consideration should be given to potential impact on residential amenity. At present, it is understood that there is a residential property on the second and third floors, however, there is a current application to create 9 residential units on the upper floors. It is not considered that a restaurant use at ground floor level would have any adverse impact on the existing or future residential occupiers subject to suitable extract ventilation systems being installed and also a control over the hours of opening, particularly in respect of late night activity.

Sustainability - This is a town centre location and there is a bus stop located 100m to the west on Palace Avenue.

Crime and Disorder - Potential issues associated with late night opening, but this can be controlled via a condition.

Disability Issues - Part M of the Building Regulations may apply.

Conclusions There are no external or internal changes proposed to the property and therefore the proposal will not have any adverse impact on the character of appearance of the Conservation Area. The premises has been vacant for over 18 months and in this location an A3 or A5 use that is close to the Palace Theatre could enhance the vitality and viability of the shopping frontage. Commercially, an A3 or A5 use will increase the marketability of the property and overcome the problem of a vacant frontage "blighting" the area. There are no current A3 or A5 uses immediately adjacent to the application site and therefore there are no concerns with regards to their being a cumulative detrimental impact on the viability and vitality of the shopping frontage as a result of the proposed non A1 use.

Recommendation: Conditional Approval

Condition(s):

01. The use hereby approved shall take place only between the hours of 8:00 a.m. and 11:00 p.m. 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 S8 of the Saved Adopted Torbay Local Plan 1995 to 2011.

02. Before the use hereby approved commences details of an extract ventilation system shall be submitted to and approved by the Local Planning Authority. The use shall not commence until this has been installed in accordance with the approved details.

Reason: In the interests of the amenities of the area an to meet the criteria of Policy EP3