

Application Number

P/2014/0198

Site Address

Old Maids Perch
Shedden Hill Road
Torquay
Devon
TQ2 5HD

Case Officer

Mr Robert Pierce

Ward**Description**

Change of use from public open space to restaurant seating area to serve adjacent A3 restaurant use, maintaining existing public rights of way, and in association with external works as shown.

Executive Summary/Key Outcomes

The application seeks permission to change the use of a small area of public open space into an ancillary outdoor dining area in association with a new A3 Restaurant. The restaurant will form part of the Abbey Crescent (Former Palm Court Hotel) seafront development currently under construction.

The proposal would lead to the loss of a small area of public open space, however, it will improve the restaurant's amenities to the benefit of the public, whilst at the same time maintaining existing public rights of way and an existing landscaped planting bank.

The application is deemed to be acceptable for planning approval.

Recommendation

Approval

Statutory Determination Period

Eight weeks expires 2nd May 2014

Site Details

The site is known as "Old Maids Perch" and comprises a raised terraced area above a covered shelter fronting Torbay Road and backing onto Shedden Hill Road. The terrace has a tarmac surface and accommodates several memorial/commemorative benches set behind railings which are positioned across the Torbay Road frontage above the shelter below. To the rear of the site along the Shedden Hill Road frontage there is a raised landscaped bank.

Detailed Proposals

The application seeks permission to change the use of the existing terrace from an area of public seating/open space to an outside eating area in association with the new first floor restaurant currently under construction as part of the Abbey Crescent development.

The plans indicate that the terrace will be decked over to provide a split level eating area with the levels adjusted in order to provide a direct pedestrian link into the restaurant. Tables and chairs will be set out to provide "al fresco" dining for at least 58 customers. The tables to the higher decking at the rear will have removable or semi - permanent canopies over the tables. A timber store is also shown which will protect the tables and chairs when not in use. The railings across the frontage will remain and glass safety guarding will be positioned behind them. The planting bank will be retained as will the existing public right of way.

Summary Of Consultation Responses

The proposal was the subject of pre application discussions and consultations as follows:

1st October 2013 Pre Application Discussions with Spatial Planning, TDA and Parks

6th October 2013 Proposal presented to the Torre and Upton Community Partnership at the Town Hall

9th December 2013 Site meeting with Community Partnership.

Summary Of Representations

One objection received - main issue concerned with the loss of public seating. This has been copied and sent electronically for Members consideration.

Relevant Planning History

None.

Key Issues/Material Considerations

The key issue to consider in relation to this application is the loss of existing public open space and its impact on the character and appearance of the Belgravia Conservation Area.

Loss of Public Open Space

The proposal would lead to the loss of a small area of public open space. This area is used informally and periodically for sitting out during the warmer months of the year.

The proposal will improve the facilities offered by the new restaurant and this would be of considerable benefit for the business. In addition, it will provide residents/visitors with an outdoor dining area in a prime elevated position with views across the bay. This is an important planning gain for the tourist economy which is considered to mitigate the loss of the seating/viewing terrace.

Relating the use of the space to the adjacent development and active use, will revitalise the space and enable it to be more regularly used by visitors and residents. Active use of the space will enhance the character of this part of Torquay.

The applicants have confirmed that existing public rights of way will be maintained and the plans indicate the retention of the planted bank to the rear.

Impact on the Conservation Area

The scheme retains the landscaped planting to the rear and therefore the verdant backdrop to the site will not be affected. The use of modern materials are considered to be appropriate in the context of the new development being constructed and will sit quite comfortably within the street scene. The character and appearance of the Conservation Area will not be adversely affected.

Conclusions

The proposed change of use to an outside dining area is considered to be appropriate for planning approval, having regard to all national and local planning policies and all other relevant material considerations.

Relevant Policies

BES Built environment strategy
BE1 Design of new development
BE5 Policy in conservation areas
RS Recreation and leisure strategy
R5 Protection of public open spaces
TUS Tourism strategy