

Application Number

P/2015/0467

Site Address22-24 Roundhill Road
Torquay
Devon
TQ2 6TH**Case Officer**

Mr Scott Jones

Ward

Cockington With Chelston

Description

Change of use of Unit 22 from Use Class D1 (non-residential institution) to Use Class A5 (hot food take-away) and the change of use of Unit 24 from Use Class A1 (retail) to Use Class A5, together with the amalgamation of Units 22 and 24 into one Use Class A5 unit.

Executive summary

The proposal relates to two commercial units set within a small shopping parade at Roundhill Road, Torquay, which holds 8 units at ground floor with residential flats above.

The proposal seeks to conjoin two units and change their use from one "A1" retail unit and one "D1" art gallery to a single A5 hot food takeaway.

The proposed use is not considered to adversely affect the overall shopping character of the parade as the nature of the use would complement the role of the Local Centre as a focal shopping point serving the local neighbourhood.

With conditions that control the hours of operation, and subject to the submission and approval of extract ventilation details prior to the first commencement of the use, the proposal will not be detrimental to local neighbour amenity through noise, smell or general disturbance.

The proposal is considered compliant with the policy aims set out within the Saved Local Plan in regard to Local Centres and Hot Food Takeaways (Policies S8 and S10).

Recommendation

Approval; Subject to conditions on the hours of operation (between the hours of 08:00 and 22:00) and details of the extract ventilation system to be submitted and approved by the Local Planning Authority.

Site Details

The site comprises two units that sit in a small parade made up of 8 units at ground floor with residential flats above, at Roundhill Road, Torquay.

The application relates to two adjoining units within the parade.

The parade is designated as a Local Centre within the Saved Torbay Local Plan.

Detailed Proposals

The proposal seeks to conjoin two units and change their use from one "A1" retail unit and one "D1" art gallery to a single A5 hot food takeaway.

No external alterations to the frontage or other external changes are proposed.

Summary Of Consultation Responses

Environmental Health & Consumer Protection: Concern raised about both the potential for noise nuisance and odour nuisance. Noise from the arrival and departure of customers could have a detrimental effect on the residents in the area as takeaway premises typically encourage significantly increased footfall particularly later in the evening together with increased vehicle movements. Resultant odour and noise from kitchen extraction systems, depending on the type of operation, may harm amenity.

Recommend conditions be placed on the consent requiring compliance with the DEFRA guide on control of odour and noise from kitchens, and that the hours of operation are restricted.

Police Liaison Officer: No Objection. Recommend detail on hours of opening.

Summary Of Representations

Four representations, one with an attached petition with 9 signatures from 5 further addresses, were received.

The representations raise concern in regard to the impact on amenity, by reason of smell nuisance, traffic flow and litter.

A Site Review Meeting was held and the application has been referred to The Development Management Committee as Ward Councillors held reservations over the impact upon local amenity, in-line with the public representations submitted.

These representations have been submitted electronically for members consideration.

Relevant Planning History

The following application relates to adjoining units in the local centre;

P/2015/0458 Change of use of Unit 20 from class B1 (business) to A1 (shops), amalgamation of Units 18 and 20 (use class A1), erection of single storey extension, alterations to shop front, installation of ATM machine and associated parking and landscaping, 18-20 Roundhill Road- current application

Key Issues/Material Considerations

The key issues are;

1. Impact upon the Local Centre
2. Impact upon residential amenity
3. Impact upon traffic and movement

1. Impact upon the Local Centre:

The site sits in a small Local Centre near to the junction of Roundhill Road with Old Paignton Road, within the area of the residential suburbs of Livermead and Preston. The Local Centre consists of 8 relatively small units of varied commercial use.

Policy S10 of the Saved Local Plan provides guidance for the aims and objectives of such Local Centres, central of which is that uses in these centres should complement the role and character of the centre.

The change of use to A5 (Hot food takeaway) is not considered overly sensitive in regard to its impact upon the mix of services and maintains a use that serves the local community and one that would provide footfall and vitality that will support use of other facilities within the parade.

The proposal is considered compliant with the aims and objectives of Policy S10 (Local Centres) that seek to secure the long term vibrancy and vitality of such shopping areas.

The proposed use is considered acceptable in the context.

2. Impact upon local amenity:

The proposal seeks a change of use and proposed hours of opening have not been identified as part of the application.

Policies S8 (Hot Food Takeaways) and S10 (Local Centres) of the Saved Local Plan provides guidance that such uses may be acceptable provided that the amenity of the area is not adversely affected through noise, general disturbance etc.

The location within a local centre provides a context where a degree of activity generating noise and disturbance from deliveries and clients using the facilities would be expected.

In regard to the likely impact of a hot food takeaway upon local amenity consideration should be given to the effect of odours, noise and general disturbance.

The agent has suggested that there is no end user identified and hence the form of foodstuffs and the associated cooking processes, together with any necessary extraction system, are not provided. In order to ensure that there is no undue impact from noise and odour resulting from cooking of food on the premises a restrictive condition is recommended requiring submission of the specification of the extract ventilation system prior to the first commencement of the use.

The hours of opening have not been specified, which is again likely to be due to the absence of an end-user. The character of certain types of A5 takeaway use may result in trading hours later hours than other uses commonly found within this centre. Having considered the context it is considered that a restrictive condition for the hours of opening not to extend beyond 22:00 daily would ensure a suitable form of development that protects against undue impact from general noise and disturbance into the evening/night.

The agent has suggested consideration of hours of opening between noon and 22:30 daily, which is 30 minutes beyond the recommendation of Officers.

In addition an informative should be attached reminding the applicant that external alterations to provide a flue or similar would require planning permission and would be considered on its own merit.

With conditions on the hours of opening and the detail of any internal extraction requirements the use would not be detrimental to local amenity in this location. The proposal would be compliant with Saved Policies S8 and S10 in regard to amenity.

3. Impact upon traffic and movement

The site sits in a Local Centre with street parking. The proposed use, as with the current use, will in part contribute to the wider traffic generated by the various services offered in the area. Individually the proposed use is unlikely to present determinable highway and movement impacts. The proposal is considered compliant with Policies SS, S8 and S10 in this regard.

S106/CIL -
N/A.

Conclusions

The proposal is considered acceptable on planning merit subject to a restriction on the hours of opening and submission of details of the extract ventilation system. The application is recommended for conditional approval.

Condition(s)/Reason(s)

01. The use hereby approved shall only operate between the hours of 08:00 and 22:00 daily. Reason: In the interests of the amenities of the area and to meet the criteria of Policies SS, S8, S10, EPS, EP3 and EP4 of the Saved Local Plan.

02. Prior to the first commencement of the use hereby approved details of any proposed equipment extraction equipment, including noise levels and odour abatement, shall be submitted to and approved by the Local Planning Authority in writing. In preparing the detailed technical submission, regard shall be had to guidance contained in the document "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems" (Defra: January 2005)'. The approved details shall be implemented in full prior to the first use of the premises as a takeaway and following installation the equipment shall be operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues. Reason: To protect the living conditions of nearby residents and the amenities of the area in general and to ensure compliance with policies S8, EPS, EP3 and EP4 of the Saved Local Plan.

Informative(s)

01. The applicant is reminded that external physical alterations to provide a flue extraction or similar are likely to be considered development and require planning permission. The proposal hereby approved has been considered on its own merit and in the absence of any external flue or similar alteration. Should the use require external extraction the applicant is advised to submit a formal planning application supported with design detail that accords with Condition 02.

02. In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.

Relevant Policies

S8 Hot take-away food
SS Shopping strategy

S10 Local Centres
EPS Environmental protection strategy
EP4 Noise
EP3 Control of pollution