

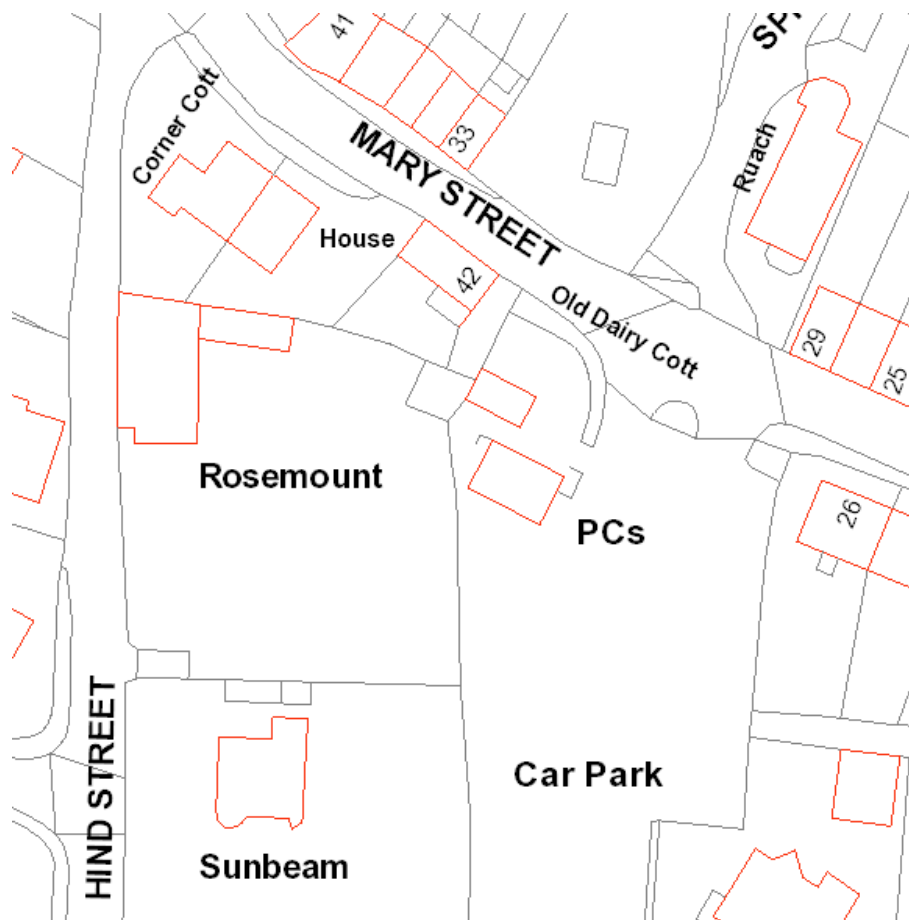
PLANNING COMMITTEE REPORT

25 September 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	BOVEY TRACEY - 18/01453/FUL - Public Conveniences, Mary Street Car Park - Change of use from sui generis to A3 (restaurant/cafe) and A5 (hot food takeaway) including new takeaway hatch	
APPLICANT:	Miss A Beale	
CASE OFFICER	Claire Boobier	
WARD MEMBERS:	Councillor Gribble Councillor Kerswell Councillor Morgan	Bovey
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/01453/FUL&MN	



1. REASON FOR REPORT

The building is owned by Teignbridge District Council.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard three year time limit for commencement;
2. Works to proceed in accordance with the approved drawings and documents;
3. Hours of operation to be restricted to 8.30 to 17.30 Tuesday - Sunday as applied for.
4. Bin store shown on drawing TDC1 shall be provided prior to first use and retained thereafter to ensure that adequate refuse/recycling storage facilities are provided to serve the development.

3. DESCRIPTION

The Site

- 3.1 The application site comprises a public convenience block owned by Teignbridge District Council located at the Mary Street Car Park at Bovey Tracey.

Proposals

- 3.2 This application seeks planning permission to operate an A3 (restaurant/café) and A5 (hot food takeaway) including new takeaway hatch from the existing public convenience building.
- 3.3 Externally the only modifications to the building required to facilitate the change of use are the creation of a serving hatch in place of an existing window in the north (front) elevation of the building and the plans also show a replacement window for the other window in this elevation which would be within the same opening but would consist of a different style of window with the removal of a vertical glazing bar.
- 3.4 A mural advertisement and board sign are also proposed and consent is sought for these under advertisement consent application 18/01454/ADV on the agenda for this Committee.

Principle of the development/sustainability

- 3.5 Teignbridge Local Plan Policy S1A (Presumption in Favour of Sustainable Development) sets the criteria against which all proposals will be expected to perform well. It advises that the Local Planning Authority should take into account whether the adverse impacts of granting permission would outweigh the benefits of the development.
- 3.6 It is proposed to operate a café with takeaway service from the facility and a single toilet facility would remain in the building.

- 3.7 The building is owned by the Council and would be leased to the applicant, a site licence will be required which could restrict the type of goods that could be sold from the building. Given the need for a site licence it is not considered necessary to recommend a planning condition to restrict goods to be sold to ensure that the viability and vitality of Bovey Tracey Town Centre is not harmed.
- 3.8 It is considered that the proposed use would offer a service that would contribute to bringing footfall to the town and the site is also considered to be a sustainable location for such a development, being located within the settlement. Policy S13 (Town Centres) of the Teignbridge Local Plan 2013 - 2033 seeks to support the key role of small scale, independent outlets and the sale of local produce as part of their local distinctiveness and character. The proposed small-scale business development providing an independent outlet would be in accordance with the aims of this policy and the location of the site within the town would accord with the sequential approach to selecting appropriate retail sites where the policy takes a town centre first approach.
- 3.9 The proposal is considered to be a sustainable re-use of the building whilst retaining a toilet facility in the building. It is concluded that the principle of development is acceptable and accords with the objectives of Policy S1A of the Teignbridge Local Plan 2013-2033.

Impact upon the character and visual amenity of the area

- 3.10 The proposal makes use of the building with minimal external alterations being required to convert the building to an A3 use with a takeaway. The minor external alterations will not have a negative impact upon the character of the area and the linked application for a mural would provide interest to the building. Given the nature of the proposed works to facilitate the change of use, it is considered that there will be little change in the overall visual amenity of the area and that the proposal accords with Policies S1 (Sustainable Development Criteria) and S2 (Quality Development) of the Teignbridge Local Plan 2013 - 2033.

Impact on residential amenity of the occupiers of surrounding properties

- 3.11 Whilst the site does have residential properties adjacent to it given the hours proposed (8.30 to 17.30 Tuesday - Sunday) it is considered that the proposed day time use of the building would not adversely affect the residential amenity of the occupiers of neighbouring properties in terms of operations, noise nuisance/disturbance or odour. A condition is recommended to be applied to restrict the hours of operation to the hours applied for in the interests of residential amenity of surrounding occupiers.

Summary and Conclusion

- 3.12 The Planning Act, the National Planning Policy Framework (NPPF) and Policy S1A (Presumption in Favour of Sustainable Development) of the Teignbridge Local Plan 2013 - 2033 require that all applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

- 3.13 It is considered that this proposal accords with the policies listed below and it is therefore concluded that the proposal is acceptable and the recommendation is to approve the application subject to conditions.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S13 (Town Centres)

S19 (Bovey Tracey)

S21A (Settlement Limits)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Environmental Health (Food and Health & Safety) – No objections to this proposal.

Environmental Health (Environmental Control) - No objections to this proposal. Under EC 852/2004 hygiene of foodstuffs Annex II, Chapter 1 para 3 states lavatories are not to open directly into rooms in which food is handled. The café plan does not show clearly whether the toilet directly communicates with the food room as the plan does not show a kitchen door. A lobby should be considered if there is no kitchen door. The sanitary convenience must also have adequate natural or mechanical ventilation which is not indicated on the plan.

6. REPRESENTATIONS

Letters of objection from 5 properties and 1 of comment have been received raising the following issues:

1. Customers may be tempted to park for free in Mary Street adding to existing parking problems in area
2. Mary Street unsuitable to cater for additional traffic
3. Increased litter and single-use plastics as a result of the takeaway hatch
4. Already enough cafes in Bovey Tracey in more suitable locations
5. Unclear how outdoor area will be used
6. Delivery vehicles may block car park access
7. Noise, odour, overlooking and disruption to residential properties, particularly at delivery times
8. No public waste bin
9. Wrong location – roads are too narrow
10. Loss of toilet facilities
11. Reduction in availability of spaces in car park for the public
12. Proposed hours are excessive
13. External decoration is out of keeping with the area
14. Visitors to takeaway hatch could block adjacent garage
15. Bins adjacent to garage could cause issues with vermin and could hinder maintenance access

10 letters of support have been received raising the following issues:

1. Innovative use of disused building
2. Much needed facility for young families in the area
3. Most users would walk to the cafe
4. Those who drive could park in car-park

7. TOWN COUNCIL'S COMMENTS

No objections

8. COMMUNITY INFRASTRUCTURE LEVY

Whilst this development is liable to make contributions under the Community Infrastructure Levy regulations to provide essential local facilities to support development in the District, no contributions are payable as calculations reveal a zero liability.

9. ENVIRONMENTAL IMPACT ASSESSMENT

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

Business Manager – Strategic Place