

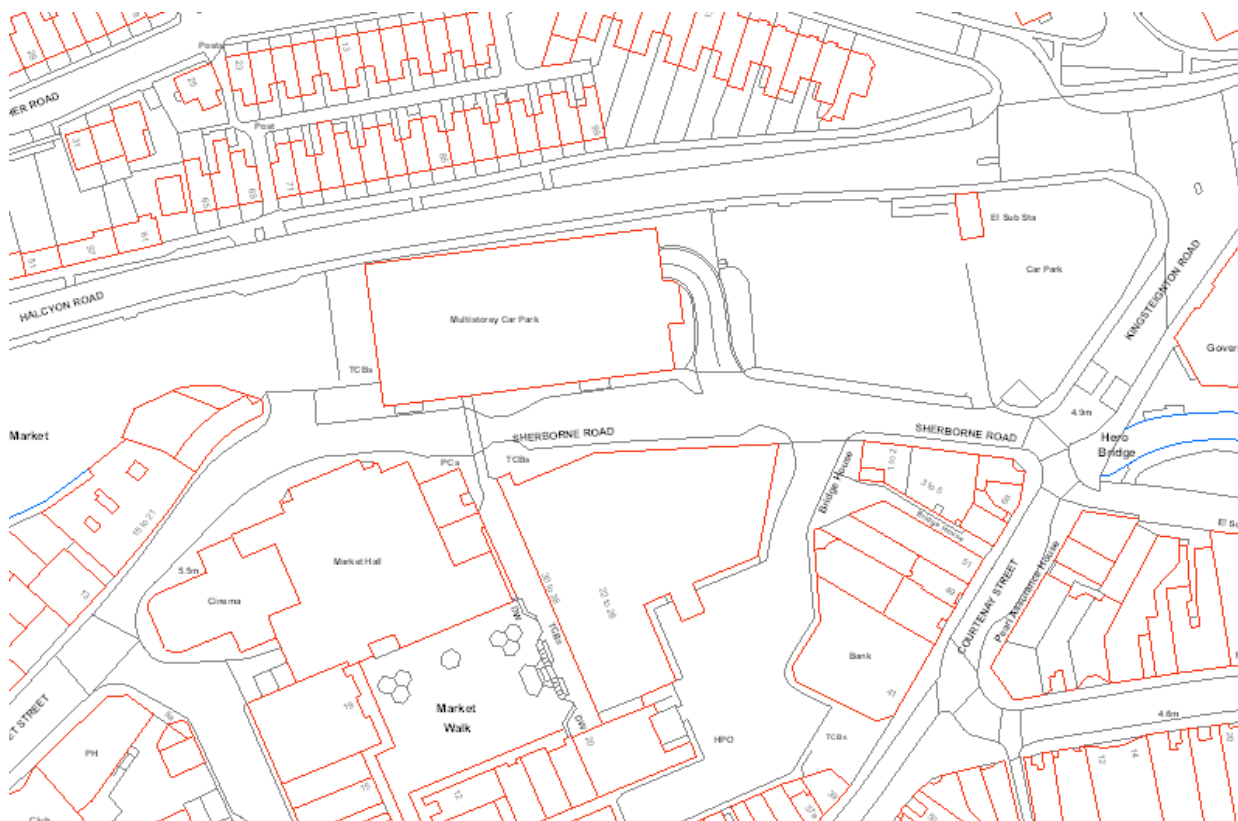
# PLANNING COMMITTEE REPORT

## 20 November 2018

CHAIRMAN: Cllr Dennis Smith



<b>APPLICATION FOR CONSIDERATION:</b>	<b>NEWTON ABBOT - 18/01526/FUL - 8 The Butter Market, Market Street - Change of use from A3 (restaurant/cafe) to A5 (hot food takeaway)</b>	
<b>APPLICANT:</b>	<b>Frozen Spoon</b>	
<b>CASE OFFICER</b>	<b>Guy Gibson</b>	
<b>WARD MEMBERS:</b>	<b>Councillor J Hook Councillor Hayes</b>	<b>Bushell</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=18/01526/FUL&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=18/01526/FUL&amp;MN</a>	





## 1. REASON FOR REPORT

The site is owned by Teignbridge District Council.

## 2. RECOMMENDATION

PERMISSION BE GRANTED subject to following conditions:

1. Standard time condition
2. Works in accordance with approval plans

### Informative

The planning permission hereby granted relates solely to the change of use of the premises from A3 (restaurant/cafe) to A5 (hot food takeaway). As the property the subject of this application is a Grade II Listed Building any physical alteration to the building, including display of new advertisements, will require Listed Building; depending on the size, height and method of illumination of the signage to be erected the Council's "Consent to Display an Advertisement" may also be required.

## 3. DESCRIPTION

### Site, background and proposal

- 3.1 The application site relates to a commercial unit with a fairly modest floor area of 22 square metres located in the north-east corner of the Butter Market close to Sherborne Road. The unit has an external entrance and small outside seating area facing onto the ground level pedestrian link between Market Walk and the multi-storey car park on the opposite side of Sherborne Road. The premises is currently trading as a café called the Frozen Spoon and sells sandwiches, wraps, snacks, ice cream, frozen yoghurt and drinks (hot and cold). This is an A3 (café/restaurant) Use under the Town and Country Planning (Use Classes) Order 1987. Planning permission is sought to use the property as a A5 (hot food take away) which will permit a change in the balance of uses to predominantly the sale of hot food for consumption off the premises.
- 3.2 The Butter Market is a Grade II Listed Building, however, this application is solely for change of use and no physical alterations to the property are proposed in the application. However, an informative is recommended making it clear that any alterations to the building resulting from this change of use, including display of new advertisements, will require Listed Building Consent and possibly Advertisement Consent.
- 3.3 In relation to highway safety this section of Sherborne Road is for bus use only, therefore the proposed take-away use is unlikely to attract customers parking their vehicles as close as possible to the outlet and causing an obstruction to other highway users which can often be an issue with take-away uses.

## Analysis

- 3.4 The premises are in the commercial heart of the town and currently trading as a café. From the application form it appears that the applicant's intention is to sell hot take-away food during the day time only as the applicant states that they will open between 8.30 a.m.–5 p.m. Monday to Saturdays (not open Sundays and bank holidays).
- 3.5 The proposed A5 use would appear to be consistent with Teignbridge Local Plan 2013-2033 Policy S13 Town Centres which supports the role of small scale independent outlets. In the Local Plan the site also falls within the "Town Centre Market Area" which is an Opportunity Area subject to Local Plan Policy NA9. This policy highlights the Butter Market's strategic position in the town centre and its potential for accommodating additional leisure and commercial space including food (A3-A5) units. The proposal is therefore consistent with planning policies for the area and given the location and limited size of the property it is considered that the proposal will raise no amenity issues in this established commercial area.

## Summary and Conclusion

- 3.6 For the reasons set out in this report the proposed A5 use is considered acceptable.

## **4. POLICY DOCUMENTS**

### Teignbridge Local Plan 2013-2033

S1A (Presumption in Favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S13 (Town Centres)

NA9 (Opportunity Area: Town Centre Markets Area)

### Newton Abbot Neighbourhood Plan

### National Planning Policy Framework

### National Planning Practice Guidance

## **5. CONSULTEES**

Devon County Council Highways - Recommend that the Standing Advice issued to Teignbridge District Council is used to assess the highway impacts – see highway comment in paragraph 3.3 above.

Environmental Health – No comment received.

## **6. REPRESENTATIONS**

No representations have been received.

## **7. TOWN COUNCIL'S COMMENTS**

No objections.

**8. COMMUNITY INFRASTRUCTURE LEVY**

There is no additional floor space proposed and therefore no CIL charge.

**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**