

EXMOUTH TOWN
(Exmouth)

07/1240/FUL

Target Date: 29.06.2007

Applicant: Mr R Etheridge

Location: 19 Imperial Road
Exmouth
EX8 1BY

Proposal: Redevelopment to form a hot food takeaway (A5) on the ground floor with 4 residential units on upper two floors.

CONSULTATIONS

County Highway Authority

Given the close proximity of a public car park the County Highway Authority has not raised an objection to the development.

Head of Environmental Health

Recommends that a condition be imposed upon any permission requiring the submission of details of the exact location of the proposed extractor system, designed to terminate at least 1 metre above the pitch of the roof to ensure adequate fume dispersion and full technical specifications, with all proposed noise levels forming part of the specification details.

TOWN COUNCIL

Objection on the grounds of overdevelopment, lack of parking and loss of another retail unit.

WARD MEMBER(S)

No comments received

THE EXMOUTH SOCIETY

There is already a surfeit of takeaways in Exmouth Town Centre. Their users generate litter and grease on the pavement to the detriment of the environment.

REPRESENTATIONS

Objections

2 letters have been received (one from Exmouth Indoor Market) raising the following points:

- Delighted to see new business arrive in town, especially where dilapidated building is concerned, but objects to this particular type of business.
- Claims that the town is in decline with a decreasing number of retail uses, in favour of service type trades, cafes, estate agents and charity shops.
- The retail balance of the town is being destroyed and a supermarket is needed with free parking and improved footfall to strengthen the retail base.
- Too many food and drink establishments in the town already.

RELEVANT PLANNING HISTORY

App.No:	Proposal	Decision	Date
03/P0800	Change of use from shop to dwelling	Refused	27.05.2003

PLANNING POLICIES

Devon Country Structure Plan (2001-2016)

Policy SH2 – Shopping Facilities and Settlement Hierarchy

East Devon Local Plan (1995-2011)

Policy S2 – Built-up Area Boundaries for Area Centres and Local Centres

Policy S4 - Development within Built-up Area Boundaries

Policy D1 – Design and Local Distinctiveness

Policy SH1 – Town Centre Shopping Areas

Policy RE3 – Open Space provision in New Housing Developments

SITE LOCATION AND DESCRIPTION

No 19 Imperial Road is prominently located on the edge of Exmouth Town Centre, within a line of buildings fronting the major roundabout road junction with Marine Way that forms the visual entrance into the town centre from the estuary front, leisure centre and railway/bus station directions. It is a three-storey building that lies between Kentucky Fried Chicken premises to the east and The York Inn Public House to the west.

It is a relatively narrow white painted building beneath a slate roof with a second floor gable, first floor front projecting bay window and slightly projecting ground floor shop front. It has a lower ridgeline than the adjoining three storey KFC premises, but is itself slightly higher than the conventional two-storey public house.

The property has a rear entrance accessed off a yard that services the premises along the south side of Imperial Road and around its junctions with Manchester Street and The Strand. The yard is itself accessed via Manchester Street.

The building is presently vacant, and according to the application file in respect of a proposal to convert the building into a dwelling in 2003 it was vacant at that time as well. It was also stated at that time that the former retail use was an “electrical shop”. The vacant upper floors were formerly used for residential purposes, in the form of two flats (one on each floor).

PROPOSED DEVELOPMENT

This application proposes the demolition of the existing building and its replacement with a new three storey building, providing a mixed use development comprising a commercial unit on the ground floor with 4 x 1 bedroom flats on the two floors above.

It is claimed that the existing building is beyond financially viable refurbishment and/or conversion due to its age and condition. The new building follows the ground floor footprint of the existing with 57 sq. m of commercial floorspace and a refuse/cycle store to the rear, accessed via the rear service yard. The application proposes the use of the commercial unit for

Class A5, hot food take-away purposes. The first and second floor flats would be accessed from the street frontage via a passageway alongside the shopfront.

The first and second floors would project rearwards towards the rear service yard, replacing the existing single storey outshoot.

The design of the new building and in particular the scale and form of the front 'public' elevation provides a visual transition between the taller, late-Victorian façade of the terrace to the east and the lower form of the public house building to the west. The resultant ridge height of the new building, whilst higher than the existing, is slightly lower than that to the east and higher than that to the west.

The front elevation of the building incorporates a new shopfront, lined through with the KFC frontage to the east, two projecting first floor bay windows, matching the existing bay to the east, with two pitched roof half dormers, also matching the similar feature on the adjoining building.

Materials are shown to be facing brickwork to the front elevation with rendered rear and side walls, beneath a cement/fibre slate roof. Windows would be sash type Upvc double glazed, with painted pre-cast concrete cills and rendered features to sides and reveals. The fascia and plinth of the shopfront have been designed to line through with the KFC frontage, but details of those elements, including any signage would be the subject of separate applications, should permission be granted for this development.

CONSIDERATIONS AND ASSESSMENT

Background

Whilst occupying a prominent location at the approach into Exmouth Town Centre, No 19 Imperial Road is not a listed building, nor does it lie within the Exmouth Conservation Area. It is not an unattractive building in its own right, but it does sit somewhat awkwardly between its neighbours. The proposal to demolish it and take the opportunity to erect another in its place, that has an improved visual relationship with the terrace to the east of which it forms a part is considered to be acceptable, as a matter of principle.

The proposed use

The application proposes a mixed use development, similar to that which previously existed within the building. The ground floor commercial unit would be used for hot food take-away purposes. The premises lie within an area of the town that is not identified as having a primary shopping frontage (to which the provisions and restrictions upon uses within policy SH2 of the adopted Local Plan would apply). It does however lie within the Town Centre Shopping Area covered by policy SH1 and wherein both retail and non-retail uses will be permitted, where such uses would not undermine the shopping character and visual amenity, vitality or viability of the town centre, would not adversely affect the amenity interest of adjoining properties by reason of noise, smell, litter and would not cause traffic problems.

Members should note here that the proposal to change the use of the shop to a dwelling that was refused in 2003 was on the basis of the loss of the commercial premises (albeit that it was last used for retail purposes) under the provisions of Policy SH1, disrupting the commercial or retail character and vitality of this area of the town. It is considered that the continued use of the ground floor for commercial purposes (Class A5 take-away) would not cause the same disruption, continuing as it would the commercial frontage of this part of Imperial Road, between two existing food and drink establishments.

Class A5 uses relate to hot food take-aways and although the application does not specify the precise nature of the take-away use in this case, it has been indicated that the applicant has

already had interest from fast food organisations, operating on an all- day basis, similar to other operators in the town. It is claimed that the applicant would not be interested in letting the premises to a Class A5 use that opened only in the evenings.

Although the loss of retail space in Exmouth is of concern it is considered difficult to demonstrate the harm that this would cause to the vitality and viability of the town centre in this location where the site is outside of the main shopping area. Takeaways can be an important complimentary use to a shopping centre and can enhance the evening and night time economy of a town. It is therefore considered that it would be difficult to sustain an objection on the basis of the loss of a retail unit in this case.

The use of the upper floors for 4 x 1 bedroom flats, re-creating a mixed use development is also considered appropriate within this town centre/Built-up Area location.

Impact on Residential Amenity

The site lies within a largely commercial part of the town centre, where residential units tend to be at first floor level and above, with little private or enclosed amenity space. It has frontage onto a heavily trafficked junction with established food and drink premises either side and a rear service yard to the rear.

The new development has been designed with no side facing windows and the buildings either side similarly have no habitable rooms facing the rear of the site. The new building, whilst projecting further rearwards than the existing single storey outshoot, would not result in the loss of privacy, overshadowing or aspect to any residents of the upper floors of adjoining or nearby properties.

Design and Appearance

The new building has been designed to reflect and relate to the scale, form and overall appearance of the three-storey end of terrace property to the east. This has been achieved by designing the shopfront to line up with the adjoining frontage, two projecting bay windows at first floor level and two gable roofed half dormer windows at second floor level, which reflect those features within the upper floors of the adjoining building.

The ridge line of the replacement building would rise slightly higher than the existing, still below that of the KFC unit, but higher than the adjoining public house. This change in scale should not create an unacceptable relationship between buildings, nor seriously impact upon the character or appearance of the row of buildings around the south side of Imperial Road.

Car Parking/Traffic/Accessibility

The site is within the town centre and as the County Highway Authority observes, as it is in close proximity to the public car park, a highway objection has not been raised. The site is actually within a highly accessible location, within easy walking distance of local services, facilities, amenities and alternative means of transport to the motor car in terms of the nearby bus and railway stations.

On-site cycle storage facilities have been proposed for occupiers of the flats and it is felt that the lack of any on-site car parking is acceptable in this town centre location. There are no objections to the development in terms of traffic generation associated with the mixed use.

Other matters

Concerns regarding litter are noted however this can be controlled by other legislation while the operators of such premises generally control this as a litter problem would be bad for business.

The matter of controlling fume extraction and noise from the extraction system can be dealt with by an appropriately worded condition upon any permission. Similarly, given the creation of additional residential units within the scheme, there will be a need to secure a contribution from the applicant/developer towards the provision of off-site open space facilities. The precise sum is determined by the increase in the number of units and related to the number of additional bedrooms and the mechanism to achieve the contribution can be secured by an appropriately worded condition.

CONCLUSIONS

The application site lies within Exmouth Town Centre and the proposal involves redeveloping the existing mixed use commercial/residential unit to create a similar mixed use, comprising a Class A5 hot food take-away use on the ground floor with 4 flats within the two floors above. There is no fundamental planning policy objection to such a proposal or any detailed criticism of the proposed use, size, scale, design or overall form the replacement building, such that a refusal of permission could be justified in this instance.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason – To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)
2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area.)
3. Before the ground floor use hereby permitted is first commenced a fume extraction system shall be installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority showing the exact location of the system, designed to terminate at least 1 metre above the pitch of the roof and including a full technical specification, with all proposed noise levels that would be emitted from the system.
(Reason – To protect the amenities of occupiers of other premises within the locality.)
4. Prior to the first use of the hot food premises hereby permitted the fume extraction system to which the provisions of condition 3 above apply shall be fully installed and tested, and the equipment shall thereafter be cleaned and maintained in accordance with the manufacturers recommendations.
(Reason – To protect the amenities of occupiers of other premises within the locality.)
5. No development shall take place until details of a mechanism for the provision of formal and informal recreational facilities in Exmouth to meet the needs of the development in accordance with Policy RE3 of the adopted East Devon Local Plan 1995-2011 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.

(Reason – To ensure compliance with the requirements of policy RE3 of the adopted East Devon Local Plan regarding the provision of adequate open space in relation to the demands generated by the development).

Reasons for approval

1. The proposal complies with the Devon Structure Plan 2001 -2016, policies S2, S4, D1, SH1 and RE3.
2. The proposal does not adversely affect the privacy and/or amenity of neighbouring properties.
3. The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.
4. The proposal is contained within the defined built-up area boundary of the settlement.
5. The proposal includes the use of previously developed land.
6. The proposal would not generate a level of noise that would unreasonably affect the amenity of nearby properties.