

Item No: 10

Application No. - FUL/2017/1989

Description of Development - Change of use from retail (A1 Use Class) to a restaurant

Site Address - 84 Dawlish Drive

Recommendation

Planning committee are recommended to grant planning permission in accordance with the Local Plan 2016 to 2031 and the conditions outlined below.

Application proposal

The applicant has raised concerns with proposed condition no.4 outlined in the main report and has submitted a supporting statement to assert that the restaurant would not be viable without ancillary takeaway sales, which currently make up 10-15% of sales at the site (approximately 12 out of 80 orders per week). The statement explains that the site has operated without complaint in this way since it opened around 7 months ago.

Policy

The Local Plan 2016 to 2031 was adopted by Full Council on 5 December (and was formalised on 6 December) and so will now act as the starting point when determining planning applications. The Policies in the CDP have now been superseded and therefore are no longer relevant in the determination of this application.

Consultation

Environmental Protection have confirmed that they do not object to a restaurant use with ancillary takeaway sales for a 12 month trial period to test the impact of the development

Appraisal

As the site has operated with ancillary takeaway sales without any complaints being made to Environmental Protection or Planning Enforcement, it is considered reasonable to allow the continuation of this for the 12 month trial period. Therefore it is recommended to remove condition 4 contained in the main report.

Amended Conditions

1. The use hereby permitted shall be discontinued on or before 31/12/2018

In order to allow assessment of the impact of the use upon the amenity of local residents, in accordance with Policy R6 of the Local Plan 20016-2031

2. The development hereby permitted shall be carried out in accordance with the following approved documents: location plan; DP/2562/PP-01

For the avoidance of doubt and in the interests of proper planning.

3. No customers shall be present in the building before 0900 hours or after 2300 hours on any day.

In order to protect the amenity of local residents in accordance with Policy R6 of the Local Plan 2016-2031