

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

---

**REPORT TO:** Planning Committee

3<sup>rd</sup> March 2010

**AUTHOR/S:** Executive Director (Operational Services)/  
Corporate Manager (Planning and Sustainable Communities)

---

**S/1916/09/F – BASSINGBOURN CUM KNEESWORTH  
Change of Use of Building from Restaurant Use (A3) to Mixed Use of Restaurant  
and Hot Food Takeaway (A3 and A5) at 51 Old North Road, for Mr H Khan**

**Recommendation: Approval**

**Date for Determination: 17<sup>th</sup> February 2010**

**Members will visit this site on 3<sup>rd</sup> March 2010.**

**Notes:**

**This Application has been reported to the Planning Committee for determination as the recommendation to approve conflicts with the recommendation of the Parish Council and at the request of Cllr Cathcart.**

**Site and Proposed Development**

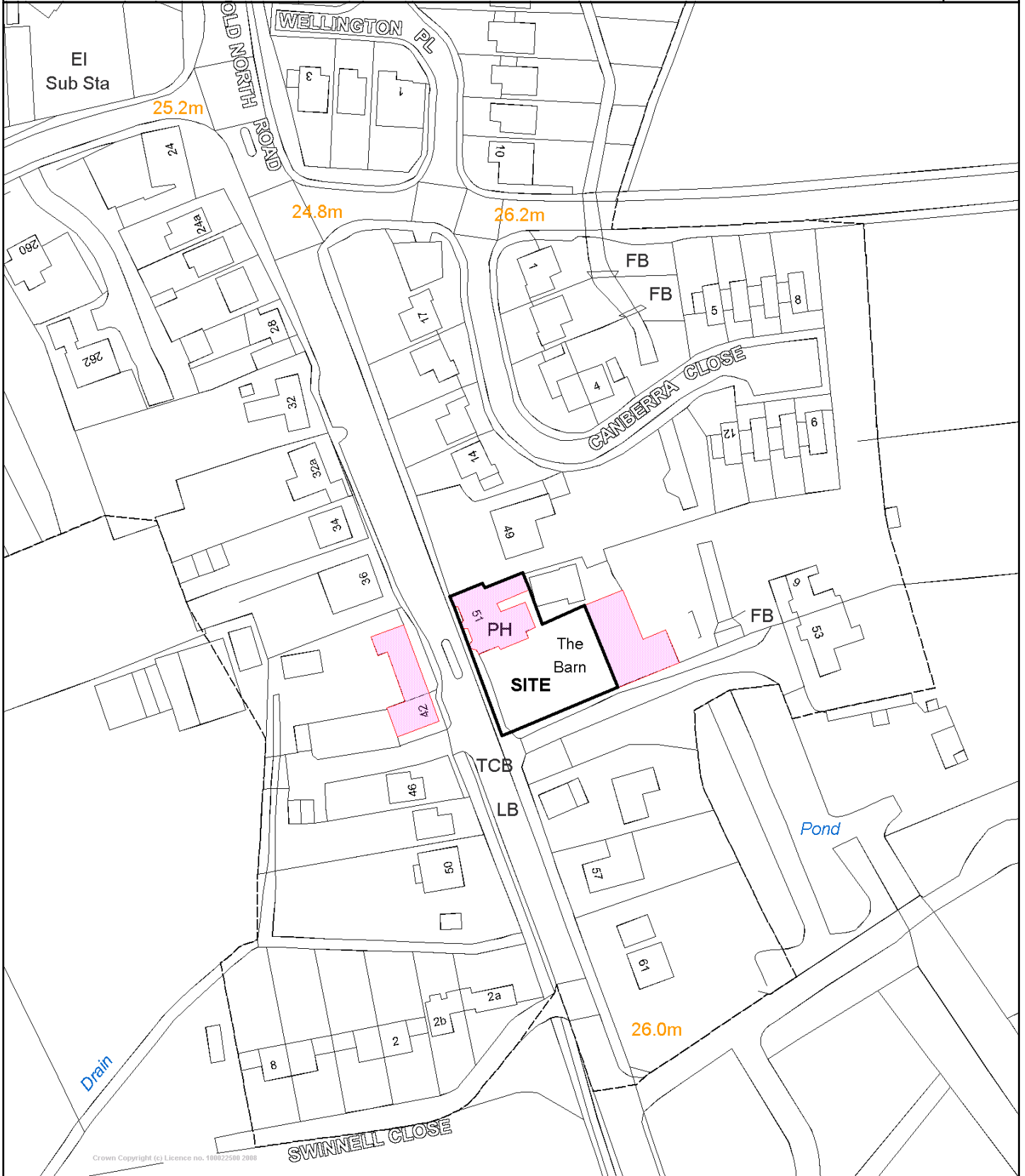
1. The application site is the former Red Lion Public House, now the Yuva restaurant, which is a Grade II Listed Building. The building, formerly a farmhouse, dates from the 17<sup>th</sup> Century, with later 19<sup>th</sup> and 20<sup>th</sup> Century alterations. The main building fronts the Old North Road and has two storey and single storey extensions to the rear. There is an access off the main road on the South side of the building serving the restaurant car park.
2. The planning application seeks permission for the change of use of the building to include the operation of a hot food takeaway in addition to the restaurant use. The building changed its use from Public House (A4) to Restaurant (A3) in 2008. Express planning permission was not required for this change as it is a Permitted Change under the General Permitted Development Order. The takeaway use applied for in this application is already being operated at the premises and is currently an unauthorised use.

**Concurrent Planning Applications**

3. In addition to this application for change of use, planning and Listed Building Consent applications have also been submitted for the installation of an alternative kitchen extraction system and external flue and for Air Conditioning units at the premises. These applications have also been referred to the Planning Committee for consideration.

**Relevant Planning History**

4. **S/1892/07/LB** - Listed Building Consent was granted for internal and external alterations for the installation of kitchen extract system, ducted through first floor airing cupboard and terminating in a new dormer faced with horizontal louvers.
5. **S/1004/08/LB** – Listed Building Consent was granted for internal and external alterations including removal of partition and blocking of rear doorway.



Reproduced from the 2008 Ordnance Survey mapping with the permission of the controller of Her Majesty's stationary office (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Scale 1/1250 Date 18/2/2010

Centre = 534554 E 244345 N

March 2010 Planning Committee

6. **S/1275/08/LB** – Listed Building Consent was granted for alterations and replacement signage.

#### **Other Relevant Information**

7. Statutory Abatement Notices were served on the applicant in January 2009 relating to the odour created by the premises which were considered to cause an unacceptable nuisance to the owner of 49 Old North Road.

#### **Planning Policy**

8. **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007:**

**DP/1** – Sustainable Development  
**DP/2** – Design of New Development  
**DP/3** – Development Criteria  
**CH/3** – Listed Buildings  
**CH/5** – Conservations Areas  
**NE/15** – Noise Pollution  
**NE/16** – Emissions  
**TR/2** – Car and Cycle Parking Standards

#### **Circulars**

9. **Circular 11/95** (The Use of Conditions in Planning Permissions) – Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
10. **Circular 05/2005** (Planning Obligations) – Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respects.

#### **Consultation**

11. **Bassingbourn Parish Council** – has recommended refusal on the following grounds of noise and odour issues and inadequate car parking provision.
12. **SCDC Environmental Health Officer** – has no objection to the proposed change of use stating that the new filters, UV filters and relocation of the extraction point to a higher level will bring about significant improvements to the existing situation and would protect public health.

#### **Representations**

13. No representations specifically regarding this application have been received although comments from several neighbours have been received in respect of the proposed extraction system and flue (S/1917/09/F & S/1918/09/LB) and can be found in the report for those two applications.

#### **Planning Comments**

14. The main planning considerations in this case are the impact on residential amenity of neighbouring properties, parking and highway safety and the impact on the Listed Building and visual amenity of area.

### ***Residential amenity***

15. Although only the restaurant use is currently authorised, the premises is currently also operating an unauthorised hot food takeaway use. The premises has been served with Statutory Abatement Notices by the Council with regard to the odour created by the premises discharged through the existing kitchen extraction system which terminates close to the boundary with the residential property to the North. The takeaway use therefore currently contributes towards a statutory nuisance. The fact that both uses are served by the same kitchen and operate at the same times means it is difficult to measure the degree to which the unauthorised use worsens the nuisance caused by the authorised restaurant use, however the view of the Council's Environmental Health Team is that the additional impact of the takeaway use on odour generated, over and above that generated by the restaurant, is not likely to be significant. In other words, it is considered that this nuisance would remain largely unchanged were only the restaurant use in operation.
16. In order to mitigate the nuisance caused by both the authorised and unauthorised uses, the proprietor has submitted applications for a new kitchen extraction system and flue, applications which are also being considered by Planning Committee, and this system has been considered by the Council's Environmental Health Team. As the extraction system and flue would be relied upon to mitigate any odour created by the proposed takeaway use, the efficacy of the system is also of prime relevance to this application. The view of the Environmental Health Team is that the proposed extraction system and flue would adequately reduce the odour emitted by the kitchen to such a level that the impact of both uses on the amenity of residential properties in the immediate vicinity of the premises would be acceptable and would not impact on the amenity of people resident in those homes. The proposed additional hot food takeaway use is therefore considered to be acceptable in terms of residential amenity, provided that the system proposed in concurrent applications is installed. A condition requiring the installation of that system would be applied to the permission, to ensure the odour created by the takeaway use is sufficiently mitigated. Should the Committee be minded not to approve the proposed extraction system and flue, it is not considered that it would be appropriate to grant a takeaway use, given that odour created by that use would not be able to be dealt with.
17. The hours of operation proposed by the applicant for the takeaway use are 12 noon until 3pm and 5:30pm until 10:30pm, seven days per week. This is considered reasonable in terms of the potential disturbance caused to nearby residential properties by those leaving the premises by car and foot. To ensure that the takeaway does not operate significantly later than this at a time when disturbance would be more likely to be caused, it is considered necessary to ensure that the takeaway does not operate later than 11pm any night of the week. This would be ensured by the application of an appropriate planning condition restricting the hours of operation of the takeaway.

### ***Parking and Highway Safety***

18. The takeaway use would generate additional short stay parking requirements for customers waiting to collect food. The Council's maximum standards for car parking for restaurants are 1 space per 5 sqm of floor space. For takeaways no maximum is given rather each case is taken on its merits. The applicant states that 20 car parking spaces are available for the restaurant and takeaway. It is considered that this meets the needs of the restaurant and takeaway. Both elements are currently in use and no parking problems have been observed by officers visiting the site, including during evening visits. In addition, no concerns

have been raised regarding the parking situation as a result of the public consultation. The existing level of parking on site is therefore considered adequate for the existing restaurant and proposed takeaway uses.

19. Turning on site is possible for cars parking at the takeaway, enabling them to leave the site via the existing access in a forward gear (something considered essentially given the nature of the A1198). This existing access and turning on site is considered an acceptable situation and the use of the premises as a hot food take away would not prejudice highway safety in the area.

***Impact on Listed Building and visual amenity of area***

20. The proposed change of use would not result in any harm to the Listed Building. It is not considered that the additional parking and vehicle movements on site, generated by the takeaway use would have any significant impact on the visual amenity of the area, given that the demand can be accommodated in the existing car park. The change of use is therefore considered to be acceptable in terms of its impact on the listed building and the visual amenity of the area.

**Recommendation**

21. Taking all relevant matters in to consideration it is recommended that the application be granted subject to the following conditions:

**Conditions**

1. Standard 3 year Condition
2. Plans
3. Restriction on opening hours
4. Installation of extract system and flue required

**Background Papers:** the following background papers were used in the preparation of this report:

- East of England Plan 2008
- South Cambridgeshire Local Development Framework Core Strategy DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- Circular 11/95 Circular (The Use of Conditions in Planning Permissions) and Circular 05/2005 (Planning Obligations)

**Contact Officer:** Dan Smith - Planning Officer  
Telephone: (01954) 713162