

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

4<sup>th</sup> April 2007

**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

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**S/0191/07/F - FOWLMERE  
Additional A5 Usage to Existing A3 and A4  
at The Swan House Inn, High Street, Fowlmere for Mr Rahman**

**Recommendation: Delegated Approval**

**Date for Determination: 30<sup>th</sup> March 2007**

**Notes:**

**This Application has been reported to the Planning Committee for determination because the officer recommendation conflicts with that of the Parish Council.**

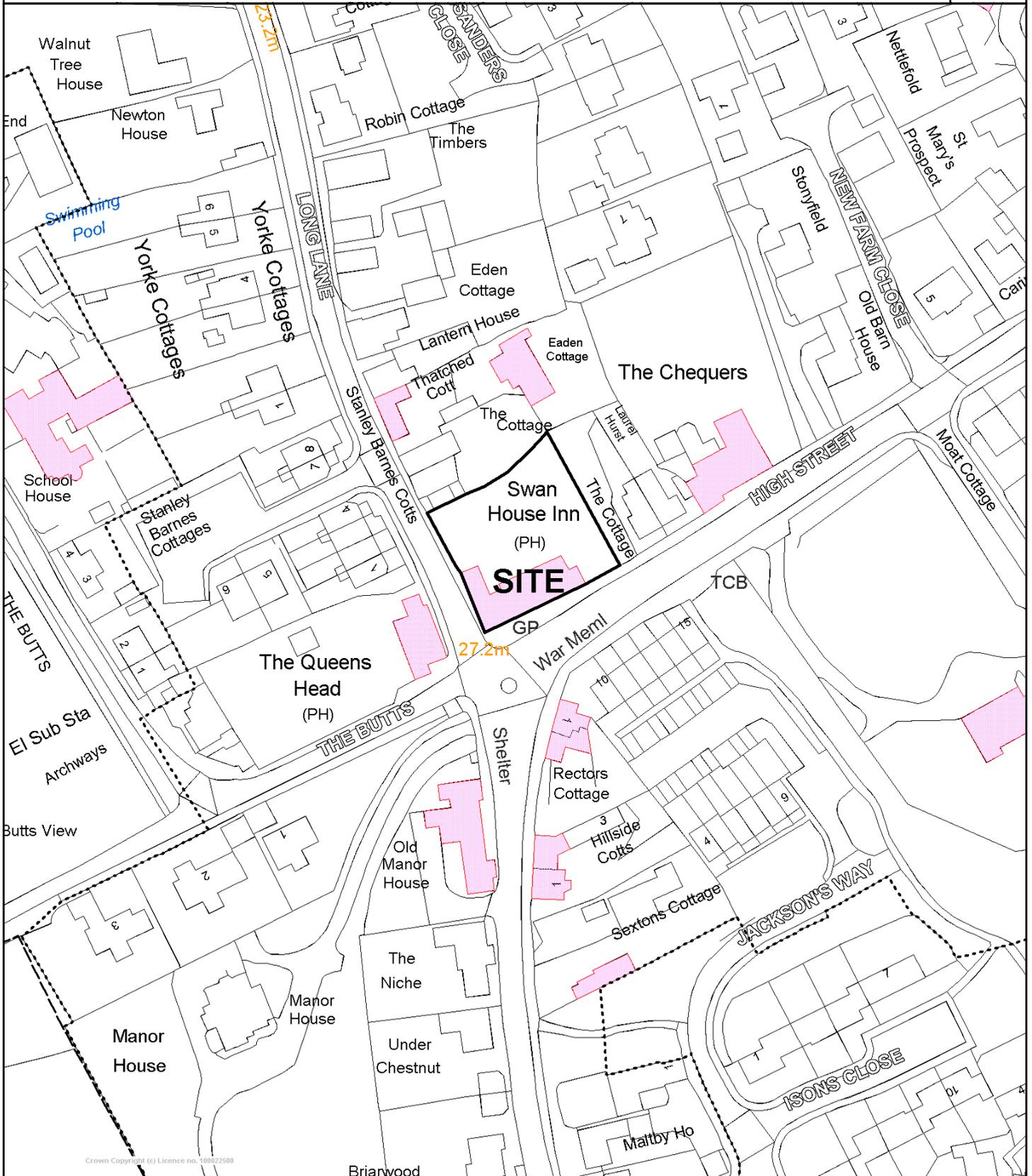
**Members will visit this site on Monday 2<sup>nd</sup> April 2007**

**Conservation Area**

**Listed Building**

**Site and Proposal**

1. The application received 2<sup>nd</sup> February 2007 seeks consent to add an A5 hot food takeaway use at the The Swan House Inn, High Street, Fowlmere. The building already has an existing use class covering A4 and A3 (public house and restaurant), albeit this has not been apparent in recent years as the building has been empty, unused and is in need of refurbishment. The proposal informs of the internal layout where the proposed use would be located and indicates where designated parking spaces for this use are to be located within the existing car park. A 1:500 block plan also shows the layout for parking to the rear of the site, which is accessed via a 5 metre wide entrance from Long Lane. No external alterations are proposed.
2. The application site is located in the heart of Fowlmere adjacent the crossroads where Long Lane, The Butts and the High Street meet. The application site is located within the designated Conservation Area and the building is Grade II Listed.
3. The site is predominately surrounded by residential properties, the majority of which are listed. To the west of the application site is The Queens Head Public House. Abutting the site to the north is residential property No.2 The Cottage, Long Lane and Eaden Cottage. To the north east the site abuts residential property 'The Cottage' High Street. Further along the High Street is The Chequers Public House, also a listed building. To the southeast, across from the application site are properties within Jackson Way. Properties numbered from 10 – 15 look towards the High Street and have very clear views of the application site. Due south, across the road from the site are further residential properties.



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Scale 1/1250 Date 22/3/2007

Centre = 542065 E 245852 N

APRIL 2007 PLANNING COMMITTEE

4. The site area is 0.1066ha, which is made up of an unkempt car park area, a very small patio area and the building itself. The building is located hard against the public footpath in the most southern part of the plot.

### **Planning History**

5. No relevant history.

### **Planning Policy**

6. **Policy P1/3** of the Cambridgeshire and Peterborough Structure Plan 2003 relates to sustainable design in built development and requires a high standard of design for all new development, which responds to the local character of the built environment.
7. **Policy P3/4** of the Structure Plan 2003 states that Local Planning Authorities will support the vitality of rural communities by encouraging the retention and expansion of village shopping facilities on a scale appropriate to their location and serving a local function, and key community services.
8. **Policy P7/6** 'Historic Built Environment' of the Structure Plan 2003 states Local Planning Authorities will protect and enhance the quality and distinctiveness of the historic built environment.
9. **Policy EM7** supports the expansion of existing employment firms in villages.
10. **Policy EN28** 'Development within the Curtilage or Setting of a Listed Building' sets out the requirements for development within the curtilage or setting of listed buildings.
11. **Policy EN30** 'Development in Conservation Areas' of the Local Plan 2004 sets out the requirements for development within Conservation Areas.
12. **Policy TP1** seeks to promote more sustainable transport choices by amongst other things, restricting car parking to a maximum of 1 space per 5 square metres of restaurant/public house floor space (Appendix 7/1).

### **Consultation**

13. **Fowlmere Parish Council** recommend refusal. Its comments are as follows: "*The Parish Council is very concerned that customers will take the quickest route to collecting their orders and park outside the entrance on what is already an extremely dangerous corner with approaches from 3 directions. Environmental issues have not been addressed and there are concerns about noise in a very residential High Street. The Parish welcomes the opening of this historical building but feels the take away area should be located nearer the car park at the rear of the building*"
14. **Conservation Manager** has no objection as it will have no impact on the listed building. The agent has been informed that if the existing kitchen extract system needs upgrading and requires alterations to the external plant both Listed Building consent and Planning consent will be required.
15. **Chief Environmental Health Officer** comments will be reported verbally.

16. **Local Highways Officer** raises no objections and comments read as follows:

*No significant adverse effect upon the Public Highway should result from this proposal, should it gain the benefit of Planning Permission. In the event that the Planning Authority is so minded to grant permission to the proposal please add an informative to the effect that the granting of planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interfere with, the Public Highway, and that separate permission must be sought from the Highway Authority for such works.*

### **Representations**

17. There have been 14 letters of objection received regarding this application.
18. The occupiers of No 14-15 Jacksons Way raise concerns regarding:
- (a) Traffic and parking – an increase of traffic at this junction is detrimental to the safety of its users and the take-away will encourage people to park at the front of the public house;
  - (b) Parking and pulling away at the front of the public house will increase road accidents that have always been witnessed in the recent past;
  - (c) Odour pollution;
  - (d) Significant increase in litter.
19. The occupier of 'Thatched Cottage', Long Lane raises the following:
- (a) Increase of traffic at a 'complicated' road junction;
  - (b) Potential to park outside the premises due to access at the rear being too narrow;
  - (c) Long Lane is very narrow;
  - (d) Increase in litter;
  - (e) Not in support of a take away – just a restaurant.
20. The occupier of 'The Annex', Bury House, Long Lane; concerns raised are similar to those of the aforementioned and cover:
- (a) Traffic increase;
  - (b) Late night movement;
  - (c) Increase noise levels, particularly at night;
  - (d) Impact on the safety of the school children using this junction after school hours.
21. The occupiers of 'The Cottage' Long Lane:
- (a) Increase in vehicular movement, particularly at the front of the public house;
  - (b) Hazardous to the safety of school children at peak hours;
  - (c) Parking facilities are restrictive and it is perceived that it is unlikely to be used by those using the take away facility;
  - (d) Queries whether the extraction system is adequate and the possibility for rats to gather where food is left out. They would like reassurance that the property is in line with Environmental Health Standards;
  - (e) Increase in movement after 11pm for those using the takeaway facilities, increase in traffic movement and associated noises;
  - (f) Would like to ensure that the Listed Building is looked after and maintained. That the use is appropriate for it's Listing and its location in a Conservation Area.

22. The occupier of 'The Cottage', High Street:
- (a) Traffic and the increase of parking at the front of the application site;
  - (b) The potential to sue the council should the objector or their property sustain injury or damage from users of The Swan parking irresponsibly.
23. The occupiers of 1 Hillside Cottages on the High Street:
- (a) Increase of traffic resulting in the potential for accidents;
  - (b) Noise disturbance resulting from slamming of car doors and general rowdiness;
  - (c) Inappropriate development.
24. The occupier of Eaden Cottage, located to the north of the application site:
- (a) Heavy parking and traffic problems;
  - (b) Mentions accidents that have occurred in the past near this site;
  - (c) Odour contamination;
  - (d) Opening hours of takeaway normally exceed that of a restaurant use.
25. A combined letter of objection was received from the occupiers of 1 and 2 Stanley Barnes Cottages on Long Lane. The concerns raised in this letter are similar to that of the above and cover the following issues:
- (a) Highway issues covering the increase of traffic over and above that of a restaurant, the existing exit has a restricted view of oncoming traffic and has the potential to cause more accidents if this use is increased;
  - (b) Increase in damage to the boundaries of their properties and an increase in accidents;
  - (c) Inadequate parking facilities for a take away use in addition to the existing uses;
  - (d) Light pollution into the bedroom windows of the users of the car park and increased with the addition of the takeaway use;
  - (e) Increase of car noise and associated noise such as car doors, increase in pedestrian traffic that will generate a constant and unacceptable level of noise pollution;
  - (f) Noise pollution will have a detrimental impact on the occupiers of these properties particularly the children;
  - (g) Takeaway use will encourage vermin;
  - (h) Odour control and the lack of it, occupiers being subject to the continuous odour of cooking between 11am and 11pm each night.
26. The occupier of The Niche, located approximately 65 metres south of the application site on the High Street: in principle there was no objection raised with reference to the additional use however raises concern regarding the following:
- (a) Recommends that parking at the front of the site is prohibited
  - (b) Provision of more litterbins to prevent the potential increase in litter in the area.
27. The occupier of No. 13 Jackson's Way:
- (a) Inappropriate development to the listed building and within the Conservation Area;
  - (b) Devaluation of his property;
  - (c) Noise and odour pollution;
  - (d) Highway safety concerns;
  - (e) Local support in refusing this application very apparent.

28. The owners of No. 10 and 12 Jackson's Way have also submitted a combined letter of objection, all issues have been raised in the aforementioned concerns and although there is general support from the objector for the property to be used as a family pub and restaurant they do not support the additional use of a takeaway.
29. The occupiers of Stoneyfield, located to the north east of the application beyond The Chequers public house has raised the following concerns:
- (a) General disappointment that they were not notified about this application;
  - (b) Parking arrangements and the increase of traffic parking close to the junction;
  - (c) Inadequate parking facilities for patrons and the staff employed on the site;
  - (d) Associated noise, litter and 'loutish' behaviour that comes with takeaway uses;
  - (e) Suggests that there are takeaway services available in Royston, Sawston and Shelford. Already enough public houses in the village and a takeaway use is not needed or welcomed;
  - (f) Retention of the character of the Conservation Area.
30. The occupiers of the Old Manor House have raised issues already mentioned above, these are as follows:
- (a) Traffic and the increased use of the neighbouring roads;
  - (b) Noise pollution from vehicles including the slamming of car doors, screeching of tyres, revving engines, car stereos and general rowdiness;
  - (c) Odour pollution will be more than from a restaurant only business;
  - (d) Increase of litter and discarded food packaging from the takeaway;
  - (e) Devaluation of surrounding properties;
  - (f) Impact of the proposal on the Conservation Area.
31. The occupier of Rectors Cottage:
- (a) The potential for signs to be erected in a sensitive area that are out of keeping with the Conservation Area;
  - (b) Suitable extraction system should be installed to control odour;
  - (c) Rodent infestation and past experiences;
  - (d) Traffic increase;
  - (e) Deliveries and the potential for accidents.

### **Planning Comments – Key Issues**

32. The key issues to consider in determining this application are the impact the additional movement may have on the amenity of the surrounding properties, whether parking facilities are adequate for the buildings proposed use and highway safety.

### ***Impact on Local residents***

33. The proposed scheme is that of an addition to an already existing public house/restaurant use. The addition of an A5 use for takeaway will clearly enhance business prospects for the applicant. However it is viewed by the Parish Council and local residents that the increase in traffic and people movement will be to the detriment of the neighbouring properties. As a public house, the normal licensing hours apply. The A5 use is proposed to be within the same hours and therefore I am of the opinion it is unlikely to increase movement after this time. A condition can be imposed restricting the hours of opening to the public.

34. The extraction system will have to be in accordance with Environmental Standards and this should deal with potential odour problems as it would for other commercial kitchens in the area. No works are proposed to the existing system in this application and a Listed Building application would have to be submitted for these internal works.

### ***Parking Facilities***

35. The parking standards within the South Cambridgeshire Local Plan 2004 requires the existing ground floor use at this site to provide one parking space per 5 sq. metres as a 'maximum'. The first floor is residential. The figures provided in the planning application show an external ground floor area of public space as 180sq.m. Parking facilities for the size of this building equate to 36 spaces; the scheme provides 25. With reference to these figures it would seem that the parking facilities for the existing A3/A4 use has always been under the number required as per the Local Plan 2004. There is no guidance within the Local Plan with reference to takeaway uses. However given the nature of takeaway uses and the coming and going of vehicles and people over short periods of time, requesting additional spaces for this use would seem unreasonable. Designating spaces within the existing site as shown on the plans submitted provides some comfort that those using the site for the proposed use are able to park clear of the public highway.
36. Neither Long Lane nor the High Street around the proposal site are subject to parking restrictions and the option to park in front of the public house on the highway is apparent. The Local Highways Authority has taken this into consideration and its response still remains positive.
37. It is difficult to argue an intensification of the site as vehicles associated with the existing public house and restaurant use the access. The car park can only cater for a finite number of vehicles; whether those vehicles are generated by the public house, restaurant or take away makes no material difference. The assessment to consider is whether the car park would get so full that vehicles likely to be generated by a takeaway on the site would have to park on the highway and if they did would it have a detrimental effect on safety. It would be unacceptable for vehicles to park within the junction and would be a police matter if vehicles did park dangerously. If patrons parked sensibly away from the junction it would be no different from visitors to any other shop/takeaway/post office/residential property or public house in this/or other villages.

### **Recommendation**

38. In view of the location of the premises at a road junction, I recommend temporary consent for 1 year from the date of opening to monitor the impact of the takeaway use on residential amenity, parking facilities and highway safety.

### **Conditions**

1. Standard Condition 4 – Temporary permission for a period of one year commencing on the date of commencement of the use.  
(Reason – To enable the impact of development on highway safety, the amenity of neighbours and parking accommodation on site to be assessed.)
2. The use, hereby permitted, shall not be open to customers other than between the hours of 08:00 to 23:00 Monday to Saturday and 08:00 to 22.30 Sundays  
(Reason to protect the amenity of neighbours.)

## **Informatives**

### **Reasons for Approval**

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
  - **Cambridgeshire and Peterborough Structure Plan 2003:**
    - P1/3** (Sustainable design in built development)
    - P3/4** (Rural Services and Facilities)
    - P7/6** (Historic Built Environment)
  - **South Cambridgeshire Local Plan 2004:**
    - EN30** (Development in/adjacent to Conservation Areas)
    - EM7** (Expansion of Existing Firms in Villages)
    - EN28** (Development within the Curtilage or setting of a Listed Building)
    - TP1** (Planning more Sustainable Travel)
  
2. The development is not considered to be significantly detrimental to the following material considerations, which have been raised during the consultation exercise:
  - Litter
  - Noise
  - Pollution/smell
  - Highway safety
  - Need and impact on the community as a whole

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning File Ref: S/0191/07/F

**Contact Officer:** Saffron Garner – Senior Planning Assistant  
Telephone: (01954) 713256