

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1st August 2007

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

S/1084/07/F – SAWSTON

Change of Use from Public House and Restaurant to Public House, Restaurant and Takeaway (Classes A3, A4 & A5) at The Black Bull, 98 High Street - for M Miah

Recommendation: Approval

Date for Determination: 7th August 2007

Notes:

This Application has been reported to the Planning Committee for determination because the recommendation is contrary to the response of the Parish Council.

Conservation Area and Listed Building

Site and Proposal

1. The Black Bull is a Grade II listed public house/Indian restaurant/takeaway located on the west side of the High Street. There is a car park to the rear of the building accessed via an approximately 5 metre wide drive that also serves the rear car park to the adjacent public house to the north, the White Lion. The old fire engine shed, which has permission for use as an office, lies to the south, and behind this are a pair of dwellings, Nos. 102 and 104 High Street. There are double yellow lines on both sides of this section of the High Street and the site also lies within a 20mph speed restriction area.
2. As set out within the history section below, a temporary 1 year permission was granted in October 2005 to change the use of the building from a pub/restaurant to a pub/restaurant/takeaway. This consent expired in October 2006 but the takeaway element has been operating in the meantime without planning permission. This full application, registered on 12th June 2007, seeks to continue the takeaway use (Class A5) within the pub/restaurant use (Classes A3 and A4) on a permanent basis. No external alterations to the building are proposed.

Planning History

3. Members may recall that, at Committee in October 2005, permission was granted to change the use of the Black Bull from a public house and restaurant to public house, restaurant and takeaway. Consent was given for a temporary one year period (expiring on 31st October 2006) in order to enable the impact of the development on highway safety and the amenity of neighbours to be assessed. There were also conditions: restricting takeaway sales to the hours of 8am – 11pm on Mondays to Saturdays and 8am – 10.30pm on Sundays; and requiring an air filtration scheme to be implemented before commencement of use. (Ref: S/1528/05/F).



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4. The following year, listed building consent was granted for the addition of an air filtration system on the rear of the building (S/1590/06/LB) and the aforementioned condition of the temporary consent was subsequently discharged.

Planning Policy

5. **Policy P7/6** of the Cambridgeshire and Peterborough Structure Plan 2003 requires development to protect and enhance the quality and distinctiveness of the historic built environment.
6. **Policy EM7** of the South Cambridgeshire Local Plan 2004 supports the expansion of existing employment firms in villages.
7. **Policy TP1** of the 2004 Local Plan 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.
8. **Policy EN26** of the 2004 Local Plan relates to the conversion of listed buildings to new uses and states that, in judging applications for changes of use, the District Council will consider whether or not: the existing use can continue with reasonable utility or life expectancy; all other options for less damaging uses have been explored; the proposed use can take place without the necessity for extensive alterations or extensions which would be harmful to the fabric, character or setting of the building; and the proposal would harm the setting and amenity of adjacent buildings.
9. **Policy ET/5** of the South Cambridgeshire Local Development Framework Draft Development Control Policies 2006 reiterates the requirements of Policy EM7 of the 2004 Local Plan.
10. Draft Local Development Framework **Policy TR/1** repeats the objective of adopted policy TP1 but alters the parking standards to a maximum of 1 space per 5 square metres of restaurant floor space and 1 space per 10 square metres for pubs/bars.
11. **Policy CH3** of the draft Local Development Framework requires applications affecting listed buildings, including change of use proposals, to be considered against national policy (currently PPG15).

Consultations

12. **Sawston Parish Council** objects to the application, but no reasons for recommending refusal are given.
13. **The Conservation Manager** raises no objections providing there are no internal alterations or changes to the existing kitchen extract system.
14. **The Local Highways Authority** raises no objections stating that the streets around the site within convenient walking distance are safeguarded by on-street parking restrictions, whilst the site has car parking provision to the rear. It is noted that speed management measures have been applied to Sawston High Street. Parking on street would be likely to be a nuisance rather than a danger to other vehicles.
15. **The Corporate Manager (Health and Environmental Services)** raises no objections in respect of noise or environmental pollution issues, and confirms that, since the previous consent was issued, there have been no complaints on the grounds of odour, noise, litter etc. In addition, the kitchen extract system approved under condition 3 of the previous

temporary planning consent and under listed building consent reference S/1590/06/LB has been fitted and is operational.

16. **The Definitive Map Officer** raises no objections, as the application is for a change of use and does not involve any additional building work that might impact on the route of the public footpath that runs through the site.
17. **The Ramblers Association** raises no objections providing: the route of the public footpath that runs through the site is not obstructed by materials, debris lorries etc during construction; the surface of the path is not disturbed by increased traffic to the site; and that any signage is not obscured or damaged.

Representations

18. A letter of objection has been received from the owner of the Redfort Garden Tandoori at 84 High Street who states that the takeaway and restaurant use been operating without proper health and safety condition. No changes have been made, as required by a condition of the previous permission, and there is no canopy exhaust fan in the kitchen, which represents a threat towards the health and safety of the people they serve. In addition, there is no valid permission for the use, as the consent for the takeaway expired in October 2006, but they have been operating since that time without permission. Finally, concern is expressed about the location of the property on an awkward bend where there are previous records (including police records) or road accidents.

Planning Comments – Key Issues

19. The key issues to consider in the determination of this application are:
 - a. Highway safety/parking;
 - b. Pollution/smell; Health and safety of customers.

Highway Safety and Parking Issues

20. The previous planning permission for a takeaway use at this property was granted for a temporary one year period. This was partly in response to concerns expressed by the Parish Council and local residents about the location of the site on an awkward bend, where there are double yellow lines, and the use possibly giving rise to parking on the High Street. In the Officer's report to committee dated 5th October 2005, it was advised that the parking area at the rear of the pub has in excess of the maximum number of spaces required within the Local Plan (and this fact still holds true today). However, it was considered that a temporary permission would enable the impact of the takeaway use, in highway safety and on-street parking terms, to be fully assessed.
21. I have contacted both the maintenance depot of the Local Highways Authority at Whittlesford and the Sawston police station. Neither has any record of any complaints relating to on-street parking problems in the vicinity of the pub since consent was granted for the takeaway use. In addition, no specific objections have been raised by the Local Highways Authority to the proposal given that there is ample parking at the rear of the pub and that there are on-street parking restrictions in the immediate vicinity of the pub.

Health and Safety/Residential Amenity Issues

22. The 2nd reason behind the previous temporary consent was to enable the impact of the use on the amenities of neighbours (in terms of noise, odour and litter) to be assessed.

At the time the previous application was being considered, the Environmental Health Officer had received a complaint of odour from the Indian restaurant. However, no further complaints have been received since then. In addition, contrary to the comments made by a nearby resident, the restaurant has been fitted with a satisfactory air filtration system, as required by condition 3 of the previous consent.

23. In conclusion, the takeaway use has been in operation for in excess of a year. There is no evidence to suggest that the use has been creating any highway safety/on-street parking or neighbour amenity problems. As such, I consider the permanent introduction of a takeaway use to the pub/restaurant to be acceptable providing the takeaway element is subject to the same restricted hours of operation as previously imposed.

Recommendation

24. Approval:

Conditions

1. There shall be no takeaway sales from the premises 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

General

1. The footpath must remain open and unobstructed at all times. The applicant must ensure that cars parked in the car park do not obstruct the line of the path at any time (it is an offence under s.137 of the Highways Act 1980 to obstruct a public right of way)
2. No alteration to the surface of the footpath is permitted without consent (it is an offence to damage the surface of a public right of way under s1 of the Criminal Damage Act 1971)

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:**
P7/6 (Historic Built Environment)
 - **South Cambridgeshire Local Plan 2004:**
EM7 (Expansion of Existing Firms in Villages)
TP1 (Planning More Sustainable Travel)
EN26 (The Conversion of Listed Buildings to New Uses)
2. The proposal is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Health and safety of customers;
 - Highway safety.

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

- South Cambridgeshire Local Development Framework (LDF) Draft Development Control Policies 2006
- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning File Refs: S/1084/07/F, S/1528/05/F, and S/1590/06/LB.

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