

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 5th October 2005
AUTHOR/S: Director of Development Services

S/1528/05/F - Sawston

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

Recommendation: Approval

Date for determination: 29th September 2005

Conservation Area

Site and Proposal

1. The application relates to a Grade II listed public house/Indian restaurant in the High Street. There is a car park to the rear of the building accessed via a 5 metre wide approximately drive also serving the rear car park to the adjacent public house to the north, the White Lion. The old fire engine shed, with permission for use as an office, with a pair of dwellings (Nos. 102 and 104 High Street) behind lie to the south. There are double yellow lines on both sides of this section of High Street.
2. This full application, registered on the 4th August 2005, proposes to introduce a takeaway use to the existing pub/restaurant use. No external alterations to the building are proposed.

Planning History

3. Permission for new lavatory accommodation was granted in 1956 (**SC/0256/56**).
4. Advertisement consent for a projecting illuminated box sign was refused in 1980 (**S/2000/79/F**).
5. Listed building consent for internal alterations to reposition the bar was granted in 1985 (**S/1749/85/LB**).
6. Planning permission and listed building consent for alterations and extensions were granted in 1988 (**S/2198/87/LB** and **S/2199/87/F**).
7. Listed building consent was granted in August 2005 for the reinstatement of external door to bar area on front elevation with half glazed panelled door (**S/1317/05/LB**).

Planning Policy

8. Local Plan 2004 **Policy EM7** supports the expansion of existing employment firms in villages.
9. Local Plan 2004 **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.

10. Local Plan 2004 **Policy EN26** 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 of 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.

Consultation

11. **Sawston Parish Council** recommends refusal “The proposed takeaway facility will cause increase in litter in the surroundings, increase in traffic on an already difficult bend in Sawston High Street.”
12. **Conservation Manager** has no objections. He states that the change of use will not result in any alterations to the character of the listed building.
13. **County Council Countryside Access Team** has no objections to the proposal but points out that Public Footpath No.8, Sawston runs along the northern boundary of the site and the applicant’s attention should be drawn to the following points of law: 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 s137 of the Highways Act 1980 to obstruct a public right of way); and 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).
14. **Ramblers’ Association** is concerned to ensure that Public Footpath No.8, Sawston 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 any signage is not obstructed or damaged.
15. **Chief Environmental Health Officer** states that he has received a complaint of odour from the Indian restaurant since the change in the type of food being cooked. As the cooking of Indian food provides such a pungent aroma from the kitchen extract, he suggests that a condition is included to actively remove the odour from the extract air or by the use of grease and charcoal filters or similar approved filtration.

Representations

16. Three letters of objection have been received from residents of 1 Prince William Way, The Green Road and 84 High Street on the following grounds:
 - a) Litter;
 - b) Noise;
 - c) Increased pollution/smell;
 - d) More traffic coming into and out of the access on a bad bend;
 - e) Proposal will result in illegal on-street parking in High Street and thereby highway dangers;
 - f) Another takeaway is unnecessary;
 - g) It is not safe for takeaway customers to collect takeaway meals in an environment where there are drunkards; and
 - h) Takeaways from pubs is the beginning of the end of the community way of life.

Planning Comments – Key Issues

17. Until April of this year, the introduction of a takeaway use into an existing public house/restaurant would not have required a planning application. Until then, public houses, restaurants and takeaways were all classified as Use Class A3 (Food & Drink). In April, an amendment to the Use Classes Order sub-divided Use Class A3 into Use Classes A3 (Restaurants and Cafes), A4 (Drinking Establishments) and A5 (Hot Food Takeaways). As a result of this change, an application is now required to introduce a takeaway use.
18. The main issues relating to this application are: traffic/parking; noise and odours; and litter.
19. Based on the Local Plan maximum parking standards, the existing use requires a maximum of 15 parking spaces. The existing car park is not marked out but a plan submitted in support of the application purports to show 22 spaces, although the indicated layout is not workable in that some of the spaces are not large enough for a vehicle and/or you could not manoeuvre into or out of some of the spaces. In practice, something like 20 spaces are available. Parking on High Street, even for a short period, would be of concern. Whilst this could be enforced against in theory (there being double yellow lines along both sides of this section of High Street), it is unrealistic to think it would be enforced 24 hours a day. The site is located close to the village centre and there is some spare capacity within the existing car park in terms of Local Plan standards. However, in view of concerns about possible parking on High Street, I consider that a temporary consent would be appropriate to enable the impact to be assessed.
20. There is already a restaurant use operating from the premises. However, the introduction of a takeaway use is likely to lead to a more intensive use of the kitchen. In view of the comments of the Chief Environmental Health Officer, whilst I do not consider them to be reason to refuse the application, I consider that a temporary consent would be appropriate to enable any additional odour to be assessed. It would also be appropriate to attach a condition requiring the agreement and implementation of an improved filtration system to any permission. A temporary consent would also enable the impact in terms of any additional noise to be assessed and the consideration of any subsequent application for a permanent permission advised by experience. The same applies with litter.
21. The concerns of the County Council Countryside Access Team and the Ramblers' Association can be covered by informatives.

Recommendations

22. Approval
 1. Standard Condition 4 – Temporary Permission until 31st October 2006 (Reason C - To enable the impact of the development on highway safety and the amenity of neighbours to be assessed.)
 2. There shall be no takeaway sales from the premises other than between the hours of 0800 to 2300 Monday to Saturday and 0800 to 2230 Sundays – RC To protect the amenity of neighbours.

3. Before the use, hereby permitted, commences, a scheme of air filtration shall be submitted to and approved in writing by the Local Planning Authority; the approved scheme shall be implemented and thereafter maintained before the use commences - RC To protect the amenity of neighbours in respect of odours.

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: None
South Cambridgeshire Local Plan 2004: EM7 (Expansion of Existing Employment Firms in Villages), TP1 (Planning for More Sustainable Travel) and EN26 (Conversion of Listed Buildings to New Uses)

2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise: litter; noise; pollution/smell; highway safety; need for another takeaway; safety of customers; and impact on the community way of life.

Informative

An acceptable scheme in relation to Condition 3 would be the use of grease and charcoal filters or similar approved filtration.

Cambridgeshire County Council Countryside Services Team Informatives

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 s137 of the Highways Act 1980 to obstruct a public right of way).

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).

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

South Cambridgeshire Local Plan 2004
Planning file Refs: SC/0256/56, S/2000/79/F, S/1749/85/LB, S/2198/87/LB, S/2199/87/F, S/1317/05/LB and S/1528/05/F.

Contact Officer: Andrew Moffat – Area Planning Officer
Telephone: (01954) 713169