



1.2 The site falls within the Central Conservation Area. The property is also a Building of Local Interest and is within an Area of Special Control of Advertisement.

## **2.0 THE PROPOSAL**

2.1 In 1996 planning permission for a change of use from retail (Class A1) to café/restaurants (A1/A3) was given to the premises under application C/96/0364. Condition 3 of this permission forms the basis of this application.

2.2 The application is a Section 73 application to amend condition 3 of the above permission. This condition stated that:

*“The premises shall not be used for the sale of hot food for the consumption off the premises.”*

2.3 The above permission was given at the time when A3 uses also included takeaways (now A5). Condition three aimed to stop the premises being used as a takeaway. The reason stated on the decision notice is that in respect of the residential units above the shop, such a use would have an adverse impact on their residential amenity.

2.4 The applicant aims to keep the A1/A3 use but gain permission to allow customers to takeaway coffees, cakes and hot breakfast sandwiches. Only the hot sandwiches would require permission , as the condition does not prohibit hot drinks or cakes.

2.5 The application is accompanied by the following supporting information:

### **1. Design and Access Statement**

2.6 The application is brought before Committee at the request of Councillor Smart for the following reasons:

- Councillor is concerned that local residents may be alarmed by the proposal and would like to give it a public hearing.

### 3.0 SITE HISTORY

Reference	Description	Outcome
C/96/0364	change of use from retail (Class A1) to café/restaurants (A1/A3)	Permitted, conditions

### 4.0 PUBLICITY

4.1 Advertisement:	Yes
Adjoining Owners:	Yes
Site Notice Displayed:	Yes

### 5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridgeshire and Peterborough Structure Plan 2003 policies, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridgeshire and Peterborough Structure Plan 2003	P6/1 P9/8 P9/9
Cambridge Local Plan 2006	3/1 3/4 3/7 4/12 6/7 6/10

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework (2012) Circular 11/95 Community Infrastructure Levy Regulations (2010)
Supplementary	Sustainable Design and Construction

## **6.0 CONSULTATIONS**

### **6.1 Cambridgeshire County Council (Highways)**

- The proposal should have no significant impact on the public highway.

### **6.2 Environmental Health**

- Application supported.

### **6.3 Conservation**

- The Conservation team have no comments to make.

6.4 The above responses are a summary of the comments received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

7.1 I have received one objection (no known address) on the grounds that:

- These would cause disruption. There are plenty of opportunities for the shop owner to purchase properties with takeaway licences already.

7.2 The above representation is a summary of the comments received. Full details of the representation can be inspected on the application file.

## **8.0 ASSESSMENT**

8.1 From the consultation responses, representation received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. Residential amenity

### **Principle of Development**

8.2 The principle of use has already been established under the original permission and there are also similar uses on Mill Road.

What is being proposed here is an additional ancillary use to the existing A1/A3.

- 8.3 Policy 6/10 states that uses falling under classes A3 and A5 will only be permitted where the proposal would not give rise to unacceptable environmental problems or nuisance, where the individual and cumulative impact of the development is considered acceptable and where it is an existing centre or mixed use area. In my opinion the implementation of the proposed ancillary use meets all these elements. As the property is already a shop/café the fundamental use is not being changed and the cumulative impact of allowing hot sandwiches to be taken off the property would not, in my opinion, have a significant impact on the environmental condition of the area.
- 8.4 In conclusion, the principle of the development is acceptable and in accordance with policies 6/7 and 6/10 of the Cambridge Local Plan (2006).

### **Residential Amenity**

- 8.5 I am fully aware of the reason given for the imposition of condition three on the original change of use permission. However I do not consider the proposed ancillary change to this condition would have a significant impact on the amenity of those residential properties above the shop unit. In my opinion what is being proposed is relatively minor.
- 8.6 This is because the property already benefits from A1/A3 use. To some degree, these uses already allow for some take away practices. Allowing the ancillary use of the taking away of hot sandwiches would not have a significant impact on the amenity arrangements of the location. The applicant has stated that she would like this permission particularly for breakfast times and lunch times. Any permission could be conditioned to reflect these times. This would stop the abuse of this permission and any perception that takeaway use could simply be implemented through the back door. Additionally, I cannot see that there would be issues with cooking smells. The premises is already used for the cooking of food and the application is supported by Environmental Health with no additional conditions cited.

8.7 Therefore having assessed the application I cannot agree that the proposed use is enough to warrant a refusal. This proposed change would not, in my opinion, have a detrimental impact on the amenity of neighbours. Nor would it significantly undermine the impact of the originally condition.

8.8 In my view, it is compliant with policies governing amenity and it does respect the constraints of the site. Therefore, it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/12 and 4/12.

## **9.0 CONCLUSION**

9.1 The application should be permitted on the basis that the proposed change would not have a significant impact on the use of the premises or significantly harm the amenity experienced by those residential properties above the shop units.

## **10.0 RECOMMENDATION**

### **APPROVE for the following reasons:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. The premises shall be used for A1/A3 uses only and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 2010 (as amended), or in any provision equivalent in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: For the avoidance of doubt, and because use of the building for any other purpose would require re-examination of its impact. (Cambridge Local Plan 2006 policies 3/4, 4/13 and 8/2)

3. The premises may be used for the sale of hot sandwiches between the hours of 0800 -14:30 ancillary to the main A1/A3 use as specified under this permission, but shall not be used for the sale of hot food other than that specified in this condition.

Reason: The use of the site for more extensive or later sales of hot food would have an adverse impact on the residential amenity of the flats contained within the property. (Cambridge Local Plan 2006 policies 3/4, 6/10)

4. The use hereby permitted shall not be open to customers outside the following times: 0800 hours - 2200 hours

Reason: Later opening would have an adverse impact upon the residential amenity of the flats contained within the property.