

Cambridge City Council

Note on the Planning Status of 27 Babraham Road Cambridge

Purpose of this note

This note is prepared by the local planning authority and is intended to set out the Council's current view of the lawful planning use and activities that can take place at 27 Babraham Road Cambridge.

The Council recognises that a lawful mixed use exists at 27 Babraham Road. This note will set out the scale and nature of the business activities within the mixed use that the Council considers are commensurate with the lawful use.

The lawful use of 27 Babraham Road

The lawful use of the property, 27 Babraham Road is as a dwelling house and for the storage of up to three ice cream vans for commercial purposes in the garage which is shown cross hatched on the attached plan ("B")¹. (This does not include the 2 bay car port extension to the garage built subsequent to permission C/01/0558²). The vans may be stored in the garage with the doors open and deliveries in connection with the ice cream business may be made to the property. A refrigerated storage unit of a size similar to or smaller than that shown in the attached photo³ and located between the dwelling and the extended garage is also lawful.

The local planning authority takes the view that the current lawful use⁴ provides for no more than three ice cream vans, owned and operated in association with the residential occupation of 27 Babraham Road to be stored in the garage at the property when not in use. The Council considers this means they can traverse the driveway and hard standing areas that provide access to the garage where they are permitted to be stored. It does not provide for them to be stored/stationed outside the garages or anywhere else on the property when not in use. The Council also takes the view that the vehicles can only be outside the garages at the property when 'in use', only for the time it takes to move them into and out of the garages at the reasonably recognisable start and end of business trading periods.

¹ From Planning Permission ref: C/97/0695/FP and Planning Inspector Decision Letter 23/7/13. Ref: App/Q0505/X/13/2193066

² Paragraph 14 Planning Inspector Decision Letter 23/7/13. Ref: App/Q0505/X/13/2193066

³ Planning Inspector Decision Letter 23/7/13. Ref: App/Q0505/X/13/2193066

⁴ Planning Inspector Decision Letter 23/7/13. Ref: App/Q0505/X/13/2193066

The council takes the view that it is lawful for the restocking of the ice cream vans to happen when the ice cream vans are not in use at a time of day commensurate with the usual business trading hours for this type of business. The lawful use does not extend to the areas outside of the garages so by implication does not include use of these areas for the re-stocking or stationing of ice cream vehicles.

Likewise the delivery of any stock reasonably associated with three ice cream vans is interpreted as being lawful to happen at the property only for the minimum reasonable time to unload stock related deliveries and at times and frequencies considered reasonable in relation to the scale and type of lawful business activity being serviced from the up to three vehicles stored at this site⁵.

The lawful use does not provide for the manufacturing of ice cream or other products anywhere on the premises. Nor the provision of or sale to third parties of ice-cream and refrigerated products or soft drinks etc.

There is no permission or lawful use for the storage/stationing of a hot potato cart at the property⁶ and this is not considered to be an ancillary storage activity so is not lawful.⁷

The Council will review this position from time to time and may reconsider this position in the light of new evidence or material that comes forward.

Patsy Dell

Head of Planning Services

29/11/2013

Attachments:

Planning Appeal Decision letter: App/Q0505/X/13/2193066

⁵ Paragraph 19, Planning Inspector Decision Letter 23/7/13. Ref: App/Q0505/X/13/2193066

⁶ Paragraph 9 Planning Inspector Decision Letter 23/7/13. Ref: App/Q0505/X/13/2193066

⁷ The Planning Service has to report back to the Council's South Area Committee on the planning situation at the site and any outstanding unlawful activities at the site will need to be considered at that time.