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**F/YR18/0919/F**

**Applicant: H Scarrow**

**Agent : Miss Claire Shannon  
Cheffins Planning**

**25A High Street, Chatteris, Cambridgeshire, PE16 6BG**

**Change of use from retail (A1) to Restaurant and Cafe (A3)**

**Reason for Committee: Number of representations received contrary to officer recommendation**

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## **1 EXECUTIVE SUMMARY**

The application seeks full planning permission to change the use of the building from retail (A1) to a café (A3) this is purely a change of use and there are no external alterations.

Policy LP6 advises that units within a Primary Shopping Frontage (such as this site) should be retained predominantly for a retail purpose, an assessment of the use of the buildings within the Chatteris Primary Shopping frontage was undertaken in November 2018 and revealed that 55.5% were in retail use, hence the majority of the buildings still remain for this purpose.

The application does not propose any external extraction, as a recirculating extractor is suitable for the type of cooking required for the café; Environmental Health are content that this and the proposed opening hours are suitable and would not present any concerns.

The proposal is considered acceptable and whilst the building is located within the primary shopping frontage, the predominant use within this designation remains to be retail and the site benefits from the fall-back position under Schedule 2, Part 4, Class D of The Town and Country Planning (General Permitted Development) (England) Order 2015, which would enable this change of use for up to 2 years. The use and opening hours are not considered to have a significant detrimental impact on adjoining users and as there are no external alterations proposed there is no adverse impact on the streetscene or conservation area in which the site is located, as such the recommendation is to grant the application.

## **2 SITE DESCRIPTION**

The host building has a red brick arch frontage, infilled with herringbone buff brickwork and central entrance door with windows either side (frames painted green). It is presently vacant and has been segregated from the neighbouring shop 'Rainbow Valley', it was previously 1 large retail unit utilised by 'Branching Out' and is one of a block of 4 units with flats at first-floor, located on the eastern side of High Street, within Chatteris Conservation Area, Town Centre Boundary, Primary Shopping Area and Primary Shopping Frontage.

## **3 PROPOSAL**

- 3.1 The application seeks full planning permission to change the use of the building from retail (A1) to a café (A3) this is purely a change of use and there are no external alterations.
- 3.2 Full plans and associated documents for this application can be found at:

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=PEHI4XHE01U00>

#### 4 SITE PLANNING HISTORY

F/YR07/1035/F	Alterations to existing shop unit to form additional shop unit	Granted 14/11/2007
F/YR05/0798/F	Installation of new shop fronts	Granted 25/08/2005
F/YR01/0044/F	Erection of 2-storey rear extension to form extension to ground floor shops with 2 x 2-bed flats over and 2nd bedroom to existing approved 1-bed flat	Granted 18/09/2001
F/99/0455/F	Internal and external alterations to form 2 shop units and erection of conservatory to rear together with 2 x 1-bed flats and 1 x 2-bed flat over	Granted 26/10/1999
F/0675/82/F	Conversion of existing public house to flats shops office and garage storage	Granted 11/12/1982

#### 5 CONSULTATIONS

##### 5.1 Operations Manager, Environmental Services

*I have had a look at the planning statement, there is nothing to stop a business from registering as a waste carrier and taking their waste to a licenced disposal facility. They would however need to obtain a waste transfer notes from the said facility and keep the notes on file to prove they are disposing of their waste correctly.*

*Business waste cannot be disposed out the recycling centres (as suggested in the statement) or in domestic bins as these are for household waste only and they would not receive waste transfer notes to prove waste they are disposing of waste correctly.*

*As a business the unit would not automatically be proved with bins, they would have to make arrangements with licenced waste contractor or the local authority to suit the needs of the business. The Branching Out Shop was one of FDC trade customers when they occupied the site and a contract to collect waste and recycling on a daily basis was in place ( with a transfer note provided to prove they were disposing of waste correctly).*

## **5.2 Cambridgeshire County Council Highways Authority**

*The traffic generation for the existing use and proposed use is comparable. No highway objection.*

## **5.3 Environment & Health Services (FDC) (comments summarised)**

Due to close proximity of existing residential properties, odour from the cooking process at the application site has the potential to adversely affect the amenity if not controlled with a suitably designed extraction system. Details will be required covering the specifications for the proposed method of extraction and filtration, in addition to hours of opening and noise control measures.

Following the receipt of additional/revised information Environmental Health have advised that they have no objections to the proposal. Based on the information supplied covering delivery times, food to be prepared and hours of intended operation, the intended scheme is unlikely to have a detrimental effect on air quality or the noise climate.

## **5.4 Parish/Town Council**

*Support*

## **5.5 Senior Archaeologist (CCC)**

*We have reviewed the above referenced planning application and have no objections or requirements for this development.*

## **5.6 Principal Licensing Officer (FDC)**

*Regarding this consultation, could you please remind the applicants that if they are planning to do any of the below then an application for a Premises Licence would be required. Details of this can be found on our website [www.licensing.gov.uk/licensing](http://www.licensing.gov.uk/licensing)*

*\*serve hot food and/or drink after 11:00pm \*Sell alcohol by retail*

## **5.7 Local Residents/Interested Parties**

11 Objections have been received in relation to the following:

- Loss of retail
- Another food outlet is not required/effect on those existing
- Issues with parking/deliveries on High Street/parking for customers
- No formal waste collection contract/bin storage
- Noise
- Smell
- No fire exit
- Hours of opening
- Location next to funeral home
- Decline of the high street
- Pushchairs/motorised vehicles blocking the path

5 supporting comments have been received in relation to the following:

- Good addition and would bring visitors to the town
- Building should be used
- More places to meet

1 representation has been received in relation to the following:

- Café creating somewhere that people socialise could be beneficial
- Retail units are required

## **6 STATUTORY DUTY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

- 6.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

## **7 POLICY FRAMEWORK**

**National Planning Policy Framework (NPPF)**

**National Planning Practice Guidance (NPPG)**

**Fenland Local Plan 2014; LP2, LP6, LP10, LP14, LP15, LP16, LP18**

## **8 KEY ISSUES**

- **Principle of Development and Economic Growth**
- **Heritage, design considerations and visual amenity of area**
- **Residential Amenity/Health and wellbeing**
- **Parking/Highways**
- **Flood Risk**

## **9 ASSESSMENT**

### **Principle of Development and Economic Growth**

- 9.1 The application site is within the settlement of Chatteris, designated within the settlement hierarchy and Policy LP3 as a 'Market Town' where the majority of the district's new housing, employment growth, retail growth and wider service provision should take place.
- 9.2 Policy LP6 advises that units within a Primary Shopping Frontage should be retained predominantly for a retail purpose. The application site is located within Town Centre Boundary, Primary Shopping Area and Primary Shopping Frontage and LP6 states that development for a non-retail use (A2, A3, A4, A5) at ground floor level within a Primary Shopping Frontage will be supported provided that the proposal would retain the predominant retail element within the frontage, that there is no impact on the vitality and viability of the centre as a whole and that all other relevant policies in the plan are satisfactorily addressed. An assessment of the use of the buildings within the Chatteris Primary Shopping frontage was undertaken in November 2018 and revealed that 55.5% were in retail use, hence the majority of the buildings still remain for this purpose.
- 9.3 In addition The Town and Country Planning (Use Classes) Order 1987 (as amended) enables the change of use of a building from a cafe (A3) to retail (A1) without the need for planning permission, hence the building could revert back to retail at any time and the retail use does not therefore become entirely redundant. It is not considered that the proposed development would impact on the vitality

and viability of the centre as a whole, given the number of retail and takeaway units along High Street, in addition the scheme enables the reuse of a presently vacant space (though it is noted no marketing information has been provided to support the application). As such the principle of development is considered to be acceptable.

- 9.4 Notwithstanding the above the building has the benefit of the provisions under Schedule 2, Part 4, Class D of The Town and Country Planning (General Permitted Development) (England) Order 2015, which enables a building with a use falling within Class A1 (shops) to revert to a flexible use falling within Class A1, A2, A3 (which is being applied for) or B1 for a single continuous period of up to 2 years beginning on the date the building and any land within its curtilage begins to be used for the flexible use or on the date given on the required notice. As the use has not already commenced on the site this option could still be utilised and as such the building has an unrestrictive fall-back position as the issues required to be assessed by an application for planning permission could not be controlled.

#### **Heritage, design considerations and visual amenity of area**

- 9.5 The proposal does not alter the external appearance of the building and as such would have no detrimental impact on the conservation area in which it is located or the character and visual amenity of the area.

#### **Residential Amenity/Health and wellbeing**

- 9.6 There are a number of flats in the area, including those located above the building in question which could be affected by the proposed change of use.
- 9.7 The application does not propose any external extraction, as a recirculating extractor is suitable for the type of cooking required for the café; Environmental Health are content that this is suitable and would not present any concerns.
- 9.8 The hours of opening are Monday-Wednesday and Friday 0830-1700, Saturday 0930-1630 and Sunday 1000-1600 which are comparable with a retail use and are not considered to be unsociable or have a detrimental effect on adjoining occupants over and above a retail use. There is to be a bread delivery between 0700 and 1000. It is not felt reasonable to restrict the use to these hours via condition due to the unrestricted fall-back position and the fact that there are other unrestricted uses in the vicinity. Any issues in terms of noise and disturbance would be covered by other legislation.
- 9.9 Noise has been raised as an issue by local residents/interested parties, however again this is considered comparable with the existing retail use and not considered to be significantly detrimental.
- 9.10 The application originally required bins to be stored inside the building as there was no outside space available, following advice from the Council's refuse team an external area has been obtained for trade waste bin storage, which will be collected by a private company. It is not felt reasonable to condition bin storage/collection given the unrestricted fall-back position and any issues would be covered by other legislation.
- 9.11 There is no rear access from the unit as whilst there is a door this leads to a storage area belonging to the flats above, however there is a right of way in an emergency.

### **Parking/Highways**

- 9.12 There is no on-site parking provision available for the proposal, however this is also the case for the existing retail use. The Local Highways Authority have no objections to the proposal, advising that the traffic generation for the existing and proposed uses are comparable; as such there are no concerns to address in respect of Policy LP15 of the Fenland Local Plan.
- 9.13 Issues have been raised regarding delivery vehicles and push chairs/motorised vehicles blocking the pavement, however this is not considered to be worsened by the proposal, would be outside the planning remit and is controllable under separate legislation.

### **Flood Risk**

- 9.14 The application site lies within flood zone 1; accordingly there are no issues to address in respect of Policy LP14.

## **10 CONCLUSIONS**

The proposal is considered acceptable and accords with policies LP2, LP14, LP15, LP16 and LP18 of the Fenland Local Plan as whilst the building is located within the primary shopping frontage, the predominant use within this designation remains to be retail and the site benefits from the fall-back position under Schedule 2, Part 4, Class D of The Town and Country Planning (General Permitted Development) (England) Order 2015, which would enable this change of use for up to 2 years. The use and opening hours are not considered to have a significant detrimental impact on adjoining users and as there are no external alterations proposed there is no adverse impact on the streetscene or conservation area in which the site is located, as such a favourable recommendation may be forthcoming.

## **11 RECOMMENDATION**

### **Grant**

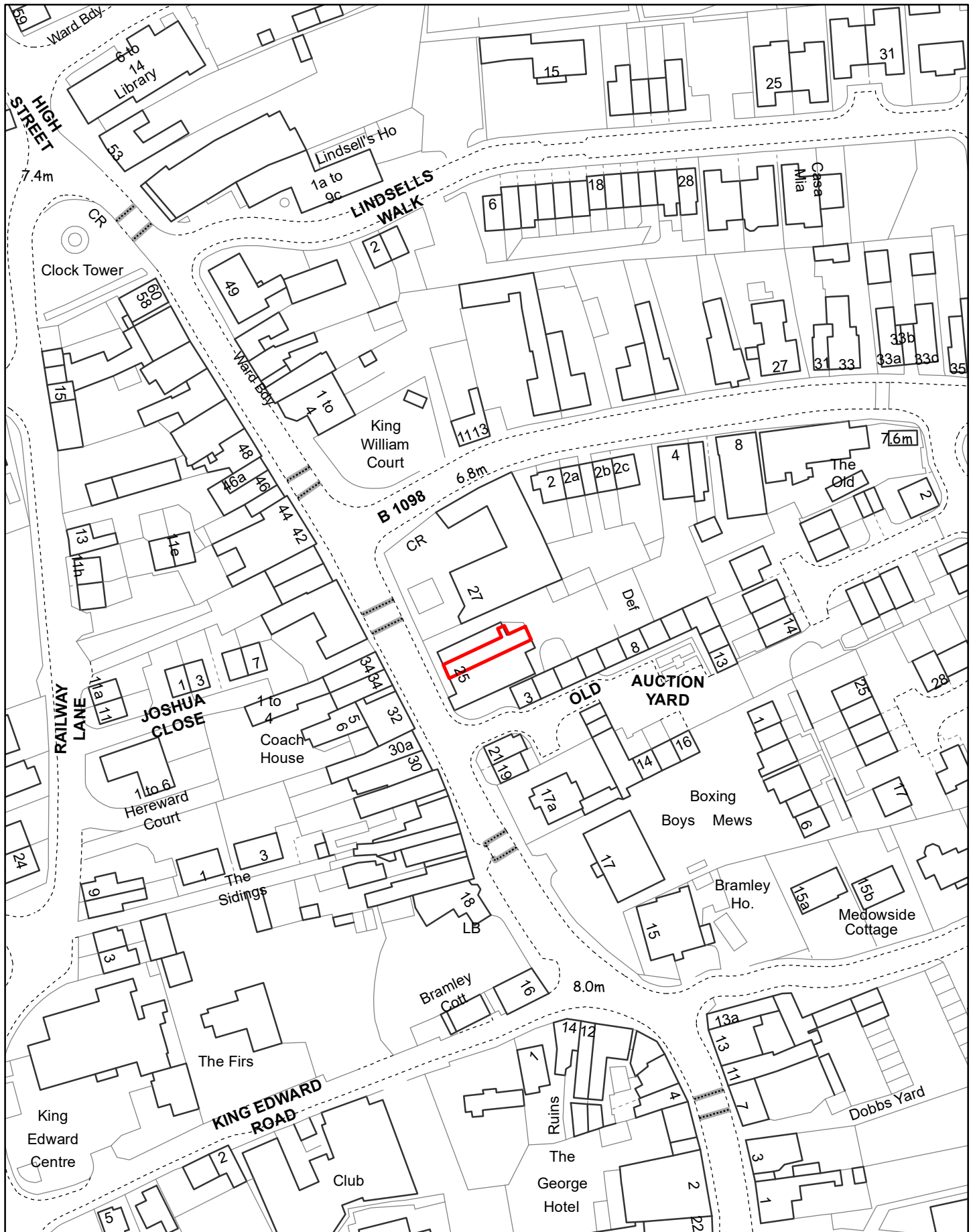
### **Conditions**

- 1 The development permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents

<b>Reference</b>	<b>Title</b>
	Planning and Heritage Statement
	Statement regarding ventilation, type of food, music and delivery/collection times
	Email from agent regarding bin storage
	Location Plan
	Floor plans



Created on: 22/10/2018

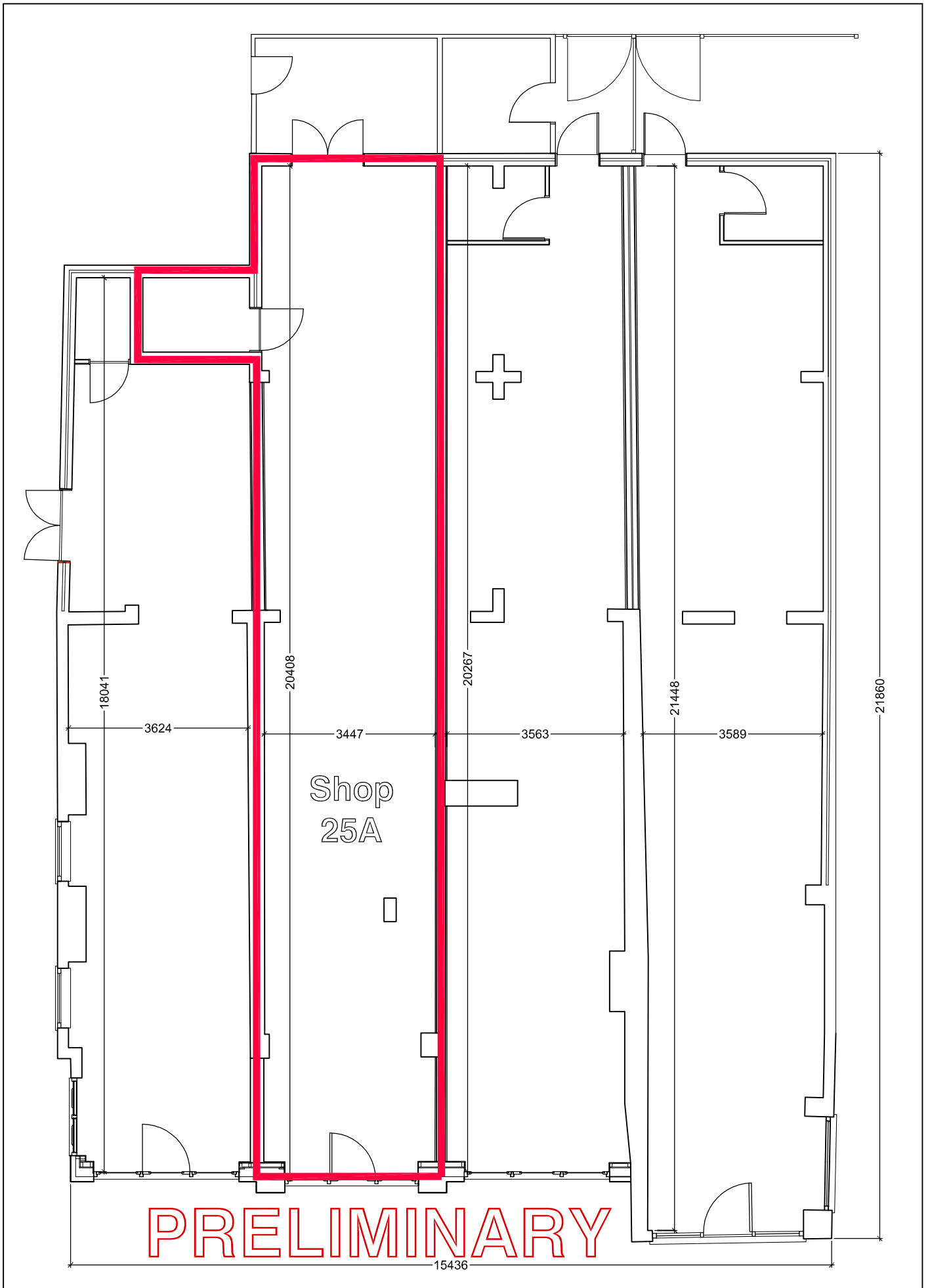
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Scale = 1:1,250







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Project 25 HIGH STREET, CHATTERIS  
Drawing Title GROUND FLOOR PLAN SHOP 25A

P&D Ref	Client Haley Scarrow	
Drwg no	**	REV -
Date	Jan 2019	Drawn By MH
Scale	1:100 @ A4	© Copyright