

Item No. 12**SCHEDULE B**

APPLICATION NUMBER	CB/09/05612/FULL
LOCATION	22 Market Square, Sandy, SG19 1JA
PROPOSAL	Full: Change of use from A3/D2 to A3/A5 throughout from coffee shop/childrens play area to coffee shop/bakery to include hot food. Erection of new canopy over windows and extractor units to side.
PARISH	Sandy
WARD	Sandy
WARD COUNCILLORS	Cllr Aldis & Cllr Blaine
CASE OFFICER	Judy Self
DATE REGISTERED	06 August 2009
EXPIRY DATE	01 October 2009
APPLICANT	Mr C Yap-Young
AGENT	J & J Architectural & Construction Services Ltd
REASON FOR COMMITTEE TO DETERMINE	Cllr Aldis due to the amount of public interest and the impact on the Conservation Area of the external alterations
RECOMMENDED DECISION	Grant Planning Permission

Site Location:

The application site forms part of a detached building that stands in the centre of the Market Square in Sandy. The building (rendered/painted white with pitched tiled roof) is formed in two with the adjoining building currently being occupied as an optician.

The application site is the larger of the two buildings and has been divided into two units with the front area being used as a coffee shop. At the time of the site visit both units appeared closed. The site falls within the conservation area for Sandy and the surrounding retail area is characterised by a varied mix of buildings which vary in size, style and age.

The application site currently carries dual usage. As a restaurant/café (A3) and for assembly & leisure (D2) purposes as an indoor soft play area. These uses were approved in February this year and have been partly implemented.

Application 09/01026 was submitted in May this year to consolidate the usage of the building as a restaurant/café (A3) with the additional use as a hot food take-away (A5). Discussions took place during the determination of the application and it was recommended that the proposal be withdrawn pending a re-submission at a later date with some additional information.

The additional information requested accompanies the current application and all other details remain the same.

The Application:

This application seeks planning permission for a change of use from a restaurant/café (A3) / assembly & leisure (D2) to restaurant/café (A3) / hot food take-away (A5). Canopies to the windows and extractor units to the side. Internally the dividing wall between the two units is to be removed and the unit would be operated as one business.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS 1 Delivering Sustainable Development (2005)

PPG 15 Planning & the Historic Environment (1994)

Regional Spatial Strategy

East of England Plan (May 2008)

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

Bedfordshire Structure Plan 2011

Mid Bedfordshire Local Plan First Review 2005 Policies

Policy DPS6, CHE 11, Mid Bedfordshire Local Plan First Review 2005
TCS9

Planning History

09/01026	Full: change of use from A3/D2 to A3/A5, canopy to windows and extractor units to side – withdrawn 23/7/09
09/00001	Full: change of use from A1 to part A3 (for use as coffee shop with pastries etc – retrospective) and part D2 (for use as an indoor soft play area – approved 2/2/09)
05/00566	Full: erection of 1.8 metre high metal fence and 3 rows of barbed wire – approved 17/5/05

Representations: (Parish & Neighbours)

Sandy TC	Objects to the proposal for the following reasons: -Impact on loss of amenity to near neighbours; -Extended hours of business and lack of parking for people using the business; -Works have already started.
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The site has been advertised by way of a site notice, a newspaper advert and letters sent to neighbouring residents. 2 letters have been received raising some or all of the following points:

-An additional take-away shop would result in an increase in parking problems;

-An increase in food take-aways will result in empty shops as there are not enough customers to sustain them;

-There is no need for another bakers and hot food take-away shop.

Determining Issues

The main considerations of the application are;

1. Visual impact upon the character and appearance of the area.
2. Impact upon the neighbouring residential amenity.
3. Any other implications of the proposal.

Considerations

1. Character and Appearance of the Conservation Area

The proposed canopies and the extractor units are the only external alteration. Whilst the proposal falls within the Conservation Area for Sandy the building is not listed. Policy CHE11 encourages the sensitive modification or alteration of existing buildings and the addition of the canopies to the windows are not considered to significantly harm the character and appearance of the Conservation Area. Whilst the addition of the extractor units would not make a particularly positive contribution to the character or appearance of the conservation area neither would they result in any adverse impact. The Conservation Officer has raised no objection and as such the proposal is considered acceptable.

Policy TCS9 states that: *'Planning permission for the use of premises food and drink uses will be granted in town centres where: The proposal would not have an unacceptable adverse effect upon the character or appearance of the locality'*.

A key element to the vitality and viability of town centres is also the diversity of use within them. 'Food and Drink' use have a significantly different characteristic from A1 retail shops and the Council recognises that a 'Food and Drink' use can add vitality and vibrancy to shopping frontages by attracting important lunchtime trade and generally helping to stimulate the town centre's economy. Whilst the comments received have been given their due consideration it is considered that the proposal is in accordance with the Council's own policy and as such is acceptable.

It is considered that overall the use / proposed works would preserve the character and appearance of the conservation area.

2. Residential Amenity of Neighbouring Properties

The application site is located on a central island within the town centre and there are no residential dwellings attached to the site. There is residential accommodation contained within the town centre but this is restricted to the residential accommodation above the shops positioned around the town square.

Policy TCS9 states that: *'Planning permission for the use of premises for A3 (food and drink) uses will be granted in town centres where: The proposal would not result in an unacceptable adverse impact upon the amenities of neighbours, by virtue of noise, odour, litter or disturbance'*.

No objection has been raised by the Environmental Health Officer (subject to conditions) and whilst the comments from the Sandy Town Council have been given due consideration it is considered that given the degree of separation no harm to residential amenity is considered to arise.

3. Any other implications of the proposal

Policy TCS9 states that: *'Planning permission for the use of premises for A3 (food and drink) uses will be granted in town centres where: Convenient, off-street parking is available to serve the proposal'*.

The building is located within the heart of Sandy Town Centre and has an existing permission to be used in part as a restaurant/café (A3). The concerns raised through the consultation process have been noted, however given the town centre location and the potential parking available the proposal is considered to be in compliance with the Council's own policy and as such is acceptable.

During the consultation period comments have been received with regard to the potential impact on other similar businesses in the area. Whilst these concerns are duly noted such issues are not material considerations for planning consent.

Reasons for Granting

It is considered that the use / proposed works would preserve the character and appearance of the conservation area and would not result in any significant harm to residential amenity. As such the proposal is in conformity with Policies DPS6, CHE 11 and TCS9 of the Adopted Mid Bedfordshire Local Plan (2005); Planning Policy Guidance: Planning Statement 1 Delivering Sustainable Development (2005).

Recommendation

That Planning Permission be granted subject to the following:

- 1 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not

continue in existence indefinitely if the development to which it relates is not carried out.

- 2 **Equipment shall be installed to effectively suppress and disperse fumes and/or odours produced by cooking and food preparation, and the equipment shall be effectively operated for so long as the commercial food use continues. Full details of the method of odour abatement and all odour abatement equipment to be used, including predicted noise levels of the equipment in operation, shall be submitted to and approved by the Local Planning Authority prior to the installation of the equipment. The approved equipment shall be installed and in full working order to the satisfaction of the Local Planning Authority prior to the use hereby permitted commencing.**

Reason: In order to prevent the adverse impact of odours arising from cooking activities on the amenity of nearby residents.

- 3 **The kitchen ventilation system approved in accordance with Condition 2 above, shall be so enclosed, operated and/or attenuated that noise arising from such plant shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured or calculated according to BS4142:1997, at the boundary of any neighbouring residential dwelling. The applicant shall clearly demonstrate that noise from the installed plant achieves the required noise standard, prior to the use hereby permitted commencing.**

Reason: To protect neighbouring residents from any adverse impact from noise arising from the kitchen extract ventilation system.

Notes to Applicant

1. The applicant is advised that the provision of hot food and drink after 2300 hours are licensable activities under the provisions of the Licensing Act 2003, and an appropriate premises license will be required. The applicant is advised to contact our Licensing Department on 01462 611000 for further information on licensing matters.

DECISION

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