

MAIN CASE

Proposal: Change of use of premises from offices (A2) to Business use (B1(c)). Opening hours 4 pm until 11pm.

Location: 3A Forehill Ely Cambridgeshire CB7 4AA

Applicant: Mr Ismail Uzun

Agent: Ada Group

Reference No: 10/00598/FUL

Case Officer: Ann Caffall

Parish: Ely
 Ward: Ely East
 Ward Councillor/s: Councillor Brian Ashton
 Councillor Jackie Petts

Date Received: 17 September 2010 Expiry Date: 12 November 2010

[K186]

1.0 EXECUTIVE SUMMARY AND RECOMMENDATION

- 1.1 The application for the change of use of the building at 3a Forehill, Ely, for the production of pizzas, was considered by the Planning Committee at their meeting on the 7th November 2010. It was resolved to approve the application subject to an additional two conditions to address access concerns regarding other users of the passageway, and the possibility of noise emanating from delivery vehicles
- 1.2 Having considered the concerns expressed by Members, together with Circular 11/95 "The Use of Planning Conditions in Planning Permissions", two conditions have been proposed to address these issues. One requires a layout to be agreed for the placing of bins and the stationing of vehicles (in this case scooters/mopeds), and the other relates to the running of vehicle engines.
- 1.3 The **recommendation** is that Members approve the wording of the two extra conditions to be applied to the planning permission previously approved in principle.

2.0 OFFICER REPORT

- 2.1 The passageway is in private ownership. There is an emergency exit door in the passageway, which serves the adjoining Estate Agents premises and the residential accommodation above it. The provision of fire doors, and their functionality, is controlled through Building Regulations. The developer of the property that constructed

the fire door, used an Approved Inspector, not this Council's Building Control. If there are current restrictions regarding obstruction of the fire door, then they would not be altered by the granting of planning permission. It would be up to the owner/user of the property to ensure that they can use the exit. However, having regard to the remit of the planning legislation and to Circular 11/95, it is considered that the appropriate way to address the issues of concern to members are the following conditions:

2.2 Condition 9: Prior to the commencement of development details of the positioning/parking of waste bins and any vehicles, used in connection with the business hereby approved, shall be submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure safe and clear access for other users of the passageway in accordance with Policies EN2 and S6 of the East Cambridgeshire Core Strategy.

Condition 10: Vehicle engines shall not be started or run within the alleyway, at any time, between the back edge of the footway and the building to be used for pizza production.

REASON: To safeguard the character of the area having regard to the amenities of adjoining residential properties in accordance with policies EN2 of the East Cambridgeshire Core Strategy 2009.

3.0 **RECOMMENDATION**

The suggested wording for Conditions 9 and Conditions 10 are APPROVED and attached to the eight conditions outlined in the Officer report of 1 November for the Application 10/00598/FUL.