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Planning Services
Huntingdonshire District Council
Pathfinder House, St Mary's Street
Huntingdon
PE29 3TN

Dear Sirs

APPLICATION FOR NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 24/01036/FUL – CHANGE TO DECSRIPTION OF DEVELOPMENT
PLOTS 1 AND 2 ENTERPRISE BUSINESS PARK, FORMER MUSHROOM FARM, BROADWAY, YAXLEY

I write to submit an application for a non-material amendment (NMA) to the above permission. The proposed non-material amendment is the variation of the description of development.

The approved description of development is:

Conversion of existing building to offices, erection of 6 new buildings for uses within Use Classes E, B2 and B8, erection of 1 new building for hot food takeaway (Sui generis).

It is proposed to change the description to read as follows:

Conversion of existing building to offices, erection of 7 new buildings for uses within Use Classes E, B2 and B8.

The background to this application is that we obtained planning permission for final parcel of development land (plots 1 and 2) on the Enterprise Park industrial estate which was to include a hot food takeaway as well as industrial units. The building is to be occupied by Greggs who have advised that their business model is a bakery not a hot food takeaway and should therefore be classed as falling within Use Class E(a) and (b).

I post below advice from Greggs' in-house planning advisors:

"Greggs trade as a Class E(a/b) user (Class A1/A3 under the old Use Classes Order). They are not, and never have been, defined as a hot food takeaway sui generis use.

Greggs' roots are as a bakery which has subsequently evolved to the changing needs of customers. A bakery was always a Class A1 Retail use under the old Use Classes Order. As Greggs evolved and increasingly had seating areas, they started applying for permission to occupy premises under Class A1/A3 (Retail/Café) under the old Use Class system. Recently, the A Use Classes have been amalgamated into Class E with the exclusion of hot food takeaways which are now sui generis uses.

Whilst the 'coffee shop' concept became a further cause of contention as to whether such a

use was a material change from a shop (A1) under the old Use Class Order (as when class A1 and A3 were separate this was often an issue, although coffee shops were never considered to be an A5 hot food take away use). However, we now have Class E and this certainly covers a coffee shop use, which we believe is akin to a Greggs. (To clarify I would say Greggs is a mix of Class E (a) and Class E (b)).

The phase 'hot food take aways' specifically refers to 'hot food', and sandwich shops and the like continue to be considered Class E. Sandwich bars and off-sales of other cold food was included in the former Class A1 shops class, with superseded Circular 13/87 stating that '*a sandwich bar did not cease to be in the shops class merely because it sold hot drinks, or if a few customers ate on the premises'*. 'Hot food takeaways' involve the cooking of food and sales of hot food and generally operate longer hours and come with a whole host of other issues including odours, noise, litter, behaviour etc. The Government's definition of sui generis (hot food takeaways) is 'hot food takeaway for the sale of hot food where consumption of that food is mostly undertaken off the premises'.

When we apply for Greggs, including for drive thru operations, it has always been historically for Class A1/A3 and now Class E (a/b) and Council's have been satisfied with this despite it being obvious that there is a large takeaway element associated with the drive thru'. Greggs are not 'cooking' food on the premise beyond what would normally be expected from a bakery so its operation is a akin to a bakery/sandwich shop or maybe a coffee shop, not a hot food takeaway. Accordingly, the assessment of Greggs as a hot food takeaway is misconceived and inaccurate based on the above."

We therefore request that the description of the permission is changed to reflect the correct way that the business operates. As you know, the council was previously aware that the building was for occupation by Greggs and in the previous application did not raise any issue either with that occupier or its use class. There will be no change whatsoever to the way that the site is developed, simply the way it is described, such that Greggs can confidently occupy the building.

Unlike S73 minor material amendments, which can only apply to planning conditions, S96A non-material amendments are not limited to changes to conditions. The NMA process allows changes to the decision notice, as long as they are *"not material".*

On that basis, in this case, moving from sui generis to use class E is not a material change (although it could be considered material the opposite way around with a change from class E to sui generis), particularly as no other changes to the proposed occupier or building are proposed. I therefore hope you will agree to this simple amendment.

Please do not hesitate to get in touch if you have any queries and then yours sincerely

Yours faithfully

Kate Wood

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