



Appeal Decision

Site visit made on 7 October 2025

by Jonathan Price BA(Hons) DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2025

Appeal Ref: APP/Q0505/W/25/3369992

78 Poulter Walk, Trumpington, Cambridge CB2 9GY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by DPSK Ltd against the decision of Cambridge City Council.
 - The application Ref is 24/04489/FUL.
 - The development proposed is change of use of a restaurant/café (Class E(b)) to hot food takeaway (sui generis) and installation of extraction and ventilation equipment.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of a restaurant/café (Class E(b)) to hot food takeaway (sui generis) and installation of extraction and ventilation equipment at 78 Poulter Walk, Trumpington, Cambridge CB2 9GY in accordance with the terms of the application, Ref 24/04489/FUL, subject to the conditions set out in the Schedule attached to this decision.

Main Issue

2. Whether the proposal would be acceptable in the context of promoting healthy communities.

Reasons

3. The proposal relates to a vacant, yet to be occupied ground floor unit within a four-storey block, with residential apartments above. It has a Class E(b) restaurant/café use granted under the reserved matter approval¹ for the wider commercial and residential development here. Planning law requires this appeal be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan is the Cambridge Local Plan 2018 (LP) and the appeal premises fall within mixed use development forming part of the Clay Farm Urban Extension. This is identified as site R42a (Clay Farm), planned for the delivery of 2,250 dwellings, a school, local centre and local facilities.
4. The Council considers the appeal site falls within the Clay Farm Neighbourhood Centre, as defined by Policy 6 of the LP, and the appellant does not dispute this. However, an interested party refers to the site falling outside the area edged in blue indicating the centre in Figure 3.5 of the LP. The area shown seems indicative, as

¹ Council ref: 15/0844/REM - Reserved matters application (access, appearance, landscaping, layout and scale) pursuant to outline planning permission 07/0620/OUT for the development of 251 mixed tenure dwellings including 40% affordable housing, 967 sq. m. of retail floorspace, public open space, drainage and associated infrastructure on Parcels 8A and 8B of the Clay Farm development site.

the details² since approve provide the existing Class E(b) units and other shops now forming this centre, which was still in the process of coming forward when LP Policy 6 was adopted.

5. LP Policy 6 establishes a four tier hierarchy of centres, with Neighbourhood Centres on the bottom rung beneath Local Centres. The supporting text notes that the position of a centre in the hierarchy is reflective of size and range of services and facilities, the vitality and viability of which need to be supported, referring particularly to smaller local and neighbourhood centres which perform an important function in providing for day-to-day needs. LP Policy 72 addresses changes of use in district, local and neighbourhood centres. It defines hot food takeaways as a use that is suitable at all floor levels within neighbourhood centres. It seeks that in local and neighbourhood centres an appropriate mix and balance of uses is retained which will provide for the day-to-day needs of local people.
6. Subject to conditions, the Council found the proposal to cause no unacceptable degree of harm to the amenities of adjoining residential occupiers, through levels of noise, vibration, disturbance or odour, thereby complying with LP policies 35 and 36. The scheme was found acceptable in terms of parking provision, highway safety and servicing requirements and satisfies LP policies 80, 81 and 82 in these respects.
7. The National Planning Policy Framework (the Framework) is a material consideration of considerable weight. Whilst this proposal would comply with the LP as a whole, this pre-dates Framework paragraph 97, introduced in the 2024 revision. The Council's refusal is based solely on conflict with this, and its objectives over promoting healthy and safe communities. It seeks the refusal of hot food takeaways and fast food outlets: a) within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or b) in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social-behaviour.
8. In this case there is no evidence to support the application of part b) of Framework paragraph 97. However, there is no dispute that this proposal lies within walking distance of Trumpington Community College, Trumpington Park Primary School, and Hobson Square, and hence is regularly used by young people. Whether the proposal conflicts with paragraph 97 (a) therefore turns on whether or not the proposal is within a designated town centre as defined in the Framework.
9. The Framework Glossary describes a town centre as an area defined on the local authority's policies map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. It continues that references to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance.
10. The Framework definition confirms that, unless identified as centres in the development plan, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres. This location is identified in the LP as a centre. It does not meet the Framework definition of out of centre as

² reserved matter planning application references 15/0844/REM and 21/04795/FUL

not being in or on the edge of one. Therefore, it is not precluded from constituting a town centre, as defined in the Framework, on this basis alone.

11. The LP defines a Local Centre as a cluster of shops and other community facilities that satisfy local needs, are accessible on foot and usually comprising a newsagent, a general grocery store, a sub-post office and occasionally other facilities such as a pharmacy, a public house and a hairdresser. A Neighbourhood Centre is defined as six or fewer retail units, or where the units are scattered along a road or embedded within residential areas, which serve a limited local catchment and perform more of a neighbourhood function. However, the Framework Glossary does not provide its own definitions of district and local centres. Its town centre definition does not necessarily align with the LP definitions nor categorically excludes neighbourhood centres. The Framework's definition of a town centre only specifically excludes small parades of shops of purely neighbourhood significance. Whilst a matter of judgement, I do not consider the array of shops and other services around Hobson Square to comprise a small parade. This centre provides a variety of services and facilities, including a community centre, dentist, cafe, pharmacy and two convenience stores. Despite its title, the centre is greater than of neighbourhood significance and helps serve an urban extension of some 2,250 dwellings.
12. Two appeal decisions are referenced by the Council in support of its case. That dismissed on 16 July 2019³ over the decision of Halton Borough Council to refuse change of use to A5 pizza takeaway at a location in Widnes, lends little support. Unlike in this present case, that decision had supported development plan policy conflict due to a resulting over-proliferation of takeaway uses having an adverse impact on the vitality and viability of existing designated shopping centres. This decision pre-dated Framework paragraph 97 and had not turned on issues of community health or the definition of a town centre.
13. The second is a very recent dismissal of an appeal⁴ on 30 June 2025 against the refusal of the London Borough of Waltham Forest to permit a change of use of a shop to hot food takeaway within a designated district centre and primary shopping area within Chingford. This appeal decision is more relevant to this current case as it related to Framework paragraph 97 and the same issues of community health. It was where the development plan's hierarchy of centres confirmed the site not to be within a designated town centre. Unlike in this case, the Council's decision was based on local and London Plan policies which reflected paragraph 97 in relation to proximity to schools, but which did not depend on the site being outside a town centre. The appellant points to the fact that the Inspector had not needed to grapple with the Framework definition of town centre as, unlike in this case, the development plan had generally restrictive health-related policies relating to the proximity of hot food takeaways to schools.
14. In this case, the Council finds no conflict with the development plan, only the more recent Framework paragraph 97. The neighbourhood centre classification of Clay Farm, at a fourth and bottom tier as defined in the LP, does not automatically exclude it from the Framework definition of a Town centre. Defined in the LP policies map and amounting to more than a small parade of shops of purely

³ Appeal Ref: APP/D0650/W/19/3224846

⁴ Appeal Ref: APP/U5930/W/25/3360723

neighbourhood significance, I consider it falls within this. Although within walking distance of schools and other places where children and young people congregate, this location would not be one where Framework paragraph 97 requires hot food takeaways and fast food outlets be refused. National policy would therefore not indicate this proposal to be in an unacceptable location in the context of promoting healthy communities.

Other Matters

15. Consideration has been given to the further matters of concern raised by interested parties, including the local Councillors. There is no harmful over-concentration of the proposed use in this centre, and the planning system does not discriminate over the nature of the operator nor seeks to restrict market competition.
16. The proposal addresses refuse management and, whilst a reasonable matter of concern, there would be no compelling grounds to resist this proposal due to the harmful impacts of increased littering in the vicinity.
17. Measures are required to address both odour and noise, subject to which the proposal would not have an unacceptable effect on the living conditions of neighbouring residents. Poulter Walk is a pedestrian thoroughfare, and concerns are raised over conflict with delivery vehicles and motorcycles. The local highway authority has not maintained an objection to this proposed use, following the further information sought, so there are no grounds for finding it would have an unacceptable impact on highway safety.

Conclusion

18. Conditions are necessary setting the standard three year time period for commencement and establishing the approved drawings. In the interests of the living conditions of nearby residents, the further conditions suggested by the Council are also needed. These restrict hours of opening and collection and delivery times, the size of delivery vehicle and address mitigation over odour and noise. For certainty, a condition precludes external lighting.
19. The Framework is a material consideration of considerable weight. However, it must be applied independently from the LP. For the reasons given, this proposal falls within a location meeting the Framework's definition of a town centre, where it would not be precluded under the terms of paragraph 97. As a material consideration, this would not indicate this appeal be determined otherwise than in accordance with the LP, which this proposal would accord with as a whole. Therefore, this proposal would not conflict with planning policy to promote healthy communities and, subject to the conditions set out below, I conclude the appeal succeeds.

Jonathan Price

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with document Nos: site location plan C5412—LP08A, block plan C5412-BP09 Rev A, C5412-A5-05 REV B - proposed floor plans, C5412-A5-06 REV C - proposed elevations, 24097-002 noise assessment and C5412 (Rev B) Annex B.
- 3) The premises shall only be open for customers, and for takeaway collections and deliveries of food to customers, between the following hours: 0900 – 2300 Mondays - Saturdays and 0900 - 2200 Sundays and Public Holidays.
- 4) All service collections and dispatches from, and deliveries to the use hereby permitted, including refuse and recycling collections, shall only take place between the following hours: 0800 – 2100 Mondays - Saturdays and 0900 - 1300 Sundays and Public Holidays.
- 5) The use hereby permitted shall not be serviced by Heavy Goods Vehicles of over 12.1 metres in length.
- 6) Prior to the commencement of the use hereby permitted, the odour abatement plant, associated equipment and maintenance schedules as specified within the Annex B Document – Proposed ventilation system – C5412 – Rev B dated 5th March 2025 shall be implemented and thereafter maintained in accordance with the approved details.
- 7) Prior to the commencement of the use hereby permitted, all plant, associated equipment, and specified mitigation shall be installed and implemented in accordance with the operational noise levels and noise mitigation scheme measures as specified in the submitted Philip Acoustics Ltd “Noise assessment for mechanical services plant” (report ref: 24097-002, dated March 2025) and thereafter retained and maintained as such.
- 8) The use hereby permitted shall be carried out only accordance with a Noise Management Plan setting out measures to minimise noise from associated delivery and collection that shall have had the prior written approval of the local planning authority.
- 9) No external lighting shall be provided to the use hereby permitted.
