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<b>Application Number</b>	12/0398/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	27th March 2012	<b>Officer</b>	Mr Amit Patel
<b>Target Date</b>	22nd May 2012		
<b>Ward</b>	Petersfield		
<b>Site</b>	50 Mill Road Cambridge CB1 2AS		
<b>Proposal</b>	Use of existing structure for use as a "shisha" pipe smoking shelter.		
<b>Applicant</b>	Mr Mohammed Al Aoor c/o Agent		

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SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>Ancillary to the existing A1 unit</p> <p>Conditions to control hours not to be used past 9pm</p> <p>Structure previously approved (11/0053/FUL)</p>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application relates to the ground floor of a property on the southern side of Mill Road in the parade of shops located between Covent Garden and Mawson Road. The ground floor of No.50 is presently used as an internet café at the front and a shisha area to the rear, beneath the polycarbonate structure which was approved under planning reference 11/0053/FUL. There is a first floor flat located above the shop which is accessed from the passage, which runs to the east of the site and has a right of way through the rear yard in order to access a metal staircase.

- 1.2 There is an area of parking to the rear of the property, although this is not directly linked to the property which is the subject of this application. The building is located in Cambridge City Council Conservation Area 1 (Central). The development will not impact upon any Listed Buildings, nor any protected trees, but is in the controlled parking zone.
- 1.3 There is no on-street parking on the frontage, with Mill Road being controlled via double yellow lines, although a number of vehicles regularly park on the road in the surrounding areas for deliveries to neighbouring premises. The area is subject to a high footfall, and a large amount of vehicular traffic.

## 2.0 THE PROPOSAL

- 2.1 This application seeks approval for the rear existing structure to be used as a “shisha” pipe smoking shelter. A previous application where, a change of use was sought for the existing A1 use to A3 and the rear covered yard area as sui generis (11/1373/FUL) was refused under delegated powers on 20<sup>th</sup> January 2012.
- 2.2 The application is accompanied by the following supporting information:
1. Design Statement
  2. Plans

## 3.0 SITE HISTORY

Reference	Description	Outcome
11/1373/FUL	Retrospective application for the change of use from A1 shop to A3 cafe, rear covered yard area only (sui generis).	REF
11/0053/FUL	Retrospective application for the covered rear yard as built.	A/C
C/02/0608	Change of use from shop (Class A1) to takeaway (Class A3) at ground floor.	REF
C/97/0995	Change of use of retail unit (Class A1) to restaurant (Class A3).	REF

C/97/0318      Change of use of retail unit      REF  
 (Class A1) to  
 takeaway/restaurant (Class A3).

#### 4.0 PUBLICITY

4.1 Advertisement:                      No  
 Adjoining Owners:                    Yes  
 Site Notice Displayed:                No

#### 5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, East of England Plan 2008 policies, Cambridgeshire and Peterborough Structure Plan 2003 policies, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
East of England Plan 2008	SS1 ENV6 ENV7
Cambridge Local Plan 2006	3/1 3/4 4/11 4/13 4/15 6/7 6/10

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 Circular 11/95
Supplementary Planning Documents	Sustainable Design and Construction
Material	<u>Central Government:</u>

Considerations	<p>Letter from Secretary of State for Communities and Local Government (27 May 2010)</p> <p>Written Ministerial Statement: Planning for Growth (23 March 2011)</p>
	<p><u>Area Guidelines:</u></p> <p>Conservation Area Appraisal: Mill Road Area</p>

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Engineering)

6.1 No comment to make on this application.

#### Head of Environmental Services

6.2 There have been no record of noise complaints from the site since 2008 but the site is surrounded by residential properties and therefore the use should be restricted to 21:00 hours as per the previous application.

#### Historic Environment Manager

6.3 The structure has already been established and therefore the impact of the proposal on the Conservation Area has already been assessed and therefore the proposal is acceptable.

6.4 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## 7.0 REPRESENTATIONS

7.1 Glisson Road/Tenison Road Area Residents Association has commented that the proposal is used as a cafe rather than the internet cafe as stated and has stated noise and disturbance to neighbouring properties is caused.

7.2 The owners/occupiers of the following addresses have made representations:

1 Mill Street  
5 Mill Street

7.3 The representations can be summarised as follows:

Noise and disturbance associated with the use;  
As long as the people are not outside after 11pm then there are no objections

7.4 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

## **8.0 ASSESSMENT**

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Third party representations

### **Principle of Development**

8.2 The shop is within a local centre and therefore policy 6/7 is relevant. The policy seeks to protect A1 uses to a level above 60% shop fronts within the local centre. Having discussed the proposal with policy colleagues, I note that the existing shop will still remain as an internet cafe and the use of the structure in the rear yard will be similar to a smoking shelter at pubs and therefore ancillary. The shisha smoking will be carried out in this area and the shop will continue to supply hot and cold drinks to the patrons. I do not consider that the application would cause the loss of a Class A1 use, and consequently, I do not consider that there is any conflict with policy 6/7.

8.3 The proposal is a retrospective application for the use of the rear covered area as a shisha smoking place. The current use of the whole unit is an internet cafe, (Use Class A1).

Representations have implied that the use is not an internet cafe. I note from my site visit however that the shop does have computer terminals and I witnessed some use. In my view, there is no substantial evidence to suggest the site is not used as a Class A1 shop.

- 8.4 In my opinion, the principle of the development is acceptable and in accordance with policy 6/7.

### **Context of site, design and external spaces**

- 8.5 The structure has already gained approval and the design and location of the structure is not changing.
- 8.6 In my opinion the proposal is compliant with East of England Plan (2008) policy ENV6 and ENV7 and Cambridge Local Plan (2006) policies 3/4 and 4/11.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.7 The proposal is located in the rear yard. The site is surrounded by residential properties on all boundaries and therefore the impact of the use on these properties is material. Comments have been received that the proposal already creates a noise nuisance to the neighbouring occupiers but colleagues in Environmental Health have commented that there have been no complaints since 2008. Environmental Health Officers agree that this is a very sensitive area and therefore agree that the area should not be used past 9pm I agree. I am also of the view that there shall be no amplified music/tv in the area and therefore I impose conditions to control this.
- 8.8 Subject to conditions, in my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with East of England Plan (2008) policy ENV7 and Cambridge Local Plan (2006) policies 3/4 and 4/13.

## **Third Party Representations**

- 8.9 The third party objections have been addressed in the main report above in the Principal and Residential Amenity section of the report.

## **9.0 CONCLUSION**

The proposal seeks retrospective approval for the use of the rear covered area to be used as a shisha smoking area. Having assessed the proposal I consider that subject to conditions the proposal is acceptable and recommend APPROVAL.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

1. No amplified or unamplified music shall be played in or transmitted to the external covered area which is the subject of this application, nor shall any television, radio, video or other equipment producing sound, be used in the area.

Reason: To protect the amenity of any adjoining or nearby residential/sensitive properties. (Cambridge Local Plan (2006) policy 4/13)

2. The rear courtyard shall not be used after 21:00 hours during any part of the week.

Reason: In the interest of residential amenity. (Cambridge Local Plan (2006) policy 4/13).

### **Reasons for Approval**

1. This development has been approved, conditionally, because subject to those requirements it is considered to conform to the Development Plan as a whole, particularly the following policies:

East of England plan 2008: SS1, ENV6 and ENV7

Cambridge Local Plan (2006): 3/1, 3/4, 4/11, 4/13, 4/15, 6/7 and 6/10

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at [www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess) or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

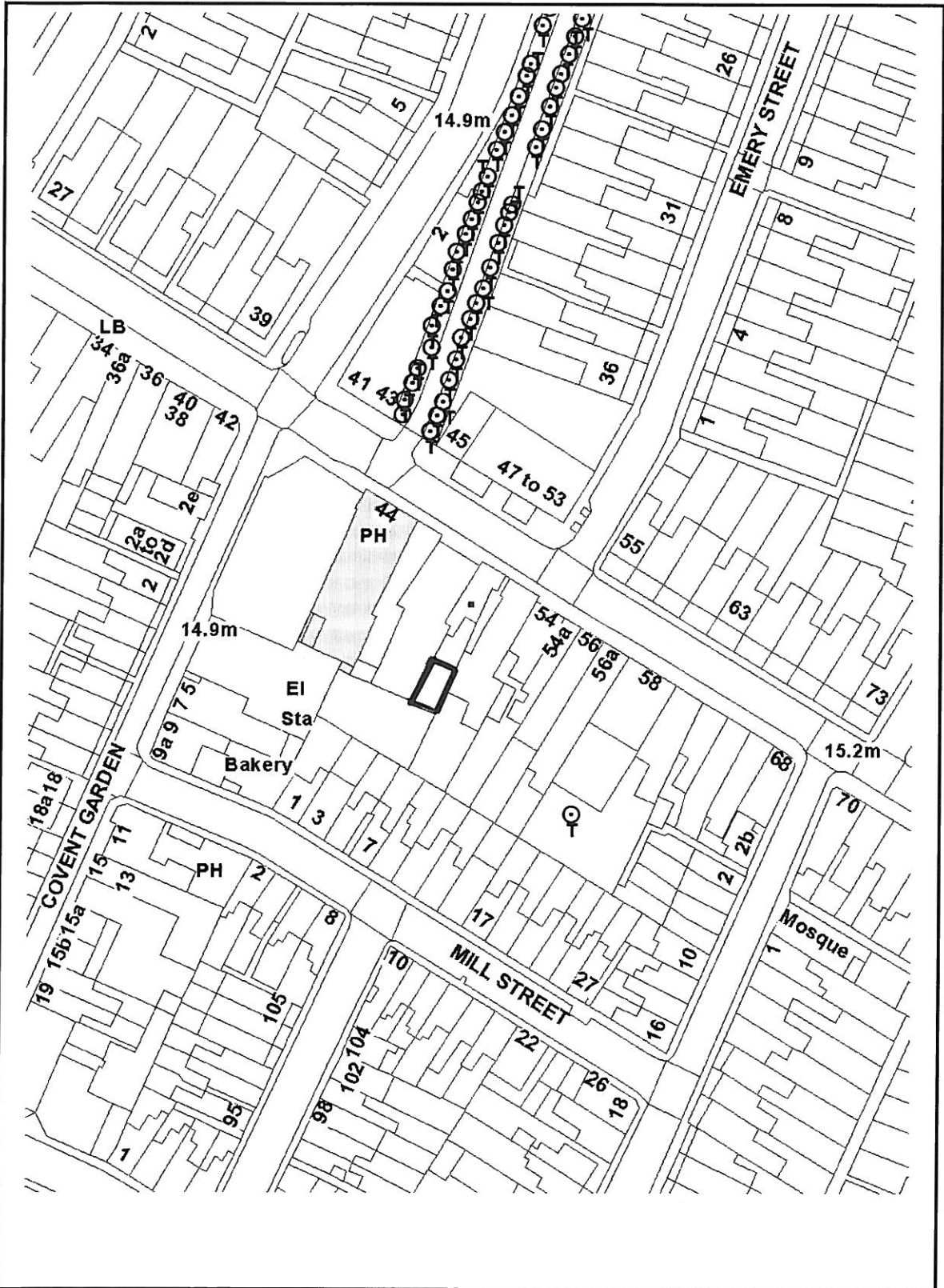
## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected on the City Council website at: [www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess) or by visiting the Customer Service Centre at Mandela House.

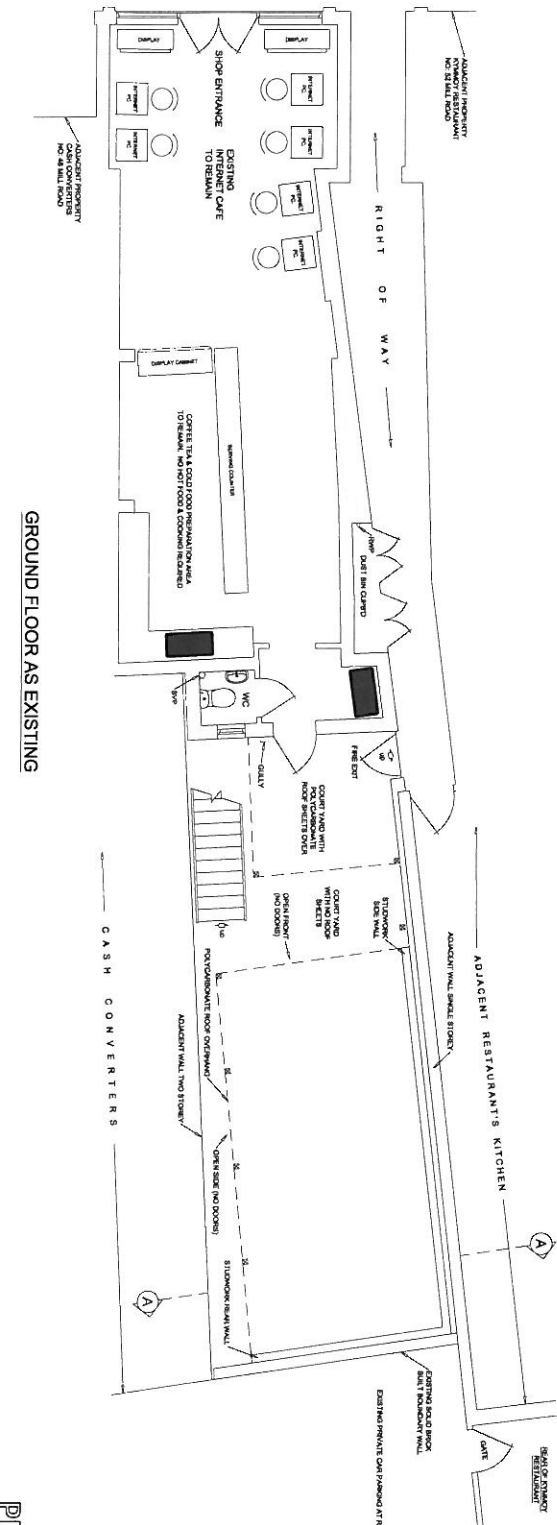




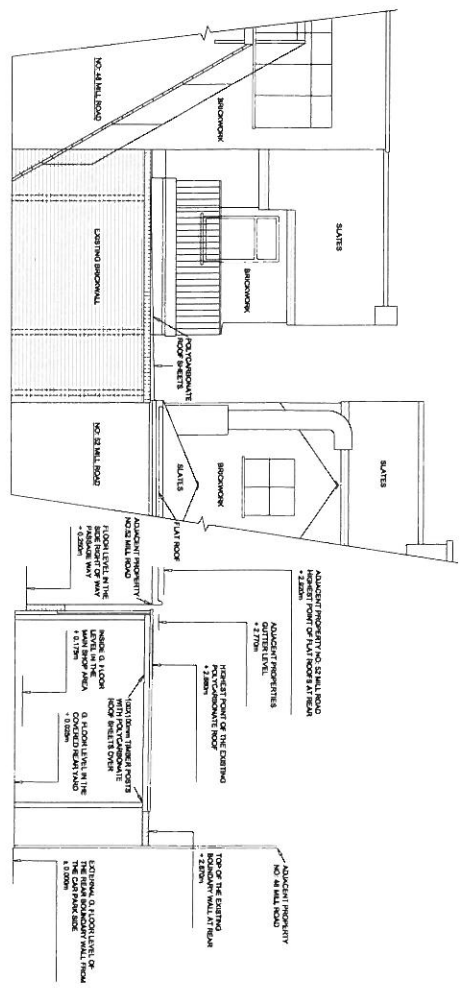
12/0398/FUL  
50 Mill Road Cambridge

M I L L R O A D

FOOT PATH

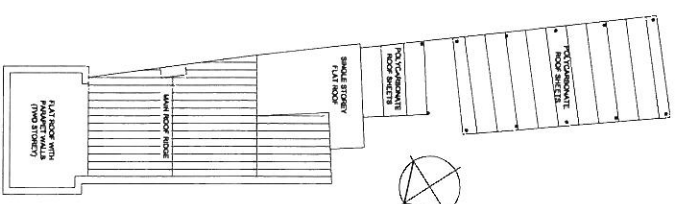


GROUND FLOOR AS EXISTING

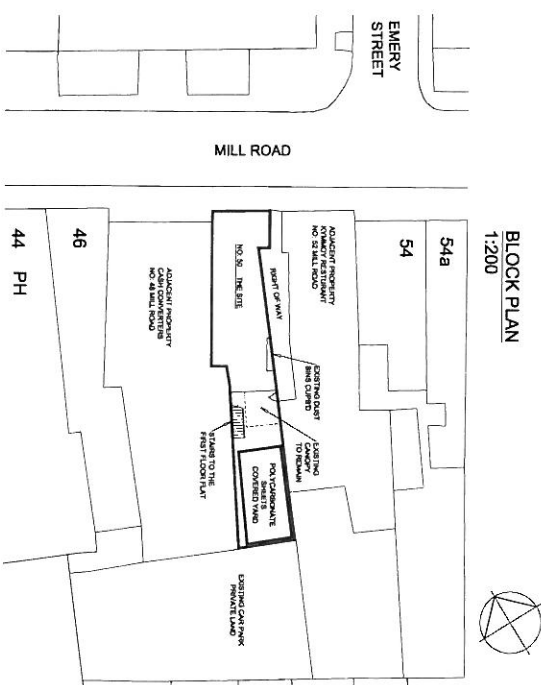


REAR ELEVATION AS EXISTING

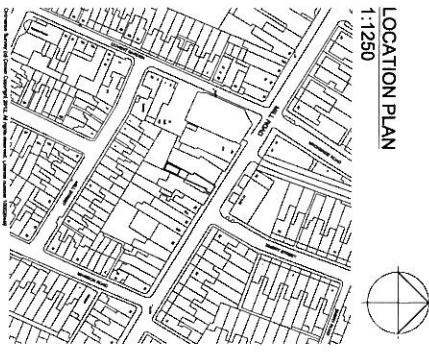
SECTION A-A (AS EXISTING)



EXISTING ROOF PLAN 1:100



BLOCK PLAN 1:200



LOCATION PLAN 1:1250

PLANNING

**JANUARY'S CONSULTANT SUPERVISORS**  
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 Email: info@january.co.uk  
 Website: www.january.co.uk

Client: WRS  
 Date: 22.03.12  
 Drawing No: BS369(66) - 01  
 Drawing Title: EXISTING PLANS, ELEVATIONS, LOCATION, BLOCK ROOF PLANS AND SECTION  
 Scale: 1:50 @ A1  
 Checked by: SWB  
 Date: 15.04.12