

Application Number	14/1278/FUL	Agenda Item	
Date Received	19th August 2014	Officer	Elizabeth Thomas
Target Date	14th October 2014		
Ward	Romsey		
Site	160 Mill Road Cambridge Cambridgeshire CB1 3LP		
Proposal	Retrospective change of use from wig shop to ice cream and dessert parlour (class A3)		
Applicant	Mrs D Vara 160 Mill Road Cambridge Cambridgeshire CB1 3LP		

<p>SUMMARY</p>	<p>The development accords with the Development Plan for the following reasons:</p> <p>It would not reduce the proportion of A1 uses in the local centre below 60 %</p> <p>It would contribute to the vitality and viability of the local centre</p> <p>The change could be made on a temporary basis without the need for planning permission</p>
<p>RECOMMENDATION</p>	<p>APPROVAL subject to conditions.</p>

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 160 Mill Road is situated on Mill Road Broadway opposite terraced residential properties and a public house on the corner of Great Eastern Street just before Mill Road Bridge on the southern side.
- 1.2 160 Mill Road is adjacent to other retail and commercial units. The site is situated within the Mill Road conservation area, and number 160 is designated as a positive unlisted building in the Mill Road Conservation Area Appraisal (2011).

2.0 THE PROPOSAL

- 2.1 The proposal is for a retrospective change of use from a wig shop (A1 use) to ice cream and dessert parlour (class A3) only. As the application is retrospective the work has already been carried out to the unit and the unit is operating as an A3 use.
- 2.2 It should also be noted there has been a Shisha Lounge erected to the rear of the A3 operating unit, which does not have planning permission neither does it form part of this application. The design and access statement submitted with this application states; *'...it has been decided not to proceed with the Shisha Lounge at the rear of the property and it is intended to dismantle the construction as soon as practicable'*. It should also be noted that the structure which was erected to facilitate the use of a Shisha Lounge to the rear of the A3 operating unit did not have planning permission neither did it form part of this application. The design and access statement submitted with this application states; *'...it has been decided not to proceed with the Shisha Lounge at the rear of the property and it is intended to dismantle the construction as soon as practicable'*.
- 2.3 The application is accompanied by the following supporting information:
1. Design and Access Statement (July 2014)
 2. Location Plan
 3. Previous Existing and Retrospective Proposed floor plans (July 2014)

3.0 SITE HISTORY

3.1

Reference	Description	Outcome
14/0955/FUL	Retrospective change of use from wig shop to ice cream and dessert parlour with Shisha lounge to rear.	Withdrawn
13/0663/FUL	Change of use from hair and wig shop to Dessert parlour	Withdrawn

4.0 PUBLICITY

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

5.0 POLICY

5.1 Central Government Advice

National Planning Policy Framework 2012
National Planning Practice Guidance 2014
Circular 11/95 – The Use of Conditions in Planning Permissions
(Annex A)

5.2 Cambridge Local Plan 2006

3/4 Responding to context
3/7 Creating successful places
4/11 Conservation Areas
6/7 Shopping development and change of use in the District
and Local Centres
6/10 Food and drink outlets
8/1 Spatial location of development
8/2 Transport impact

5.3 Material Considerations

Area Guidelines

Mill Road Area Conservation Area Appraisal (2011)

6.0 CONSULTATIONS

Environmental Health

6.1 No objections. Condition on hours of use, and informatives recommended.

Cambridgeshire County Council (Highways)

- 6.3 Highways do not consider that significant impact could be demonstrated to result from this proposal, should the Planning Authority be minded to grant approval.
- 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 Two objections have been received. Both objections are from number 162 Mill Road and are in relation to the Retrospective Shisha Lounge, which as previously mentioned does not form part of this application. The representations do not object to the change of use from A1 to A3.
- 7.2 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 The retrospective change of use from a wig shop to ice cream and dessert parlour (class A3) adds to the variety and vitality of the Broadway experience. Policy 6/7 states it is permitted for a change of use from A1 to A3 providing the A1 use class does not fall below 60%. The councils shopping survey (2012) shows A1 retail units of 75% including vacant A1 uses.
- 8.2 It is also important to be mindful of the changes to COU permitted development rights insofar as you can convert an A1 unit to A3 on a two year temporary permitted change. I am also mindful of the fact that if prior notification is given (which did not happen in this case) an A1 use can be changed to A3 for a temporary period of two years under the current permitted development rules. I do not consider that the ice cream parlour use is likely to lead to unacceptable levels of noise or litter.
- 8.3 The Highways authority is content that the servicing and frequency of deliveries associated with the A3 use would not cause significant additional detriment to highway safety.

9.0 CONCLUSION

- 9.1 The granting of this permission is solely for the change of use from A1 to A3 not the shisha lounge to the rear of the retrospective A3 unit.
- 9.2 The A3 unit is compliant with policy 6/7 based on 2012 policy monitoring evidence. It does not cause any harm to the conservation area, but adds variety and diversity to Mill Road as a whole. With prior notification, the unit could also have been changed to A3 use for a temporary two-year period without needing permission. On this basis the application is acceptable.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. The A3 use shall only be open for business to customers between the hours of 11:00hrs to 23:00hrs Monday to Saturday and 11:00hrs to 22:00hrs on Sundays and Bank Holidays.

Reason: To protect the amenity of the adjoining properties.

INFORMATIVE: As the premises is intended to be run as a food business the applicant is reminded that under the Food Safety Act 1990 (as amended) the premises will need to be registered with Cambridge City Council. In order to avoid additional costs it is recommended that the applicant ensure that the kitchen, food preparation and food storage areas comply with food hygiene legislation, before construction starts. Contact the Food and Occupational Safety (FOS) Team of the Refuse and Environmental Service at Cambridge City Council on telephone number (01223) 457890 for further information.

INFORMATIVE: If the premises are intended to provide alcohol, regulated entertainment or food after 11pm or before 5am it may require a Premise Licence under the Licensing Act 2003. The applicant is advised to contact The Licensing Team of Environmental Health at Cambridge City Council on telephone number (01223) 457899 for further information.