

Application Number	11/0255/FUL	Agenda Item	
Date Received	8th March 2011	Officer	Miss Catherine Linford
Target Date	3rd May 2011		
Ward	Petersfield		
Site	102 Mill Road Cambridge Cambridgeshire CB1 2BD		
Proposal	Change of use from A1 to mixed Use Class A1/A3 and single storey rear extension.		
Applicant	Mr A Malik 102 Mill Road Cambridge Cambridgeshire CB1 2BD		

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 102 Mill Road is situated on the south-western side of Mill Road, within City of Cambridge Conservation Area 1 (Central), in the area covered by the Mill Road and St Matthews Area Conservation Area Appraisal. The site is also within the Mill Road West District Centre. The surrounding area is mixed in character, with commercial and residential properties.

2.0 THE PROPOSAL

2.1 Full planning permission is sought for the Change of Use of the ground floor of the premises to a mixed A1/A3 Use. Permission is also sought for a single storey rear extension to the property.

2.2 The single storey extension would measure 5.8m in depth, leaving a yard area at the rear of the property. The extension would cover the width of the site and would be 2.6m in height. The extension would be built of brick, to match the existing building, with a flat, asphalt roof.

2.3 Bin storage would be provided in the yard area at the rear of the premises, accessed from an alleyway at the rear of the site or through the property.

2.4 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Use Class survey
3. Appeal Decisions (not for this site but for, what the applicant considers to be, similar sites across the country)

3.0 SITE HISTORY

Reference	Description	Outcome
C/97/0466	Change of use from shop with ancillary residential flat over (A1/C3) to hotfood takeaway use (A3) and self-contained flat (C3).	REF
C/98/0524	Change of use from class A1 to class A3 (takeaway) and change of use from class A1 to residential (part ground floor).	REF Appeal dismissed
C/01/1382	Continuation of existing mixed Class A1 (shops) and Class A3 (food and drink) use without compliance with condition 8 of planning permission C/01/1382/FP	A/C
C/04/0351	Change of use from Class A1 shop to a mixed Class A1 shop and Class A3 food and drink use.	REF

4.0 PUBLICITY

4.1 Advertisement:	Yes
Adjoining Owners:	Yes
Site Notice Displayed:	Yes
Public Meeting/Exhibition (meeting of):	No
DC Forum (meeting of):	No

5.0 POLICY

5.1 Central Government Advice

5.2 **Planning Policy Statement 1: Delivering Sustainable Development (2005):** Paragraphs 7 and 8 state that national

policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

- 5.3 **Planning Policy Statement 5: Planning for the Historic Environment (2010):** sets out the government's planning policies on the conservation of the historic environment. Those parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest are called heritage assets. The statement covers heritage assets that are designated including Site, Scheduled Monuments, Listed Buildings, Registered Parks and Gardens and Conservation Areas and those that are not designated but which are of heritage interest and are thus a material planning consideration. The policy guidance includes an overarching policy relating to heritage assets and climate change and also sets out plan-making policies and development management policies. The plan-making policies relate to maintaining an evidence base for plan making, setting out a positive, proactive strategy for the conservation and enjoyment of the historic environment, Article 4 directions to restrict permitted development and monitoring. The development management policies address information requirements for applications for consent affecting heritage assets, policy principles guiding determination of applications, including that previously unidentified heritage assets should be identified at the pre-application stage, the presumption in favour of the conservation of designated heritage assets, affect on the setting of a heritage asset, enabling development and recording of information.
- 5.4 **Planning Policy Guidance 24 - Planning and Noise (1994):** States at paragraph 12, that planning authorities should consider carefully whether new noise-sensitive development would be incompatible with existing activities. At paragraph 13, a number of mitigation measures are suggested which could be introduced to control the source of, or limit exposure to, noise.

5.5 **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

5.6 **East of England Plan 2008**

SS1: Achieving Sustainable Development
ENV6: The Historic Environment
ENV7: Quality in the Built Environment

5.7 **Cambridge Local Plan 2006**

3/1 Sustainable development
3/4 Responding to context
3/7 Creating successful places
3/14 Extending buildings
4/11 Conservation Areas
6/7 Shopping development and change of use in the District and Local Centres
6/10 Food and drink outlets

5.8 **Material Considerations**

Central Government Guidance

Letter from Secretary of State for Communities and Local Government (27 May 2010)

The coalition government is committed to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

Written Ministerial Statement: Planning for Growth (23 March 2011)

Includes the following statement:

When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate

housing, economic and other forms of sustainable development. Where relevant and consistent with their statutory obligations they should therefore:

(i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;

(ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;

(iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);

(iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;

(v) ensure that they do not impose unnecessary burdens on development.

In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

Area Guidelines

Mill Road and St Matthews Conservation Area Appraisal (1999)

Guidance relating to development and the Conservation Area.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

6.1 No Objection.

Head of Environmental Services

6.2 Objects: Odour and noise from the commercial use is likely to result in harm to the amenity of the adjacent residential uses.

Historic Environment Manager

6.3 No objection: There will be little impact on the character or appearance of the Conservation Area.

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 Councillor Walker has commented on this application. The representation is attached to this report.

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

Object

- 104 Mill Road
- Glisson Road/Tenison Road Area Residents Association

Support

- Abu Bakr Islamic School, 29 Wolsey Way
- Abu Bakr Siddiq Islamic Centre, Mawson Road
- ARU Islamic Society
- Cambridge Senior Musliims
- Building Bridges Cambridge
- Cambridge University Islamic Society
- Bolton's Warehouse, 23 Tenison Road
- 152 Blinco Grove
- A petition has also been received containing 164 signatures

- 7.3 The representations can be summarised as follows:
- The percentage of A1 uses in the District Centre already falls below 60%.
 - Inadequate waste storage
 - This is the only halal food supplier in the area.
 - The business is a social enterprise and the owner has a tremendous sense of charity.
 - Cambridge City Council should support small local businesses.
- 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. Residential amenity
3. The design of the proposed rear extension
4. Refuse arrangements
5. Third party representations

Principle of Development

- 8.2 Policy 6/7 of the Cambridge Local Plan (2006), relating to change of use in District Local Centres, states that

Change of use from A1 to A2, A3, A4 or A5 in District and Local Centres will only be permitted provided the percentage of A1 uses does not fall below 60% (measured by number of units). Change of use from A1 to other uses will not be permitted.

- 8.3 102 Mill Road is situated within the Mill Road West District Centre. The property is currently being used as a restaurant (A3) but its permitted use is A1. Therefore, policy 6/7 of the Local Plan does apply to this application.
- 8.4 This application seeks planning permission to change the use of the premises to a mixed A1/A3 use. In this case, it could be argued that policy 6/7 of the Local Plan does not apply, as the

A1 use remains. However, from looking at the proposed floor plans, I do not consider that the proposed use can properly be considered a mixed A1/A3 Use. In my opinion, what the plans show is a Class A3 Use, with an ancillary, secondary Class A1 activity. This means that policy 6/7 of the Local Plan does apply, and this is the use I will assess.

8.5 As part of the application, the applicant has submitted a survey of the Uses within the Mill Road West District Centre, which concludes that 64.6% (51 out of 79) of the total number of units are in A1 Use. I have also carried out a survey and I do not agree with these calculations. I believe that far less units are in A1 Use, and believe that approximately only 40% of the units within the Mill Road West District Centre are in A1 Use. The submitted survey does not include all of the units, which fall within the District Centre, and also states that some units are in A1 Use, when they are in fact in A3 Use or are a sui generis use.

8.6 I note the advice in the Ministerial Statement 'Planning for Growth' (2011) that local authorities should have regard to the need to foster economic growth, and the possible economic and social benefits of proposals. I acknowledge that the possible economic and social benefits of the proposal must be given some weight, but in my view, the economic and social benefits of viable and vital local shopping centres, which policy 6/7 seeks to protect by restricting changes from A1 to A3 use outweigh the potential benefits of the proposal in this respect.

8.7 In my opinion, the principle of change of use is unacceptable and contrary to policy 6/7 of the Cambridge Local Plan (2006).

Residential Amenity

8.8 Notwithstanding the views I have expressed relating to the Use in principle, it is my opinion, that if the change of use is approved, the neighbours likely to be affected are those occupying the flat on the first floors of 102 and those occupying the flats in the neighbouring property, 100.

Noise and disturbance

8.9 The noise and disturbance created by an A3 Use is potentially far greater than that created by an A1 Use. However, the

applicant has requested the relatively restricted opening hours of Monday –Saturday 10am to 11pm, and Sundays and Bank Holidays 10am to 10pm. Considering the other evening businesses in the area, I do not consider these hours to be excessive, and I am of the view that the use will not cause significant harm to neighbouring occupiers. Environmental Health have recommended a condition restricting music to background music only, which I do not consider to be unreasonable.

The existing flue and odour

- 8.10 Environmental Health have raised concerns about the existing extraction system. The current flue discharges down through a swan neck onto the balcony at the rear of the neighbour, 100 Mill Road. It is also below the height of the ridge of the rear addition to 100. These factors will allow odour to be drawn into the first floor flats at both 100 and 102. The flue also blocks the window to the rear bedroom of the first floor flat in 102.
- 8.11 Planning permission has not been granted for the flue, and this application does not seek planning permission for the flue. If the application for change of use is approved, I would recommend a condition requiring an improved extraction system, in line with the recommendations made by Environmental Health.
- 8.12 In my opinion, subject to conditions, the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

The design of the proposed rear extension

- 8.13 Notwithstanding the views I have expressed relating to the Use, the proposed extension will be to the rear of the property, and this will have no impact on the character or appearance of the Conservation Area. The design of the extension is simple, and would be in keeping with the design of the building, and therefore I consider it to be acceptable from the visual perspective.
- 8.14 In my opinion the proposed extension is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/14.

Refuse Arrangements

- 8.15 Environmental Health were originally concerned that due to the size of the proposed extension, there would not be sufficient remaining yard space to allow for refuse storage. Businesses are required to sort their waste, and a unit of this size is likely to require two chamberlain bins. The flat above requires three wheelie bins.
- 8.16 Following on from this advice, the applicant has provided a plan demonstrating that there is adequate space for two chamberlain bins and three wheelie bins. Environmental Health are now satisfied that adequate refuse storage can be provided.
- 8.17 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/7, in relation to refuse storage.

Third Party Representations

- 8.18 A number of letters of support have been received, explaining that the premises is currently the only halal food supplier in the area and that this is a social enterprise and the owner is very charitable. I accept this and do not dispute that the premises serves a local need, but this can not be used to justify the grant of planning permission.

9.0 CONCLUSION

- 9.1 In my opinion, this application can be split into two distinct elements – change of use, and the erection of a rear extension. It is my view, that the principle of change of use is contrary to policy 6/7 of the Cambridge Local Plan (2006) and therefore this element of the proposal is recommended for refusal. The rear extension is of an appropriate design and would, in my opinion, have no detrimental impact on neighbours, and therefore I recommend this element of the proposal for approval, subject to conditions.

10.0 RECOMMENDATION

PART REFUSE, PART APPROVE

Refuse consent for change of use, for the following reason:

Approve consent for the single storey rear extension, subject to the following conditions, and for the following reason:

1. The change of use would result in the overall percentage of A1 uses within a District Centre, as designated in the Cambridge Local Plan 2006, falling further below 60% restricting the ability of local residents to shop close to where they live, contrary to policy 6/7 of the Cambridge Local Plan 2006.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

3. The extension hereby permitted shall be constructed in external materials to match the existing building in type, colour and texture.

Reason: To ensure that the extension is in keeping with the existing building. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

Reasons for Approval

1. This development has been partially approved, conditionally, because subject to those requirements the rear extension element of the proposal is considered to conform to the Development Plan as a whole, particularly the following policies:

East of England plan 2008: SS1, ENV6, ENV7

Cambridge Local Plan (2006): 3/1, 3/4, 3/7, 3/14, 4/11, 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.

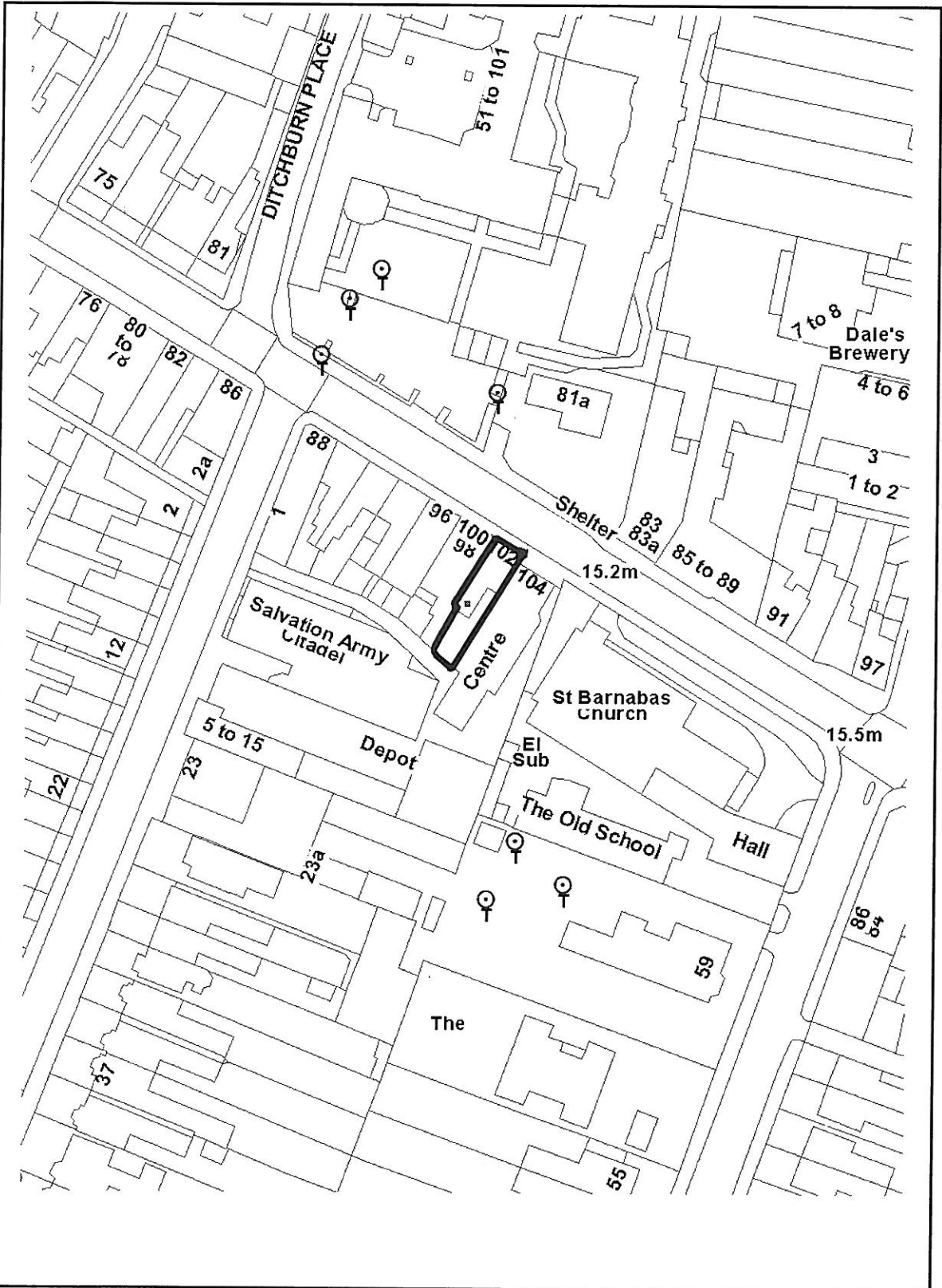
These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at www.cambridge.gov.uk/planningpublicaccess or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2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

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

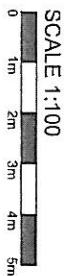
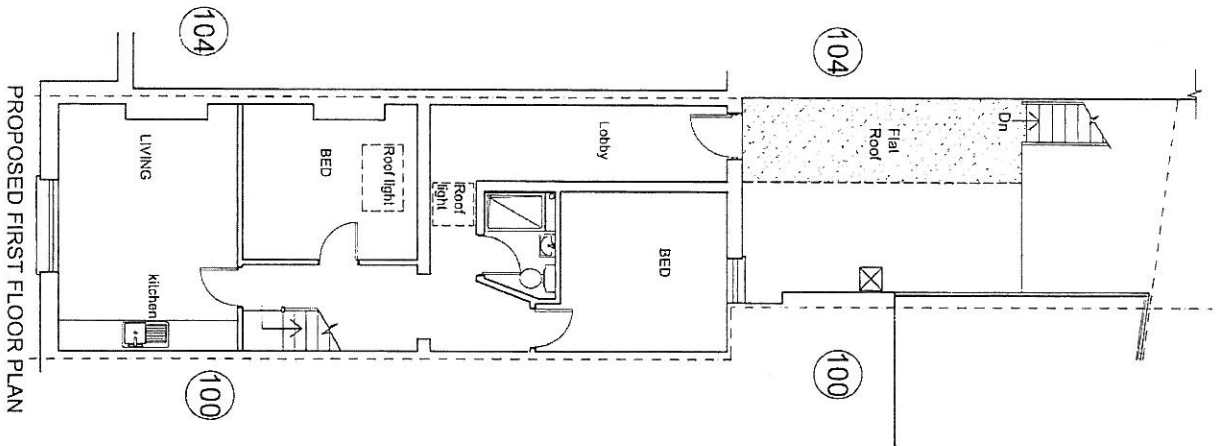
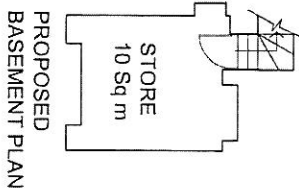
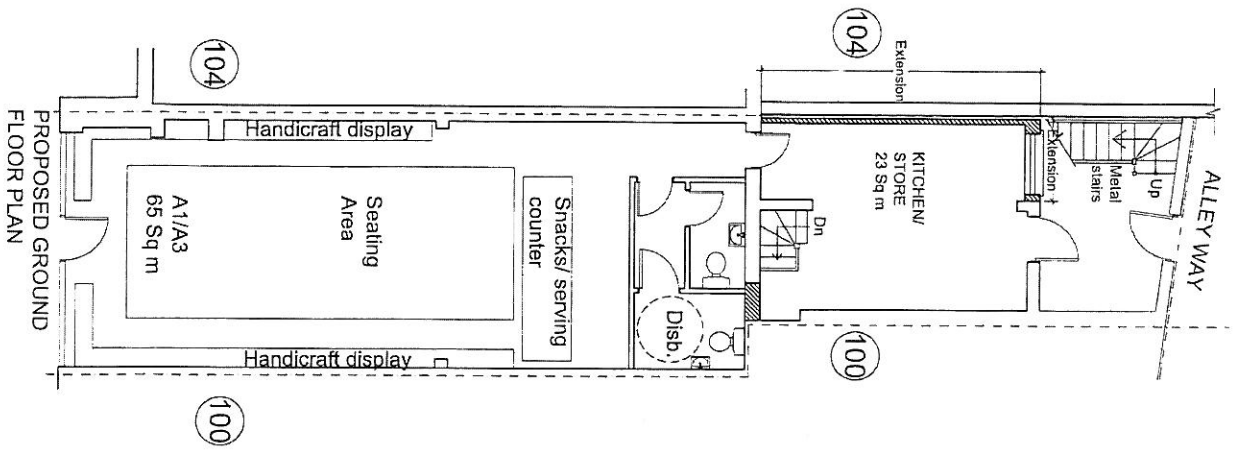
Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

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 by contacting John Summers (Ext.7103) in the Planning Department.



11/0255/FUL
102 Mill Road Cambridge



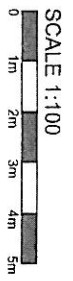
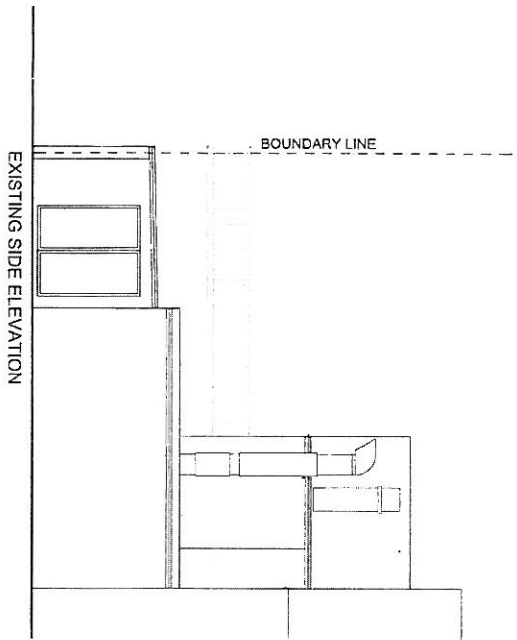
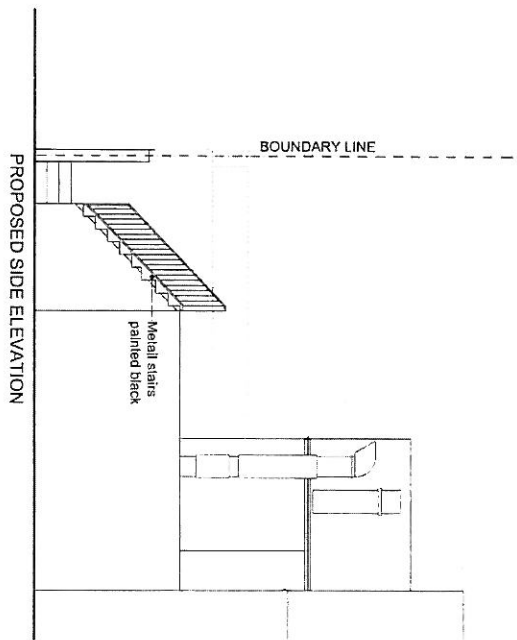
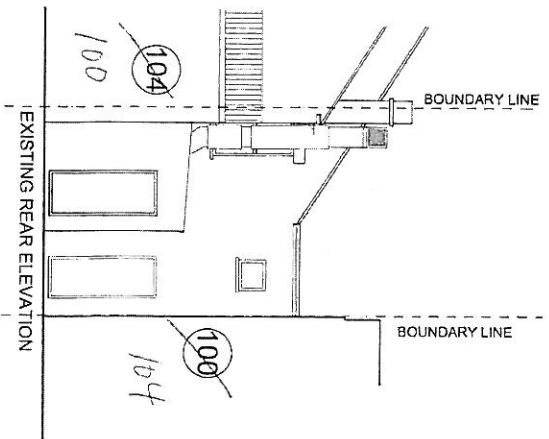
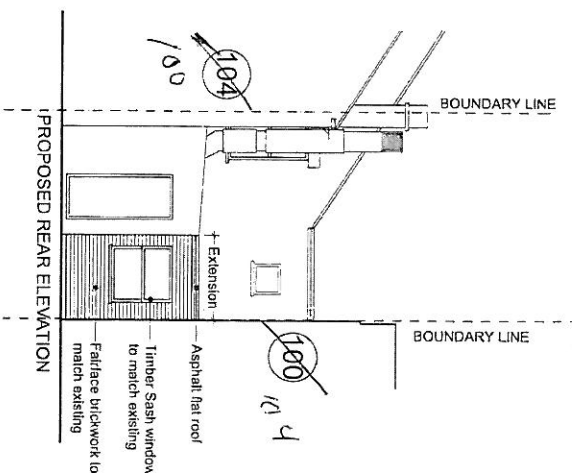
STUDIO 11 DEVELOPMENT

Architectural consultants
 1. ENGINEER GARDINER GAYNS HILL SSEX IG2 6HT.
 Tel: 020 3411 3208 Fax: 0202 118 0718
 E-mail: studio11development@bluewin.ch

Project: 102 Mill Road
 London
 CB1 2BD

Project Title: PROPOSED PLANS

Drawn	Date	Scale	Status
Z.D.	MAR 11	1:100 @ A3	<input checked="" type="checkbox"/> Preliminary drawing <input type="checkbox"/> Working drawing <input type="checkbox"/> Final drawing
Plan No.			
102 (02) 01		A	



STUDIO 11 DEVELOPMENT

Architectural Consultants
 1 ENTREPRENEUR GARDENS GANTS HILL, ESSEX IG2 6UL
 Tel: 020 5411 2003 Fax: 0202 115 0710
 e-mail: studio11development@yahoo.co.uk

Project 102 Mill Road
 London
 CB1 2BD

Drawing Title: ELEVATIONS

Drawn:	Date:	Scale:	Status:
Z.D.	MAR 11	1:100 @ A3	Preliminary Drawing
Plan No:		Issue:	Working Drawing
102 (02) 02		A	

Appendix 1

From: Lucy Walker
To: Catherine Linford.
CC: Gail Marchant-Daisley; Lewis Herbert; Peter Carter; Sarah Brown
Date: 04/04/2011 12:46
Subject: Planning Application 11/0255/FUL, 102 Mill Road

Dear Catherine,

I received notification of this Change of Use planning application last week and request that, given the current concerns and discussions about property use in Mill Road, this come to committee for debate and decision.

kind regards,

Lucy

Lucy Walker
Cambridge City Councillor (Petersfield)
Labour spokes for Community Services
Tel: 01223 367615
07802 668234