Application Number	08/0093/S73	Agenda Item	8.3
Date Received	29th January 2008	Officer	Mrs Angela Briggs
Target Date	25th March 2008		00
Ward	Market		
Site	Revolution 3 - 8 Downing		idge
	Cambridgeshire CB2 3RI		
Proposal	Variation of condition 1 or		
	C/98/0231/FP, as amend		•
	06/1007/FUL, 07/0217/S		0
	hours until 2:00hrs with a		
	dispersal time on Sunday	to Thursday n	lights.
Applicant	Inventive Leisure PLC		
	C/o Mr M Pardoe The Ha	mlet Hornbear	n Park
	Harrogate HG2 8RE		

# 1.0 SITE DESCRIPTION/AREA CONTEXT

3 – 8 Downing Street comprises two, three storey buildings on the Southern side of Downing Street. The building has a permitted use as a Class A4 pub/bar in accordance with the revised Use Classes Order 2005. There are a number of uses within the immediate vicinity that include offices, a hotel (the Crown Plaza), other bars and restaurants, and Downing College to the East. The Grand Arcade lies immediately opposite, to the North of the site. St. Columba's Church lies to the West of the site with meeting halls running round to the South side of the application premises accessed from Downing Place.

1.1 The site is located within Cambridge City Conservation Area No. 1 (Central).

# 2.0 THE PROPOSAL

2.1 The application seeks full planning permission to vary condition 1 of planning permission C/98/0231/FP as amended by C/99/0671/FP, 06/1007/FUL and 07/0217/S73 to extend opening hours until 02:00hrs with an additional 30 minute dispersal time on Sunday to Thursday nights (the following morning). The table below illustrates the previously approved opening hours for the premises:

C/98/0231/FP	This application was for a change of use. Condition 6 of the planning permission restricted opening hours to: 11:00 – 23:30 hrs Monday to Saturday and 12:00 - 23:00 hrs on Sunday.
C/99/0671/FP	08:00 – 23:30 hrs Monday to Saturday (inclusive) and 10:00 – 23:00 hrs on Sunday
C/06/1007/FUL	08:00 – 00:00 hrs Monday to Thursday (inclusive), 08:00 - 01:00 (the morning after) on Friday and Saturday (inclusive) and 10:00 – 00:00 hrs on Sunday.
C/06/0217/S73	08:00 – 00:00 hrs Monday to Thursday (inclusive), 08:00 – 02:00 (the morning after) with a further 30 minute dispersal time until 02:30 (the morning after) on Friday and Saturday (inclusive) and 10:00 – 00:00 on Sunday.

- 2.2 The application is accompanied by the following supporting information:
  - 1. Management and operating Statement;
  - 2. Covering Letter/Planning Statement;
  - 3. Copy of the approved Council's premises License

# 3.0 SITE HISTORY

Reference	Description	A/C, REF, W/D
C/98/0231/FP	Change of use from Class A2 (office) to Class A3 (café/bar).	
C/99/0671/FP	Variation of condition 6 of planning permission C/98/0231/FP to allow the premises to be open to the public between 08:00 hours and 23:30 hours Monday to Saturday (inclusive) and between 10:00 hours and 23:00 hours on Sunday.	A/C
C/06/1007/FUL		A/C
07/0217/S73	Variation of condition 6 of planning permission C/98/0231/FP an amended by C/99/0671/FP and 06/1007/FUL to extend opening hours until 02:00 hours with an additional 30 minute dispersal time for the mornings after Friday and Saturday nights	A/C

# 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 PPS1 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 Where the development plan contains relevant obiectives. policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise...
- 5.3 **PPS6 Planning for Town Centres (2005):** States that the key objective for town centres is to promote their vitality and viability by planning for growth and development of existing centres, promoting and enhancing existing centres by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all. The statement seeks to enhance consumer choice to meet community needs and ensure new development is well served by a choice of means of transport.
- 5.4 **PPG15 Planning and the Historic Environment (1994):** This guidance provides advice on the identification and protection of historic buildings, conservation areas and other elements of the historic environment.
- 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 **Cambridgeshire and Peterborough Structure Plan 2003**

P1/3 Sustainable development in built development

# 5.7 Cambridge Local Plan 2006

- 3/1 Sustainable development
- 4/13 Pollution and amenity
- 6/10 Food and Drink Outlets

## 6.0 CONSULTATIONS

## **Cambridgeshire County Council (Engineering)**

6.1 No Comment.

### Head of Environmental Services

6.2 As a result of the application to extend the licensed hours to those applied for above, an extensive noise insulation scheme has been undertaken at this site and approved by Environmental Health Officers.

I therefore have no objection to this application and would recommend its approval.

6.3 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 Mike Dixon has commented on this application. The representation is attached to this report.
- 7.2 The owners/occupiers of the following addresses have made representations:

Emmanuel College 34 Petersfield Mansions

7.3 The representations can be summarised as follows:

Queuing for entrance takes over the pavement and forces pedestrians into the cycle lane which causes a hazard for cyclists.

The proposal would result in increased problems of noise, anti-social-behaviour, and public order disturbances; There are enough drinking establishments within close proximity to this site that are open until late, we do not need anymore.

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. Potential noise and disturbance upon the residential amenity of neighbouring occupiers and other users in the immediate vicinity as a result of the extended hours of operation; and
  - 2. Third party representations.

### Potential noise and disturbance upon the residential amenity of neighbouring occupiers and other users in the immediate vicinity as a result of the extended hours of operation

- 8.2 Para. 2.25 of guidance contained in PPS6 states that Local authorities should ensure that there is an integrated approach to the evening and night-time economy, so that their planning policies and proposals take account of and complement their Statement of Licensing Policy and the promotion of the licensing objectives under the Licensing Act 2003. Local authorities should consider developing a local strategy for the evening and night-time economy which, when co-ordinated with other local strategies, tackles a range of issues from anti-social behaviour and crime prevention to adequate late-night transport provision to support these activities.
- 8.3 The proposed changes to the current opening hours are relatively modest, amounting to 1-hour additional opening time, plus 30 minutes dispersal time, on Sunday to Thursday nights (therefore taking the opening time to 2:30 on the morning of the respective following days). The proposed extension of opening hours during this period would echo the current opening hours

for the rest of the week, i.e. if approved the premises would effectively be open until 02:00 hrs with a 30 minute dispersal time, 7 days a week. The site is in a busy and sustainable urban centre, where background noise levels from other uses and people in the street is relatively high, especially at weekends. The opening hours now correlate with a recently granted licensing application (copy of which has been submitted with the application and is attached to this report).

- Whilst an objection on the grounds of noise and disturbance 8.4 has been received from the Emmanuel College, it is sited some 40 metres to the East of the site, with their student accommodation sited further back into the site, and there have been no objections raised to this application from either the Police or Environmental Health, both of whom were consulted on this application. Given the type and use of the premises in the immediate vicinity, the number of residents is very limited and few, if any, appear to immediately live abutting the site. Furthermore, a recent extensive noise insulation scheme has been undertaken at this site and has been approved by the Council's Environmental Health Team. As such, based upon the consultations received, I have no significant evidence to suggest that such an extension of hours would adversely impact upon the level of residential or general amenity currently enjoyed by neighbouring occupiers through an increase in noise and disturbance, the safety of the wider public, or the amenity of Emmanuel College residents.
- 8.5 As I have already stated in this report, Environmental Health raise no objections to the application, but have not recommended any specific conditions to be appended. Having spoken with the Environmental Health Officer regarding this matter, they have advised that if approved, conditions relating to restriction of the opening hours to that which have been applied for should be appended, together with any conditions relating to the management of the premises in terms of level of amplified noise and closure of windows and doors during any public entertainment performances, as per the previous planning permission, Ref: 07/0217/S73. These conditions would tie in with the (more rigorous) conditions of the 2003 Licensing Act consent that the premises have in line with the thrust of PPS6.

- 8.6 Noise from people leaving the site and anti-social behaviour is the remit of the police and is considered to be outside the control of this planning application.
- 8.7 In my opinion the proposal adequately respects the residential amenity of its neighbours and constraints of the site, and as such, I consider that it is compliant with Cambridge Local Plan (2006) policies 4/13 and 6/10, as well as the thrust of policy P1/3 of the Cambridgeshire and Peterborough Structure Plan 2003.

# Third Party Representations

8.8 I consider that the issues raised by third parties have been fully addressed in the main body of text above, however with regard to the obstruction of the cycle lane by people spilling onto the road, the Highway Authority have raised no objection on the grounds of any adverse impact on the safety or free flow of any user of the public highway.

# 9.0 CONCLUSION

9.1 In conclusion the extension of the opening hours to that which currently operates during the rest of the week in this central part of the City, complies with the Policies of the Local Plan and as such I would recommend the application be approved with conditions.

# **10.0 RECOMMENDATION**

# **APPROVE** subject to the following conditions:

1. The premises to which this permission relates shall only be open to the public between 08:00 hours to 02:00 (the morning after) with a further 30 minute dispersal time until 02:30 (the morning after) on Sunday to Thursday (inclusive).

Reason: To protect the amenities of adjoining properties (Cambridge Local Plan 2006 Policies 4/12 and 6/10 and Cambridgeshire and Peterborough Structure Plan 2003, Policy P1/3)

2. No external system of public address, loudspeaker system or amplified sound shall be operated on any part of the site or building without the prior written approval of the Local Planning Authority.

Reason: In the interests of preserving the amenity of the surrounding area (Cambridge Local Plan 2006 Policies 4/13 and 6/10)

3. When public regulated entertainment is held at the premises, all external doors and windows, including the doors to thr second floor roof garden, shall be kept shut at all times, apart from the main entrance door(s) that allow general ingress and egress which shall be kept closed so far as reasonably practicable.

Reason: To protect the amenities of the adjoining properties (Cambridge Local Plan Policies 3/7, 4/13 and 6/10)

4. When the premises are open after 23:00hrs for any licensable activity, all external doors and windows including the doors to the second floor roof garden shall be kept shut at all times, apart from the main entrance door(s) that allow general ingress and egress which shall be kept closed so far as reasonably practicable.

Reason: To protect the amenities of the adjoining properties (Cambridge Local Plan Policies 3/7, 4/13 and 6/10)

5. When the premises are open after 23:00hrs for any licensable activity, the use of the second floor external beer garden/seating area shall cease at 23:00hrs Mondays to Saturdays and at 23:00 hrs on Sundays.

Reason: To protect the amenities of the adjoining properties (Cambridge Local Plan Policies 3/7, 4/13 and 6/10)

### **Reasons for Approval**

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

Cambridgeshire and Peterborough Structure Plan 2003: P1/3

Cambridge Local Plan (2006): 3/7, 4/13 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.

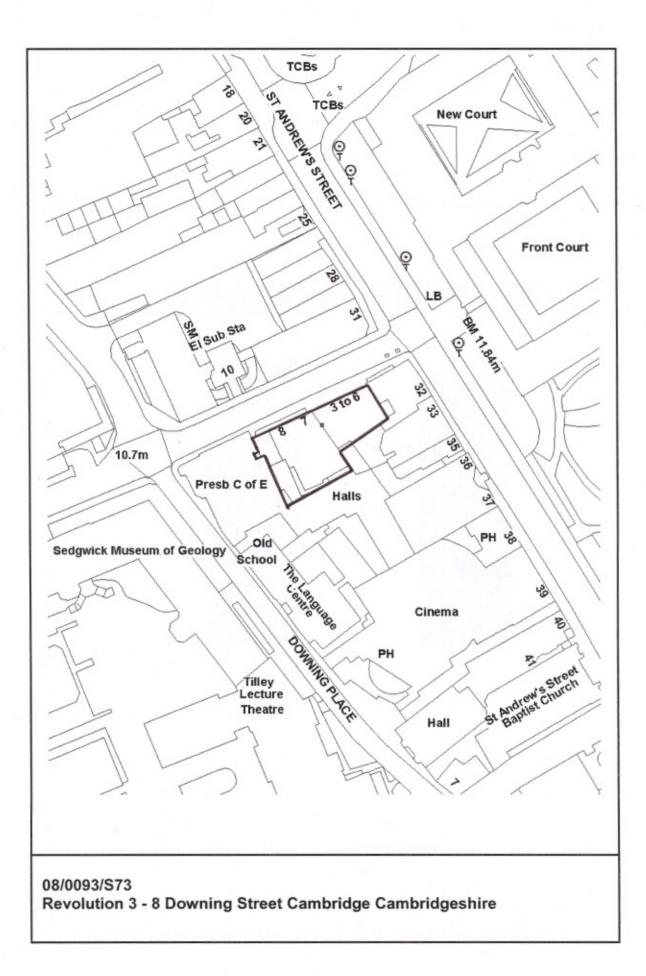
These reasons for approval can be a summary of the reasons for grant of planning permission only. For further detail on the decision please see the officer report by visiting the Council Planning Department.

## 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.



#### Angela Briggs - RE: Planning application, Ref: 08/0093/S73 - Variation of condition to extend opening hours for Revo

From:	Mike Dixon <cllr_mike_dixon@hotmail.com></cllr_mike_dixon@hotmail.com>
To:	Angela Briggs <angela.briggs@cambridge.gov.uk></angela.briggs@cambridge.gov.uk>
Date:	19/03/2008 17:58
Subject:	RE: Planning application, Ref: 08/0093/S73 - Variation of condition to extend opening hours for Revo

I did reply to your previous message - sorry if it didn't get to you.

I said I was surprised that there had been no objections, which I assume would imply the need for it to be heard by committee.

I would in any case like to see it come to committee, as I would like to see the relationship between the licensing law (especially as this is now a cumulative inpact zone) and the planning law tested at committee.

Mike Dixon

Date: Wed, 12 Mar 2008 11:22:41 +0000 From: Angela.Briggs@cambridge.gov.uk To: cllr\_mike\_dixon@hotmail.com Subject: Fwd: Planning application, Ref: 08/0093/S73 - Variation of condition to extend opening hours for Revoluti

\*\* High Priority \*\*

Dear Cllr Dixon,

You will recall that I emailed you on 15th February regarding the above appl

Many Thanks,

Angela.

Please consider the environment - do you really need to print this e-mail?

The information in this email may be confidential and legally privileged.

You are advised to scan attachments for viruses before opening them.

Please read our disclaimer at http://www.cambridge.gov.uk/maildisc.html

--Forwarded Message Attachment--Date: Fri, 15 Feb 2008 13:47:35 +0000 From: Angela.Briggs@cambridge.gov.uk To: mike.dixon@cambridge.gov.uk Subject: Planning application, Ref: 08/0093/S73 - Variation of condition to extend opening hours for Revoluti

\*\* High Priority \*\*

#### Part A

08/0093/573

CAMBRIDGE

1

Licensing Act 2003 Format of premises licence CAMBRIDGE CITY COUNCIL

Premises licence num	ber 🔏		PRECAM 000511
Part 1 – Premises deta	ails and		State
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Non Std Timings & Seasonal Variations	New Year's Eve - from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. The morning upon which British Summer Time begins, one additional hour.					
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Part 2

inventive Leisure 3	ss, telephone number and email (where relevant) of holder of premises licence ervices Limited
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Lancashire	4104
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Registered number of hole	ders, for example company number, charity number (where applicable)
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Name, address and teleph	hone number of designated premises supervisor where the premises licence authorises the
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#### Annex 1 - Mandatory conditions

1. No supply of alcohol may be made under the premises licence -

(a) at a time when there is no designated premises supervisor in respect of the premises, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3. The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made:

(a) By the British Board of Film Classification (BBFC), where the film has been classified by that board, or

(b) By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20 (3) (b) of the Licensing Act 2003 applies to the film.

4. Door Supervisors must;

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of that Act.

Annex 2 - Conditions consistent with the operating schedule

#### The prevention of crime and disorder

1. The Designated Premises Supervisor (DPS) will join and actively support the Cambridge Pub and Club watch whilst it is in existence and support its aims and objectives as given in its charter. This includes support of its agreed banning policy and attending meetings personally or by sending an authorised representative of the venue.

2. The DPS or responsible person shall participate in the Barlink radio scheme whilst it is in existence. Equipment will be live and will be monitored by the head doorman or another responsible person while the licensed premises are open for business.

3. If CCTV equipment is installed at the premises it must be maintained in working order. Images shall be retained for 31 days and made available to the police upon request.

4. All instances of crime and disorder must be reported to the police and kept in an incident log book.

5. Door supervisors will be used or employed at all times when a licensable activity is being carried out and is considered necessary to:

(i) Prevent the admission and ensure the departure form the premises of drunk and disorderly persons, without causing further disorder;

(ii) Keep out excluded individuals (subject to court or pub watch bans);

(iii) Search and exclude persons suspected of carrying illegal drugs or offensive weapons;

(iv) Maintain an orderly queue outside the venue.

#### Public Safety

6. Free drinking water must be made available at all times.

#### The prevention of public nuisance

7. The agreed noise insulation scheme, as detailed / recommended in the Assessment of Noise Impact Report (Report No. 4253.1v1) prepared by Hepworth Acoustics, Noise and Vibration Consultants, dated October 2006), shall not be altered without prior approval.

8. No amplified or unamplified music and or voice will be played in or transmitted to the second floor external beer garden / seating area or the external licensing area on the ground floor to Downing Street.

9. Regulated entertainment shall not be permitted in the second floor external beer garden / seating area or in the external licensing area on the ground floor to Downing Street.

10. When public regulated entertainment is held all external doors and windows including the doors to the second floor roof garden shall be kept shut at all times, apart from the main entrance door/s (that allow general ingress and egress) which shall be kept closed so far as reasonably practicable.

11. When any regulated entertainment is held all the external tables and seats shall be removed from the external licensing area on the ground floor to Downing Street or stacked and secured so that they cannot be used by patrons, after this time.

12. On all days when the premises are open after 2330hrs for any licensable activity all the external tables and seats shall be removed from the external licensing area on the ground floor to Downing Street or stacked and secured so that they cannot be used by patrons, after this time.

13. On all days when the premises are open after 2330hrs for any licensable activity all external doors and windows including the doors to the second floor roof garden shall be kept shut at all times, apart from the main entrance door/s (that allow general ingress and egress) which shall be kept closed so far as reasonably practicable. 14. On all days when the premises are open after 2330hrs for any licensable activity the use of the second floor external beer garden / seating area shall cease at 2330 hrs Mondays to Saturdays and at 2300 hrs on Sundays.

15. Prominent, clear and legible notices shall be displayed at the exit, requesting patrons departing to respect the needs of local residents and to leave the premises and the area quietly.

16. The placing of waste including bottles into receptacles outside the premises and the emptying of premises waste receptacles by waste contractors shall only be permitted to take place between the hours of 0700 hrs and 2300 hrs to minimise disturbance to nearby properties.

#### The protection of children from harm

17. On occasions when the venue is open primarily for the safe and consumption of alcohol the DPS or relevant person will actively operate a Challenge 21 Policy'. This will include a voluntary agreement to only accept identity cards with the 'Pass' accreditation; passports or photo ID driving licences; or any future identification card as approved by central government; as bona-fide recognised forms of identification. 18. Children shall only be permitted until 18:00 hours.

Annex 3 - Conditions attached after a hearing by the licensing authority

#### Annex 4 - Plans

#### See attached.

This licence was granted on: 8<sup>th</sup> February 2007 This licence was varied on: 31<sup>st</sup> July 2007 This licence was varied on: 18<sup>th</sup> October 2007



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Part B

Licensing Act 2003 Premises licence summary

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Where the licence authorises supplies of alcohol whether these are on and/ or off supplies On and off the premises whether are presented and off the premises are presented and a supplies of a supplice of a supplies of a suppli

Name, (registered) address of holder of premises licence Inventive Leisure Services Limited 21 Old Street Ashton Under Lyne Lancashire OL6 6LA

Registered number of holder, for example company number, charity number (where applicable) 03938986

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol Mr Thomas Paul Mountain

State whether access to the premises by children is restricted or prohibited Restricted

This licence was granted on: 8th February 2007

This licence was varied on: 31<sup>st</sup> July 2007

This licence was varied on: 18th October 2007