

<b>Application Number</b>	16/1760/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	4th October 2016	<b>Officer</b>	Charlotte Burton
<b>Target Date</b>	29th November 2016		
<b>Ward</b>	Petersfield		
<b>Site</b>	2 Sturton Street Cambridge CB1 2QA		
<b>Proposal</b>	Replacement of existing roof plant		
<b>Applicant</b>	Essel House Second Floor 29 Foley Street London W1W 7TH		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The proposed roof plant would not have a significant adverse impact on residential amenity of neighbouring properties and the wider area, subject to conditions.</p> <p>The proposed roof plant would not harm the character and appearance of the Conservation Area.</p>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The site comprises the former Backstreet Bistro pub/restaurant located on the corner of Hooper Street and Sturton Street, historically known as ‘The White Haart Pub’. This is a two storey property which forms part of a traditional terrace on both frontages. There are entrances on both frontages, as well as the main entrance on the corner. The property has a small enclosed courtyard at the rear.
- 1.2 The surrounding area is predominantly residential. The rear of the site backs onto the rear gardens within the quadrant formed by Sturton Street, Hooper Street and Ainsworth Street, which are

traditional two storey terraced properties in residential use. On the opposite side of Hooper Street is the Mill Road Depot site.

- 1.3 The site is within the Mill Road Area of the Central Conservation Area. The property is not Listed and is not a Building of Local Interest. It is identified as part of the terrace along Hooper Street and Sturton Street as a 'positive unlisted building' in the Mill Road Conservation Area Townscape Analysis. The site is outside the controlled parking zone. There are no other relevant site constraints.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is for replacement roof plant, comprising the provision of a cellar cooling unit and two condenser units on the flat roof, and the installation of a kitchen extract/ supply system including the erection of a mechanical termination cone and roof cowl.
- 2.2 During the course of the application, revised plans were submitted which included the erection of a 2m high acoustic fence around the plant and removal of the existing close-boarded fence on the flat roof that was erected without planning permission. An acoustic assessment was also submitted.
- 2.4 The proposed works are in association with the renovation of the pub/restaurant under new ownership. A separate application for licensing consent was approved by the Licensing Sub-Committee on 28 November 2016. I have included a copy of the premise license as an appendix to this report for information.
- 2.5 Third parties have raised concerns that the submitted drawings show development that requires planning permission but that has not been included within the description of development, including a change of use. I have assessed the works shown on the submitted drawings and I am satisfied that the description of development covers the works that require planning permission. I have considered in detail the concerns raised by third parties and have provided my response in Section 9 below.

### 3.0 SITE HISTORY

Reference	Description	Outcome
C/95/0816	Single storey flat roofed rear extension to existing pub (A3)	Approved with conditions

### 4.0 PUBLICITY

4.1 Advertisement:	Yes
Adjoining Owners:	Yes
Site Notice Displayed:	Yes

### 5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/7 3/11 3/14 4/11 4/13

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Appendix A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
Material Considerations	<u>City Wide Guidance</u>

	Interim Planning Policy Guidance on the Protection of Public Houses in the City of Cambridge (2012)
	<u>Area Guidelines</u> Mill Road Area Conservation Area Appraisal (2011)

#### 5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan that should be taken into account.

## 6.0 CONSULTATIONS

### 6.1 **Cambridgeshire County Council (Highways Development Management)**

No objection to the proposed plant. The plans show a gate or door that opens outwards over the public highway, which should be altered to open inwards, or slide.

### 6.2 **Environmental Health**

#### *Acoustic assessment – plant*

The applicant's noise assessment is acceptable. The specified acoustic barrier will require installation. Condition for installation of the approved plant details and acoustic fence recommended.

□ *Roof terrace and ground floor terrace*

Due to the close proximity to residential properties and gardens, noise from use of the roof and ground floor terrace has the potential to harm amenity. Full details of the intended use of the roof terrace are required (e.g seating for eating, smoking etc). Recommend that a condition is attached to the consent restricting the use of the roof and ground floor terrace after 22:00hrs until reopening at 11:00 hrs the following day.

Full details are required on the construction details / specifications including acoustic qualities / performance (sound reduction calculations etc) of the ground floor covered area if it is intended to be used after 22:00hrs.

Doors from the main building serving the ground floor terrace and covered area must be kept closed after 22:00hrs until 11:00hrs the following morning or at any time during entertainment or the playing of music.

□ *Hours of opening*

Hours of opening have not been specified within the planning application form. It is my understanding that the following hours are permitted under the premises license: Monday – Saturday = 11:00hrs – 00:30hrs, Sunday & Bank/Public holiday = 11:00hrs – 23:00hrs. I recommend these hours are conditioned to protect amenity. The ION acoustic assessment advises the kitchen extract fan will cease operating no later than 23:00hrs.

□ *Odour*

The applicant's odour assessment is acceptable. Standard odour condition recommended.

□ *Construction*

Standard delivery/collection hours condition recommended.

### 6.3 **Urban Design and Conservation Team**

No objection.

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

- |  |   |
|--|---|
| <input type="checkbox"/> 4 Sturton Street                    | <input type="checkbox"/> 90 Ainsworth Street  |
| <input type="checkbox"/> 6 Sturton Street                    | <input type="checkbox"/> 106 Ainsworth Street |
| <input type="checkbox"/> 10 Sturton Street                   | <input type="checkbox"/> 6 Aylestone Road     |
| <input type="checkbox"/> 14 Sturton Street                   | <input type="checkbox"/> 13 Kerridge Close    |
| <input type="checkbox"/> 16 Sturton Street                   | <input type="checkbox"/> 18 Kerridge Close    |
| <input type="checkbox"/> 18 Sturton Street                   | <input type="checkbox"/> 25 Kerridge Close    |
| <input type="checkbox"/> 20 Sturton Street                   | <input type="checkbox"/> 31 Kerridge Close    |
| <input type="checkbox"/> 47 - 49 Sturton Street              | <input type="checkbox"/> 37 Kerridge Close    |
| <input type="checkbox"/> 57 Sturton Street                   | <input type="checkbox"/> 38 Kerridge Close    |
| <input type="checkbox"/> 59 Sturton Street                   | <input type="checkbox"/> 9 Kingston Street    |
| <input type="checkbox"/> 60 Sturton Street                   | <input type="checkbox"/> 21 Kingston Street   |
| <input type="checkbox"/> 61 Sturton Street                   | <input type="checkbox"/> 25 Kingston Street   |
| <input type="checkbox"/> 63 Sturton Street                   | <input type="checkbox"/> 29 Kingston Street   |
| <input type="checkbox"/> 64 Sturton Street                   | <input type="checkbox"/> 37 Kingston Street   |
| <input type="checkbox"/> 65 Sturton Street                   | <input type="checkbox"/> 75 Kingston Street   |
| <input type="checkbox"/> 92 Sturton Street                   | <input type="checkbox"/> 80 Kingston Street   |
| <input type="checkbox"/> 102 Sturton Street                  | <input type="checkbox"/> 142 Gwydir Street    |
| <input type="checkbox"/> 2 Oswald Terrace,<br>Sturton Street | <input type="checkbox"/> 148 Gwydir Street    |
| <input type="checkbox"/> 9 Hooper Street                     | <input type="checkbox"/> 170 Gwydir Street    |
| <input type="checkbox"/> 11 Hooper Street                    | <input type="checkbox"/> 175 Gwydir Street    |
| <input type="checkbox"/> 14 Hooper Street                    | <input type="checkbox"/> 7 Fairsford Place    |
| <input type="checkbox"/> 15 Hooper Street                    | <input type="checkbox"/> 15 Fairsford Place   |
| <input type="checkbox"/> 18 Hooper Street                    | <input type="checkbox"/> 14 Milford Street    |
| <input type="checkbox"/> 19 Hooper Street                    |   |
| <input type="checkbox"/> 2 Ainsworth Street                  |   |
| <input type="checkbox"/> 15 Ainsworth Street                 |   |
| <input type="checkbox"/> 17 Ainsworth Street                 |   |
| <input type="checkbox"/> 18 Ainsworth Street                 |   |
| <input type="checkbox"/> 30 Ainsworth Street                 |   |
| <input type="checkbox"/> 50 Ainsworth Street                 |   |
| <input type="checkbox"/> 51 Ainsworth Street                 |   |
| <input type="checkbox"/> 70 Ainsworth Street                 |   |
| <input type="checkbox"/> 84 Ainsworth Street                 |   |

7.2 The representations can be summarised as follows:

Roof plant and first floor roof area

- Impact of noise and disturbance from plant and use of outdoor areas on residential amenity of neighbouring properties and others within the vicinity.
- Odour from kitchen ventilation equipment.
- Accuracy of the applicant's noise assessment, which is based on original monitor survey data consisting of one day of monitoring at a single location while the bistro was closed.

Other matters

- The proposal includes change of use of the previously residential first floor to kitchen and toilets.
- The proposal includes change in status from restaurant to pub.
- There is no community need for the proposed use.
- There is a need for residential premises and change of use would be better.
- The scale of the proposed development including the increase in the number of covers is unsuitable for the residential area and is out of proportion to the size of the site and the character of the area.
- Increased noise and disturbance from patrons, including late night noise, which has not been adequately assessed.
- Increased local traffic and greater demands on parking would reduce highway safety.
- Cumulative impact of licensed premises within the vicinity on residential amenity.
- Noise from amplified music.
- Noise from upstairs kitchen.
- Increase in anti-social behaviour.
- Inadequate storage of commercial bins for refuse and recycling.
- Work appears to have started on site prior without planning permission.
- The proposed double doors would not be in keeping with the character of the street scene and the Conservation Area.

7.3 Councillor Sinnott has called in the application on the following grounds:

- Loss of residential accommodation. The current top floor residential space would be converted into the gastro pub's kitchen and toilets for customers.
- Possible safety issue. Safety issues as a single staircase will be used by both waiting staff carrying plates and dishes and customers.
- Planning conflict. The ventilation 'termination cone' will exit on a level with the proposed dormer windows of the adjacent property, 4 Sturton Street, for which a planning application has apparently been submitted.
- Out of keeping and cumulative impact. There are already many pub-restaurants in this densely populated residential area, typified by very narrow streets. The one proposed would represent a step-change in terms of both size and character.
- The proposed change from a small, upmarket bistro to a pub serving food, both internally and externally, with extended opening hours and amplified music [these latter are Licensing issues] would be out of keeping in the midst of small residential streets inhabited by many families with young children.

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.

7.5 Consultation on the additional noise information and acoustic fence is currently ongoing and representations received will be reported to planning committee as an update to this report.

## **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 issues that are relevant to the assessment of the proposed roof plant are:

1. Residential amenity
2. Context of site, design and external spaces / Impact on heritage assets

8.2 I have addressed the comments that relate to matters other than the proposed roof plant from consultees in Section 9



below. I have addressed third party representations in Section 10.

### **Residential Amenity**

- 8.3 The main issues for consideration are the impact of noise and odour on residential amenity of neighbouring properties and the surrounding area from the proposed roof plant and the use of the roof terrace. The property has a lawful existing use as pub/restaurant and there is existing roof plant, which must be taken into account.
- 8.4 The nearest residential properties are No. 4 Sturton Street which is the adjoining property to the north, and No. 11 Hooper Street which adjoins existing covered seating area to the east. No. 4 is a traditional two storey dwelling which has a long rear garden. No. 11 includes attached annex which has permission for use for holiday lets and has a small courtyard garden adjoining the proposed open seating area.
- 8.5 The surrounding area is predominantly residential and is characterised by high density terraced properties. The application site is located on the south western corner of a quadrant bounded by Sturton Street, Hooper Street and Ainsworth Street, which are residential properties with rear gardens backing on to each other. As such, from within the gardens, there is a relatively open aspect towards the rear of the properties within the quadrant.

#### *Plant noise*

- 8.6 Third parties have raised strong concerns about the impact of noise from the proposed roof plant. I am aware that complaints have been made to the Environmental Health team about the noise level from the existing roof plant. The applicant has submitted a noise assessment. The concerns relate to the impact on the immediate neighbours and the wider residential area.
- 8.7 During the course of the application, revised plans were submitted which included the erection of a 2m high acoustic fence around the proposed plant to replace the existing fence. The Environmental Health team has reviewed this report and advised that they are satisfied the proposed roof plant would

have an acceptable impact on neighbouring properties and the wider area, subject to the installation of the proposed acoustic fence. The Environmental Health team has recommended conditions for the plant, acoustic barrier and associated equipment to be implemented in accordance with the details specified and not altered.

- 8.8 Third parties have queried the accuracy of the applicant's noise assessment, in particular it being based on inaccurate baseline information taken when the former Backstreet Bistro was closed. The Environmental Health team has commented specifically on this matter that they are satisfied with the report's methodology. The report demonstrates that the proposed roof plant would not exceed the low level baseline noise when the former Backstreet Bistro was closed.

□ *Odour*

- 8.9 The applicant has submitted an odour control assessment. The Environmental Health team has reviewed this report and recommended a condition for details of equipment for the purpose of extraction and filtration to be submitted for approval and implemented in accordance with the approved details. Third parties have raised concern about the impact of kitchen odours, however I accept advice of the Environmental Health team that this issue can be resolved through condition.

□ *Use of roof terrace*

- 8.10 The existing first floor flat roof is accessed via a doorway at the top of the stairs. There is an existing fence around the perimeter of the flat roof area which was erected unlawfully without planning permission. The existing fence facilitates the use of the roof top and the proposed plans initially annotated this area as a 'roof terrace'. Concerns have been raised by the Environmental Health team and third parties about the potential use of the roof top as part of the pub/restaurant by staff and patrons, and the resulting noise and disturbance and overlooking.
- 8.11 During the course of the application, as a result of feedback from officers, the plans were amended to relocate the fence closer to the proposed plant in order to restrict access to the roof terrace. There would still be access from the first floor to a

small fenced enclosure, which would allow for maintenance of the plant and an area for staff to store bikes. The existing unlawful fence would be removed and there would be no access to the roof top beyond the proposed acoustic fence. The recommended condition for the installation of the acoustic fence would ensure this arrangement is delivered.

- 8.12 The revised proposal to restrict access to the flat roof would prevent this area from being used by patrons. The proposed 2m high acoustic fence would prevent any views from the small area of accessible roof top. As a result, there would not be any views from the roof top towards the rear gardens and windows of neighbouring residential properties.
- 8.13 I am satisfied that the relocation of the acoustic fence closer to the plant and the removal of the unlawful existing perimeter fence would have a lesser overbearing, enclosing and overshadowing impact on neighbouring properties compared to the current situation. The scale and siting of the proposed roof plant would also have an acceptable impact in this regard.
- 8.14 In my opinion, the impact of noise and disturbance during construction on the residential amenity of nearby properties could be satisfactorily addressed through a condition to restrict construction and delivery hours, as recommended by the Environmental Health team.
- 8.15 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 Cambridge Local Plan (2006) policies 3/4 and 3/7.

### **Context of site, design and external spaces / Impact on heritage assets**

- 8.16 The site forms the corner of Sturton Street and Hooper Street. As such, it occupies a prominent location in views from the public highway within the Conservation Area. The rear of the property can be glimpsed in long range views in the gap along Ainsworth Street where the rear roof slope is visible. As such, the rear of the property is not prominent from the public highway, however it is visible from the rear gardens of neighbouring properties.

- 8.17 The proposed mechanical termination cone would be approximately 0.1m higher than the existing ridgeline so that it would not protrude above the existing roof. The roof cowl would project approximately 0.7m perpendicular from the roof slope. These would be viewed against the existing roof slope so would not be visually prominent in long range views.
- 8.18 The proposed roof top plant would be hidden behind a 2m high fence which would be nearer to the building than the existing perimeter fence which would be removed. The applicant has advised it will be a timber close-boarded fence which would be stained or painted. Due to the elevation position and the prominence in views from many gardens within the Conservation Area, I have recommended a condition for the fence to be stained in a natural wood colour.
- 8.19 The Conservation Team has not objected to the proposal and in my opinion, the proposed works would not have a significant impact on the character and appearance of the Conservation Area. In my view, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/14 and 4/11.

## **9.0 OTHER MATTERS**

- 9.1 From my assessment of consultee responses, I have identified the following matters that do not relate to the proposed roof plant but which require a detailed response:
1. Residential amenity – impact of proposed use
  2. Highway safety

### **Residential amenity – impact of proposed use**

- 9.2 The Environmental Health team has recommended conditions to control the hours of use of the ground floor seating area, closing windows and doors, opening hours and delivery hours. In my opinion, it would not be reasonable to impose these conditions, as they do not relate to the plant equipment and the proposal does not include a change of use. The use of these premises as a pub/restaurant is historic and as such there is no recent planning consent that imposes similar conditions. This means that, in planning terms, the premises could continue to operate as a pub/restaurant without these restrictions and

therefore these conditions recommended by the Environmental Health team fail to meet the test of being reasonable.

- 9.3 These matters are controlled through the licensing regime which is more appropriate than the planning system. I have appended a copy of the premise license that was approved by the Licensing Sub-Committee on 28 November 2016. This sets out conditions including opening hours, delivery times, use of outdoor areas, use of amplified music, and measures to minimise anti-social behavior. These are broadly in line with the Environmental Health teams recommended planning conditions. It would not be reasonable or necessary to impose planning conditions to achieve the same outcomes.

### **Highway Safety**

- 9.4 The Highways Authority has commented that there are doors that open outwards onto the public highway which impacts on highway safety. These are existing doors and therefore are no a relevant planning matter for this application. Nonetheless, the doors contravene Section 153 of the Highways Act 1980, which is the relevant legislation under which to enforce this matter, rather than the planning system.

## **10.0 THIRD PARTY REPRESENTATIONS**

- 9.1 I have addressed the comments relating to the plant and use of the roof terrace in the residential amenity sections of my report above. I have responded to the other matters raised as follows:

<b>Comment</b>	<b>Response</b>
The proposal includes change of use of the previously residential first floor to kitchen and toilets.	The existing floor plans show the first floor consisted of a two bedroom living space including kitchen, dining room, lounge and bedroom. The applicant has advised that the first floor was used as managers accommodation associated with the pub/restaurant use. Access to the first floor was via a staircase on the northern side of the site. The Sturton Street entrance led directly to this staircase and there was a connection between the staircase and the kitchen/toilet area on the ground floor serving the pub/restaurant.

	<p>Third parties have advised that the first floor accommodation has been used as a separate residential unit from the ground floor pub/restaurant, however no evidence has been provided to support this. I have visited the property with an Enforcement Officer and we are satisfied that there was a functional and physical link between the first floor accommodation. The Enforcement Officer has checked the Council Tax records for the property and there has not been a change of occupants over the past ten years, which would suggest the first floor has not been separately let. I have no evidence to demonstrate that the unit was lawfully occupied as a separate residential unit.</p> <p>On the basis that I am satisfied that the first floor was used as accommodation associated with the pub/restaurant use, the use of the first floor would fall under the same use class as the pub/restaurant. As such, the use of the first floor as part of the pub/restaurant would not constitute a change of use and would not require planning permission. This has been confirmed by the Council's Legal Officer.</p>
<p>The proposal includes change in status from restaurant to pub.</p>	<p>The former Backstreet Bistro was used as a restaurant which included a bar serving drinks. The existing plans show restaurant and bar areas, which is corroborated by representations and photographs submitted by third parties. This use would fall within a mixed A3 (restaurants and cafes) and A4 (drinking establishments) use class. The proposed drawings show a restaurant and bar area which appears to be a similar use to the existing situation, and a large kitchen facility. On the basis of the information submitted, in my opinion, the proposed use would fall within the same mixed A3 and A4 use classes. The</p>

	applicant has not applied for a change to use and, should the use of the premises be different to the current use, then this will be investigated by the Enforcement Team.
There is no community need for the proposed use.	This is not a relevant planning matter that I can take into account in my assessment.
There is a need for residential premises and change of use would be better.	This is not a relevant planning matter that I can take into account, as the applicant has not proposed a change of use to residential and my assessment must be of the application as submitted.
The scale of the proposed development including the increase in the number of covers is unsuitable for the residential area and is out of proportion to the size of the site and the character of the area.	The internal arrangement is not a relevant planning matter that I can take into account. This is a matter that is relevant to licensing and the plans, as submitted, were approved by the Licensing Sub-Committee on 28 November 2016. The proposal does not seek to increase the floor space that would be available for use by patrons as a result of external alternations or extensions (the roof terrace will not be used for seating). While I accept that the submitted drawings suggest the applicant intends to increase the number of patrons, as stated above, the use of the ground and first floors of the property for pub/restaurant use is lawful and does not constitute a change of use. As a result, while I acknowledge the concerns raised by third parties, the impact of the potential increase in the number of patrons is not a relevant planning matter that I can take into consideration.
Increased noise and disturbance from patrons, including late night noise, which has not been adequately assessed.	As stated above, the impact of the potential increase in the number of patrons on residential amenity is not a relevant planning matter that I can take into consideration.
Increased local	As stated above, the impact of the

traffic and greater demands on parking would reduce highway safety.	potential increase in the number of patrons on highway safety is not a relevant planning matter that I can take into consideration.
Cumulative impact of licensed premises within the vicinity on residential amenity.	This is a matter that is relevant to licensing, however as there is no change of use proposed, it is not a relevant planning matter that I can take into consideration.
Noise from amplified music.	This is a matter that is relevant to licensing and not to planning.
Noise from upstairs kitchen.	As the ground and first floors are within the same planning unit, the kitchen could be relocated to the first floor without the need for planning permission. As such, the relocation of the kitchen is not a relevant planning matter.
Increase in anti-social behaviour.	As stated above, the impact of the potential increase in the number of patrons in terms of anti-social behaviour is not a relevant planning matter that I can take into consideration.
Inadequate storage of commercial bins for refuse and recycling.	As the proposal does not include a change of use and the proposed roof plant would not affect the existing bin storage and collection arrangements, therefore this is not a relevant planning matter that I can take into consideration.
Work appears to have started on site prior without planning permission.	Internal rearrangement and fit-out does not require planning permission. Works to the exterior of the building that have been undertaken without planning permission should be brought to the attention of the Enforcement Officer who will investigate.
The proposed double doors would not be in keeping with the character of the street scene and the Conservation Area.	The proposal would re-use the existing double doors on the corner of Sturton Street and Hooper Street. The proposal does not include any alterations to these. As such, this is not relevant.



## 10.0 CONCLUSION

- 10.1 The proposal is for the installation of roof plant including an acoustic fence. I have taken the advice of the Environmental Health team that they are satisfied the proposed plant would have an acceptable impact on the residential amenity of neighbouring properties and the wider area, in terms of noise and odour, subject to recommended conditions. The proposal would not harm the Conservation Area. I have carefully considered the third party representations, and I am satisfied that there is no evidence to demonstrate a material change of use. The application must be determined on the basis of the proposal submitted and the relevant material planning matters.

## 10.0 RECOMMENDATION

**APPROVE** subject to completion of the s106 Agreement and the following conditions:

1. 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.

2. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

3. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

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

4. Prior to commencement of development, details of equipment for the purpose of extraction and filtration of odours shall be submitted to and approved in writing by the Local Planning Authority. The extraction/filtration scheme shall be installed in accordance with the approved details and shall thereafter be retained as such.

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

5. The plant, acoustic barrier and associated equipment shall be implemented in accordance with the ION Acoustics "Noise Assessment - Technical Addendum" dated 13th December 2016 (ref A1045/TN01) and shall be maintained and not altered.

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

6. Prior to first use of the plant hereby permitted, the acoustic fence shall be erected in accordance with the approved details. The fence shall be stained in a natural wood colour, and shall not be altered without prior written approval from the Local Planning Authority.

Reason: To avoid harm to the Conservation Area (Cambridge Local Plan 2006 policy 2006).

7. The first floor flat roof area beyond the acoustic fence hereby permitted shall not be used for any purpose other than maintenance.

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