

Application Number	17/1107/FUL	Agenda Item	
Date Received	10th July 2017	Officer	Eloise Limmer
Target Date	4th September 2017		
Ward	Market		
Site	Malcolm Place King Street		
Proposal	Change of use from ancillary residential storage to ancillary storage for public house (retrospective).		
Applicant	City Pub Company (East) 1 Carpenter's Mews, North Road London N7 9EF		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>It is considered that the change of use would not adversely impact the amenity of neighbouring occupiers.</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is situated in an under croft under residential units 18-23 Malcolm Place which are situated on the eastern side of Malcolm Place behind the Cambridge Brewhouse Public House. The under croft spaces have limited headroom and are typically used for car parking or storage by the residents of the flats above.
- 1.2 The surrounding area is a mix of commercial and residential. The site falls within the Historic Core Conservation Area and a number of the buildings along Malcolm Street are Grade II Listed. It also falls within the controlled parking zone. There are no other relevant site constraints.

2.0 THE PROPOSAL

- 2.1 The application seeks full planning permission for change of use from ancillary residential storage to storage unit for the public house. This is a retrospective application; the storage unit in place and is used to store beer, it includes lighting, security doors and a cellar cooling unit.
- 2.2 The application has been amended to add acoustic louvres as requested by Environmental Health.

3.0 SITE HISTORY

Relevant history of the Cambridge Brewhouse, 1 King Street

Reference	Description	Outcome
16/0475/FUL	Retrospective application for the installation of a storage shed 2200mm (w) x 2600mm (d) x 1950mm (h) within the rear external area of the Cambridge Brew House pub at Ground Floor.	Approved
13/1475/FUL	Plant for kitchen extract system, air conditioning and refrigeration within timber compound (Retrospective)	Approved

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 3/2 3/3 3/4 3/7 3/11 4/11 4/13 8/2 8/10

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 (Annex 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> Cambridge Historic Core Conservation Area Appraisal (2006)

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

Cambridgeshire County Council (Highways Development Management)

- 6.1 The proposal results in the loss of two parking spaces. No information has been supplied regarding the existing use of those spaces. The development may therefore impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application.

Urban Design and Conservation Team

- 6.2 It is considered that there are no material Conservation issues with this proposal.

Environmental Health

- 6.3 1st Comment
Unable to comment until further information about hours of use and plant noise have been provided.
- 6.4 2nd Comment (following submission of Acoustic Assessment)
Further information is still required about the hours of use and how barrels will be transported. The timing (busy weekend period) and monitoring location (very close proximity to the Brewhouse kitchen extraction unit) for the acoustic assessment raises uncertainty of the yielded results. Acoustic louvres are required to be fitted to the clear cooling unit enclosure area to

reduce noise egress. This requires confirmation and assurance that noise levels will be significantly reduced with the implementation of the louvres.

6.5 3rd Comment

There was a noise complaint from residents of Malcolm Place regarding plant noise, alleged to emanate from the operational beer storage area associated with this planning application. One of the out of hour's officers witnessed the low frequency plant noise in a Malcolm Place property located in the block above the beer storage location during the early morning at approximately 0100hrs on Saturday 20th January 2018 and concluded that the noise was intrusive and required abatement.

6.6 The Environmental Health Officer visited the site with James McCullough of McCulloughs Ltd on 23rd January 2018 who maintain and install the plant associated with the Brewhouse. The Brewhouse management advised that they had switched off both of their condensers within the new beer storage area from Friday afternoon (19th) until Monday (23rd) afternoon on request of one of the neighbours. This strongly suggested that the noise complained of did not emanate from the Brewhouse beer storage area.

6.7 The complainant's property was visited and officers witnessed the low frequency noise at a very low level. Turning the beer storage area condensers on and off did not influence the noise witnessed in the neighbour's property above the car parking area. Yippee noodle's plant was off and Stem and Glory turned off their kitchen extract. The officers visited the small art office located between the covered carpark and the first floor residential flats. They did not have any plant operating or available that would cause the complained of noise. The noise was still present within the neighbours flat with all plant operating and when turned off. During the visit the noise source could not be located.

6.8 The noise is emanating from an unknown source likely to be within the residential block (e.g. heating system etc) or an unknown item of plant within the covered car park. The Environmental Health Officer is confident from his site visit and the fact the Brewhouse had their condensers switched off when the out of hours officer visited during the weekend and witnessed the noise that the noise complained of is not being

caused by the Brewhouse beer storage area which was originally identified by residents as the source.

- 6.9 Acoustic louvres should be fitted to the clear cooling unit enclosure area to reduce noise egress. The installation of the LP01 louvres, as specified in the documents is acceptable. It will be Planning Officer's decision if this can be requested via a suggested condition as this application is now retrospective.
- 6.10 The agent has confirmed that barrels will be transferred to and from the storage area between the hours of 9am and 6.30pm. It is recommended that this is secured by condition.
- 6.11 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 Gillespie made the following representation:
- The main material issue with the application seems to be around noise and loss of amenity to nearby residents. They are already putting up with a lot of noise from beer barrel movements and it seems as if the issue will get worse with the new development.
- 7.2 The owners/occupiers of the following addresses have made representations:
- Original:
17 Malcolm Place
20 Malcolm Place
30 Malcolm Place
32 Manor Place
- Amended:
17 Malcolm Place
A further local resident, address not supplied
- 7.3 The representations can be summarised as follows:
- Original:
- The reason that the Brewhouse has a shortage of space is that they are brewing more than they have permission to and are supplying other pubs in the area.

- The storage of large numbers of barrels in the car park of the Brewhouse is unacceptable and causes a significant impact on the amenity of neighbouring occupiers.
- Noise from moving barrels is an existing noise issue in the area.
- The potential motor noise would be a nuisance to the flats above. They won't be able to open their windows because of the noise.
- The proposal is inappropriate in a residential area and is out of character with the conservation area.

Amended:

- The description as a 'storage area' is inaccurate and doesn't represent the large refrigerated unit that has been installed.
- The residents in the flats above this unit are still troubled by intrusive noise, this seemed to start soon after the store was created.
- Until such time as it has been 100% proven that the noise does not come from the beer store (i.e. the actual source is identified) it would not be reasonable to grant planning permission for the store.
- A way of moving barrels with minimal noise needs to be established.

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. Context of site, design and external spaces (and impact on heritage assets)
2. Residential amenity
3. Car parking
4. Third party representations

Context of site, design and external spaces (and impact on heritage assets)

- 8.4 The site is one of the undercroft storage units used by residents of the flats above, these units are largely unused. Some of the units have been gated to provide secure storage and others are used for car parking. The site is continuing to be used as storage but by the adjacent public house, The Cambridge Brewhouse, instead of residents.
- 8.5 The site is now a refrigerated storage area for beer. All proposed works are internal and therefore do not require planning permission. However the application has been submitted as the change from residential storage to commercial storage is considered to represent a material change of use. The proposal has no impact on the external appearance of the building and therefore in terms of design it is considered acceptable. It is also considered that the proposal has no impact on the character of the conservation area.
- 8.6 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 4/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.7 There are no external alterations proposed therefore there would be no overshadowing, overbearing or overlooking impact on any neighbouring occupiers.
- 8.8 There have been a number of objections from neighbours relating to a mechanical noise causing disturbance to the flats in Malcolm Place. As outlined in paragraphs 6.5 - 6.9 the Environmental Health team have investigated the source of the noise. Although the source of the noise has not yet been identified the Environmental Health Officer is confident that the storage unit that is the subject of this application is not the source. The Environmental Health Officer has requested that acoustic louvres are fitted to the clear cooling unit enclosure area to reduce noise egress. They consider the installation of the LP01 louvres, as specified in the documents, to be acceptable. As this is a retrospective application a condition is recommended to ensure that the louvres are installed in a

timely manner. I am confident that, subject to this condition, there would be no noise impact on the neighbouring occupiers as the result of this proposal.

- 8.9 A number of the objections highlighted that there is an existing noise issue relating to the movement of barrels and there was a concern that the frequency of this noise would increase if this proposal was permitted. The agent has stated that this area is not intended as a store for empty barrels and that barrels will be transported on a wooden trolley which would minimise any noise associated with their movement. A condition is recommended to limit the transfer of barrels to between 09:00 and 18:30.
- 8.10 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, 3/7 and 4/13.

Car Parking

- 8.11 The undercroft spaces are used by residents of the flats above for car parking or storage. Using one of the undercroft spaces for storage, as proposed, results in the loss of space that could be used for off-street parking. However, the loss of car parking space is considered to be acceptable given the very sustainable location of the site.
- 8.12 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/10.

Third Party Representations

- 8.13 Neighbours are concerned about the amount of brewing being undertaken by the Cambridge Brewhouse and the unsightly stacks of barrels in the car park. The area used for storing barrels forms part of the planning unit and therefore it can be used in connection with the Brew House and this includes the storage of barrels. Whether the amount of brewing is related to distribution elsewhere and a possible change in the use of the premises is a matter that is being investigated separately by the Planning Enforcement team. It is not relevant to this particular proposal but, for the avoidance of doubt, I have recommended a condition to ensure the building is used for ancillary storage to

public house at 1 King Street as the impacts upon neighbour amenity have been assessed on this basis.

9.0 CONCLUSION

- 9.1 The third party representations primarily relate to existing noise issues and other matters relating to the Cambridge Brewhouse's storage arrangements that are not relevant to this application. The Environmental Health team consider the amended proposal to be acceptable. It is considered that the change of use from ancillary residential storage to storage unit for the public house would not adversely impact the amenity of neighbouring occupiers. For these reasons the recommendation is for approval subject to conditions.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. 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.

2. Within 28 days of the date of this decision, acoustic louvres shall be fitted across the grating enclosing the cellar cooling unit in accordance with the approved acoustic louvre drawings, information and details. The louvres shall thereafter be maintained in accordance with the approved details.

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

3. The transfer of barrels between the public house and the storage area shall only occur between 09:00hrs and 18:30hrs.

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

4. The use, hereby permitted, shall be used for ancillary storage for the adjacent public house (currently known as The Cambridge Brewhouse) at 1 King Street only and for no other purpose (including any other purpose in Classes A4 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: For the avoidance of doubt, and because use of the building for any other purpose would require re-examination of its impact. (Cambridge Local Plan 2006 policies 3/4, 4/13 and 8/2)