

Application Number	19/0902/FUL	Agenda Item	
Date Received	18th July 2019	Officer	Mary Collins
Target Date	12th September 2019		
Ward	Petersfield		
Site	23A Hooper Street		
Proposal	Change of use from existing automobile repair shop (vacant unit) to a mixed use Class B2 (micro-brewery) and Class A4 (drinking establishment) and installation of cycle storage facilities.		
Applicant	Calverley 23A, Hooper Street		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none">- The proposed development would not have any significant adverse impact on the amenity of surrounding occupiers.- The use of the premises for B2 (Microbrewery) and A4 (Drinking Establishment) is in accordance with policy 41 of the Cambridge Local Plan 2018.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is situated on the northern side and eastern end of Hooper Street. To the west are adjoining residential properties and to the east the railway line. Opposite the site to the south is the former Mill Road Depot which is being redeveloped as housing. To the north is 23B Hooper Street, a detached residential dwelling.
- 1.2 The application site comprises brick-built buildings within a courtyard of buildings occupied in business uses.

1.3 There is an existing vacant unit to the east of the entrance to the yard which was last used for car repairs and is within B2 use. Two other buildings at the application site are in commercial use as a mixed use Class B2 (micro-brewery) and Class A4 (drinking establishment) and occupied by the current applicant Calverley's Brewery.

1.4 The application site is next to the Mill Road Conservation Area.

2.0 THE PROPOSAL

2.1 Planning permission is sought for change of use from an existing automobile repair shop (vacant unit) to a mixed use Class B2 (micro-brewery) and Class A4 (drinking establishment) and installation of cycle storage facilities.

2.3 The vacant building is situated to the east of the entrance to the yard and fronts Hooper Street with doors opening to the street.

2.4 This unit would be subdivided with B2 use at the southern end of the building where it fronts Hooper Street with the remainder of the building for use as a Tap Room with a mixed use of B2 (microbrewery) and A4 (drinking establishment).

2.5 The opening hours would be Thursday and Friday evenings 17:00 to 22:30 and Saturdays 11:00 to 22:30.

2.6 There is an extant planning permission for the existing brewery buildings to be used for a mixed use of B2 and A4. These are to the Hooper Street frontage in the south western part of the application site to the western side of the of entrance to the yard and the stores at the northern end of the buildings on the eastern side of the yard.

2.7 This application for planning permission also seeks to change the use of these buildings, the subject of the earlier permission to revert back to a B2 use.

2.8 Cycle parking has been provided for 8 cycles.

2.9 The application is accompanied by the following supporting information:

1. Planning Statement

2. Plans
3. Noise Management Plan

3.0 SITE HISTORY

Reference	Description	Outcome
18/1123/FUL	Retrospective planning permission is sought for the change of use of existing buildings from Class B2 microbrewery to Class B2 microbrewery and Class A4 Drinking Establishment.	Approved

4.0 PUBLICITY

4.1	Advertisement:	No
	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 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	1 35 36 41 55 56 58 61 72 81 82

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

Central Government Guidance	National Planning Policy Framework February 2019 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Annex A)
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6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Control)

- 6.1 No significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of Planning Permission.

Conservation Team

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

Environmental Health

- 6.3 The proposal is acceptable subject to conditions.
- Restrictions on A4 Use
 - Patron use of the external areas of the premises is prohibited at all times.
 - Hours of use
 - Noise Management Plan
 - Refuse and recycling bins / receptacles, bottles, barrels and stores
 - No Preparation or Cooking of hot food on the site at any time.
- 6.4 This new application seeks to remove the external seating area and open up a vacant unit in order to provide additional internal seating (and so preventing the need for the external seating area). These latest proposals include the removal of one of the main causes of noise complaint (patron use of the external areas). Welcome this proposal and recommend that it is controlled by condition.

- 6.5 The other main source of noise complaint (people in the street) is more difficult to control directly via condition. The Premises License includes provisions for the dispersal of patrons away from the premises quietly. However, the dispersal of patrons in a quiet and orderly manner is a premises management issue that should be considered to be included in the Noise Management Plan (NMP).
- 6.6 Given the residential nature of the area (existing and forthcoming residential premises opposite), we would advise that the applicant does not encourage the use of mobile food vans in this locality. Noise from the engine / generator and / or music from such vehicles can give rise to statutory noise nuisance for which enforcement action can be taken by Environmental Health against the vehicle owner / operator. However, we have no power to take enforcement action on the noise from people in the street gathering at the vans. It should also be noted that outside the City Centre, Environmental Health do not have any control over where mobile food vans can stop and serve customers and as such, we consider that the potential impact of people gathering in the street at the vehicle may need to be considered as an amenity aspect through planning controls, if possible.

Access Officer

- 6.7 Pleased with this application.

CAMRA

- 6.8 The changes in the planning application would have several positive effects. The toilet facilities would be improved, the building would be accessible to customers and increased cycle facilities.
- 6.9 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:

Object

- 90 Ainsworth Street
- 108 Ainsworth Street
- Support
- 57 Ainsworth Street
- 106 Ainsworth Street
- 4 Comfrey Court
- Cross Street
- Ground Floor Flat 20 Guest Road
- 140 Gwydir Street
- Unit 3, 23A Hooper street
- 17 Manhattan Drive
- 17 Milford Street
- 21 Riverside
- 1 Sturton Street
- 39 Sturton Street
- 8 Swallow Gardens
- 52 Wycliffe Road
- 138 Thoday Street
- Cambs Food Tour
- 21 Ainsworth Place

7.2 The representations can be summarised as follows:

Objections

- The existing drinking establishment causes harm to the amenity of my property and the neighbourhood.

The noise makes the outdoor areas of my property, and rooms facing the drinking establishment unusable during the hours of operation of the drinking establishment which deprives me of my right to enjoy my property to which I am entitled. The application will worsen the noise by increasing the number of drinkers that can be accommodated on the site and this will increase the noise and increase the harm to my property and the neighbourhood.

- The noise is intrusive to those of us whose gardens adjoin the premises.

The noise management plan is not working and any expansion will result in more noise and disturbance.

Support:

- Disability Cambridgeshire - has given access advice to Calverley's Brewery and support their application.
- Camcycle - support the application and the cycle parking arrangements proposed for the drinking establishment, which make good use of the available existing buildings. The renovations will improve the area and provide accessible toilets and facilities for use by patrons.
- As the landlords of 23a/23b Hooper Street, have supported many small businesses over the years. We are pleased to see another independent business operating successfully alongside existing businesses at this address. We also have responsibility for the environment at 23b Hooper Street and feel that this application would enhance the area during opening hours. As the Landlords we have not received any verbal or written complaints regarding Calverleys Brewery.

The new plans will increase inclusivity and access to the venue. The installation of cycle storage is welcomed as most customers walk or cycle there. This application will provide much needed extra WC's including a disabled access, WC disabled toilet access and cycle parking as well as generally improving facilities. Appreciate the concerns of the neighbours, but note that the plans are to relocate all of the business indoors

- Moreover, it continues the regeneration of a set of buildings which were becoming increasingly dilapidated and a potential target for vandalism and squatting.

7.3 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. Context of site, design and external spaces (and impact on heritage assets)
3. Residential amenity
4. Inclusive access
5. Refuse arrangements
6. Highway safety
7. Third party representations

Principle of Development

- 8.2 The application site is situated outside the city centre and is not within a district, local or neighbourhood centre, therefore policies 11 and 72 of the Cambridge Local Plan 2018 do not apply in this case. Within these areas A4 use is an acceptable use at ground floor level. There is no policy controlling such uses outside these areas and the main consideration will therefore relate to residential amenity matters set out within other policies of the plan.
- 8.3 The proposal does not entail the loss of a dwelling and is currently in B2 use.
- 8.4 Policy 41 of the Cambridge Local Plan 2018 (Protection of Business Space) states:
- There will be a presumption against the loss of any employment uses outside protected industrial sites. Development (including change of use) resulting in the loss of employment uses will not be permitted unless:
 - the loss of a small proportion of floorspace would facilitate the redevelopment and continuation of employment uses (within B use class or sui generis research institutes) on the site and that the proposed redevelopment will modernise buildings that are out of date and do not meet business needs; or
 - the site is vacant and has been realistically marketed for a period of 12 months for employment use, including the option for potential modernisation for employment uses and no future occupiers have been found
- 8.5 In this case B2 space is not being lost as during the day these buildings would still be used for the primary use of brewing. The use of the floorspace would facilitate the continuation of

employment uses (within B use class) on the site and the proposed redevelopment will allow the existing business to expand and to modernise buildings at the application site.

- 8.6 I am of the opinion that the mixed use of the unit by the existing brewery as B2 with A4 use would not result in any loss of business space.
- 8.7 As such I am of the opinion that the use would not be contrary to policy 41 of the Cambridge Local Plan 2018.

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

- 8.8 The proposal would not have a detrimental impact on the setting of the conservation area and would not impact on the wider surrounding area.
- 8.9 There is an extant planning permission for the use of the existing brewery buildings for a mixed use of B2 and A4.
- 8.10 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 55, 56 and 61.

Residential amenity

- 8.11 The application site is on the periphery of a residential area and there are residential properties adjoining to the west in Ainsworth Street with an intervening distance of approximately 20 metres and to the north – 23B Hooper Street. The Mill Road Depot site to the south has consent for residential development.
- 8.12 The applicant has submitted a NMP (prepared by Maidenhead Planning and dated 19th June 2019) which is largely consistent with the previous NMP, approved under application reference 18/1132/FUL
- 8.13 Environmental Health welcome the removal of the external seating area as there have previously been complaints of noise from shouting, voices and singing from patrons using the external seating area and operation of the existing premises as a drinking establishment.

- 8.14 Environmental Health recommend that a condition is attached which prohibits the use of the external areas of the premises by patrons at all times.
- 8.15 Preventing patrons from drinking outside can be managed by the staff and through a Noise Management Plan. With regards to other potential use of this outside area by patrons for smoking for instance, I am of the opinion that the main reason for visiting the premises is for the consumption of beer etc. If patrons wish to smoke, they would not be able to take their drink with them, so it is possible that they would not want to congregate outside for a long time without a drink. If smokers leave the premises to smoke in the street, they are free to do so and as this is outside the application site this is outside the remit of planning control.
- 8.16 With respect to noise from people in the street, this cannot be controlled directly via condition. The Premises License includes provisions for the dispersal of patrons away from the premises quietly, however the dispersal of patrons in a quiet and orderly manner is a premises management issue that should also be included in the Noise Management Plan (NMP).
- 8.17 With respect to the noise impacts of the food vans serving customers at the Calverley Brewery, the vans are parked on the highway and outside the application site and in my view it would not be possible under planning to prohibit the use of food vans in the public highway / street when the application site is open as a drinking establishment.
- 8.18 I have recommended that permitted development rights be removed to prevent the A4 use changing to A3 use (drinking establishment with expanded food provision) without the express granting of planning permission. The A4 hours of use would be limited to Thursday and Friday evenings (5pm-10.30pm) and Saturdays (11am-10.30pm) and I have recommended a condition to restrict the hours to those specified.
- 8.19 In my opinion, subject to the conditions that have been recommended by Environmental Health, I am of the opinion that these issues have been addressed and that the proposal adequately respects the residential amenity of its neighbours

and the constraints of the site and is in accordance with Cambridge Local Plan (2018) policies 35, 36 55 and 56.

Inclusive access

- 8.20 With regard to the Cambridge Local Plan 2018, Policy 56 (Creating successful places), this policy requires development that is designed to be attractive, high quality, accessible, inclusive and safe and proposals should create clearly defined public and private amenity spaces that are designed to be inclusive, usable, safe and enjoyable.
- 8.21 The applicant has given consideration to the need to provide a development that is accessible and inclusive. The entrance to the proposed Taproom would be step free with a level threshold and the proposal would include accessible WC and a lowered section of the serving bar.
- 8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 56.

Refuse arrangements

- 8.23 Waste collections are made by Cambridge City Council and will be made on Tuesday and Wednesday mornings. The bins will be made ready by 1900hrs on the evening before the collection day. This is acceptable. Environmental Health recommend that a condition restricting the hours of use and movement of refuse and recycling bins / receptacles, bottles, barrels and stores is attached if approval is given to minimise noise disturbance.
- 8.24 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 56 in relation to refuse provision.

Highway Safety

- 8.25 The Highways Authority had previously commented that there is no off-street car parking provision made for customers and there is uncontrolled parking in the vicinity.
- 8.26 I am of the opinion that there would not be significant extra demand for on street parking. The A4 use is not the primary use of the premises and there are already public houses in close vicinity and many of the patrons would be walking or cycling to

the premises and would not be driving to the venue. As such I am of the opinion that there would not be any significant adverse impact upon residential amenity.

- 8.27 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 81.

Cycle Parking

- 8.28 The adopted standards require one space per 10 square metres of floor area. The floor area for drinking is approximately 70 square metres and cycle parking spaces have been provided for 8 cycles.

- 8.29 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 82.

Third Party Representations

- 8.30 I have addressed the third party representations within my report

9.0 CONCLUSION

The proposed A4 use is acceptable in association with the B2 use on the application site and subject to conditions would not be detrimental to the amenities of neighbouring residential properties.

10.0 RECOMMENDATION

APPROVE

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 91 of the Town and Country Planning Act 1990 (as amended by 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. Prior to the operation of the premises as approved, the applicant shall provide a detailed Noise Management Plan (NMP) for approval by the Local Planning Authority. The NMP shall include details on (but not be limited to):
 - o confirmation on opening hours,
 - o confirmation that there will be no amplified music / voice on the premises,
 - o management and control of patron access to external areas, including any external area where people may congregate for any reason,
 - o management and control of noise from internal areas,
 - o management and control of people accessing / egressing the premises,
 - o collection and delivery hours (including waste and recycling),
 - o complaints procedures and details on reviewing and updating the NMP when necessary.

The NMP shall be implemented and retained as approved thereafter.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan (2018) policy 35).

4. Patron use of the external areas of the premises is prohibited at all times.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan (2018) policy 35).

5. The Premises shall only be open to the public at the following times:
 - o Thursday-Friday: 1700hrs - 2300hrs
 - o Saturday: 1100hrs - 2300hrs

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan (2018) policy 35).

6. Music (to include internal or external amplified and unamplified music) and amplified voice is not permitted on site at any time.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan (2018) policy 35).

7. The external garage doors on the ground floor of the main unit building opening directly on to / fronting Hooper Street (or any opening in this location should the garage doors as detailed be replaced) shall be kept closed at all times and shall not be used for patron ingress / egress when the premises is open to the public and operating as A4 Class Use - as a drinking establishment.

8. No bottles, kegs / barrels or other commercial refuse / waste or recycling material associated with the approved uses / site shall be emptied into external receptacles and the said receptacles and kegs / barrels shall not be taken out externally or moved around the external of the site between the hours of 2100-0700 hours.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan (2018) policy 35).

9. There shall be no operational dispatches / collections from and deliveries to the site outside the following hours:

Monday - Saturday: 0800hrs - 1800hrs

There are to be no deliveries made on Sundays or bank / Public Holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan (2018) policy 35).

10. There shall be no preparation or cooking of hot food on the site at any time.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan (2018) policy 35).

11. The premises shall be operated and used for the purposes as detailed / defined within the Planning Statement; Ref: Calverleys Brewery, 23a Hooper Street, Cambridge (prepared by Maidenhead Planning and dated 4th June 2019) and for no other purpose (including any other purpose in Class A4 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: To protect the amenity of the adjoining properties. (Cambridge Local Plan (2018) policy 35).

12. The cycle facilities shall be provided in accordance with the approved details before the use of the development commences and permanently maintained thereafter.

Reason: To ensure satisfactory provision for the secure storage of bicycles and refuse arrangements. (Cambridge Local Plan 2018 policies 82 and 56).

INFORMATIVE: A premises licence may be required for this development in addition to any planning permission. A premises licence under the Licensing Act 2003 may be required to authorise:

- The supply of alcohol
- Regulated entertainment e.g.
- Music (Including bands, DJ's and juke boxes)
- Dancing
- The performing of plays
- Boxing or wrestling
- The showing of films
- Late Night Refreshment (The supply of hot food or drink between 23:00-05:00)

A separate licence may be required for activities involving gambling including poker and gaming machines.

The applicant is advised to contact The Licensing Team of Environmental Health at Cambridge City Council on telephone number (01223) 457899 or email Licensing@cambridge.gov.uk for further information.