

The Licencing Sub-Committee
Cambridge City Council

21 October 2019

**Pending Application for a Premises Licence re The Seven Stars Public House
249 Newmarket Road, Cambridge CB5 8JE:**

Dear Sir/Madam,

I write to make the following counter representation in response to the representation made by Serga Colett (**Serga**) dated 29 September 2019, the owner of 247 Newmarket Road(#**247**) in relation to the premises licence application for Sale of Alcohol at the *Seven Stars, 249 Newmarket Road, CB5 8JE (7stars)*.

In issuing a notice of determination of the application, kindly read my following counter representation in conjunction with my previously submitted application for premises licence, so as my oral evidence scheduled on 22 October 2019.

1. I find Serga's first raised objection incorrect and untenable that the area has been developed into a residential area of flats. I have based my above finding on the following arguments being corroborated by various documents attached:
 - a. I wish to draw The Licencing Sub-Committee kind attention on the last planning application granted on 25 September 2014 The Seven Stars Public House 249 Newmarket Road, Cambridge CB5 8JE (14/0308/FUL) which was granted for:

'Demolition of existing buildings and outbuildings and erection of a new 3 storey building for mixed use, including 7 flats and a restaurant and/or public house, with retention of existing façade'.

- b. In view of the above, it is clear that The Seven Stars Public House 249 Newmarket Road is not a residential premises, as a planning permission was formally granted for a development including seven flats that equally retained a unit on the ground floor for the future use of public house. Hence, our application is merely aiming to utilise the ground floor unit in line with the permission granted. I therefore submit that the above raised objection is irrelevant, misconceived and redundant as it does not fall within the domain of permissible objections as it had already been dealt by the local authority in the planning permission application granted on 25 September 2019. Thereby, legally this objection is not tenable.
 - c. Further, I draw The Licencing Sub-Committee attention on page 296 of Cambridge Local plan 2018 document (list of protected houses policy 76) which has mentioned

The Seven Stars Public House 249 Newmarket Road as a Protected Public House. With this corroboration, one could easily take a view that The Seven Stars is only meant to use for a public house, therefore, dismissing our application would not only breach Cambridge Plan 2018 but also planning permission granted on 25 September 2019. It is reiterated that 7stars is a protected public house under the **Interim Planning Policy Guidance (IPPG) on The Protection of Public Houses in the City of Cambridge**. It would be unreasonable and inconsistent to prohibit the Sale of Alcohol at a protected public house.

- d. Finally, I secured a commercial lease and made the premises licence application in the legitimate expectation that The Seven Stars Public House 249 Newmarket Road had already been endorsed as public house, therefore, Serga's objection is time barred.

2. In response to Serga objection that this area is now a residential area, I submit that in the surrounding The Seven Stars Public House, there are number of units in particular on ground floor which are operating as business units including public houses. I therefore, find's this objection unsupported and misconceive.

3. Serga has raised concerned about living conditions, noise and anti-social behaviour resulting from the consumption of alcohol from our side. In this regard, I submit that our application has satisfactorily addressed all concerns raised by related authorities regarding the risk of disorder at Newmarket Road. The development has also satisfactorily addressed noise insulation aspects of the premises at 7stars as required within the above- mentioned planning application.

4. With regard to noise, I refer to MAS Environmental Report sought on 23 July 2019, which safely concluded that a good level of sound reduction has been found between the ground floor and of Seven Star and the first- floor dwelling. One the basis of the said finding, one could potentially conclude that that if the first- floor dwelling would not be affected by noise level emanating from ground floor, it is not understandable how the next door would be a victim. By implementing the recommendation made by MAS report i.e. the use of sound isolating mounts, would result a further improve in noise reduction level in the surroundings.

5. In order to cater with noise and anti-social behaviour problems we have detailed out our plan in Section 18 of the submitted application which are self-explanatory to our version that robust measures would in place to tackle any such issues, if arises in the future.

6. In addition to, I have agreed two conditions imposed by Environmntal Health via an email of 09 September 2019 and that concerned PC Clare 446 commended I submitted a comprehensive application, citing relevant conditions within the operating rules.

7. Furthermore, I would also like to point out that the neighbouring community within the mixed -use building and the tenant at #247 have so far been positive about the prospect of re-opening of Seven Stars.

On the basis of foregoing representation and oral and documentary evidence adduced in this matter, I therefore contend that the raised objections do not sufficiently engage any of the four licensing objectives as I have make out the case that Seven Stars are fully capable to ensure the following objectives:

- (i) *The prevention of crime and disorder (for example drug-related problems, disorder, drunkenness and anti-social behaviour)*
- (ii) *Public safety (the physical safety of people using the venue)*
- (iii) *The prevention of public nuisance (for example noise from music, litter and light pollution)*
- (iv) *The protection of children from harm (including moral, psychological and physical harm)*

I therefore request The Licencing Sub-Committee to grant our application as our hours are reasonable, we have taken due care to tackle disorder concerns and will continue to work alongside local authorities for any such matters arising in future. We see the re-opening of 7stars as a forward-looking rather than retrograde step for the Newmarket Road area in Cambridge.

Yours faithfully,

Cholan Dharumalingam
Marketcam Ltd

NB: Further arguments may be adduced on 22 October 2019

Appendices

- Planning Decision Notice Granted on 25 September 2014
- Cambridge City Local Plan 2018 – pp.223-225 – Protection of Public Houses
- Cambridge City Local Plan 2018 – p.296 – showing Seven Stars ‘protected’ status
- MAS Environmental Report sought on 23 July 2019 detailing the level of sound insulation

CAMBRIDGE CITY COUNCIL
The Guildhall, Cambridge, CB2 3QJ

TOWN AND COUNTRY PLANNING ACTS 1990

FULL PLANNING PERMISSION

SUBJECT TO CONDITIONS

Ref: 14/0308/FUL



Mr Ken Neale
Neale Associates
The Tram Shed
East Road
Cambridge
CB1 1BG

The Council hereby grant full planning permission for

Demolition of existing buildings and outbuildings and erection of a new 3 storey building for mixed use, including 7 flats and a restaurant and/or public house, with retention of existing facade.

at

The Seven Stars 249 Newmarket Road Cambridge CB5 8JE

in accordance with your application received 4th March 2014 and the plans, drawings and documents which form part of the application, subject to the conditions set out below:

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. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

3. Except with the prior written agreement of the local planning authority no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours Monday to Friday, 0800 hours to 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. Except with the prior agreement of the local planning authority in writing, there should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0700 hrs and 1900 hrs on Monday - Saturday and there should be no collections or deliveries on Sundays or Bank and public holidays.

Reason: Due to the proximity of residential properties to this premises and that extensive refurbishment will be required, the above conditions are recommended to protect the amenity of these residential properties throughout the redevelopment in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006)

5. No development shall take place within the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To ensure that an appropriate archaeological investigation of the site has been implemented before development commences. (Cambridge Local Plan 2006 policy 4/9)

6. No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the demolition / construction period has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason: In the interests of neighbouring amenity, Cambridge Local Plan 2006 policy 4/13.

7. Before the development/use hereby permitted is commenced, a scheme for the insulation of the building(s) and/or plant in order to minimise the level of noise emanating from the said building(s) and/or plant shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

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

8. Prior to the commencement of development/construction, a noise insulation scheme detailing the acoustic noise insulation performance specification of the external building envelope of the residential units (having regard to the building fabric, glazing and ventilation) to reduce the level of noise experienced in the residential units as a result of the proximity of the habitable rooms to the high ambient noise levels in the area (Newmarket Road façade dominated by traffic/vehicle noise), be submitted to and approved in writing by the local planning authority. The scheme shall achieve the internal noise levels recommended in British Standard 8233:1999 'Sound Insulation and noise reduction for buildings-Code of Practice'. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall not be altered without prior approval.

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

9. Before the development/use hereby permitted is commenced, details of equipment for the purpose of extraction and/or filtration of fumes and or odours shall be submitted to and approved in writing by the local planning authority. The approved extraction/filtration scheme shall be installed before the use hereby permitted is commenced.

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

10. No development approved by this permission shall be COMMENCED prior to a contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary.

(a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.

(b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

(c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.

No development approved by this permission shall be OCCUPIED prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs d), e) and f).

(d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

(e) If, during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

(f) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site.

Reason: In the interests of the amenities of future occupiers, Cambridge Local Plan 2006 4/13.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the ground floor of the premises designated for public house use (use class A4) within the approved plans shall be permanently retained.

Reason: To safeguard the community facility as set out within paragraph 70 of the National Planning Policy Framework 2012.

12. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant. Soft Landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

13. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted to and approved by the local planning authority in writing prior to occupation of the development or any phase of the development whichever is the sooner, for its permitted use. The landscape plan shall be carried out as approved.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

14. Prior to the commencement of development and with reference to BS 5837 2012, details of the specification and position of all protection measures and techniques to be adopted for the protection of any trees from damage during the course of any activity related to the development, shall be submitted to the local planning authority for its written approval in the form of an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP). The approved AMS and TPP will be implemented throughout the development and the agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority.

Reason: To protect the visual amenity of the area and to ensure the retention of the trees on the site. (Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

This decision notice relates to the following drawings: **13/1370/01/02/03 B, 13/1370/05/06/07 B, 13/1370/01 C, 13/1370/02 C, 13/1370/03 C, 13/1370/05 C, 13/1370/06 B, 13/1370/07 C**

It is important the development is carried out fully in accordance with these plans. If you are an agent, please ensure that your client has a copy of them and that they are also passed to the contractor carrying out the development. A copy of the approved plan(s) is/are kept on the planning application file.

It is important that all conditions particularly pre-commencement conditions are fully complied with, and where appropriate, discharged prior to the implementation of the development. Failure to discharge such conditions may invalidate the planning permission granted. The development must be carried out fully in accordance with the requirements of any details approved by condition.

This decision notice does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Your attention is specifically drawn to the requirements of the Chronically Sick and Disabled Persons Act 1970, the Disabled Persons Act 1981, to the British Standards Institution Code of Practice for Access for the Disabled to Buildings (BS 5810 1979), to Part M of the Building Regulations 1991, and to BS 5588 Part 8 1988 (Code of Practice for means of escape for disabled persons). The development should comply with these requirements.

Please note: On-street parking controls, including residents' parking schemes, are in operation in several parts of the City of Cambridge. There are restrictions on eligibility for residents' parking permits, even for residents within the areas covered by schemes. Implementing a planning consent can remove eligibility for a permit. The County Council can advise whether or not properties qualify for a Residents' Parking Permit. If in doubt, please contact Cambridgeshire County Council, Cambridgeshire Parking Services by telephoning (01223) 727920 or by e-mailing parkingpermits@cambridgeshire.gov.uk, mentioning this planning consent. Please also be aware that the criteria for granting parking permits may change from time to time.

For further information please go to www.cambridge.gov.uk/planning.

Dated: 25 September 2014



Guildhall, Cambridge, CB2 3QJ

Head of Planning Services


SEE NOTES ATTACHED

PLANNING PERMISSION

1. Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development' or to grant permission subject to conditions, then you can appeal to the First Secretary of State under section 78 of the Town & Country Planning Act 1990.

If you want to appeal then you must do so within 6 months of the date of this notice or within 12 weeks of the date of the decision notice against a refusal of any householder or minor commercial planning application, using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or from www.planningportal.gov.uk/pcs

The Secretary of State can allow for a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, he does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

2. Purchase Notices

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been, or would be permitted. In these circumstances, the owner may serve a purchase notice on the council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town & Country Planning Act 1990.

LISTED BUILDING CONSENT, CONSERVATION AREA CONSENT

3. Notification of Demolition

If listed building consent has been granted and any demolition is to take place, you must in accordance with Section 8(2)(b) of the Planning (Listed Building and Conservation Areas) Act 1990 complete a Final Notice of Demolition Form and send it to English Heritage at least one month before demolition occurs.

4. Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse listed building or conservation area consent, or to grant either subject to conditions then you may appeal to the Secretary of State for the Environment in accordance with sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Appeals must be made within 6 months of the date of the decision (see notes under 1 above).

5. Purchase Notice

If listed building or conservation area consent is refused, or if either is granted subject to conditions, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council in which the land is situated a purchase notice requiring the council to purchase his interest in the land in accordance with section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

6. Compensation

In certain circumstances a claim may be made against the local planning authority for compensation as provided for under Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.

CONSENT TO DISPLAY AN ADVERTISEMENT

7. Appeals to the Secretary of State

If you are aggrieved by the decision of the local planning authority to refuse consent to display an advertisement, or to grant consent subject to conditions then you may appeal to the Secretary of State for the Environment under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992. Appeals must be made within 8 weeks of the date of the decision (see notes under 1 above)

community based settings, delivering services as close to home as possible. Advancements in medicine and technology have also had considerable impact on the way services are delivered and what can now be delivered outside of hospitals.

- 8.36 The shift in location and delivery of services also requires more flexibility in planning agreements and the detailed planning and procurement of health facilities. One key principle that should be considered is the co-location of non-NHS community, voluntary sector and commercial spaces alongside primary and community care services if their addition accords with the philosophy of care and can improve affordability/accessibility.
- 8.37 Co-locating services may provide benefits including: a focal point for the community, promotion of healthy lifestyles as part of an integrated health and community care approach, better connectivity with other services and opening up new possibilities for residents, increased building/site usage, the creation of a critical mass of linked services, increased convenience for users, improved funding; and more sustainable transport links. Examples of co-located facilities include those already built in Cambourne and in the planning for Northstowe, Cambridge Southern Fringe and North West Cambridge.

Policy 76: Protection of public houses

The loss of a safeguarded public house including its site (listed in Appendix C) will only be permitted if it can be demonstrated that:

- a. the public house site is no longer needed within the community as a public house or other form of community facility, in line with the guidance set out in Appendix K of the plan. Applicants should provide evidence that the public house has been marketed for 12 months as a public house, free of tie and for alternative local commercial (A class use) or community facility use, at a market price following independent professional valuation (paid for by the developer) and that there has been no interest in either the freehold or leasehold, either as a public house, restaurant or other use falling within the A use classes or as a community facility falling within D1 use class;
- b. that all reasonable efforts have been made to preserve the facility (including all diversification options explored – and evidence has been supplied to illustrate this) but that it has been proven (by an independent assessment paid for by the developer) that it would not be economically viable to retain the building or site for its existing or any other A or D1 class use; and
- c. that it has been otherwise demonstrated that the local community no longer needs the public house and alternative provision is available in the area.

The loss of any part of a public house, or its curtilage will be permitted if it can be demonstrated that:

- d. the viability of the public house use will not be adversely affected, sufficient cellarge, beer garden, parking and dining/kitchen areas will remain to retain a viable public house operation; and
- e. the loss including associated development will not detract from the prevailing character and appearance of the area, including where the building is of merit or has any distinctive architectural features.

Supporting text:

- 8.38 Public houses are an important part of Cambridge's culture and character, fostering social interaction and local community life, often the focal point of a neighbourhood or street. The quality of Cambridge's hostelries is a key part of the city's quality of life. This underlines that pubs are an important part of the Cambridge economy, not just for the direct and indirect jobs they provide in the pub supplies, food and brewing industries, but in supporting the city's main industries and quality of life by attracting and providing a meeting place for students, academics, scientists and entrepreneurs, and in attracting office workers, shoppers and tourists.
- 8.39 The Cambridge Public House Study (2012) identified a relative undersupply of pubs in Cambridge compared with the national average and comparable towns; this is most apparent in the suburbs of the city. Pubs provide facilities/space for recreation and leisure activities, including pub quizzes, darts competitions, pool leagues, political and academic discussion and debate, live music performances, meetings of local interest groups and community events. Pubs are therefore valued and culturally important institutions that should be protected. The Cambridge Public House Study (2012) recommended a minimum public house capacity of 750 working-age adults within a 400m-catchment radius.
- 8.40 The policy adopts a flexible approach, suggested in the 2012 study, allowing pubs to change use to other A class uses, such as shops, professional services and restaurants, and for such uses to change back to pub use where there is a market. This provides flexibility for those pubs struggling to change to alternative business uses, while retaining the vibrancy and use of the site as a local commercial community facility that could be returned to pub use in the future if there were a change in the market.
- 8.41 It is important that public houses are not lost due to deliberate neglect, in particular those of heritage value. In cases where a planning application concerns a heritage asset and there is evidence of deliberate neglect or

damage, the deteriorated state of the heritage asset will not be taken into account in any planning decision.

- 8.42 When considering proposals for the development of part of a pub, its car parking areas, dining areas, cellarage or pub gardens, the Council will require supporting evidence explaining how the development proposal will support and not undermine the viability of the pub.
- 8.43 Developers will need to provide an independent professional assessment (funded by the developer) by a professional Royal Institution of Chartered Surveyors (RICS) valuer with expertise in the licensed leisure sector and who is not also engaged to market the property. Any proposals to convert or redevelop a former public house site (listed in Appendix C, designations schedule) subsequently converted to a different class A use to a non-A use, will still be subject to protection.
- 8.44 The list of safeguarded public house sites will be monitored in the Council's annual monitoring report.

Policy 77: Development and expansion of visitor accommodation

Proposals for high quality visitor accommodation will be supported as part of mixed-use schemes at:

- a. Old Press/Mill Lane;
- b. key sites around Parker's Piece;
- c. land around Cambridge Station and the proposed new Station serving North East Cambridge (see Section Three); and
- d. any large windfall sites that come forward in the city centre during the plan period.

Proposals for high quality visitor accommodation will also be supported in other city centre locations, while larger high quality hotels beyond the city centre may come forward in North West Cambridge and at Cambridge Biomedical Campus (including Addenbrooke's Hospital).

New visitor accommodation should be located on the frontages of main roads or in areas of mixed-use or within walking distance of bus route corridors with good public transport accessibility.

APPENDIX C: DESIGNATIONS SCHEDULE

ID	Protected Open Space Type	Protected Open Space Name	Ward
SPO55	Outdoor Sports Facilities	Chesterton Community College Playing Field	West Chesterton
SPO56	Outdoor Sports Facilities	Milton Road Primary School	West Chesterton
SPO58	Outdoor Sports Facilities	Mayfield Primary School	Castle
SPO59	Outdoor Sports Facilities	Hills Road Sixth Form College Playing Fields / Cantabrigian Rugby Football Grounds	Queen Edith's
SPO60	Outdoor Sports Facilities	Cambridge Lakes Golf Course	Trumpington
SPO61	Outdoor Sports Facilities	Cambridge and County Bowling Club	Trumpington
SPO62	Outdoor Sports Facilities	Perse Preparatory School	Trumpington
SPO63	Outdoor Sports Facilities	Downing College	Market
SPO65	Outdoor Sports Facilities	Chesterton Bowls Club	East Chesterton
SPO66	Outdoor Sports Facilities	Trinity College Hockey Field	Newnham
SPO67	Outdoor Sports Facilities	Cherry Hinton Infants School	Cherry Hinton

List of protected public houses (Policy 76)

While the other sites listed in this appendix are shown on the Policies Map, the following list of protected public houses are not shown on the Policies Map.

ID	Pub Site	Address	Ward
PH001	The Corner House	231 Newmarket Road	Abbey
PH002	Five Bells	126-128 Newmarket Road	Abbey
PH003	The Seven Stars	249 Newmarket Road	Abbey
PH004	The Wrestlers	337 Newmarket Road	Abbey

www.masenv.co.uk

mail@masenv.co.uk

01223 441671

MAS Environmental Ltd
14 South Road
Impington
Cambs, CB24 9PB

Directors:
MIKE STIGWOOD FRSPH, MIOA
TERRI STIGWOOD FRSPH

MAS ENVIRONMENTAL LTD is
registered in England and Wales.
Reg no 7501856.

The Seven Stars, 249 Newmarket Road, Cambridge

Sound insulation testing

Written by: Sarah Large –
Senior Acoustic Consultant

Reference: T7S190723

© 2019 MAS Environmental Ltd. This report is the copyright of MAS Environmental Ltd ("MAS") and any unauthorised use, reproduction or redistribution by anyone other than the client is strictly prohibited.

This report and its content are produced relative to the conditions and context of the relevant circumstances at the time of writing based on the facts and information gathered by, or provided to, MAS on the basis this information is accurate. The findings should not be relied upon at a later date when additional information, research or guidance changes or misrepresent the facts, methodology or findings as presented. MAS reserve the right to reassess, modify and present the findings as knowledge and assessment methodologies change.

The facts and findings are specific to this case based on the circumstances and should not be taken out of context when applied to the circumstances of any future assessment by MAS including the methodology applied, interpretation of guidance or findings. MAS assume no responsibility to any third party in connection with the use of this report or its contents.

Contents

1.0	Introduction.....	4
2.0	Sound insulation testing	5
3.0	Discussion	12
4.0	Conclusions	15

1.0 Introduction

1.1 MAS Environmental Ltd (MAS) were appointed by Neale Associates Architects (NAA) to provide a noise impact assessment to satisfy conditions 7 and 9 of the planning approval for development at The Seven Stars, 249 Newmarket Road, Cambridge (ref: 14/0308/FUL). Condition 9 concerned plant noise and has been addressed in a previous MAS report dated 10th May 2019. Condition 7 is reproduced below:

7. Before the development / use hereby permitted is commenced, a scheme for the insulation of the building(s) and / or plant in order to minimise the level of noise emanating from the said building(s) and / or plant shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

1.2 Further clarification regarding the detail required to discharge condition 7 was provided by the local authority in email correspondence dated 24th June 2019. The correspondence requested calculations of the separating sound insulation qualities and how separating elements will contain noise from the use of the restaurant including raised voices from patrons and noise generated from within the kitchen.

1.3 Whilst the condition specifies a scheme for the sound insulation of the building and the local authority has requested sound insulation calculations, the structure itself is already complete. As such, sound insulation testing was considered most appropriate at this stage in order to ascertain the current reduction afforded by the building structure and whether further works are needed to ensure that adverse noise impact does not arise in dwellings at first floor level directly above the ground floor bar, restaurant and kitchen.

1.4 This report provides additional detail regarding potential sound levels within the ground floor use of The Seven Stars and summarises sound insulation testing of the premises undertaken on 18th July 2019.

2.0 Sound insulation testing

- 2.1 In order to ascertain the level of existing sound insulation between the ground floor (public house and restaurant) and first floor (residential dwellings) of the development, testing was undertaken in accordance with ISO 16283-1: 2014.¹ Two class 1 sound level meters (Norsonic 140) were used to measure noise levels in the source and receiver rooms and reverberation time in the receiver room only. Equipment was calibrated before and after the testing and no significant drift (+/- 0.5dB) was observed. A Nor 275 hemi-dodecahedron loudspeaker was used with pink noise as the source noise. This report presents the results of the testing only and further information regarding the testing, including full equipment list, equipment settings, calibration certificates and test methodology can be provided on request.
- 2.2 The ground and first floor plans are shown in figures 1 and 2 below. Marked on figure 1 as blue squares are the five different speaker locations used to generate pink noise in the source room (public house / restaurant) and the single location used in the kitchen. Figure 2 shows the first floor plan. Testing was carried out in flat 1 only. Flat 1 is directly above the bar / restaurant area of the ground floor and therefore has the greatest potential to be affected by noise. Also plotted on figures 1 and 2 below are the approximate microphone positions used to log noise levels in the source and receiver rooms (see orange squares).

¹ British Standards Institution (2014). BS EN ISO 16283-1:2014. *Acoustics – Field measurement of sound insulation in buildings and of building elements. Part 1: Airborne sound insulation*. London: BSI.

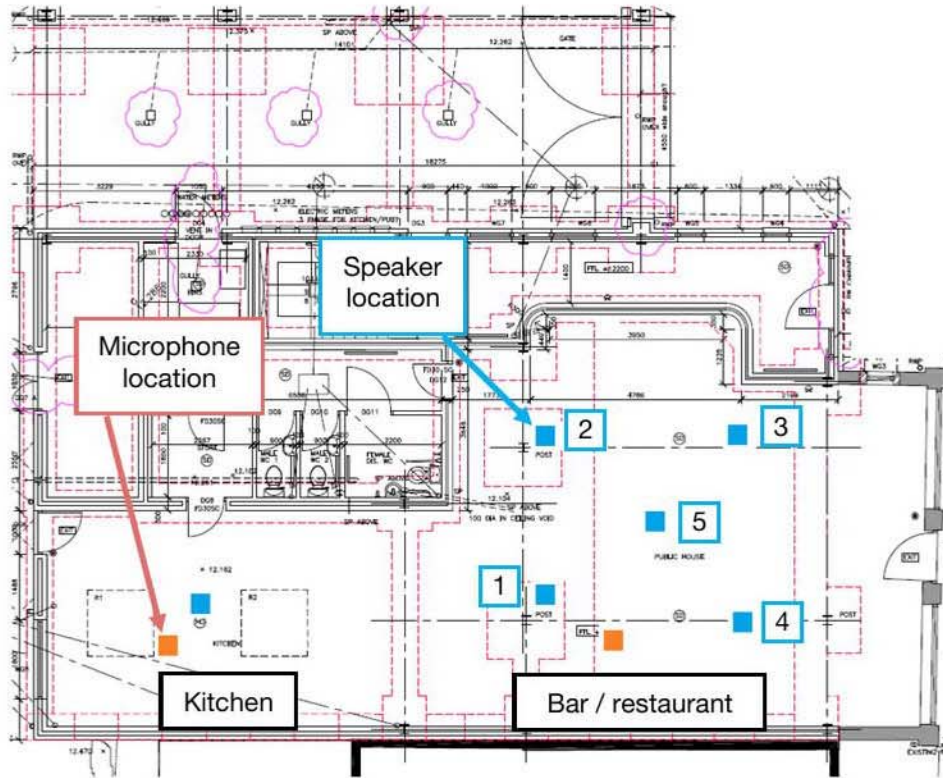


Figure 1: Plan showing speaker and microphone positions on ground floor (source rooms)

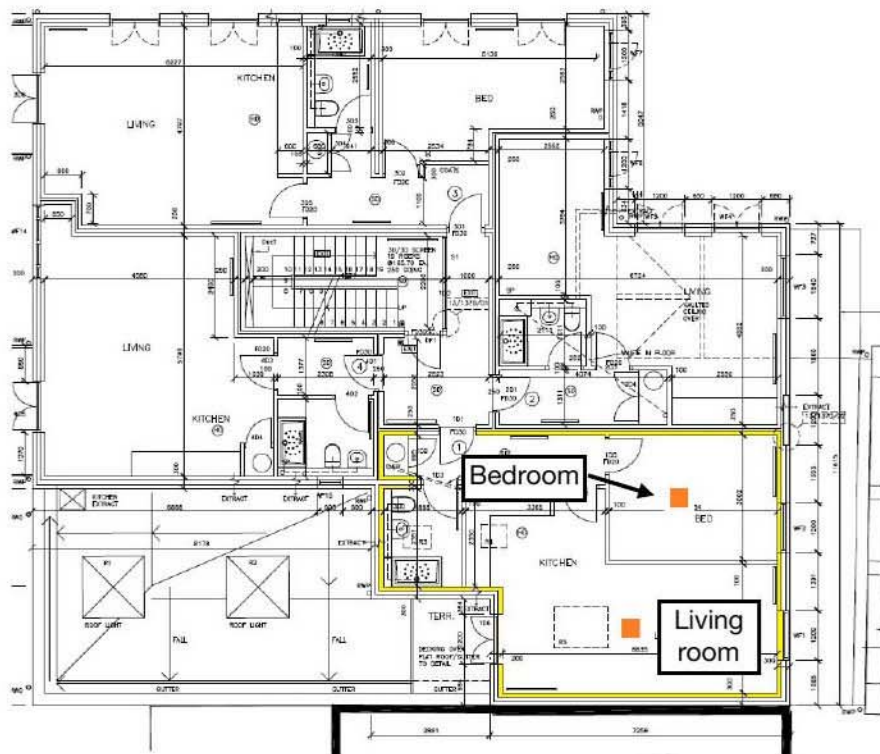


Figure 2: Plan showing first floor layout and flat 1 (receiver rooms) where noise levels were measured in the bedroom and living room

- 2.3 Background sound levels during testing were measured in the region of 28dB LA90,8min in the bedroom of flat 1 and 29dB – 30dB LA90,3min in the living room of flat 1. Windows and trickle vents were kept closed in flat 1 (the receiver rooms) during testing. Whilst background sound levels were low and at least 10dB(A) below measured ambient levels during sound insulation testing, intermittent road traffic noise from Newmarket Road was clearly audible including during some periods of the testing. Periods with lulls in road traffic noise have been used for the purposes of calculating the sound reduction between ground and first floor (the standardised level difference, DnT).²
- 2.4 The three graphs below show the simultaneously measured noise level in the source and receiver rooms. The level difference (D) can be calculated by deducting the level in the source room from that in the receiver room. In general, this has been measured in the region of 50dB – 54dB between the ground floor public house / restaurant and the living room / bedroom of flat 1.

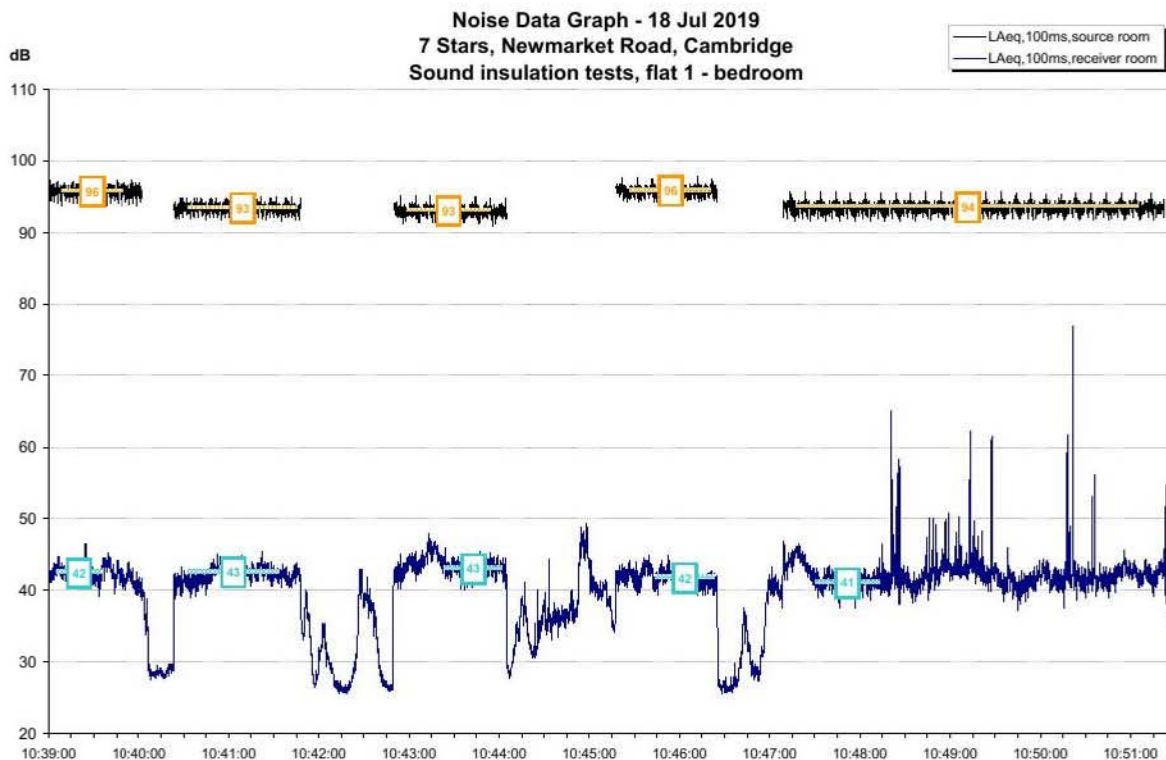


Figure 3: Graph showing measured noise levels in source room (bar / restaurant) and receiver room (bedroom)

² This is the level difference between the source and receiver room adjusted for the reverberation time in the receiver room. Periods have been used where there was no audible road traffic noise and as such there is no need to make any further deductions for extraneous background or ambient sound.

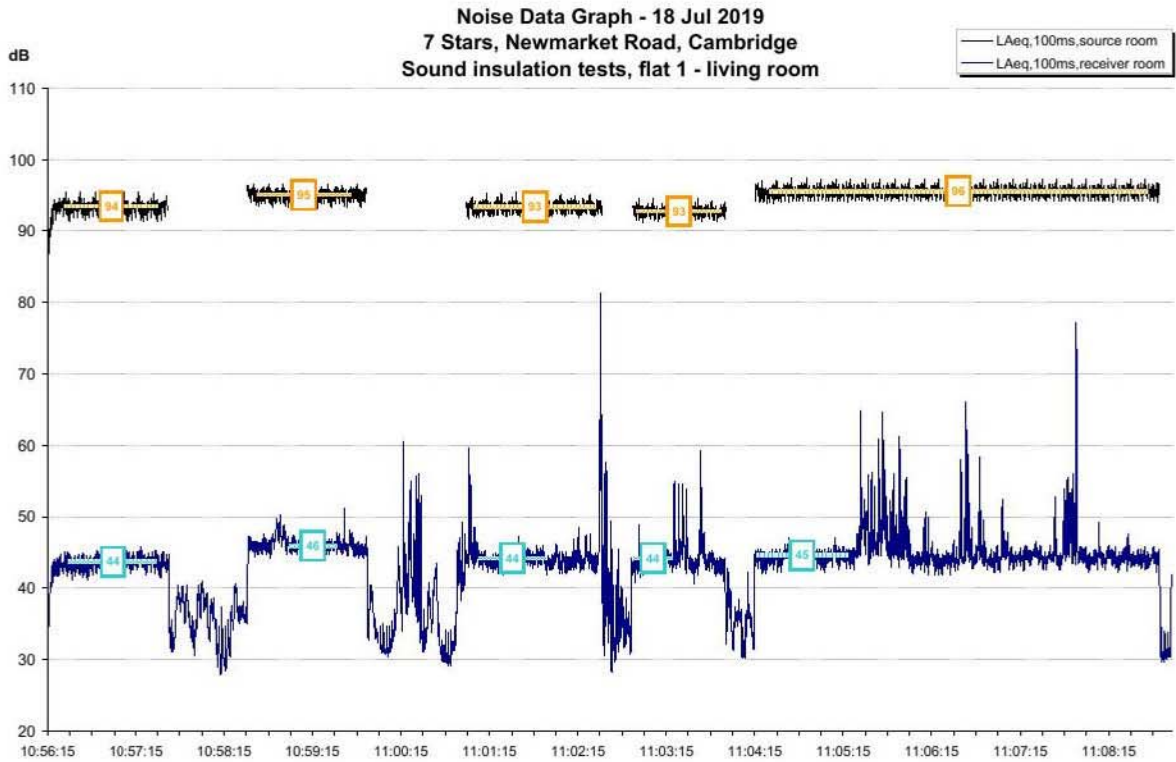


Figure 4: Graph showing measured noise levels in source room (bar / restaurant) and receiver room (living room)

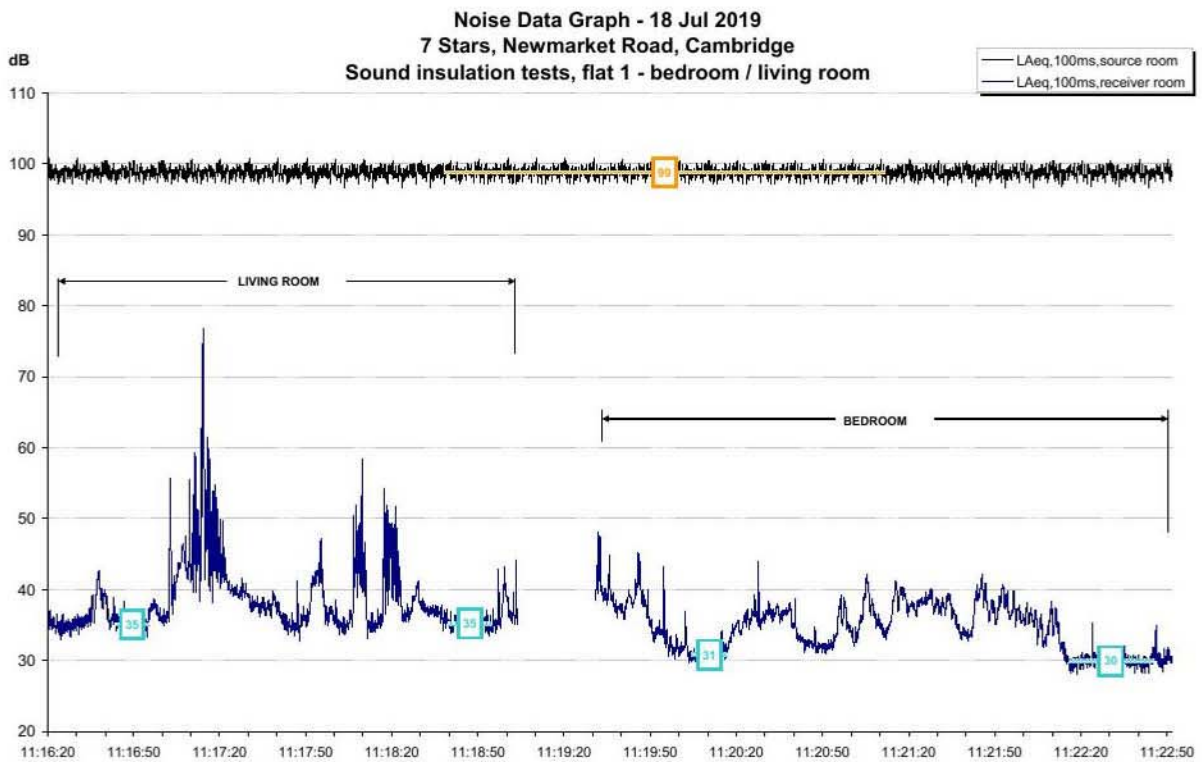


Figure 5: Graph showing measured noise levels in source room (kitchen) and receiver room (living room / bedroom)

- 2.5 The weighted standardised level difference for each of the individual speaker locations tested is given in table 1 below. A spectrum adaption term (Ctr) has also been added to the weighted standardised level difference to take account of the typical spectrum of urban road traffic noise.³

Table 1: Weighted standardised level difference (DnTw) including spectrum adaption term (Ctr) in bedroom and living room of flat 1 for each speaker location

Speaker location	Bedroom (dB)		Living Room (dB)	
	DnTw	DnTw + Ctr	DnTw	DnTw + Ctr
1	58	49	56	47
2	56	48	54	46
3	55	46	54	46
4	59	51	53	44
5	58	51	55	49
Average	58	50	53	44

- 2.6 The weighted standardised level difference for the sound insulation tests undertaken in the kitchen has not been calculated as there was insufficient signal to noise ratio to obtain reliable results. The results would have been influenced by background and ambient sound levels measured in the receiver rooms. Contemporaneous notes made during testing confirm that the pink noise source was just audible in between peaks of road traffic noise in the living room of flat 1 and was at the border of audibility in the bedroom of flat 1.
- 2.7 Figure 5 above indicates a level difference of the order of 64dB between the kitchen at ground floor level and the living room of flat 1 and of 68dB between the ground floor kitchen and the bedroom of flat 1. This is a significant afforded reduction and is a much greater reduction than that between the bar / restaurant area at ground floor level and flat 1. As such, if the sound insulation between the bar / restaurant area at ground floor level and first floor flats is considered acceptable, it is reasonable to assume the same for the sound reduction between the kitchen at ground floor level and flats on the first floor.

³ Road traffic noise can often contain a higher proportion of lower frequency energy. The weighted standardised level difference is adjusted by a spectrum adaption term (Ctr) to reflect the performance of sound insulating elements of a building structure in the lower frequency range. This will typically result in a lower sound insulation value.

2.8 In addition to the formal testing for sound insulation value purposes, two additional tests were undertaken with lower source levels, in the region of 83-86dB(A), to ascertain audibility at expected worst case patron noise levels. At these lower levels the source noise was only just audible in the bedroom and living room of flat 1 and was largely masked by local road traffic noise. The graphs showing the measured data for these two test periods are shown below.

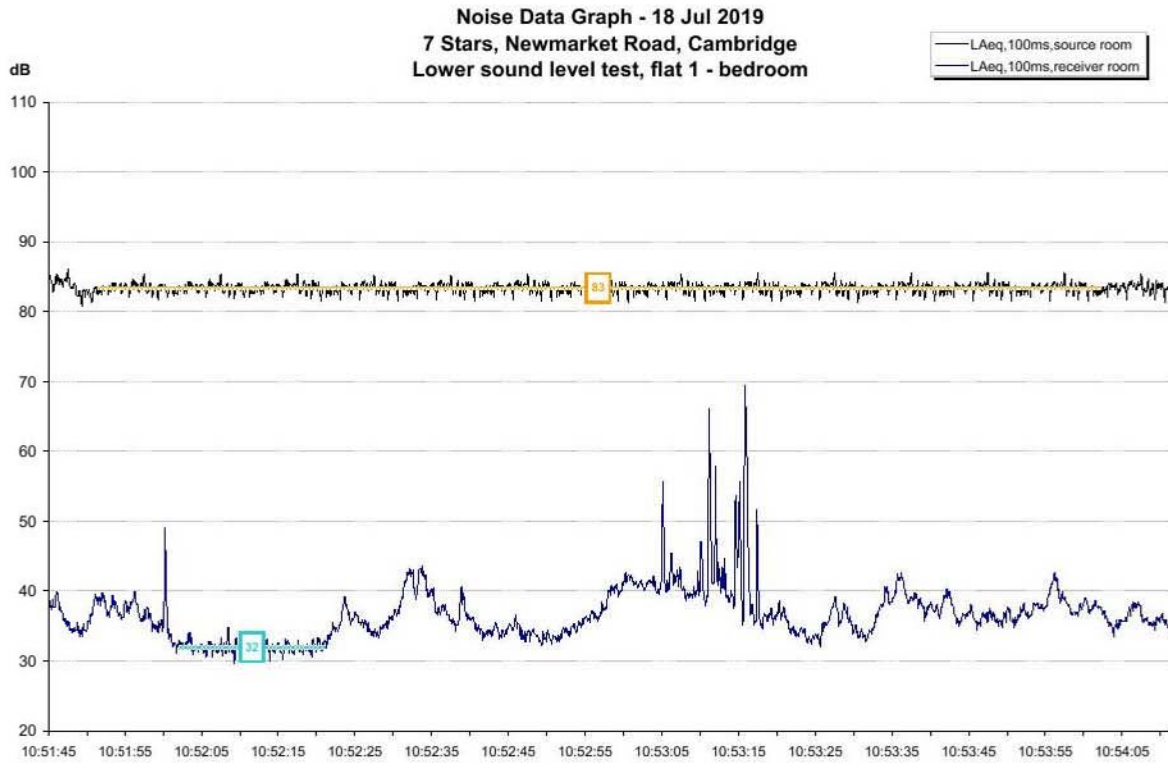


Figure 6: Graph showing measured noise level at lower test level in source room and in bedroom of flat 1 (receiver room)

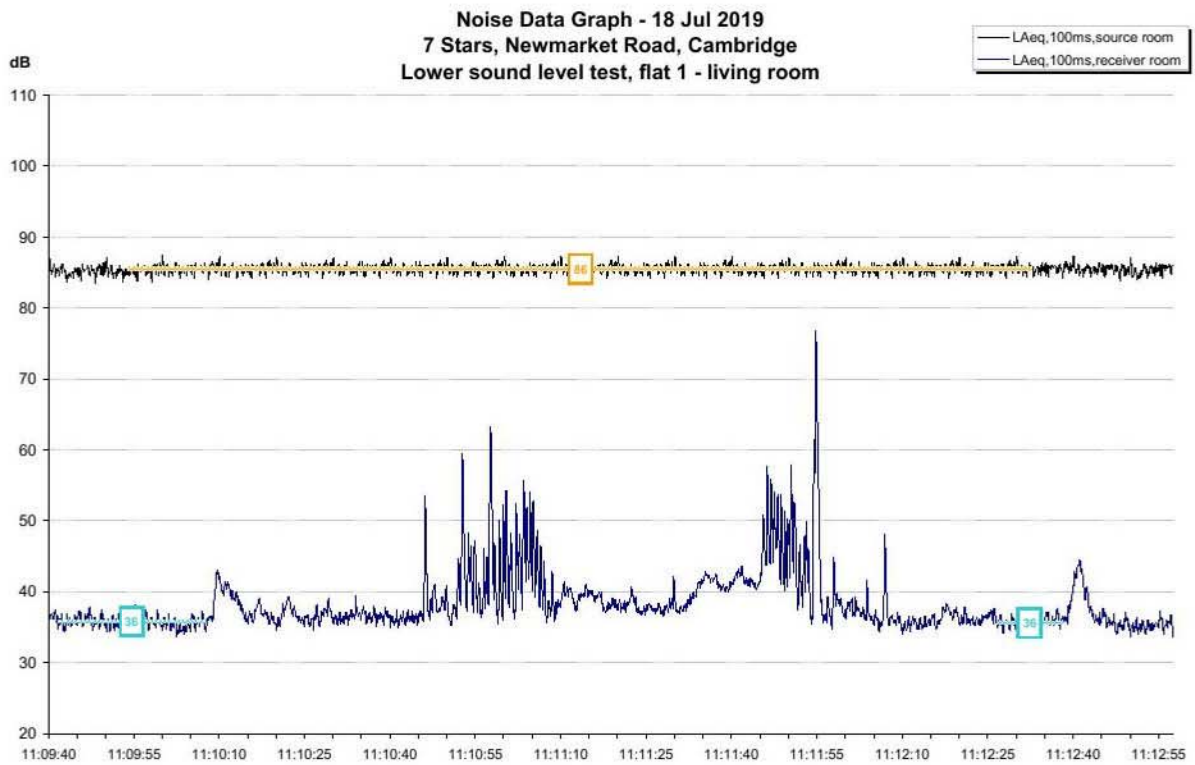


Figure 7: : Graph showing measured noise level at lower test level in source room and in living room of flat 1 (receiver room)

3.0 Discussion

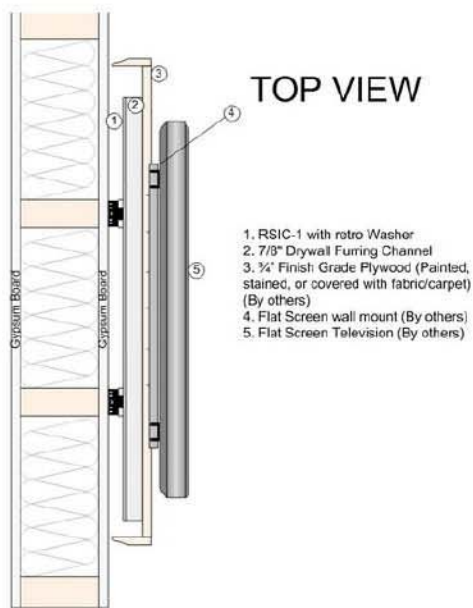
- 3.1 The tests indicate that the sound insulation between the ground floor restaurant and bar area and flat 1 above meets, and in the case of the bedroom far exceeds, the requirements of Approved Document E of the Building Regulations 2010 (43 dB DnTw + Ctr).⁴ Subjective judgements also confirmed a good level of sound reduction between the ground floor and flat 1 directly above. High sound levels (approximately 99dB(A)) generated in the kitchen resulted in levels in flat 1 that were only just audible and again, this indicates a good level of sound reduction.
- 3.2 The levels generated for the testing were high to ensure a good signal to noise ratio for the purposes of deriving sound insulation values. However, in reality such high levels will not arise within the ground floor restaurant / bar and kitchen. Typical sound levels in restaurants and bars can reach up to 75-80dB(A).^{5,6} At these levels and in excess of these levels, speech intelligibility will begin to suffer and it is therefore in the interest of the restaurant owners to control noise levels below this point. Further, levels in excess of 80-85dB(A) may require additional works and assessment in accordance with the Control of Noise at Work Regulations (2005) and should be avoided. Nevertheless, average levels of 75-80dB(A) typically found in restaurants and bars are considerably below the level at which the sound insulation tests were undertaken (93-96dB(A)) and this provides confidence that there will be minimal audible noise from the bar / restaurant at ground floor level in first floor residential dwellings above.
- 3.3 Measures to control noise within the bar and restaurant area could be undertaken if considered necessary at a later stage. This could include keeping background music to a minimum and reducing unwanted reverberant sound by adding in sound absorption. This could include sound absorbing ceiling tiles or wall coverings. Soft furnishings will also help to absorb sound as well as the sound absorption afforded by patrons themselves. The need for additional sound absorption is currently unknown and existing sound insulation is

⁴ The Building Regulations (2010) Resistance to the passage of sound. Approved Document E. Newcastle Upon Tyne : NBS.

⁵ Rusnock, C.F., & McCauly Bush, P. (2012) Case Study – An Evaluation of Restaurant Noise Levels and Contributing Factors. *Journal of Occupational and Environmental Hygiene*, 9:6, D108 – D113.

⁶ Farber, G.S., & Wang, L.M., (2018) Analyses of Crowd-Sourced Sound Levels of Restaurants and Bars in New York City. *Architectural Engineering – Faculty Publications*. 106

- considered acceptable. However, additional works could be undertaken if there is a need in future to lower reverberant sound in the bar / restaurant.
- 3.4 Higher noise levels can be expected in the kitchen area where impact noises may generate higher impulse levels than the average levels tested. However, there are no habitable spaces directly above the kitchen area and the testing has demonstrated a high level of sound reduction between the kitchen and flat 1, which is the closest dwelling at first floor level to the ground floor restaurant kitchen. As such there is no significant concern for this area. Additional measures can be considered to minimise structure-borne sound transmission from the kitchen to the building structure such as using rubber fixings between walls and surfaces used for food preparation or where noisy equipment is installed.
- 3.5 Within the bar restaurant low level background music is proposed to be played during opening hours. No live or amplified music events are planned. Levels of background music can be controlled by the restaurant operator. High levels of background music would not be in the interest of the restaurant operator as this would impede speech intelligibility for patrons and above 80-85dB(A) would require assessment under the Control of Noise at Work Regulations (2005). As noted above, typical sound levels within bars and restaurants (including background music) are in the region of 75-80dB(A). At levels below 80dB(A) background music is unlikely to be audible in the dwellings above.
- 3.6 To ensure lack of structure-borne sound transmission it is recommended that any speakers or other audio equipment (e.g. televisions) fixed to the walls or ceiling of the ground floor use sound isolation mountings, examples are given below. Further, it is recommended that a greater number of smaller speakers are used rather than fewer larger speakers generating a higher sound level. This will facilitate audibility of music whilst maintaining acceptable, low level background music. It will allow patrons to hear the music around the restaurant without having to generate very high levels in one or two locations and will ensure that high levels of internal background music are not generated.



http://www.soundisolationsystem.com/rsic_fs.html⁷



<https://www.customaudioredirect.co.uk/speaker-anti-vibration-mounts>⁸

Figure 8: Examples of sound isolation measures for TV / speakers.

⁷ Sound Isolation System (2019) *Resilient Sound Isolation Clip (RSIC-FS Flat Screen TV Isolation)* [Online] Available from: http://www.soundisolationsystem.com/rsic_fs.html [Accessed 22/07/2019]

⁸ Custom Audio Designs (2019) *Speaker vibration isolation mounts* [Online] Available from: <https://www.customaudioredirect.co.uk/speaker-anti-vibration-mounts> [Accessed 22/07/2019]

4.0 Conclusions

- 4.1 Sound insulation tests confirm that a good level of sound reduction is afforded between the ground floor bar, restaurant and kitchen of The Seven Stars and the residential dwellings above.
- 4.2 Subjective tests similarly confirm a good level of sound reduction is afforded. At lower sound levels approximating the typical worst case levels for a busy bar / restaurant, noise from the ground floor was only just audible in the flat directly above. The primary source of audible noise in flat 1 was road traffic noise from Newmarket Road.
- 4.3 It is recommended that sound isolating mounts are used to further improve the sound insulation of the ground floor from residential dwellings above. This should include use of rubber pads and strips in the kitchen to decouple work surfaces and noisy equipment from common structural walls. It should also include use of sound isolating mounts for any televisions or speakers mounted on the walls or from the ceiling in the restaurant / bar area.
- 4.4 In conclusion, a good level of sound reduction has been found between the ground floor of The Seven Stars and first floor dwellings. Noise from the restaurant, bar and kitchen will be contained well by the existing construction and no further works are needed.

Sarah Large
Senior Acoustic Consultant
MAS Environmental Ltd

23rd July 2019