

**Addendum Committee Report (06/09/2023) - 23/00600/S73-  
Calverley's Brewery, 23A Unit 1, Hooper Street.**

**0.0 September Update**

0.1 The application to vary condition nos. 2 (noise management plan) and 3 (external areas) of permission reference 20/02619/S73 was considered by the Planning Committee on 5 July 2023. The Planning Committee made a resolution to approve the application subject to Chair, Vice-Chair and Spokes Persons agreement to the final wording of a proposed 'noise management survey' condition based on what was discussed at the debate at the Planning Committee meeting.

0.2 Following the committee meeting and in liaison with the agent of the application, Planning Officers proposed the following worded condition to Chair, Vice-Chair and Spokes Persons:

*"For a period of 12 months following the date of this permission, a noise monitoring system shall be installed at an appropriate location within the premises boundary with line of sight to the outdoor seating area, measuring and logging LAeq, LAmax parameters over consecutive 5-minute periods. The noise monitoring data shall be downloaded and stored weekly, with data made available to the Cambridge City Council environmental health department and local planning authority upon request. A continual record will be maintained by the applicant of any noise complaints made directly to Calverley's Brewery. Upon completion of the 12-month period, a report will be prepared and issued to the Local Planning Authority, detailing the complaint record and any relevant correlation with noise monitoring data.*

*Reason: In order to monitor noise levels associated with the temporary permission to help inform whether a temporary or permanent provision for outdoor seating may be appropriate in the future. (Cambridge Local Plan (2018) policy 35)."*

0.3 It was requested by one of the Spokes Persons that they would be agreeable to this worded condition provided that officers sought the agreement of the Environmental Health Team.

0.4 Officers presented the condition to the Environmental Health Team. The Environmental Health Team were not supportive of the condition as worded and confirmed that they would not be agreeable to any additional condition relating to a noise management survey. The Environmental Health Team's objection to a condition of this nature is on two grounds.

0.5 Firstly, concerns are raised in relation to the equipment and data interpretation. The Environmental Health Team have stated that it is not their role to interpret extensive lines of raw data (which will likely consist of thousands of lines) and that this is the job of acoustic consultants which neither the Environmental Health Team nor the applicant can do.

0.6 Secondly, concerns are raised but the Environmental Health Team regarding the usefulness of the data. According to the Environmental Health Team, the primary issue with collecting “noise data” in this case with no particular aim is that there are no guidance levels. There are no British Standards against which they can be compared. As there is no guidance level, the consultant will not be able to determine a reasonable “trigger level” above which data is considered relevant. Due to the nature of the noise in beer gardens, much of the time it will be audible near the microphone when the garden is in use but this doesn’t mean there is a problem at the neighbouring properties. It just means there are people using the garden. Additionally, there may be times when people are disturbed by a relatively low level of noise from the garden but it isn’t necessarily a “spike” in the data. Likewise, there may be times when the data is showing spikes but people are not disturbed by it. This adds to the uncertainty and difficulty in interpreting data representing human voice. With regards to “spikes”. The data logging will pick up dozens of these on a daily basis. They will be caused by numerous factors that are beyond the control of the applicant. Such as: weather conditions, trains passing, doors banging, general people movement, proximity of a person to the microphone and use of the external seating area. The consultant cannot erase these. They are part of the daily noise environment. No-one will be able to confirm which spikes are relevant, or not, and whilst some spike may be obvious, it will be difficult to ascertain what has caused them.

0.7 Planning Officers did highlight to the Environmental Health Team that members had drew attention to the Museum of Technology site (23/03579/FUL) where Calverley’s also operate from and use noise monitoring. In response to this the Environmental Health Team have stated that:

*“There is no requirement for continuous “real-time” noise monitoring with data to be recorded and stored at The Museum of Technology and the primary noise of concern to be monitored at that location was noise from music. Unlike voices, it is possible to set noise limits for music as music has volume control and can be turned down if above the target level. Hence a level of 65db(A) quoted in the Noise Management Plan (NMP). This is for music, not for voices.*

*The smartphone app with staff is something that was put forwards in the proposed Noise Management Plan. This was intended for monitoring noise from music initially. Whilst the apps log data, they do not record data continuously, which is what Members want. These are very different things. If Members want data recorded continuously over a 12 month period, with the ability to recall that data and manipulate and interpret against complaints, they need the highest specification type 1 sound levels meters in a set location with either modem or SD card data storage with everything calibrated to relevant standards. Calibration is vital if data is challenged.*

*Apps on smartphones are not calibrated. The data is used as a visual guide only. There is no way any kind of smartphone app can be used to determine whether or not there should be an extension to the temporary permission. You will need something more robust than that in case of challenge. The Noise Management Plan within which the apps mentioned above are included have not been approved by us and is not included on the Decision Notice so it seems that the app they are using is indeed entirely independent based on the NMP that has not been accepted. The NMP included on the decision notice for 23/03579/FUL does make allowance for “monitoring”. But the type and level of monitoring is not specified.”*

- 0.8 In light of the above advice, Planning Officers do not consider it enforceable to apply an additional condition regarding a noise monitoring survey in this case. Therefore, it is recommended that the application is considered by members again on the basis of not providing an additional condition of this nature and instead approved as per the original officer recommendation as set out in the original committee report below.



<b>Planning Committee Date</b>	6 September 2023
<b>Report to</b>	Cambridge City Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	23/00600/S73
<b>Site</b>	23A Unit 1, Hooper Street, Cambridge
<b>Ward / Parish</b>	Petersfield
<b>Proposal</b>	S73 to vary conditions 2 (noise management plan) and 3 (external areas) of ref: 20/02619/S73 (S73 to vary condition 5 of ref: 19/0902/FUL (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) to vary condition no.2 to read as: "Operation of the premises to be carried out in strict accordance with the submitted/approved Noise Management Plan" and to vary condition no.3 to read as: The external seating area for patrons shall be strictly limited to the 17.5sq m seating area as shown by the blue line within approved drawing number P101, including accessing this seating area from inside. This external seating area shall only be used by patrons during the following hours: Tuesday to Thursday: 16:00-21:00, Friday: 16:00-22:00 and Saturday: 12:00-22:00"
<b>Applicant</b>	Mr Sam Calverley
<b>Presenting Officer</b>	Michael Hammond
<b>Reason Reported to Committee</b>	Third party representations
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	1. Noise/ impact on residential amenity
<b>Recommendation</b>	<b>APPROVE</b> subject to conditions

## 1.0 Executive Summary

- 1.1 The application seeks to vary condition nos. 2 (noise management plan) and 3 (external areas) of permission reference 20/02619/S73. The purpose of this is to allow for a specific external seating area of 17.5sqm to be used by patrons of the microbrewery/ drinking establishment during the hours of Tuesday to Thursday: 16:00-21:00, Friday: 16:00-22:00 and Saturday: 12:00-22:00 only.
- 1.2 On 11 March 2019, temporary planning permission was granted for the retrospective change of use of the existing buildings from Class B2 micro-brewery to Class B2 micro-brewery and Class A4 Drinking establishment. This permission did not include any restrictions on the use of the external areas but the permission only lasted for one year and expired on 11 March 2020. The external area was capable of accommodating approximately 10no. tables and over 50no. people.
- 1.3 Since the retrospective application as formally approved (March 2019), no noise complaint made to Environmental Health has been substantiated as a noise nuisance and no Environmental Health enforcement action has been taken.
- 1.4 Following the expiry of the temporary permission, permanent permissions (19/0902/FUL & 20/02619/S73) were subsequently granted but, importantly, these did not include external seating and attached to these was a condition (no.3) which strictly prohibits patron use of the external areas at all times.
- 1.5 The applicant now wishes to vary this condition (no.3) to allow for an external area of approximately 17.5sqm that could accommodate 3no. tables.
- 1.6 The previous permissions on the site also included a condition relating to a Noise Management Plan. The Noise Management Plan, as approved, stipulates, among other restrictions, that no external seating areas are to be included.
- 1.7 In order to facilitate the proposed variation to condition no.3 regarding the use of the external seating area, the applicant also seeks to vary condition no.2 accordingly and replace the approved Noise Management Plan with a new Noise Management Plan.
- 1.8 The new Noise Management Plan would allow for the use of the external eating area from 16:00 – 21:00 Tuesday – Thursday, 16:00 – 22:00 on Fridays and 12:00 – 22:00 on Saturdays. Other proposed restrictions would be:
  - Limiting seating to three tables;
  - Giving patrons a 30 minute warning and a 5 minute warning prior to tables being put away;
  - The tables will be put away by 21:00 Tuesday – Thursday and 22:00 Friday and Saturday; and

- Signage will be placed in the brewery that is visible to patrons who are going to the outside tables that notifies them of the closing times of the outside seating.
- 1.9 Representations have been received from neighbouring properties in objection to the application, with concerns relating to noise, disturbance and anti-social behaviour associated with the external seating area. There are also multiple representations from other properties in support of the proposals.
- 1.10 The Environmental Health Team have raised no objection to the application and consider that with the proposed Noise Management in place it will be acceptable. They have stated however that if the Planning Case Officer has any concerns regarding the complaint history, we would support the granting of planning permission on a temporary basis if it was felt appropriate to do so.
- 1.11 The proposed external seating area would be considerably smaller in size than what was approved originally under the temporary one year permission. Therefore the likely levels of noise would be noticeably lower than that when previously unrestricted for the year period until March 2019. In addition, the hours of use of these external seating areas would be one hour earlier than the inside hours of use already established. This too would likely result in noise levels being lower than those when unrestricted.
- 1.12 Notwithstanding this and despite the lack of an objection from the Environmental Health Team, officers do have some reservations regarding the re-introduction of external seating for patrons. The site itself sits within a residential context and whilst historically there has been a B2 business use in operation from this site for a considerable length of time, the noise associated with external patrons of a drinking establishment into evening hours can be different to a traditional B2 use that operates during daytime hours.
- 1.13 Therefore, it is the view of officers that, on balance, it would only be appropriate for the variation of the associated conditions and subsequent use of the external seating area to be granted on a one year temporary basis. This is necessary to effectively trial this confined external seating area and understand the effectiveness of the proposed Noise Management Plan in the use of this.
- 1.14 Officers recommend that the Planning Committee approve the application subject to conditions as drafted by officers.

## 2.0 Site Description and Context

None-relevant		Tree Preservation Order	
Conservation Area	X (adj)	Local Nature Reserve	

Listed Building		Flood Zone 1	
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and District Centre		Article 4 Direction	

\*X indicates relevance

- 2.1 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.
- 2.2 The application site comprises brick-built buildings within a courtyard of buildings occupied in business uses.
- 2.3 The application site is adjacent to the Mill Road Conservation Area

### 3.0 The Proposal

- 3.1 The application seeks to vary condition nos. 2 (noise management plan) and 3 (external areas) of permission reference 20/02619/S73. The purpose of this is to allow for a specific external seating area of 17.5sqm to be used by patrons of the microbrewery/ drinking establishment during the hours of Tuesday to Thursday: 16:00-21:00, Friday: 16:00-22:00 and Saturday: 12:00-22:00 only.
- 3.2 Condition no.2 (noise management plan) is proposed to be amended to a compliance condition whereby the use of the site has to be carried out with the Noise Management Plan (dated 2021) submitted as part of this application. The new Noise Management Plan would allow for the use of the externals eating area from 16:00 – 21:00 Tuesday – Thursday, 16:00 – 22:00 on Fridays and 12:00 – 22:00 on Saturdays. Other proposed restrictions would be:
- Limiting seating to three tables;
  - Giving patrons a 30 minute warning and a 5 minute warning prior to tables being put away;
  - The tables will be put away by 21:00 Tuesday – Thursday and 22:00 Friday and Saturday; and
  - Signage will be placed in the brewery that is visible to patrons who are going to the outside tables that notifies them of the closing times of the outside seating.

3.3 Condition no.3 (external seating) is proposed to be amended to:

*“The external seating area for patrons shall be strictly limited to the 17.5sq m seating area as shown by the blue line within approved drawing number P101, including accessing this seating area from inside. This external seating area shall only be used by patrons during the following hours: Tuesday to Thursday: 16:00-21:00, Friday: 16:00-22:00 and Saturday: 12:00-22:00.”*

3.4 A plan (P101) is included within this application which outlines the extent of the proposed seating. This would allow for 3 tables to be used by patrons.

#### 4.0 Relevant Site History

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
22/00968/S73	S73 to vary condition 4 of ref: 19/0902/FUL (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) in order to provide an outside seating area for Patron use.	Withdrawn.
20/02619/S73	S73 to vary condition 5 of ref: 19/0902/FUL (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) to read: The Premises shall only be open to the public at the following times: . Tuesday-Friday 16:00hrs-23:00hrs . Saturday: 11:00hrs-23:00hrs	Approved 9 February 2022
19/0902/FUL	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.	Approved 11 October 2019
18/1123/FUL	Retrospective planning application for the change of use of existing buildings from Class	Approved (temporary 1



B2 micro-brewery to Class B2 micro-brewery and Class A4 Drinking establishment. year) 11 March 2019

- 4.1 On 11 March 2019, temporary planning permission was granted for the retrospective change of use of the existing buildings from Class B2 micro-brewery to Class B2 micro-brewery and Class A4 Drinking establishment. This permission did not include any restrictions on the use of the external areas but the permission only lasted for one year and expired on 11 March 2020. The external area was capable of accommodating approximately 10no. tables and over 50no. people.
- 4.2 Following the expiry of the temporary permission, permanent permissions (19/0902/FUL & 20/02619/S73) were subsequently granted but, importantly, these did not include external seating and attached to these was a condition (no.3) which strictly prohibits patron use of the external areas at all time.
- 4.3 The previous permissions on the site also included a condition relating to a Noise Management Plan. The Noise Management Plan, as approved, stipulates, among other restrictions, that no external seating areas are to be included.
- 4.4 An application (22/00968/S73) was previously made for the use of a 17.5sqm external seating area. This was withdrawn due to insufficient information in the form of a lack of a Noise Management Plan.

## **5.0 Policy**

### **5.1 National**

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

Equalities Act 2010

Planning and Compulsory Purchase Act 2004

Circular 11/95 (Conditions, Annex A)

### **5.2 Cambridge Local Plan 2018**

Policy 1: The presumption in favour of sustainable development

Policy 35: Human health and quality of life

Policy 36: Air quality, odour and dust

Policy 41: Protection of business space  
Policy 55: Responding to context  
Policy 56: Creating successful places  
Policy 58: Altering and extending existing buildings  
Policy 61: Conservation and enhancement of historic environment  
Policy 81: Mitigating the transport impact of development  
Policy 82: Parking management

### **5.3 Neighbourhood Plan**

N/A

### **5.4 Supplementary Planning Documents**

Sustainable Design and Construction SPD – Adopted January 2020

### **5.5 Other Guidance**

Mill Road Conservation Area (2011)

### **6.0 Consultations**

#### **6.1 County Highways Development Management – No Objection**

6.2 Following a careful review of the documents provided to the Highway Authority as part of the above planning application, no significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of Planning Permission.

#### **6.3 Conservation Officer – No Objection**

6.4 The application has been assessed and it is considered that the proposal would not give rise to any harm to any heritage assets.

#### **6.5 Environmental Health – No Objection**

6.6 The proposed development is acceptable. We fully acknowledge that alleged noise and disturbance from patrons at the premises have previously resulted in noise complaints being made to our service. These complaints were received prior to the implementation of planning controls on the premises (planning controls were established at the end of March 2019 on approval of the retrospective planning application 18/1123/FUL). The complaints related to a variety of issues including alleged loud voices, singing and shouting, noise from patrons leaving the premises, noise from people in the street, noise from the mobile food van that parked at the front of the premises and noise from loud music (music is prohibited through planning condition). On review of all complaints made to date, I note the following:

- No noise complaint made to Environmental Health has been substantiated as noise nuisance and we have had no cause to take enforcement action as a result of any complaint made to us (either through the Licensing regime or the noise nuisance regime),
  - There have been no complaints made to Environmental Health about noise from the premises since 3rd March 2019 (acknowledging restricted operations from March 2020 through to March 2022 due to Covid lockdowns).
- 6.7 Notwithstanding the above, if the Planning Case Officer has any concerns regarding the complaint history, we would support the granting of planning permission on a temporary basis if it was felt appropriate to do so.
- 6.8 We welcome the limited hours proposed. They do not impinge on the later evening periods / night-time (10pm onwards).
- 6.9 In terms of external noise management, success will largely be based on strict and effective management and control by members of staff, compliance with the restrictions on hours and the commitments made above and therefore it is paramount that all members of staff are fully aware of the requirements and are able to effectively enforce the management commitments made.
- 6.10 A premises license informative is recommended.

### **6.11 Network Rail**

- 6.12 No response received.

### **7.0 Third Party Representations**

- 7.1 7no. representations in objection have been received. Those in objection have raised the following issues:
- Appreciate Calverley's is well managed but what is often over looked is that good, clean fun is actually noisy, and this noise carries to the residents;
  - The comments in support are from non-local residents;
  - The lack of complaints is not just due to Covid but also due to the fact the outdoor space can't be used;
  - Harm to amenity of nearby residential properties.
  - Outdoor street drinking occurs anyway.
  - Enforceability of keeping drinkers strictly limited to the blue line is questioned.
  - When there was an outdoor seating area the noise was unbearable. It was not possible residents to enjoy their gardens or rooms facing the pub operation. Unbearable in summer with windows closed.
  - Other local noise complaints outside Petersfield which has outside seating.

- The noise from trains is only approximately 30 seconds every 30 minutes and is not disruptive like the constant noise from outdoor seating.
- There are other pubs all within a 5 minute walk (Petersfield, Geldart, White Swan, Cambridge Blue) and so there's no need for an additional pub.

7.2 15no. representations in support have been received. Those in support have cited the following reasons:

- The trains next door are far louder than any noise associated with outdoor seating;
- All other public houses have this type of outdoor seating facility and cause no trouble;
- Proposal would bolster local community and encourage interaction between people;
- The management of the brewery to date has been good and sure that outdoor seating can be well managed;
- Calverley's is a unique venue as it is the only brewery tap room in central Cambridge and this should be supported;
- When outdoor seating was last used it was never too loud; and
- Policy 72 of the Local Plan (2018) supports a 'vibrant & diverse' mix of uses. The Mill Road Depot development and Chisholm Trail will connect the site much more directly to the Mill Road Opportunity Area.

## **8.0 Local Interest Groups and Organisations**

8.1 The Cambridge and District Branch of the Campaign for Real Ale (CAMRA) has made a representation supporting the application on the following grounds:

- the taproom which has opened is highly successful and is one of the sought-out destination for beer drinkers in Cambridge;
- The Covid-19 pandemic highlighted the benefits of having outdoor seating and those places with outdoor drinking areas fared better than those that didn't;
- If granted, this application would allow more people to enjoy Calverley's beers and would improve the finances of the brewery making it more likely that they will continue trading in this part of Cambridge.

8.2 The above representations are a summary of the comments that have been received. Full details of the representations are available on the Council's website.

## **9.0 Assessment**

### **9.1 Principle of Development**

9.2 The principle of development was established under application reference 19/0902/FUL, granted 11<sup>th</sup> October 2019.

9.3 The Planning Practice Guidance (PPG) notes that there are instances where new issues may arise after planning permission has been granted, which require modification of the approved proposals. The PPG advises that where modifications are fundamental or substantial a new planning application will be required. Where less substantial changes are proposed a non-material amendment application can be submitted, or a minor material amendment (Section 73 application) where there is a relevant condition that can be varied.

9.4 There is no statutory definition within the PPG of a 'minor material amendment' but it states that it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

9.5 In this instance, the proposed amendment would vary condition nos. 2 (noise management plan) and 3 (external areas) of permission reference 20/02619/S73. The purpose of this is to allow for a specific external seating area of 17.5sqm to be used by patrons of the microbrewery/ drinking establishment during the hours of Tuesday to Thursday: 16:00-21:00, Friday: 16:00-22:00 and Saturday: 12:00-22:00 only

9.6 The proposed amendment is considered to constitute a minor material amendment. The material consideration for the application is the impact of the proposed amendment and subsequent variations to conditions nos. 2 and 3 on the residential amenity of nearby occupiers.

## **9.7 Amenity**

9.8 Policies 35, 36, 55, 56 and 58 seek to preserve the amenity of neighbouring in terms of noise and disturbance, overshadowing, overlooking or overbearing and through providing high quality internal and external spaces. As the proposed amendment would seek to vary conditions 2 and 3 only, it is only the matters of noise and disturbance and overlooking of neighbours that could be materially affected by the proposed variations.

9.9 In considering the context of the site and the nature of the proposal, it is considered that the neighbouring properties that may be affected by any variation to condition nos.2 and 3 are the row of terraced properties to the west at nos. 80 – 108 Ainsworth Street and nos.23 and 23b Hooper Street. These properties all have rear elevations and gardens that face towards the site and/or are in close proximity to the site. No.23b is unique in that it is situated immediately to the north of the site.

9.10 It is not considered that neighbouring properties to the west would experience a harmful loss of privacy from patrons using the proposed outdoor seating area. The proposed seating area is situated adjacent to

the 'taproom' element of the site and any views towards neighbours gardens at ground level would be largely blocked by the existing single-storey units running north-to-south on the west side of the application site. In addition, the distance from the rear elevations would be approximately 28m at its closest point. At this distance, it is not considered the privacy of neighbours rear windows would be harmful impaired.

- 9.11 No.23b adjoins the boundary of the application site immediately to the north. Users of the outdoor seating area would have views out towards the front elevation and front garden area of this neighbour. Although this is a close relationship, it is not considered that, when taking into account the existing proximity of this neighbour to the yard area, the allowance of outdoor seating would impair the privacy of this neighbour more than present. The yard area already experiences comings and goings associated with the existing occupier and that of neighbouring businesses to the north. Therefore, the introduction of outdoor seating into a specific area would not, in the view of officers, exacerbate the levels of privacy afforded to this neighbour.
- 9.12 Whilst loss of privacy is not considered to be a concern, the use of the outdoor seating could potentially have an impact on neighbouring properties in terms of noise and disturbance. This requires careful consideration.
- 9.13 The Council's Environmental Health team have assessed the application and consider the proposed variations to the conditions to be acceptable. They have referenced that no noise complaint made to Environmental Health has been substantiated as noise nuisance and they have had no cause to take enforcement action as a result of any complaint made to them (either through the Licensing regime or the noise nuisance regime). In addition, there have been no complaints made to Environmental Health about noise from the premises since 3rd March 2019 (acknowledging restricted operations from March 2020 through to March 2022 due to Covid lockdowns).
- 9.14 It is acknowledged by planning officers that no noise complaint has been received since March 2019 but it must be factored in that this coincided with the expiry of the temporary permission whereby use of the outdoor seating area ceased.
- 9.15 The Environmental Health Team have reviewed the proposed Noise Management Plan and are satisfied with the proposed hours of use of the external seating areas being limited to 10pm which they consider to not impinge on the later evening periods/ night-time. Furthermore the proposed Noise Management Plan make several commitments which include:
- Implementing a system involving a warning for disruptive patrons in the first instance, and then request to leave the premises if noise persists;

- Display of notices asking customers to respect neighbours, be conscious of noise levels, and leave the premises in a quiet manner;
- Verbal announcement asking customers to leave;
- Seating limited to 3no tables and to be kept within the area identified in the application documents;
- Verbal warnings given to outside patrons prior to the above end times;
- Tables to be put away at the end of the proposed external seating closure times; and
- Signage to be displayed informing patrons of the outdoor seating area closure times.

9.16 The proposed external seating area would be considerably smaller in size than what was approved originally under the temporary one year permission that ran until March 2019. As proposed, it would be confined to a 17.5sqm area, this would allow for three tables. In contrast, during the one year temporary permission, up to circa 90sqm was capable of being used by patrons externally which, according to the Environmental Health Team, was able to accommodate up to 10 tables.

9.17 Therefore the likely levels of noise from the proposed use of the 17.5sqm external seating area would be noticeably lower than that compared to the previously unrestricted seating area used between March 2019 to March 2020. In addition, the hours of use of these external seating areas would cease one hour earlier than the inside hours of use already established on the site. This too would likely result in noise levels being lower than those that occurred when the external seating was unrestricted.

9.18 Notwithstanding this and despite the lack of an objection from the Environmental Health Team, officers do have some reservations regarding the re-introduction of external seating for patrons. The representations of neighbours adjacent are noted. The site itself sits within a residential context and whilst historically there has been a B2 business use in operation from this site for a considerable length of time, the noise associated with external patrons of a drinking establishment into evening hours can be different to a traditional B2 use that operates during daytime hours.

9.19 It is acknowledged that representations in support have pointed out that frequent train movements immediately to the east are already noisy. Although officers accept that there is a noise associated with these movements, having visited neighbouring properties, it is considered that the nature and frequency of the noise is materially different to the type of noise associated with outdoor patron seating.

9.20 The unrestricted use of the external area for seating between March 2019 – March 2020 was found not to be compatible with its surroundings and therefore the matter of noise and disturbance is a critical issue. The reduction in the quantum of the external seating area and the strict

measures in the proposed Noise Management Plan would likely have less of an impact when compared to the former unrestricted use between March 2019 – March 2020.

9.21 Overall, taking all matters into consideration, it is the view of officers that, on balance, it would only be appropriate for the variation of the associated conditions and subsequent use of the external seating area to be granted on a one year temporary basis. This is because it is necessary to effectively trial the proposed external seating area to ensure that the amount of patrons using the 17.5sqm external seating area does not harm neighbour amenity. In addition, it is also necessary to understand the effectiveness of the measures set out in the proposed Noise Management Plan. The applicant would subsequently have to re-apply to continue using the external seating area if desired, by which time qualitative and quantitative data should be available to officers to make an informed decision as to whether extend the permission if sought.

9.22 In conclusion, subject to the use being restricted to a one year period only, the proposal adequately respects the amenity of its neighbours and is considered that it is compliant with Cambridge Local Plan (2018) policies 35, 36, 55, 56 and 58.

### 9.23 Third Party Representations

9.24 The remaining third-party representations not addressed in the preceding paragraphs are summarised and responded to in the table below:

Third Party Comment	Officer Response
Representations in Objection	
The comments in support are from non-local residents.	The address of representors does not impact the level of weight to be attributed to representations.
Outdoor street drinking occurs anyway.	The nuisance associated with street drinking from patrons is a matter for the licensing team/ environmental health enforcement team.
Other local noise complaints outside Petersfield which has outside seating.	This is a different site and cannot be used as a direct comparison.
There are other pubs all within a 5 minute walk (Petersfield, Geldart, White Swan, Cambridge Blue) and so there's no need for an additional pub.	The drinking establishment is already an established use.
Representations in Support	
All other public houses have this type of	The application site and proposal has to be assessed on its own merits and the fact that



outdoor seating facility and cause no trouble.	other public houses have outdoor seating does not mean that it will be acceptable in all instances.
<p>Proposal would bolster local community and encourage interaction between people.</p> <p>Policy 72 of the Local Plan (2018) supports a 'vibrant &amp; diverse' mix of uses. The Mill Road Depot development and Chisholm Trail will connect the site much more directly to the Mill Road Opportunity Area.</p> <p>Calverley's is a unique venue as it is the only brewery tap room in central Cambridge and this should be supported.</p>	The benefit of drinking establishments such as this for community cohesion/ interaction are noted. However the use of the site and principle of development has been established and is not pertinent to the material impacts of the proposed condition variation.
The management of the brewery to date has been good and sure that outdoor seating can be well managed.	The application must be assessed on the use of the land and not specific to the current occupier. The one year temporary period suggested by officers will test the effectiveness of the management and the noise management plan.

## 9.25 Planning Balance

- 9.26 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).
- 9.27 There is a degree of uncertainty regarding the levels of noise and management of the outdoor seating space for patrons that would result from the proposed variations to condition nos. 3 and 4. The unrestricted use of the outdoor seating area by patrons for the year period between March 2019 – March 2020 was considered to be harmful to the amenity of nearby residential properties in terms of noise and disturbance.
- 9.28 The proposed confinement of outdoor seating to a 17.5sqm area together with the measures set out in the proposed Noise Management Plan,

including stricter hours of use of this space, would likely result in lower noise levels than when outdoor seating was previously unrestricted. Nevertheless, there remains a degree of uncertainty regarding the effectiveness of the quantum of this space and the proposed Noise Management Plan.

- 9.29 The proposed introduction of outdoor seating to the drinking establishment would inevitably bring with it certain benefits. These include supporting the viability of a local business and community facility and expanding the range of community facilities available to residents and visitors.
- 9.30 Taking all matters into consideration, it is considered that in this case, on balance, the appropriate way forward would be for the variation to the conditions referenced to be strictly limited to a one year period. This would then allow the effectiveness and enforceability of the proposals to be appropriately monitored.
- 9.31 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval subject to being limited to a one year period.

## **10.0 Recommendation**

### **10.1 Approve** subject to:

-The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers.

## **11.0 Planning 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 For a period of no more than one calendar year from the date of this permission (23/00600/S73), the premises shall be operated and managed in accordance with the submitted and approved "Noise Management Plan To: Cambridge City Council Ref: Calverley's Brewery. 23A Hooper Street, Cambridge" (Version 1.1 dated 28th July 2021). The Noise Management Plan will be reviewed and updated at the request of the Local Planning Authority and/or in response to noise complaints. Updates shall be approved in writing by the Local Planning Authority prior to implementation. Following the completion of the one calendar year period from the date of this permission (23/00600/S73), the premises shall revert back to being operated and managed in accordance with the

previously submitted and approved "Noise Management Plan To: Cambridge City Council Ref: Calverley's Brewery, 23a Hooper Street, Cambridge dated 19th June 2019" or any subsequent Noise Management Plan that is submitted to and approved in writing by the Local Planning Authority and implemented in accordance with this thereafter.

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

- 3 For a period of no more than one calendar year from the date of this permission (23/00600/S73), the external seating area for patrons shall be strictly limited to the 17.5sq m seating area as shown by the blue line within approved drawing number P101 and this external seating area shall only be used by patrons during the following hours: Tuesday to Thursday: 16:00-21:00, Friday: 16:00-22:00 and Saturday: 12:00-22:00. Following the completion of the one calendar year period from the date of this permission (23/00600/S73), patron use of the external areas of the premises shall be prohibited at all times.

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

- 4 The Premises shall only be open to the public at the following times:  
- Tuesday-Friday 16:00hrs-23:00hrs  
- Saturday: 11:00hrs-23:00hrs

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

- 5 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).

- 6 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.

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

- 7 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).

- 8 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).

- 9 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).

- 10 The premises shall be operated and used for the purposes as details/defined within the Planning Statement submitted within application 19/0902/FUL; Ref: Calverley's Brewery, 23a Hooper Street, Cambridge (prepared by Maidenhead Planning and dated 4th June 2019) and for no other purpose (including any other purposes in Class B2 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (Amended 2020), or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the granting of a specific planning permission.

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

- 11 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)