

<b>Application Number</b>	09/1171/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	17th December 2009	<b>Officer</b>	Miss Catherine Linford
<b>Target Date</b>	17th February 2010		
<b>Ward</b>	Market		
<b>Site</b>	Guildhall Chambers 7 Guildhall Place Cambridge Cambridgeshire CB2 3QQ		
<b>Proposal</b>	Proposed third floor alterations to Guildhall Chambers.		
<b>Applicant</b>	Mr J V Gredley Maple House Old Bury Road Lackford IP28 6HR		

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## **1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 Guildhall Chambers lies within City of Cambridge Conservation Area 1 (Central) and is not listed. The surrounding area is predominantly commercial in character, with the Lion Yard Shopping Centre to the north, the Guildhall to the west, the Corn Exchange to the south, and the Grand Arcade to the east. However, there are also residential properties in close proximity such as the Catholic Chaplaincy, Fisher House, which is approximately 5-10m away, and in direct line of sight.

## **2.0 THE PROPOSAL**

- 2.1 This application seeks planning permission for alterations to the third floor of Guildhall Chambers, to create a roof terrace for the Soul Tree nightclub.
- 2.2 The proposal includes partial demolition of the third floor, and the provision of a glazed screen around the perimeter of the roof terrace.

2.3 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Noise Assessment

### 3.0 SITE HISTORY

The following applications relate to the Cow Public House, which adjoins Guildhall Chambers, but they are directly relevant to this application.

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
07/1158/FUL	Erection of an external smoking enclosure on roof terrace	REF
07/1300/LBC	Erection of an external smoking enclosure on roof terrace	REF
08/0290/LBC	Erection of an external smoking enclosure	A/C
08/0291/FUL	Erection of an external smoking enclosure	A/C

The relationship between Guildhall Chambers and Fisher House is a complex one, and therefore it is felt that this application should be determined by Committee.

### 4.0 PUBLICITY

4.1 Advertisement:	Yes
Adjoining Owners:	Yes
Site Notice Displayed:	Yes
Public Meeting/Exhibition (meeting of):	No
DC Forum (meeting of):	No

### 5.0 POLICY

#### 5.1 Central Government Advice

5.2 **Planning Policy Statement 1: Delivering Sustainable Development (2005):** Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system,

and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

**5.3 Planning Policy Guidance 24: Planning and Noise:** Provides guidance on the use of their planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise. It explains the concept of noise exposure categories for residential development and recommends appropriate levels for exposure to different sources of noise. It also advises on the use of conditions to minimise the impact of noise. Six annexes contain noise exposure categories for dwellings, explain noise levels, give detailed guidance on the assessment of noise from different sources, gives examples of planning conditions, specify noise limits, and advise on insulation of buildings against external noise.

**5.4 Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

### **5.5 East of England Plan 2008**

SS1 Achieving sustainable development  
ENV6 The historic environment  
ENV7 Quality in the built environment

### **5.6 Cambridge Local Plan 2006**

3/1 Sustainable development  
3/4 Responding to context  
3/14 Extending buildings  
4/11 Conservation Areas  
4/13 Pollution and amenity

## 5.7 Material Considerations

**Cambridge Historic Core – Conservation Area Appraisal (2005):** Provides an appraisal of the Historic Core of Cambridge.

## 6.0 CONSULTATIONS

### **Cambridgeshire County Council (Engineering)**

6.1 No Objection: No significant adverse effect on the public highway should result from this proposal should it gain the benefit of planning permission.

### **Head of Environmental Services**

6.2 No objection: Subject to conditions relating to the details of the screen, exclusion of amplified music, exclusion of 'live' music, lobby access to the roof terrace, stewarding, furniture, noise insulation, fume filtration, construction hours, waste storage, and lighting. Their comments are attached to the report as Appendix 1.

### **Historic Environment Manager**

6.3 No objection: The proposal will have a neutral effect on the character and appearance of the Conservation Area.

6.4 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## 7.0 REPRESENTATIONS

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

- Cambridge University Catholic Association

7.2 The representations can be summarised as follows:

- The proposal will add to the already high volume of noise in the area at night;
- The submitted noise report states that the windows of Fisher House are double glazed – they are not;
- The roof terrace would overlook Fisher House;

- The residents of Fisher House would be subjected to passive smoking, as smoking would be permitted on the roof terrace.

7.3 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

## **8.0 ASSESSMENT**

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Context of site, design and external spaces, and impact on the surrounding Conservation Area
2. Residential amenity
3. Third party representations

### Context of site, design and external spaces, and impact on the surrounding Conservation Area

8.2 The proposal is for alterations to the third floor of this modern property, including partial demolition of the existing structure in order to create the external roof terrace area. The height of the building will not be increased from what it is currently, and instead there will be a perceived reduction of scale due to the perimeter glazed screen having a less solid appearance. The retained internal areas are then proposed to be extended out over the existing side balconies to provide additional internal floor area.

8.3 The Historic Core Conservation Area Appraisal notes this building as a site of potential redevelopment as the building is not considered one that enhances the character or appearance of the Conservation Area. While the proposed changes will also not enhance the area, they are not considered to have a negative impact and, therefore, the City Council's Conservation Officers do not object to the proposal.

8.4 In my opinion the proposal is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

## Residential Amenity

- 8.5 The Cambridge University Catholic Association, the occupiers of Fisher House are concerned that the proposed roof terrace would lead to an increase in the noise and disturbance experienced by the residents of Fisher House. The bedrooms of Fisher House are in direct line of sight from the roof of Guildhall Chambers; many (if not all) of the windows are single glazed; and due to the age of Fisher House it is unlikely to have good acoustic insulation properties. Whilst I fully appreciate the concerns raised by the residents of Fisher House, on balance I am of the view that the proposed roof terrace could well result in an improvement to the disturbance experienced by residents, as long as the noise barrier provided is effective and efficient. The City Council's Environmental Health Officers are satisfied that this is achievable, subject to the imposition of a number of conditions.
- 8.6 The Soul Tree nightclub does not currently have an area that complies with the requirements of the Health Act 2006, which prevents people from smoking inside a public building. This means that currently smokers leave the premises to smoke in Fisher Square. This situation creates a number of problems for the operators of the nightclub, which have a knock on effect on residential amenity. As the smokers are no longer on the premises they are not under the control of Security Staff. I understand from the occupiers of Fisher House that this activity creates significant noise and anti-social behaviour at the present time.
- 8.7 Having a smoking area within the premises would prevent the need for smokers to leave the building, allowing better control of who is leaving and entering the building, and enable Security Staff to better control the behaviour of nightclub patrons.
- 8.8 In order to act as an effective noise barrier the screens around the roof terrace must be free from gaps and have sufficient surface details, but this can be secured by a planning condition (condition 3). Also, in order to prevent patrons shouting down to people in Fisher Square or having views into Fisher House, the screens must not be transparent. This again is achievable by condition (condition 3).

- 8.9 In order to prevent noise breakout from the bar area to the roof terrace, the roof terrace must be accessed via a lobby with two sets of doors – one from the bar into the lobby and a second from the lobby onto the roof terrace. The applicant has agreed to provide such a lobby. The doors of the lobby must be on self-closures and signage must be provided to ensure that the doors remain closed. This can be secured by conditions (condition 6).
- 8.10 Amplified music increases the volume of conversation as voices would need to be raised to overcome it. Amplified music here would also carry over a wider area, as there are fewer buildings at the height of the roof terrace to block the travel of noise. Therefore, there should be no amplified or ‘live’ music on the roof terrace (conditions 4 and 5). To control noise from noisy patrons between 21:00 and 09:00 hours, I would recommend that the terrace is stewarded between these times. This can be secured by condition (condition 7). To prevent the noise of furniture scrapping on the floor, all furniture on the roof terrace must have soft feet (condition 8).
- 8.11 In my opinion, subject to the discharge of the planning conditions that I have recommended, the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4 and 3/7.

### **Third Party Representations**

- 8.12 The majority of the issues raised in the representation received have been discussed under the headings above. What has not yet been discussed is the concern about passive smoking. Whilst I understand this concern about public health, the planning system cannot control it.

## **9.0 CONCLUSION**

- 9.1 On balance, I am of the view that, subject to the imposition of the conditions recommended, the proposal is likely to result in an improvement to the disturbance experienced by residents. Therefore, this application is recommended for approval.

## 10.0 RECOMMENDATION

### **APPROVE subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except with the prior written agreement of the local planning authority in writing 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)

3. Prior to the commencement of development full details of the screen surrounding the roof terrace including height, appearance and acoustic details shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the roof terrace, and shall be retained thereafter.

Reason: To ensure that the screen does not have a detrimental impact on the appearance and character of the Conservation Area, and to ensure that the screen is an effective noise barrier. (Cambridge Local Plan 2006, policies 4/11 and 4/13)

4. There shall be no speakers or amplified music or vocals on the roof terrace at any time.

Reason: To minimise the impact on residential amenity. (Cambridge Local Plan 2006, policy 4/13)

5. There shall be no live entertainment on the roof terrace at any time.

Reason: To minimise the impact on residential amenity. (Cambridge Local Plan 2006, policy 4/13)



6. Between the hours of 21:00 and 09:00 access to the roof terrace shall only be via a double-doored lobby, full details of which shall be submitted to and approved in writing by the Local Planning Authority. The doors shall be kept closed, unless in use, fitted with overhead automatic closures approved by the Local Planning Authority, and signs shall be displayed to require that the doors are closed when not in use

Reason: To minimise the impact on residential amenity.  
(Cambridge Local Plan 2006, policy 4/13)

7. Use of the roof terrace between the hours of 21:00 and 9:00 by patrons of the nightclub shall be supervised by nightclub staff at all times when such people are present on the roof terrace.

Reason: To minimise the impact on residential amenity.  
(Cambridge Local Plan 2006, policy 4/13)

8. All furniture shall have plastic, rubber or similar feet to reduce the impact of noise associated with the movement of furniture.

Reason: To minimise the impact on residential amenity.  
(Cambridge Local Plan 2006, policy 4/13)

9. 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)

10. Before the roof terrace hereby permitted is commenced, a scheme for the lighting of the roof terrace shall be submitted to and approved in writing by the Local Planning Authority. Any lighting of the roof terrace shall be carried out strictly in accordance with the approved details.

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

**INFORMATIVE:** To satisfy standard condition C62 (Noise Insulation), the noise level from all plant and equipment, vents etc (collectively) associated with this application should not raise the existing background level (L90) by more than 3 dB(A) (i.e. the rating level of the plant needs to match the existing background level). This requirement applies both during the day (0700 to 2300 hrs over any one hour period) and night time (2300 to 0700 hrs over any one 5 minute period), at the boundary of the premises subject to this application and having regard to noise sensitive premises. Tonal/impulsive noise frequencies should be eliminated or at least considered in any assessment and should carry an additional 5 dB(A) correction. This is to guard against any creeping background noise in the area and prevent unreasonable noise disturbance to other premises.

It is recommended that the agent/applicant submits a noise prediction survey/report in accordance with the principles of BS4142: 1997 "Method for rating industrial noise affecting mixed residential and industrial areas" or similar. Noise levels shall be predicted at the boundary having regard to neighbouring residential premises.

Such a survey / report should include: a large scale plan of the site in relation to neighbouring premises; noise sources and measurement / prediction points marked on plan; a list of noise sources; details of proposed noise sources / type of plant such as: number, location, sound power levels, noise frequency spectrums, noise directionality of plant, noise levels from duct intake or discharge points; details of noise mitigation measures (attenuation details of any intended enclosures, silencers or barriers); description of full noise calculation procedures; noise levels at a representative sample of noise sensitive locations and hours of operation.

Any report shall include raw measurement data so that conclusions may be thoroughly evaluated and calculations checked.

**INFORMATIVE:** As the premises is intended to provide alcohol or regulated entertainment it may require a Premise Licence under the Licensing Act 2003. The applicant is advised to contact The Licensing Team of Environmental Health at Cambridge City Council on telephone number (01223) 457899 for further information.

### **Reasons for Approval**

1. This development has been approved, conditionally, because subject to those requirements it is considered to generally conform to the Development Plan, particularly the following policies:

East of England plan 2008: ENV6, ENV7

Cambridge Local Plan (2006): 3/4, 4/11, 4/13

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further detail on the decision please see the officer report by visiting the Council Planning Department.

## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.