

Planning Applications Committee: 11 November 2021

Updates to reports

Application: 20/01263/F & 20/01582/L
Address: King Street Stores, King Street, Norwich
Item no: 4(a)
Pages: 13-50

Corrections

Paragraph 5 incorrectly states that 4 townhouses are proposed along King Street, when in fact 6 are proposed.

The summary table on page 16 and paragraph 165 state that 9 parking spaces are proposed, when the correct number should be 16. 5 spaces are proposed in delineated surface bays, 4 in integral garages within the riverside townhouses and 7 in car ports to the rear of the 3- and 4-bedroom houses on King Street. 16 spaces for 20 flats is below the maximum of 1 space per dwelling set out in Appendix 3 of the local plan and the recommendation is therefore unaffected.

Paragraph 168 is incomplete and should read “Key policies and NPPF paragraphs – JCS4, DM33, NPPF paragraphs 64 & 65”

Paragraph 169 states “The off-site contribution figure is to be confirmed but will be in the region of £390,000.”. The off-site contribution towards affordable housing has now been confirmed as £407,387.92.

Application: 21/00821/F
Address: Surface car park, Rose Lane
Item no: 4(b)
Pages: 51-70

Amendment to plans: The upturned shipping container at the site entrance which was intended as a signage/waymark feature has been removed from the plans at the request of the Senior Planning Officer.

Further correspondence received (1):

Letter from a noise consultant on behalf of an objector disagreeing with the findings of the applicants Noise Impact Assessment for the reasons set out below.

****NB.** The response to this from the Council’s Public Protection Officer is set out in italics below each comment**:

- The proposed development would appear to contravene local planning policy.

This is not within the remit of the Public Protection Team and therefore no comment will be provided. [Senior Planning Officer comment: the principle of development is dealt with in the officer report].

- The potential change of character in the noise environment is not considered. *The NIA discusses the impact of amplified music and people noise on the area.*
- The survey was over the weekend only, for reasons which are not explained.

The survey was carried out from Friday 24th- Monday 27th September- this is considered to be an appropriate length of time.

- There are no observations from the noise survey or discussion of the sources which currently dictate the noise environment. The context is therefore unclear.

The Noise Impact Assessment mentions that the noise environment (especially at P1) is dominated by road traffic noise from Rose Lane. The Public Protection Team's local knowledge of the area supports the assumption that road traffic is the most prominent source.

- The survey results for position P2 indicate either very low road traffic levels or the presence of nearby plant, but no discussion or observations are provided. Observations were not provided in the NIA.

Local knowledge and site visits indicate the presence of road traffic noise from Rose Lane. No plant equipment has been identified near P2.

- Attended measurements were only over an hour and are of limited obvious use. Attended measurements are generally short-term sound measurements.

The duration of this attended measurement is considered to be acceptable.

- It is unclear whether the ± 3 dB accuracy margin for both INSUL and CadnaA software were included in the predictions and how this might affect the results.

There is always a degree of uncertainty/ margin of error in all acoustic modelling and predictions. These uncertainties are considered acceptable by the Public Protection team.

- The speech noise predictions and assessments are based on source data and spectra for children's voices. This underestimates low-frequency noise.

This is a valid observation and there is a degree of uncertainty with all predictions of this nature and therefore margins for error. The Council has requested a robust Noise Management Plan to ensure the site is effectively managed. If successful, this application will be being granted temporary permission- failure to appropriately managed the site, including people noise, may result in an extension not being granted.

- Even with this under-estimation, the speech noise assessments identify external noise levels 8 dB above the WHO criteria for 'moderate annoyance'.

The Council has requested a robust Noise Management Plan to ensure the site is effectively managed. If successful, this application will be being granted temporary permission- failure to appropriately managed the site, including people noise, may result in extensions not being granted.

- The speech noise assessments ignore the potential impact of maximum noise levels in the late evening (on the basis that WHO guidelines start at 23:00hrs). This could underestimate the potential impact of noise from people leaving site.

The proposed development will close at 22:30 Sunday-Wednesday; therefore, all customers should vacate the site before 23:00 on these days. The applicant is proposing a later finish of 23:00 Thursday- Saturday. As mentioned above, a Noise Management Plan is to be submitted for approval by the Public Protection Team to ensure noise disturbance is mitigated, particularly in regard to people vacating the site.

- The spectral limits adopted for music noise assessments assume equivalence with the Rooftop Gardens dining area, without any justification.

The relevance of this comment is unclear. It should be noted that condition NO9 (which relates to spectral levels of amplified music) has been applied. This is a standardised condition and is applied to the majority of applications that the Public Protection Team are consulted on which involve amplified music.

- Absolute music noise limits in accordance with 'The Code' are adopted but it is unclear which events this would apply to (and would be limited to 12 a year).

The applicants have been informed that, if they are successful in their application, Condition NO9 supersedes the 'Code of Practice on Environmental Noise Control at Concerts' (The Noise Council 1995). Therefore, the levels stated in condition NO9 cannot be exceeded.

- The music noise breakout assessment assumes that external doors would stay closed during events. This emphasises a need for acoustic lobbies.

The application has been given standardised condition NO11 which requires an inner lobby for noise attenuation purposes.

- The 'typical noise spectrum' for music noise was significantly modified at low frequencies to comply with the adopted criteria based on the current building proposals. We consider the assumed reduced low-frequency noise levels to be unrealistic and unrealisable in practice. If realistic music noise spectra were used this would result in external noise levels well above the adopted criteria.

Condition NO9 states the spectral levels the applicant is required to meet. Therefore, it is in the interest of the applicant to ensure the fabric of the building is sufficiently able to contain the noise levels they require. Regardless of the nature of the building,

the applicant will be required to meet the levels stated in NO9. The venue will also be required to use a noise limiter which will be set by the Public Protection Team.

- The music noise assessment for louder events (in accordance with 'The Code') is based on the same modified spectrum, so the same conclusion would apply.

The applicants have been informed that, if they are successful in their application, Condition NO9 supersedes the 'Code of Practice on Environmental Noise Control at Concerts' (The Noise Council 1995). Therefore, the levels stated in condition NO9 cannot be exceeded.

- There is discussion of potential enhancements to the building fabric but these are not assessed. We consider that masonry constructions would be required.

Condition NO9 states the spectral levels the applicant is required to meet. Therefore, it is in the interest of the applicant to ensure the fabric of the building is sufficiently able to contain the noise levels they require. Regardless of the nature of the building, the applicant will be required to meet the levels stated in NO9. The venue will also be required to use a noise limiter which will be set by the Public Protection Team.

- The principles of the qualitative delivery/servicing assessment are reasonable, but this would need to be carefully managed in terms of frequency and timings.

Delivery times should be conditioned to ensure all deliveries take place during daytime hours.

- Plant noise limits are proposed according to BS 4142. This is appropriate, but the limits could be challenging to achieve and should be controlled by condition.

The following conditions have been applied to the application:

NO6 (sound insulation of plant equipment)

NO10 (details of plant equipment to be submitted to the Local Authority)

NO3 (requiring anti-vibration mountings)

Further correspondence received (2):

Letter from objector making the following points:

- These housing blocks are social housing with many people placed here with health problems, myself included. I do not think it's acceptable that person's living in this area should have their daily living noise levels raised by an outdoor music venue.
- How can a sound proof fence have any effect on windows above the fence line, ie, 1st, 2nd, 3rd and 4th floor of the blocks.
- If the council gives this the go ahead are they prepared to rehouse those who have been affected by all the negative impacts of this business venture?

- Are the council prepared to take action and shut it down if the negative impacts are far worse than what is being predicted?

Response from Senior Planning Officer:

- The amenity and noise impacts are fully covered within the officer report, including details of mitigation and conditions to control noise. The proposal is for an indoor venue and noise mitigation will therefore be primarily from sound insulation of the building and rather than the fence, the details of which will be controlled by condition. References to the sound proof fence within the application applied to the earlier proposal for outdoor activities, which have since been removed from the application.
- If the applicant fails to comply with the planning conditions then the Council has the power to take enforcement action.
- The matter raised regarding rehousing individuals is not a planning matter.

Additional condition recommended:

No trade deliveries or collections, including trade waste or clinical waste shall take place outside of the hours 07.30 – 18.00 hours on any day.

Application: 21/00646/F
Address: Fieldgate, Town Close Road, Norwich
Item no: 4(c)
Pages: 71-88

Corrections

Paragraph 3 incorrectly refers to number 12 and 13 Town Close Road as '13-15'.

Paragraph 9 incorrectly refers to the 'remodelling of the existing 4 storey bungalow into a larger 4 storey house'. This should read as 'remodelling of the existing 4 bedroom bungalow into a larger 4 bedroom house'.

Paragraph 11 does not mention that existing height of the glazed section. This section will be raised from approximately 5.1m to 5.8m.

Updates

2 additional letters of representation were received by post after the publication of the agenda. The total letters of representation received for the second scheme is now 13. The additional letters of representation relate to design and heritage issues,

and do not raise any additional points that are not covered by Main Issue 2 of the Committee Report.

Since the publication of the agenda, additional information has been received from the applicant in response to issues raised by objectors. A landscaping plan has been provided detailing planting around the site boundary. In addition, the applicant has provided sections demonstrating the screening that this landscaping will provide from the street scene. The proposed planting plans offer an acceptable indicative level of additional screening to the boundaries, in addition to reducing visibility to the front and side elevations of 1 Orwell Road.

However, due to the late receipt of these additional plans, their acceptability has not been fully assessed and it is still considered appropriate to request full details of landscaping and planting by condition, as per recommended condition 4.