

17 May, 2019

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE

21st May 2019

Agenda item 4

Case Ref. 18/00889/FUL

4 Meadows Road Kidsgrove

Since the publication of the main agenda report a letter from **Kidsgrove Residents Association** has been received in support of the proposal citing a number of benefits. The benefits highlighted include allowing much needed job creation, investment in the Town, facilitation of a new fit for purpose more centrally located club within the Town Centre which can be enjoyed by residents, and regeneration improvement to the Kidsgrove area as a whole.

In addition the further views of the **Environmental Health Division** have been received. They maintain an objection to the proposal on the grounds that:

There is a significant potential for the amenity of those living in the locality to be affected by large numbers of people leaving at the end of the night. These impacts are difficult to control at source and the impacts might not be dealt with using the other powers available to the Council, such as the licensing regime, statutory nuisance and anti-social behaviour powers, particularly when people are leaving in a well behaved manner.

In light of this consultation response there remains a difference of opinion between the applicant's noise consultant and the Council's Environmental Health Division regarding both the methodology and the level of noise that would be apparent during the closure period.

The applicant's submitted acoustic assessment has predicted and modelled the potential noise related impacts and indicates that the impacts will be of 'minor' significance. To ensure that this is the case, a number of conditions have already been recommended by the Environmental Health Division and as a result they are in agreement that the majority of the sources will not result in any adverse impact upon in the amenity of the surrounding properties; additionally, some issues that have not been conditioned might be dealt with using other powers available to the Council in the event that an unacceptable adverse impact is identified later. The only outstanding issue is the scale of noise arising as people leave the premises at the end of the night after events, such as live music nights or parties, where large numbers of people may visit the club and all leave in quick succession on closure.

Essentially the Environmental Health Division are referring to experience from other working men's club sites in forming their concern. They acknowledge that there is no specific guidance regarding the assessment of this particular issue. The applicant's acoustic consultant has made use of the 'Guidelines for Environmental Noise Impact Assessment' which quantifies the potential increase in the ambient noise level which is the continuous equivalent sound level (i.e. average sound level) over one hour. The consultant has suggested that people will trickle out of the venue over an hour up to closing. Environmental Health's experience (based on observations and complaints relating to similar situations) is that most people leaving after functions will do so over a period which is much less than an hour and the use of the longer averaging time will underestimate the potential impact.

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They also note people accessing vehicles on the road outside the club (which in this case is double yellow lined), just outside the nearest residential properties, particularly on busy nights or where people use taxis or are collected by others will be an additional noise issue. As a result the Environmental Health Division remain unconvinced that the amenity of surrounding occupiers won't be eroded.

In response to the objection the applicant's agent advises that Kidsgrove Working Men's Club does not operate in the same fashion as other clubs. On Friday and Saturday evenings they hold bingo nights. The bingo games might be interspersed with live singers, but they do not have band nights. On a good night, approximately 50 people will be at the club. Customers therefore depart at different times, some after the first or second rounds of bingo, while others don't leave until the singer has completed their last set. Customers do not leave the existing club in large numbers at the same time. The potential for adverse impacts arising from the use of the premises as a Working Men's Club has therefore been overestimated. The agent also refers to the British Standard in relation to noise assumptions as being misapplied by Environmental Health in the circumstances attributed to the development proposal.

Your Officer's views

Your Officer advises that the National Planning Policy Framework (at paragraph 180) makes clear that planning permission should only be refused if there is a significant adverse impact from noise – such impacts being on health and the quality of life

Taking into account Environmental Health's objection and the applicants response the view remains that the proposal would not be unacceptable from a noise perspective subject to the specific recommendations and conditions given in the main Committee report to the item, which includes the provision of improved glazing to any properties which the Environmental Health Division consider would be materially impacted by development.

Such conditions have already been identified as meeting relevant legal tests. It is also noted that any obligation entered into by the applicant for residents glazing improvement opposite the club or other mitigation would need to be worded in a way which includes a further appropriate noise assessment to be undertaken when the club is in use to verify mitigation need as part of the agreement entered into.

In forming this overall conclusion substantial weight has been applied to how the club is anticipated to operate based on its existing use on the Hardingswood Road site, in light of the different technical opinions received, including the fact the club runs a membership scheme. It is therefore anticipated that potential for adverse antisocial behaviour type noise occurrences can be successfully managed by both club membership, if there was a problem, as well as wider statutory powers available to deal with those types of occurrences if they were to be apparent.

As such **the RECOMMENDATION remains as set out in the main agenda report.**