

**FIRST SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**

**16<sup>th</sup> July 2019**

**Agenda item 13**

**Application Ref. 19/00470/DEEM3**

**FORMER SAINSBURY'S SITE, LIVERPOOL ROAD**

Since the publication of the agenda report the following consultation responses have been received:

The **Environmental Health Division** (EHD) advises that this part of the town centre is dominated by a number of noise sensitive uses. The application presents an opportunity to safeguard residential amenity from noise from such events, which can otherwise be undertaken under permitted development rights for 28 days per calendar year. They have no objections subject to conditions relating to the following:

- Permission to be restricted to the Borough Council and to organisations occupying the land with its legal authority.
- Approval of a Noise and Event Management Plan to be submitted at least 8 weeks prior to the occupation of the site.
- Arrangements to measure noise from all sources,
- Where events involve amplified sounds, a noise consultant should be appointed, and a survey of background noise, a sound propagation plan detailing sound levels at noise sensitive locations and sound propagation testing are required.
- Restriction on maximum permitted noise levels and measures to ensure that appropriate arrangements are in place to ensure that the noise levels are not exceeded.
- Restrictions on times for rehearsals, sound checks and performance.
- Public address systems, announcements and incidental music shall not be audible at any of the identified noise sensitive locations.
- Local residents and Council provided with details as to how to make complaints and details of scheduled performance, rehearsals and sound checks.
- Keeping of a complaint and investigation log
- Restrictions on times for rigging, derigging and movement of vehicles and equipment.
- Siting of generator sets and noise making plant to ensure they do not cause noise disturbance or affect pedestrians etc. by fumes and emissions.
- Controls on artificial lighting

The **Highway Authority** has no objections on highway grounds subject to a condition which requires an Event Management Plan to be submitted and approved for prior to the commencement of each event, and implemented whilst the event is taking place.

The **Crime Prevention Design Advisor** considers that a single application for a number of events is a worthwhile and common sense approach. It will, however, be important to ensure that there is guidance for each event as such events can attract those with criminal and anti-social intent. They would therefore want to see the

following measures included in any guidance that event organisers have to adhere to:

- Liaison with Newcastle Neighbourhood Policing Team at least 6 weeks in advance.
- An event and site-specific security and community safety plan is required.
- Any reasonable alterations to or additional security/safety measures requested by Staffordshire Police should be accommodated by the event organiser.
- A point of contact to be provided by organisers.
- Where alcohol is to be made available, organisers to liaise with Staffordshire Policy Licensing Unit at least 6 weeks in advance.

#### Officer's comments

The recommendations as set out above are broadly acceptable. The EHD have recommended a condition limiting the permission to the Borough Council and those occupying the land with the Borough Council's authority. National Planning Practice Guidance indicates that the use of such a condition can only be justified on planning grounds in exceptional cases where otherwise planning permission would not normally be permitted. In this case, whilst the concerns of EHD are acknowledged and understood, it is considered that the other recommended conditions would suitably control and manage the events without any planning justification to make the permission personal to the Borough Council.

In light of the further consultation responses received and the comments above the **recommendation** is amended as follows:

#### **PERMIT subject to conditions relating to the following:**

- 1. No buildings, structures, tents or any other feature associated with each temporary event shall be erected or placed on the site until the details have been submitted to and agreed by the Local Planning Authority,**
- 2. No temporary event shall take place on the site for a period exceeding 4 weeks and no more than 4 such events shall take place in any calendar year.**
- 3. Submission, approval and implementation of an event specific Noise and Event Management Plan prior to each temporary event commencing, which shall address matters including noise management, access and parking, and security and community safety.**
- 4. Where events involve amplified sounds, a noise consultant should be appointed, and a survey of background noise, a sound propagation plan detailing sound levels at noise sensitive locations and sound propagation testing are required.**
- 5. Restriction on maximum permitted noise levels and measures to ensure that appropriate arrangements are in place to ensure that the noise levels are not exceeded.**
- 6. Restrictions on times for rehearsals, sound checks and performance.**
- 7. Public address systems, announcements and incidental music shall not be audible at any of the identified noise sensitive locations.**
- 8. Local residents and Council provided with details as to how to make complaints and details of scheduled performance, rehearsals and sound checks.**
- 9. Keeping of a complaint and investigation log**

- 10. Restrictions on times for rigging, derigging and movement of vehicles and equipment.**
- 11. Siting of generator sets and noise making plant to ensure they do not cause noise disturbance or affect pedestrians etc. by fumes and emissions.**
- 12. Controls on artificial lighting**