



**Leicester**  
City Council

**Wards: see individual reports**

**Planning & Development Control Committee**

**Date : 06/12/23**

**SUPPLEMENTARY REPORT ON APPLICATIONS AND CONTRAVENTIONS:**

**INDEX  
APPLICATION ORDER**

<b>Page Main</b>	<b>Page Supp</b>	<b>Application Number</b>	<b>Address</b>	<b>Ward</b>
71	2	20221898	48 Little Holme St	WE

<b>Recommendation Conditional approval and subject to a Section 106 Agreement/Undertaking</b>		
<b>20221898</b>	<b>48 Little Holme Street</b>	
Proposal:	Demolition of factory (Class B2); construction of a 6 and 7 storey building containing student accommodation (Sui Generis), 2 storey building housing plant and cycle/bin storage, with associated ancillary works and landscaping (as amended).	
Applicant:	CC Leicester Limited	
App type:	Operational development - full application	
Status:		
Expiry Date:	21 September 2023	
SR	TEAM: PM	WARD: Westcotes

**Page Number of Main Agenda: 71**

### **Consultations**

The council's environmental health officer has been asked to review the additional information provided by the applicant (page 73 onwards of the main agenda). The following comments have been provided.

In order to address the potential impact of noise from the local music venue, the applicant has proposed a very robust sound insulation scheme including mechanical ventilation so the windows can remain shut. The applicant has also built in a large buffer 9 dB into the noise surveys, which is considered to cover any variations of music levels. The proposed post completion testing condition could be used to give the objectors comfort about the effectiveness of the mitigation.

### **Representations**

Two further representations have been received from the Music Venue Trust (MVT) and a further representation from the applicant.

The first MVT objection seeks further clarity around the additional steps that will be taken by the applicant following the outcome of the planning committee on 15<sup>th</sup> November 2023 as follows:

1. Confirmation of what Leicester City Council views as appropriate music levels in the residence, that would not be enforced against with noise abatement notices. Without this it cannot be said with confidence that the mitigation measures are appropriate.
2. Noise measurements have been taken at low height, but the proposed development at 6 and 7 storeys tall will exceed the roof of 2 Funky Complex. The developer has not therefore considered noise breakout from the roof, and thus not accounted for problematic (& louder) weak spots for higher receptors overlooking the grassroots music venue, so the noise survey is not fit for purpose.
3. Confirm whether the noise considerations presented by objectors at the committee hearing are being assessed in conjunction with the questions over noise, and if so, whether the Noise Impact Assessment survey is being

conducted again in a way which will offer data more suitable to considering mitigation and protection to the existing grassroots music venue?

The second representation welcomes the proposed additional condition but again requests additional surveys and suggests the condition specifies that the Surveys are undertaken at a time and a date agreed with the venue.

The applicant has also provided further suggestions in respect of the proposed condition to the contrary to mitigate any possible unreasonable music related activities such as keeping doors open during an event, playing music in the garden, or excessive noise levels within the club permeating through a poorly maintained building envelope. They suggest that the condition should specify that external noise levels should not surpass those measured in the previously undertaken surveys. They are concerned that if the club are notified of a future survey date then they could present a greater noise level on that day to make this seem worse than it is.

## **Considerations**

### Noise

The applicant's main response to the points raised during the committee meeting on 15<sup>th</sup> November 2023 relating to noise is set out in page 73 onwards of the main agenda. I consider that these appropriately address points raised in the first objection as above.

In respect of the different suggestions for conditions, the Council's Environmental Health Officer has today further reviewed the information presented by the applicant and confirmed the application is acceptable from a noise perspective and there is no requirement for further/updated surveys prior to determination.

He considers that the further request for additional noise surveys by the MVT is not justifiable as he is satisfied by the submitted assessment in particular the built in buffer of 9db which represents a reasonable worst-case scenario which would safeguard the position of both residents and the Venue appropriately.

He confirms that this safety factor will adequately allow the Music Café to have reasonable variations to the surveyed noise levels without breaching the current noise guideline levels.

Bearing this in mind, as this has been factored into the proposed mitigation, it is acceptable to use the level set out in the submitted acoustic report as target levels for a post completion testing condition.

An additional planning condition to demonstrate compliance with the noise levels set out within the application is therefore recommended.

I consider the proposal acceptable from a noise perspective and **recommend approval subject to the additional condition** as detailed below:

## CONDITIONS

- 30 The residential accommodation hereby approved shall not be occupied, until a noise assessment to demonstrate compliance with the levels set out in the submitted Façade Assessment (document ref 1804 – Little Holme Street,

Leicester – Façade Assessment, received 07/07/23) has been submitted to and approved in writing by the Local Planning Authority.

(To minimise noise impacts for future residents, and in accordance with the Leicester Local Plan saved policy PS10 and NPPF paragraph 187)