

Leslie Manning

From: [REDACTED]
Sent: 02 February 2018 11:36
To: Licensing Enquiries
Subject: RE: The Rufus Centre - Licence Review
Attachments: Stage 2 final part 2 master.pdf; Report-No-15417-1-Bovis-Homes-Central-Land-off-Steppingley-Road-and-Fro....pdf; planning department complaint - what do you think?

Good morning,

I attach a letter from Central Bedfordshire council, this letter contains evidence that Central Bedfordshire **uphold** my complaint that the council approved a planning application for houses to be built adjacent to the Rufus Centre despite NO noise assessment being carried out on the Rufus Centre, because of this houses were built far too close to what is essentially a nightclub. The detrimental effect of this being people who have paid a lot of money for their dream homes are now stuck in a situation where lack of sleep and distress is having an adverse impact on health and the quality of life, loss of enjoyment of their new home, and also the potential loss of value of homes.

They have admitted a 'failure to follow process' and apologised for 'anxiety and inconvenience caused', they state that their remedy is to put the persons affected back in the position they would have been if the mistake had not taken place.

However, this is an impossible situation. If the noise assessment had taken place on the Rufus Centre, with the noise recordings taken, then it is very evident from the noise readings taken (see below) and referencing the 'Railway Assessment Noise Report' (ref CB/13/00728), that the land in front of the Rufus Centre would have been deemed 'not suitable for residential properties', due to the high levels of noise, under 85dB on the graph for the railway, and readings of 92.8 in the Rufus Centre Hall and readings taken by [REDACTED] outside her house of 85-95dB.

The result that we the residents want, considering the fact that the planning permission cannot now be withdrawn, is for the noise to be reduced in line the Local Authority guidelines e.g.. 35 dB day, 30dB night, for ALL residents.

I wish this evidence to be put forward to support the evidence already given for a review of the Rufus Centre Licence. If you require this in the form of a letter, as well as an email, then please advise.

Kind Regards

[REDACTED]

out at another similar site close by. However, if non-residential properties are to be located close to the railway, potential effects of vibration should be considered for these types of buildings since they can often require lower vibration levels that are required for residential properties.

7. CONCLUSIONS

A noise assessment has been carried out for Valley Farm, Flitwick. The assessment has used the Calculation of Railway Noise procedure to determine the noise levels that will result across the site due to the adjacent railway line. The predicted noise levels have been used to determine the suitability of the site for residential accommodation and the requirements for mitigation.

The primary driver of necessary acoustic mitigation is the requirement for nighttime maximum noise levels. To meet acceptable internal noise levels, it will be necessary to provide high-specification façade treatments; however, there will still be a strip of approximately 35 m width along the boundary closest to the railway which may not be suitable for residential properties. Other uses for this land, such as non-residential can be considered.

8. REFERENCES

1. Land at Steppingley Road, Flitwick, Noise Assessment, NW Scientific Services, Reference 00717 June 2011
2. Calculation of Railway Noise 1995
3. Building Bulletin 93 Acoustic Design of Schools

Decibel meter readings

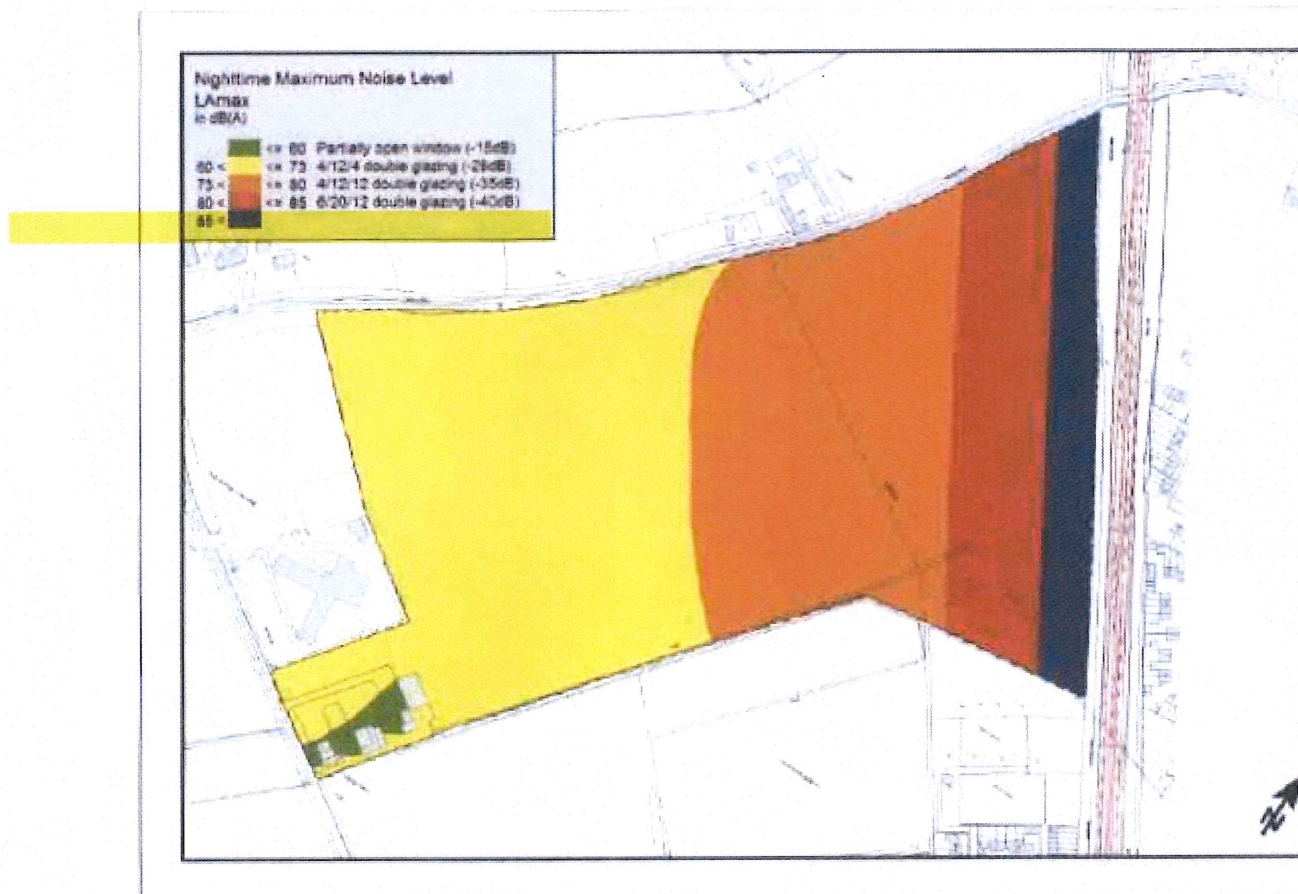
Please monitor the noise levels and record the reading hourly. Keep in folder and create a new sheet for every function.

Function..... Wedding Date 21/2/17

Types of noise omitting..... DS / Singer

TIME	WHEREABOUT READING	READING	INITIAL
8.00pm	Bin's	50.1.	CR
8.00pm	Hall	88.5.	CR
9.00pm	Bin's	52.1	CR
9.00pm	Hall	89.9	CR
10.00pm	Bin's	58.1	CR
10.00pm	Hall	92.7	CR
11.00pm	Bin's	58.2	CR
11.00pm	Hall	92.9	CR
12.00pm	Bin's	52.1	CR
12.00pm	Hall	89.9	CR
12.45am	Hall	MUSIC OFF	CR
1.00am	Home	Time	CR

Figure 6: façade types for nighttime maximum noise mitigation



The results presented in Figure 6 show that some form of façade mitigation is required the entire site. To meet the requirements close to the railway, high performance double glazing is required in the red shaded area. In addition, there is a blue shaded strip that extends approximately 35 m from the site boundary with the railway where even the high performance glazing is not expected to provide sufficient mitigation to achieve acceptable internal L_{Amax} levels.

It should be noted that these predictions are based on the assumption of an empty site is currently no building layout on which to provide a detailed assessment that includes effects of the screening that will be provided by the buildings that will comprise the development. These buildings are likely to provide significant levels of acoustic screen reduce noise levels for areas located furthest from the railway. As such, the requirements the more efficient façade treatments may reduce once a detailed site layout has been developed. However, the results provided within this report can be considered to be a case assessment in terms of the areas that require noise mitigation.

The blue shaded area located closest to the railway is potentially unsuitable for residential accommodation due to the high maximum noise levels experienced by this area. It may be possible to provide acceptable internal noise levels for residential properties within this area however, very high specification glazing and ventilation will be required and the requirements for this are beyond the scope of this report.

However, the masterplan accommodates non-residential use proposals in this area that are less sensitive to noise. If non-residential buildings are to be placed within this region, it must be ensured that they are not of noise sensitive use. It should also be noted that the presence of any non-residential buildings within this region will potentially provide screening to the surrounding areas.

[REDACTED]
Wellington Close
Froghall Fields
Flitwick
MK45 1GS

Your ref:
Our ref: CR 002
Date: 17 January 2018

By email to: [REDACTED]

Dear [REDACTED]

Complaint about impact of noise from Rufus Centre on nearby houses

When we wrote to you on 30 June I explained that I had identified an anomaly in the planning process that I needed to investigate further before reaching my finding. The research has taken much longer than anticipated, for which I apologise.

This letter contains the outstanding findings on the first part of your complaint and should be read alongside my letter of 30 June. The second part of your complaint (about the action of the Council on the noise nuisance) I concluded was not upheld.

Complaint 1 – that the council approved a planning application for houses adjacent to the Rufus Centre without requiring a noise assessment (pertaining to the Centre) in advance

As you know, on receipt of both the Outline and Reserve Matters planning applications, the Planning Service consulted the Public Protection team. Neither team identified the source as a concern and so the Council did not recommend adding a condition to the approval regarding noise from the Rufus Centre, even though the matter was raised by the Town Council in response to the Planning Application. As a consequence, the developer was not asked to address noise from this source.

We consulted MAS Environmental and asked them to report on the noise impact from events held at the Rufus Centre. They were asked to measure the noise levels inside and outside the building, to assess the building fabric and recommend an approach to address the weaknesses in the existing sound insulation.

Their advice is very clearly that the Rufus Centre, as it was operating at the time of the planning application for the houses, should have been considered by the assessor. Although they are critical also of the oversight by the noise assessor employed by the developer, we accept responsibility that on 3 occasions, we missed the opportunity to assess the impact of the existing operation and, if necessary, to ask the developer to incorporate mitigations in their scheme.

Ms Wileman explained in her letter sent on 4 January:

‘It is almost certain that if a noise assessor had been asked to consider the venue before the planning decision was made, that they would have attended the next convenient event, taken measurements and commented on that. Doing so would have been entirely acceptable.

It is quite possible that they would have concluded that the noise from a low-key event would not present any concerns and no mitigations would have been required. However, we do now know that the proximity of the centre (operating as it is) presents a real intrusion to some homes.’

So, although it is not certain that works would have been required as a result of an assessment undertaken when it should have been (and very unlikely that it would have included works to the Centre), there is no doubt that the omission has caused a concern to close neighbours and that remedial action is required.

You suggest that the omission was deliberate. I have found no evidence at all to suggest such a motivation. The process involved separate teams of Council officers and there are checking processes in place to ensure some response is generated. However, the error was in the judgements about the requirement made in the responses and, on this occasion, I am satisfied that the judgements were subject to human error.

We now understand the nature of the omission and as a consequence, **I uphold your complaint** that the council approved a planning application for houses adjacent to the Rufus Centre without requiring a noise assessment (pertaining to the Centre) in advance. I apologise on behalf of the Council for this failure to follow the proper process and for the anxiety and inconvenience this has caused you.

What we propose to do to provide a remedy

The complaint process is designed to establish where there may be fault in the process followed by the Council. Where fault is identified, if it causes personal injustice, we seek to remedy that injustice. That means putting the persons affected back in the position they would have been if the mistake had not taken place. The options available to the Council to resolve the problem are laid out in the MAS report and, at this stage, concern alterations to the fabric of the Rufus Centre to

reduce noise break out. We expect to bear the cost of the works as explained in separate correspondence from Ms Wileman. The report describes how the works should be carried out and we intend to implement the work (with very minor adjustment such as bringing forward the noise management plan) as recommended.

Conclusion

Thank you for your patience while we completed the research into the first part of your complaint. If you would like to discuss the content of this letter, please contact me on the details below.

If you are unhappy with the outcome of this part of the investigation and wish to pursue an independent review of this investigation (Stage 3), please let Customer Relations know. They can be contacted on 0300 300 4995 or customer.relations@centralbedfordshire.gov.uk. We would not normally reinvestigate a complaint that we have upheld and where we have offered a remedy.

You are entitled to seek the advice of the Local Government Ombudsman at any time. The contact details are:

Write to

Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH

Telephone

Intake Team: 0300 061 0614

Online Complaint

www.lgo.org.uk/making-a-complaint

The Ombudsman will normally ask you to state what alternative remedy you are seeking. They will normally expect the Council to have completed all the stages of their procedure before they investigate a matter themselves.

Yours sincerely



Susan Childerhouse
Assistant Director Public Protection and Transport