

Nigel & Jan Normington

The below are our further responses on this application which we make following learning last week that you have recommended that permission should be granted.

The objectors have been stunned by the news of your decision as the arguments against FS&S Club being expanded in the middle of a dense established residential area are not just strong but numerous. We are also concerned about the robustness of any conditions relating to noise and understand that you will make the formal wording available to us before the noon deadline on Monday 29th June.

We are also surprised that you feel a “virtual” planning meeting would constitute a legal and acceptable way by which to make a decision. It would be normal to allow objectors at least the opportunity to speak directly to the committee members before they make a decision. We feel that proceeding in this way does not allow the public to satisfactorily comply with the requirements of the planning acts.

Whilst there are many issues we would like to reiterate at this late juncture we have decided to limit ourselves to just three. These are parking, location and noise.

Parking:

Parking along the east end of Papist Way, at the Reading Road end has been a problem for many years, one which makes leaving the close that is Abbots Mead more of an act of faith than a sensible manoeuvre. Due to parked cars a driver is usually blind to traffic on Papist Way.

As proven within previously submitted documents the active floor area within this application increases by 435% and in order to calculate the potential occupancy level you need to apply the guidance set down within “Building Regulation Approved Document B” on assumed occupancy levels for different uses. From these tables using a mix between assembly hall/venue for music/refreshment areas, which would be the use of the proposed building, an occupancy level of 230 people would arise for the function/meeting room/club room extension, whilst the public bar would generate another 60 people. These numbers would also be used for calculating “Means of Escape” requirements by the Fire Service.

With the clear intent of the FS&S Club to attract larger and more profitable events, such as tribute bands and weddings, this number could be reached on a regular basis.

The Morning Star Public House car park has a capacity of 30, which as a small country pub in general coped with both customers and staff parking. Whilst it can be accepted that a reasonable percentage of those attending a function, with the exception of weddings, may walk from within the village it is likely that a considerable number of people will drive, further exacerbating the congestion that is already experienced by those who live here permanently.

Location:

When the Local Area Health Authority decided that Fairmile Hospital site was to be closed and redeveloped for housing it was a key principle of the redevelopment proposals that the Fairmile Sports and Social Club (a club formed for the benefit of those that worked at the hospital) must remain on the site and to this end they were to be rehoused within the redundant church building. However, once the national house builders became involved the FS&S Club was seen as a poor neighbour to general housing and apartments, land uses which are in planning terms accepted as being noise sensitive.

The now developed Fairmile site is low density when compared with the area surrounding the Morning Star Public House. The FS&S Club proceeded to purchase the Morning Star Public House for their own use, in spite of it being in a purely residential area and knowing that it had only a third of the floor space they enjoyed on the Fairmile site. This move was done by stealth. No-one living within 100 metres of the public house were aware of this change of use and intensification. Over the initial period of occupation the message was put into the community that the move was temporary and that they were to be rehoused at Fairmile. However, after a recent Parish Council meeting senior FS&S club personnel explained that the FS&S Club was always going to be a permanent move as it had been agreed with the developers.

Clearly a small quiet village pubic house which is tightly surrounded by old established residential properties was and is still not suitable for siting a noisy and busy Club which has serious wishes to expand.

We would also ask you to consider whether or not the proposed use involves a material "change of use" from a public house to a social club/assembly rooms which is, in essence, the main function of the newly occupied and owned building. Whilst a small token area has been retained as a public bar, probably for licensing reasons, this building is now being used for the prime purpose of the Fairmile Sports and Social Club. We are not planning experts but would be surprised, should they be consulted, that they would come to the conclusion that there appears to have been a material change from Use Class A4 to Use Class D2, a change for which express permission is needed.

Noise:

You will appreciate from this and earlier objections that noise and intensification of activity at the site are key concerns of local residents. Clearly there is an existing public house on the site but the level of activity it generated was commensurate with its character as a small village pub, albeit one that also caused some disturbance.

The National Planning Policy Framework, at para 180, provides, inter alia: that new development should be appropriate for its location taking into account ...the potential sensitivity of the site ...to impacts that could arise from the development. In doing so (planning decisions) should mitigate and reduce to a minimum potential adverse impacts resulting from the development arising from noise from the new development - and avoid noise giving rise to significant adverse impacts on health and quality of life.

We appreciate that to help you assess the impact of the development on the adjoining residential area you sought further information from the applicants in the form of a "Noise Assessment". In reality that assessment was a Noise Management Plan and contained no details of existing ambient noise levels, likely noise levels nor did it identify acceptable noise levels to enable you to determine whether noise impacts could be reduced to a minimum to avoid adverse effects on the quality of life of existing residents, as required by the National Planning Policy Framework.

Further the Noise Management Plan relies on self-policing and subjective assessment by employees of the FS&S Club, these "safeguards" to be secured by condition. In our view the condition fails to meet the tests of conditions, as set out in your email to me of 23rd June 2020 in that it is neither precise nor enforceable. It gives no certainty as to what is an acceptable noise level, the breach of which can be measured, it relies only on a subjective judgement by an untrained and not independent individual which could vary from person to person and gives no certainty to either the local authority, the owners or local residents as to what is acceptable. The condition is therefore imprecise. In addition it is difficult to see how the condition can be enforced. It relies not only on the goodwill of the owner, but also on the owner having staff trained to make judgements, albeit on a subjective level and not independent basis. The condition should be replaced by one which sets specific noise levels which can be measured and tested in the breach. For these reasons we believe the proposed conditions fail the tests which conditions should meet and are therefore likely to be ultra vires.

Whilst we still wish for the decision of the planning committee to be to refuse this application on the matter of having robust and enforceable planning conditions we recommend that this planning application be at a minimum deferred so that:

- a). An appropriate noise assessment report be commissioned which covers the issues set out above.
- b). An acceptable noise level is identified which takes account of this noise sensitive location.
- c). Thought is given to limiting the number of potentially noise generating events each year.
- d). Establishing restrictions on events to finish by say 11.00pm with no amplified music.

e). Consideration is given to limiting the number of attendees to each event to limit other adverse impacts such as car parking and highway safety.

The so called Noise Assessment which forms part of the planning application documentation implies that the expanded FS&S Club will have masonry walls (brick/block/stone etc) by saying that windows will be “set within masonry construction”. However, this directly contradicts the FS&S Club’s agent’s submission within the Planning, Design and Access Statement (PDAS) which states “the function room along with the clubhouse extension are to be of timber framed, clad externally with natural cladding”. Whilst the later will contribute very little to sound attenuation these two statements prove at least one false and misleading statement has been made within the application.

The Fairmile Sports and Social Club have been like a cuckoo within the Morning Star Public House. Whilst it has already squeezed the retained public bar element of the original pub down to a token space, it now wishes to massively grow the size of the original nest. All of this applications new space relates only to the FS&S Club’s uses and activities. A traditional village public house is what the Neighbourhood Plan supports, not a former hospital linked club which has expansion plans for both buildings and their paid up membership. The current noise experienced by their neighbours is unacceptable, so how can this application be allowed to pass as it can only intensify the harm experienced within the immediate area, particularly with amplified music and more regular money making events, such as weddings, birthday parties and increased letting of the venue to tribute bands and dances, etc.

Whilst above we state the reasons why we believe the noise condition could be ultra vires in its current form we are not wishing for this application to be approved. This is a wrong use in the wrong place. Indeed we believe this use is a material change from its previous sole use of public house and has not been approved through the planning system and is therefore in contravention of the planning acts.

We ask that you reconsider your current recommendation for approval prior to it being considered by the planning committee and change this to one of refuse.

Nigel and Jan Normington

10, Abbots mead, Cholsey, Oxon, OX10 9RJ