

Before the West Lancashire Borough Council Licensing and Gambling Sub-Committee.

Wednesday 9<sup>th</sup> September 2020

Eden Tearoom Ltd

Applicant

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Bundle B

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Eden

TEAROOM & GALLERIES

Course Lane, Newburgh, West Lancashire



W & A

Welcome

←  
Cafe & tearoom upstairs

Artisan markets  
Events

# INTRODUCTION

Eden Tearoom & Galleries is a brand new site built on a former strawberry farm. Our lovely building hosts a Tearoom upstairs decorated with an 'Elegant French country' theme and a gallery supporting local artists within the North West. We shall be hosting a variety of arts from ceramics, photography, painters, jewellers, textiles and installation artists.

The beautiful work curated within the gallery has a variety of affordable work to high end paintings, something for everyone. The pottery workshop downstairs is separated from the gallery with a beautiful glass wall to keep the space open and bright but also to protect the artwork from a working studio.

The studio space will also accommodate local artists teaching a variety of things from glasswork, embroidery to floristry and much more.

Opening hours for the Tearoom and Galleries will be 9am-5pm. After 6pm our Tearoom space shall be used for occasional privately booked events such as cheese & wine evenings, yoga and gin tasting to name a few.



# TEAROOM





**BEYOND THE WINDOW:  
AN EXPLORATION OF  
NATURE AFTER  
LOCKDOWN**

While we have been confined to our homes during lockdown, the natural world has blossomed. This exhibition explores the ever changing beauty of nature, each artist questioning the world around us, and our place in it, in their own unique way. Ranging from dramatic landscape painting and delicate glass work, to intricate textile installation, Beyond the Window offers a snapshot of our engagement and connection with nature.

**Location:** Eden Tearoom & Galleries,  
Course Lane, Newburgh, WN8 7UB  
**Dates:** 11th July - 11th October 2020



# GALLERIES

# FOOD OFFERING

Our Tearoom uses a variety of locally sourced produce to create unique and delicious dishes suitable for all tastes and requirements. All main ingredients are from suppliers within 2 miles of the site. Most staff working in the Tearoom and gallery live in Newburgh and nearby. Eden are proud to support local small businesses and the local economy in any way that we can.

## EDEN TEAROOM AND GALLERIES

GRILLED AND BUTTERED SOURDOUGH	£3.50
TOASTED TEA CAKE	£3.50
FRESH BAKED CROISSANT	£3.80
LOCALLY MADE CRUMPETS	£3.80
LANCASHIRE CHEESE ON TOAST	£4.20

A SELECTION OF BUTTERS, SPREADS AND PRESERVES AVAILABLE

## HOT TOASTED SANDWICHES

Served on toasted sourdough or a fresh baked English muffin

LANCASHIRE SAUSAGE AND CARAMELISED RED ONION	£6.50
AVOCADO, ROAST PEPPER, TOASTED PUMPKIN SEEDS (PB)	£7.50
SMOKED BACK BACON AND SPICED TOMATO CHUTNEY	£6.50
PLANT BASED SAUSAGE AND GARLIC THYME MUSHROOMS (PB)	£6.95

## EDEN BRUNCH

LANCASHIRE SAUSAGE AND SMOKED BACON poached egg, sourdough toast, smoky cannelloni beans, garlic and thyme mushroom	£9.50
PLANT BASED SAUSAGE AND AVOCADO SALSA Basil soaked sourdough, garlic and thyme mushroom, smoky cannelloni beans (PB) (Ve)	£8.95
SMOKED SALMON CRUMPET Lemon and dill cream cheese, soft poached egg, watercress	£9.50
ALMOND AND MAPLE PORRIDGE Warm berry compote, chia seeds, pomegranate (PB) (Ve)	£5.50
CLASSIC FRENCH TOAST AND MAPLE SYRUP ADD BACON £2.00	£5.50

PB = PLANT BASED DIETS    Ve = VEGAN DIETS    V = VEGETARIAN DIETS

IF YOU HAVE ANY FOOD ALLERGIES OR DIETARY REQUIREMENTS PLEASE ASK A MEMBER OF OUR TEAM WHO WILL BE HAPPY TO ADVISE

TO ENSURE SAFE SOCIAL DISTANCING WE PLEASE ASK THAT GROUPS REMAIN AT THEIR OWN TABLES UNLESS NESSECARY

## OPEN SANDWICHES

Served on buttered sourdough with dressed seasonal leaves and red onion and sultana slaw

SMOKED SALMON, LEMON CREAM CHEESE, WATERCRESS	£8.95
AVOCADO, PICKLED ONION, ROAST RED PEPPER (PB) (Ve)	£7.95
SMOKED BACON, CRISP LETTUCE, ROAST CHERRY TOMATO	£6.50
FARM FRESH EGG MAYONNAISE, DIJON MUSTARD, WATERCRESS (V)	£6.95
ANCASHIRE CHEESE, RED APPLE, SPICED TOMATO CHUTNEY (V)	£7.50
ROAST CHICKEN, SAGE STUFFING, CARAMELISED RED ONION	£7.50

ADD SOUP TO ANY SANDWICH    £2.95

## EDEN HERITAGE HOUSE SALAD (PB) (Ve)

CRISP SEASONAL LEAVES, TOSTED PUMPKIN SEEDS, ROAST HERITAGE TOMATOES, CARAMELISED RED ONION, CHIA SEEDS, ROAST RED PEPPER, HOUSE DRESSING

£8.95

ADD ROAST CHICKEN    £9.95    ADD SMOKED SALMON    £11.95

## LIGHT LUNCH

CHEFS SOUP OF THE DAY Fresh baked bread and butter	£5.50
LANCASHIRE CHEESE AND REAL ALE RAREBIT Baked sourdough, roast cherry tomatoes, caramelised red onion (V) ADD SMOKED BACON    £2.00	£7.95
EDENS PLOUGHMAN PLATTER Local baked pork pie, Lancashire cheese, Eden salad, roast apple, chutney	£11.95
BRITISH GARDEN VEGETABLE QUICHE Seasonal dressed salad, celeriac coleslaw (V)	£8.95
FARM FRESH EGGS BENEDICT Wilted peppered spinach, toasted English muffin, hollandaise sauce (V) SMOKED BACON    £9.95    SMOKED SALMON    £11.95	£7.95

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**EDEN TEA MENU**

**HERBAL AND FRUIT TISANES**

**FRUITALICIOUS**

A tantalising mix of cranberries, blueberries, dragon fruit and goji berries

**JUST CHAMOMILE**

A fragrant infusion of golden chamomile flowers, a great start or finish to your day

**JUST PEPPERMINT**

A bright and golden-green infusion with powerful aroma and a sensationally minty, sweet, smooth taste

**LEMONGRASS AND GINGER**

With a hint of zest and a whole lot of spicy bright lemongrass this brew gives a refreshing sensation

**PACKS A PEACH**

This sweet brew sings of peach, papaya, apple, and roasted chicory, creating a soft combo that really packs a peach

**PUMPING POMEGRANATE**

The essence of the Grand bazaar, Istanbul. A sweet, tangy and mystical flavour, this tea will take you on a flavour journey

**RED ROOIBOS**

This crimson liquor in certified organic and packed with earthy tones and complex honeyed notes with a smooth astringency

**SLEEP TIGHT**

A dreamy blend of lemon balm, lavender, jasmine and rose giving a glorious aroma and delicate sweet flavour

**TUMMY TEA**

Reduce sugar cravings and settle your tummy with this blend of peppermint, liquorice root and fennel

**ALL OUR TEAS ARE BREWED IN A POT BIG ENOUGH FOR TWO CUPS**

**All Teas £3.25**

**GREEN TEAS**

**CHINA JASMINE**

A blend of green tea and jasmine produces a light-yellow infusion with a delicate jasmine scent

**GORGEOUS GEISHA**

Sencha green tea combined with luscious flavours of strawberry and cream

**GREEN ROSE**

Vibrant green tea blended with rose petals and tropical fruits for a bold taste sensation

**BLACK TEA**

**CHAI**

Complex, spicy, and incredibly tasty, a signature chai blend that is unique

**EARL GREY**

Sri Lankan tea combined with the citrus delights of bergamot, generating an elegant and balanced full flavoured cup

**ENGLISH BREAKFAST**

Traditional blend of Sri Lankan broken-leaf teas that produces a coppery liquor with an assertive aroma

**FRENCH EARL GREY**

An oh-so-fruity French twist in medium bodied black tea base with pretty petals and notes of fruit in a refined infusion

**MELBOURNE BREAKFAST**

When the winds start howling, this brew will see you through with its full-bodied vanilla sweet tea

**MORNING SUNSHINE**

A harmonious mix of Assam, Darjeeling and Rwandan black teas creating robust malty notes, muscatels and mellow fruit

**NEW YORK BREAKFAST**

A full-bodied black tea boasting the taste of hot pancakes, inspired by a perfect New York moment

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**EDEN AFTERNOON TEA FOR TWO**

A SELECTION OF OPEN SANWICHES  
SCONES WITH CLOTTED CREAM AND PRESERVES  
A SELECTION OF CAKES FROM OUR DISPLAY  
YOUR CHOICE FROM OUR TEA OR COFFEE MENUS

**£29.95**

**WITH A GLASS OF PROSCECCO OR SMALL GLASS OF WINE**

**£39.95**

**WINE**

	SMALL	MEDIUM	BOTTLE
<b>SAVIAN MALBEC</b>			
A BOLD ITALIAN RED WINE WITH BLACK FRUIT NOTES	<b>£5.50</b>	<b>£7.25</b>	<b>£21.75</b>
<b>SAVIAN PINOT GRIGIO</b>			
A LIGHT SOFT WHITE WINE WITH TREE FRUIT AND FLORAL NOTES	<b>£5.50</b>	<b>£7.25</b>	<b>£21.75</b>
<b>SAIL FISH ATLANTIQUE</b>			
REFRESHINGLY FRUITY AND AROMATIC FRENCH PALE ROSE	<b>£6.50</b>	<b>£8.50</b>	<b>£25.50</b>

**SOFT DRINKS, BEERS AND CIDERS**

		<b>COFFEE</b>	
<b>COCA COLA</b>	<b>£2.95</b>	<b>CAPPUCINO</b>	<b>£2.95</b>
<b>DIET COKE</b>	<b>£2.95</b>	<b>LATTE</b>	<b>£2.95</b>
<b>ORANGE JUICE</b>	<b>£2.50</b>	<b>AMERICANO</b>	<b>£2.65</b>
<b>APPLE JUICE</b>	<b>£2.50</b>	<b>MOCHA</b>	<b>£2.95</b>
<b>PINK LEMONADE</b>	<b>£2.75</b>	<b>MACCHIATO</b>	<b>£2.50</b>
<b>SPARKLING WATER</b>	<b>£2.45</b>	<b>FLAT WHITE</b>	<b>£2.80</b>
<b>STILL WATER</b>	<b>£2.45</b>	<b>HOT CHOCOLATE</b>	<b>£2.95</b>
<b>FRUIT SHOOT</b>	<b>£1.50</b>	<b>ESPRESSO</b>	<b>£2.50</b>
<b>BREWDOG PUNK IPA</b>	<b>£3.50</b>	<b>EXTRA SHOT</b>	<b>£0.50</b>
<b>BREWDOG LOST LAGER</b>	<b>£3.50</b>	<b>VANILLA SHOT</b>	<b>£0.50</b>
<b>BERRIES AND CHERRIES OLD MOUT CIDER</b>	<b>£4.50</b>	<b>TOFFEE SHOT</b>	<b>£0.50</b>
<b>KIWI AND LIME OLD MOUT CIDER</b>	<b>£4.50</b>		

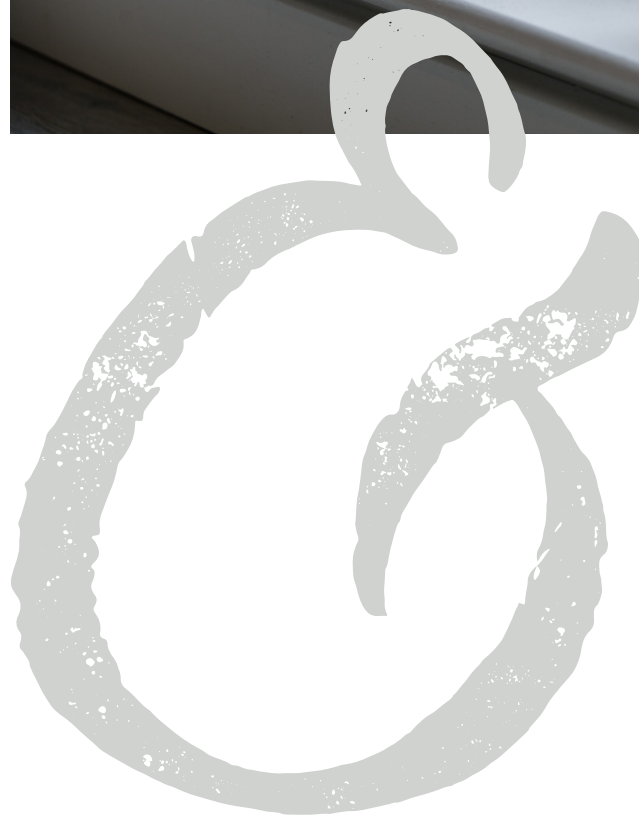
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# FAMILY ACTIVITIES



In our workshop we host daily Paint-A-Pot and Paint-A-Cupcake sessions for children and families. Session leaders are all fully DBS Checked and provide a safe and fun environment for children to learn new skills while spending quality family time.

# WORKSHOPS

In our custom built glass wall workshop we host local artists, giving them a beautiful venue to teach their amazing talents. Classes are held regularly where customers can learn a multitude of skills, helping local artists and the creative community to flourish and build their businesses.



**POTTERY**

**PAINT A POT**

**FLOWER ARRANGING**

**WEAVING**

**EMBROIDERY**

**CALLIGRAPHY**

**FUSED GLASS**

**MACRAMÉ**

**PAINTING**

**CROCHET**





# Eden Tea Rooms, Newburgh

## ACOUSTIC IMPACT ASSESSMENT

Technical evidence for Licensing  
Application

Report No. 20-0126-0 R01 V2.2



# Eden Tea Rooms, Newburgh

## ACOUSTIC IMPACT ASSESSMENT

### Technical evidence for Licensing Application

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Report No.: 20-0126-0 R01 V2.2

Date: 04 September 2020

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Prepared by:

**Peter Rogers**

MSc BSc(Hons) CEng FIOA FRSA MIOL



**Managing Director: Peter Rogers** BSc(Hons) MSc CEng FIOA FRSA

5 Charlecote Mews, Staple Gardens, Winchester, Hampshire. SO23 8SR  
T +44 (0)1962 858800 E [sa@sustainableacoustics.co.uk](mailto:sa@sustainableacoustics.co.uk) W [www.sustainableacoustics.co.uk](http://www.sustainableacoustics.co.uk)  
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# 1 INTRODUCTION

## 1.1 Formal Details

My name is Peter Rogers of Sustainable Acoustics, 5 Charlecote Mews, Staple Gardens, Winchester, Hampshire, SO23 8SR and I practice as a Consultant in Acoustics, Noise and Vibration. I have been professionally involved in acoustics for over 25 years, initially as a local authority authorised officer for 5 years and thereafter a consultant and business owner. I have undertaken entertainment noise and vibration measurement and assessments throughout my professional career, and worked on the assessment of noise from entertainment.

My specialist field is in acoustics, with a expertise in buildings and environmental acoustics, assessment of noise and vibration, its impact on the human body and its control. My experience as both a consultant, lecturer and in local government in both the planning, licensing and nuisance arenas allows me to be able to take a balanced view of the evidence and form objective and subjective judgements based on these regimes. I hold a Bachelor of Science honours degree in Physics with Medical Physics from the University of Cardiff, Wales and a Master of Science degree in Environmental and Building Acoustics from London South Bank University. I am also a Chartered Engineer, and a Fellow of the Institute of Acoustics, a Fellow of the Royal Society of Arts and Member of the Institute of Licensing. I often provide training on noise at the national Institute of Licensing training event. I have only recently completed a term as a Trustee of the Institute of Acoustics, and I am a registered and vetted member of the Register of Expert Witnesses and Expert Witness Registers.

My field of expertise covers the particulars of this investigation, and my work with both noise makers, and residents in relation to associated noise with small scale events enables me to form a balanced and independent view, which is broad and enables me to form opinions of an expert nature that reflect an industry view. I have not acted for either party at any time in the past, to the best of my knowledge.

My expertise is limited to not commenting on medical matters, which are beyond my expertise, although my knowledge included biological details of the ear and hearing system ; my expertise does not include cost information on remedial works; or comments on legal matters that are beyond my expertise on planning, licensing or nuisance.



## 1.2 The Relevant parties

The following parties will be referred to in this report:

- i. Eden Tearoom Limited (“ETL”) – The Applicant
- ii. West Lancashire Borough Council (“WLBC”) – The Local Licensing Authority
- iii. Peter Rogers – Sustainable Acoustics, Author and Acoustics Expert

## 1.3 Synopsis

ETL have appointed Sustainable Acoustics Ltd. and acoustic expert Peter Rogers to consider the noise impact of the licensed operations until 01:00 on the nearest residential properties. The operation currently is a tea rooms and gallery open to not later than 18:00. The extension would be to allow events to take place into the evening.

Following submission of a licensing application for the operation, conditions were agreed between ETL and Environmental Health as per appendix 3 of the Licensing and Gambling Sub-Committee Agenda Report, which can be accessed here:

<https://democracy.westlancs.gov.uk/ieListDocuments.aspx?MIId=2589&x=1> .

The application has attracted representations from residential occupiers. A planning application is also currently under consideration.

A visit was made to acoustically assess the premises on the 26<sup>th</sup> August 2020, and again on the 1<sup>st</sup> September 2020. This enabled 5 entire days of monitoring of existing ambient noise conditions in the vicinity of the residential houses. Tests were also done to consider the break-out of music noise from the existing sound system to residential, and how the noise from other sources might be best controlled proactively.

A number of conclusions can be drawn from this work to narrow the matters of technical concern, and recommendations have been made which include implementing a Noise Management Plan to use best practice methods to control noise from all operations sources in the area.

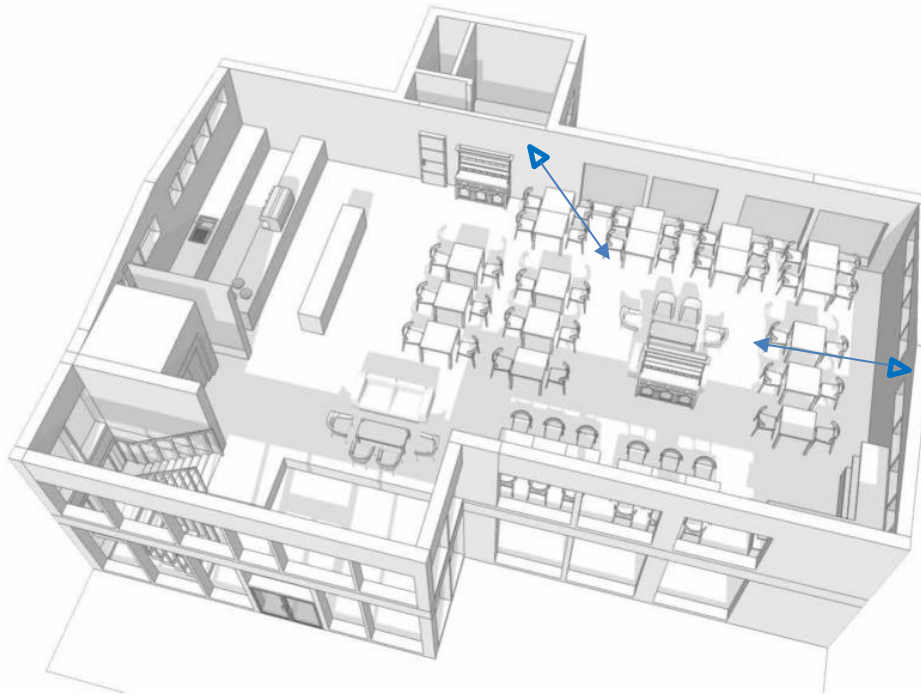
Although this report has been written specifically with the licencing objectives in mind, regard has been given to planning as it is known that the application is being considered. The Noise Management Plan aims to reduce noise levels not only to not cause a nuisance but also to keep any adverse impact to not more than low (LOAEL) to meet the expectations of the NPPF and local planning policy.

## 2 SITE LOCATION AND CONTEXT

The site is located in the village of Newburgh at Eden Tearoom and Galleries, Course Lane, Newburgh, WN8 7UB.

The premises is a 2 storey former agricultural building which has been converted into a gallery (down stairs) and tea room (upstairs), with residential properties to the south (on the opposite side of Course Lane/A5209) and east (properties further down Course Lane/A5209 and properties on Sandy Lane). The next nearest residential is over 30m away.





Eden Tea Rooms

Figure 1: Eden Tea Room & Galleries visual of top floor, with speaker positions and directions indicated

The area is primarily rural, with the site located on agricultural land adjacent to the A5209 near to the village boundary. The site location is shown in Figure 2.

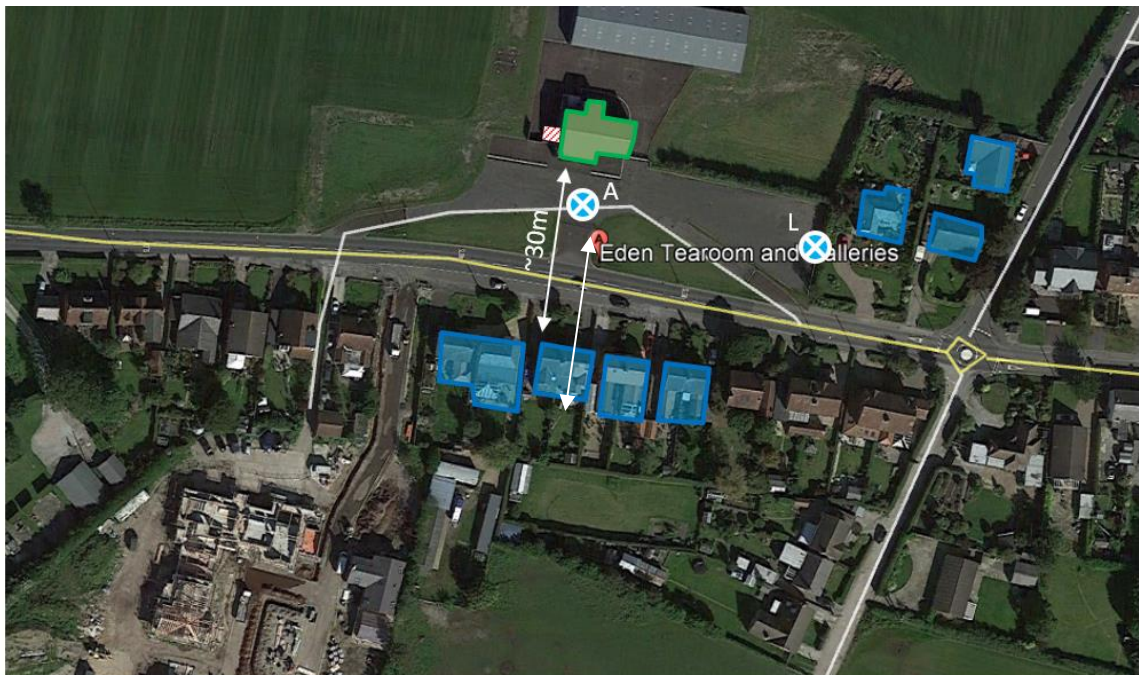


Figure 2: Site location and context. Eden Tea Room & Galleries marked in green, the closest residential receptors are marked in blue. Logging sound level meter location marked with white circle. The proposed smoking area is shown as a red hashed are on the west side of the building.

### 3 CONSULTATION

Having had a telephone call with Gillian Perkins of WLBC Environmental Protection and Community Department on the 3<sup>rd</sup> September 2020 regards her position on the proposals to operate to meet the licensing objectives on public nuisance, in light of providing the 13 conditions. She recommended that they are implemented as they were agreed with the applicant.

The comments are located at Appendix 3 in the Agenda document pack, in a memorandum dated 29<sup>th</sup> April, which set out the 13 conditions which she reiterated satisfied any concerns and felt that the impact on residents would be likely to be acceptable as a result, and that if it were not because of management there was a remedy open to her to first informally resolve it, and finally formally if needed. She confirmed that she does not currently object as a result, and therefore would not be attending the licensing committee as it stands.

She confirmed that she is now looking at the planning application, and has offered comments to planning. We agreed that I would provide the Noise Management Plan (as contained in Appendix 5 of this report) which incorporates her 13 conditions, in spirit, and provide more stringent controls to consider as mitigation from a planning perspective also. She seemed generally supportive of the idea of the NMP, and once drafted she was sent it with the proposed form of alternative wording for a condition, as set out in section 8.

A follow-up call confirmed that she had received this information, and on the 4<sup>th</sup> September she confirmed in an email timed at 17:42, which states “ *I am happy with it in principle in terms of it covering the thirteen licensing conditions that I proposed and were agreed at the time with the applicant. Furthermore, it does go beyond those making the pro-active response to noise issues more robust.*” She requested that a line be added to it, which can be seen in bold in the version in Appendix 5, and she went on to say “*I am happy therefore from a Licensing perspective to agree to it in principle*”.

### 4 PLANNING HISTORY

West Lancashire Brough Council granted permission for application 2016/1151/FUL on the 2<sup>nd</sup> February 2017 for the Tearoom for operation between 08:00 and 18:00 Monday to Saturday and 09:00 to 18:00 on Sundays and Public Holidays, limited by condition 7.

There were no conditions relating to noise generated by people, traffic or noise from amplified systems at the time.

The only condition relating to noise limited the emissions from plant (condition 8), to safeguard the amenity of adjacent properties to comply with Policy GN3 of the adopted Local Plan.

A second planning application was made 2020/0439/FUL to vary condition 7 of the previous application to allow an extension of operating hours to 23:00, and 01:00 on Friday and Saturday’s for pre-booked functions. This is justified “*to assist with the viability of the business*” according to Cass Associates Planning Statement 3.4 and “*to maintain and diversify a viable business*” (statement 4.2). This is under consideration currently by WLBC.



Whilst this is not directly relevant to licensing considerations, it is the Government's directive<sup>i</sup> that both regimes should be aware of each other, so this is included for completeness.

What is relevant to consider for planning is set out in Appendix 1.

Keeping the adverse impact to not more than low (LOAEL) is considered a reasonable position to satisfy the NPPF, according to the NPPG and local policy GN3 in the author's opinion.

## 5 THE LICENCE

### 5.1 LICENSING ACT 2003

The requirements of the Licensing Act 2003 include that the applicant must demonstrate that they promote the prevention of public nuisance (which included noise). The definition of what a nuisance is can be seen in A1 of Appendix 1. Each of the facts listed need to be considered, so to prevent it this too must be the case when forming a view on the impact assessment.

A licence application LN/000009565 was made for the provision of regulated entertainment (live music and recorded music) on Fridays and Saturdays between 23.00 and 02.00. The terminal hour has been pulled back to 01.00 following discussions with the Environmental Protection and Community Department. Appendix 3 of the Agenda papers sets out 13 conditions which Gill Perkins of that Department sought to be imposed on any licence, and which ETL have accepted. The conditions are:

- 1) All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.
- 2) Noise from music and associated sources (including D.J.'s and amplified voices) shall not be clearly distinguishable at the boundary of any neighbouring residential premises after 1800 hours.
- 3) The volume of all amplified sound used in connection with all entertainment provided shall at all times be under the control of the licensee or management and the controlling mechanism so installed shall be maintained and operated from a part of the premises inaccessible to the public.
- 4) The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.
- 5) No music or speech shall be relayed via external speakers other than for events where the prior approval of the Licensing Authority has been obtained.

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<sup>i</sup> Following the report of House of Lords Select Committee Review of the Licensing Act in 2017 the Government's subsequence response was *"The Government recognises the recommendations this Committee has made about the relationship between licensing and planning is the start of a debate.. how, licensing and planning could work better together"*.



- 6) Notices shall be displayed at public exits, in a clear and prominent position, requesting that patrons respect the needs of local residents and leave the premises and the area quietly.
- 7) The Designated Premises Supervisor and other members of staff to request customers to leave quietly and have respect for their residential neighbours.
- 8) No deliveries will take place between the hours of 20:00 and 08:00 hours.
- 9) The placing of refuse, such as bottles, into receptacles outside the premises shall take place between 08:00 and 20:00 hours only, so as to prevent disturbance to nearby premises.
- 10) The Designated Premises Supervisor shall ensure that staff arriving early morning or departing late at night when the business has ceased trading conduct themselves in such a manner to avoid disturbance to nearby residents.
- 11) The Designated Premises Supervisor or nominated person shall regularly monitor levels of noise in any outside area used for smoking and advise customers of the need to respect local residents where appropriate. Any patrons continuing to cause any disturbance or disorder will be asked to leave the premises.
- 12) The outside seating area to be closed between the hours of 21:00 hours and 08:00 hours each day.
- 13) The premises hereby approved between 2300 hours and 0100 hours on Fridays and Saturdays shall be for the exclusive use of pre-booked private functions only and shall not be open to members of the public. The premises shall maintain a bookings diary or other similar system which should be kept on the premises and made available for inspection by licensing authorities and environmental health on request.

Comments on these conditions are made in Section 8 of this report. These reflect the recommendations of Gillian Perkins verbatim.

## 6 RELEVANT STANDARDS & GUIDANCE

### 6.1 STANDARDS

#### [Draft Good Practice Guide on the Control of Noise from Places of Entertainment](#)

There are no relevant standards currently in the UK to assess the noise impact from entertainment venues, as the previous one from 2003 has been withdrawn. Although the Institute of Acoustics and Institute of Licensing are in the process of consulting on a draft document, which although not yet finalised, it is a helpful guide.

The approach taken is to consider the music noise against the underlying background conditions.



## World Health Organisation Night Noise Guidelines

World Health Organisation Night Noise Guidelines [5] indicates that  $L_{\text{night}}$  outside to be 30dB or less for no physiological impact. In this case this would still be 2dB below the background levels, so may be safe to rely in the context of this area and operation as an absolute figure to reflect a none to low adverse impact.

## 6.2 Criteria

A reasonable set of criteria to apply for amplified music so it causes not more than a low adverse impact would be 30dB  $L_{\text{Aeq, 5min}}$  at 01:00 with no discernible bass beat at the nearest residential premises' boundary. At other times of the day (earlier than this) this should ensure that music should not be audible, apart from briefly when the door opens to allow people in or out.

This level of impact would be adequate to meet both planning and licensing expectations.

## 7 ACOUSTIC ASSESSMENT

Two visits were made to the site to set up the environmental noise survey equipment at position L, as shown in Figure 2, and to conduct noise break-out tests. The instrumentation used is detailed in Appendix 3, and photos of the location contained in Appendix 4. Equipment was calibrated before and after measurements and there was no significant drift.

The personnel conducting these tests were Mr Jim Smith, and Mr Jake Willmott, who are members and associate members of the Institute of Acoustics, and so suitably qualified acousticians.

### 7.1 Noise Breakout Tests

The existing amplified systems comprises two modest loudspeakers on each level, linked to an amplifier, though which music can be played. These can be seen in photographs in Appendix 4. The direction of speakers is shown for the first floor Figure 1. As only the first floor is being applied to be licensed this is the most critical to focus on, however for completeness the ground floor has been considered also, as a worst case.

On the ground floor the speakers were placed at the left hand end of the room as looked at in Figure 1 directed down the space, and also on the pillar opposite the door directed to the right hand end, so not pointing towards the door. This will not be in use, but their output was assessed.

The speakers have zoned volume controls, with tuneable knobs to adjust the volume at locations not accessible to the public. The speakers are not physically capable of producing high levels of sound and are primarily intended to produce ambient music for the Tearoom and the gallery space. There is an AUX cable for the input, which takes phones or potentially laptops to play music. Currently a phone is used as a source of the music, and the output was set to around 50% output on arrival. Specification of the make of speakers installed are set out in Appendix 2.

Tests were done using the speakers set to maximum output using a POP/ Folk track that was described as typical of that played by staff. This track had vocals, acoustic guitar, drum and a good range of

frequency content, including bass elements. Both the first-floor system and ground floor system were operated simultaneously to create a worst case.

Measurements were then made as walking averages on each level (not closer than 2m to a speaker at any point). The source measurements are shown in Table 1 below, across the frequency range, and represent the maximum operating level possible:

Acoustician	Date	Notes	Music type	Overall parameters (dBA)			Octave Band Centre Frequencies (dB)								
				LAeq	LAMax	LA90	31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz
JW	26/08/2020	Ground Floor walking average of Max output	POP/ Folk	<b>84.9</b>	88.7	-	68.7	82.0	86.8	87.6	79.6	78.9	75.2	75.2	71.8
JW	26/08/2020	1st Floor walking average of Max output	POP/ Folk	<b>79.7</b>	83.0	-	58.8	79.7	85.4	83.2	75.9	71.4	70.3	70.2	59.2
JS	01/09/2020	Ambient inside (people present)	No music	<b>57.6</b>	67	50.5	52.7	50.6	51	51.1	51.8	48.9	47.4	42.2	35.6

Table 1: Maximum amplified music levels

A listening test was then conducted outside, with the doors and all end windows closed (which is understood to be typical, and a requirement of the conditions in Annex 2 of the licence). Under these conditions just outside the premises doors it was possible to just hear music emanating through the glazing and door, although the door was not noticeably weaker acoustically than the glazing. By the time the acoustician had moved to position A, the music was barely audible even in the lulls between roadworks and was not measurable.

It was not possible to hear the music once the road was reached, and completely inaudible at the nearest houses opposite it was reported. Tests were completed at noon and around 17:30 hours. As can be seen below the background level at this time was already below 30dB(A), which is quieter than the lowest background measured at 01:00 (Section 7.3 last paragraph).

Notes	Music type	Overall parameters (dBA)			Octave Band Centre Frequencies (dB)								
		LAeq	LAMax	LA90	31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz
1m outside, door closed, music just audible. Some roadworks noise	Acoustic folk	<b>43.9</b>	53.4	40.3	54.3	56.6	50	41.2	42.5	45.5	34.3	32.9	23.2
1m outside, door closed. Some roadworks noise	No music	<b>42.1</b>	49	39.8	57	55.3	45.4	40.5	37.5	39.4	39.8	40.8	36
Position A - no music, roadworks not as evident by local road traffic	No music	<b>41</b>	50.8	28.7	54.6	55.3	43.5	39.5	41.1	42.3	36.4	37	30.5

Table 2: Amplified music levels break-out and ambient externally

## 7.2 Environmental Noise Survey

An environmental noise survey was carried out between 26<sup>th</sup> August and 1<sup>st</sup> September 2020 by Sustainable Acoustics Ltd.

A logging sound level meter was set up at the site to log sound levels for the duration of the survey period. The location of the logging meter was selected to be a similar distance from the road as nearby residential properties (approx. 12m).

On the 1<sup>st</sup> September roadworks commenced on Course Lane/A5209, so the data from the final day has been excluded from calculation of averaged and typical noise levels and marked on the time history plot (Figure 2).

Due to high wind noise levels from 26<sup>th</sup> August have been excluded from calculation of typical and average noise levels.

## 7.3 Survey results

From the data collected, it is possible to calculate representative daytime and night-time noise levels for the site. The average daytime and night-time levels calculated are shown in Table 1.



Typical maximum noise levels have been calculated as the level which is not exceeded more than 10 times in the time period.

Typical background noise levels have been calculated as the  $L_{A90}$  background noise level exceeded for 90 percent of the time period surveyed.

		Ambient noise level, dB		Maximum noise level		Background noise level, dB	
		$L_{Aeq,15min}$		$L_{Amax, 15 min}$		$L_{A90, 15 min}$	
		Range	For the period	Range	Typical*	Range	Typical*
Daytime	07:00-23:00	51 - 74	62	69 – 104 <sup>#</sup>	84	32 - 55	45
	07:00-19:00	55 - 74	63	70 – 104 <sup>#</sup>	83	34 - 55	47
Evening	19:00-23:00	51 - 65	59	69 - 89	76	32 - 48	34
Night	23:00-07:00	29 - 63	54	36 - 87	76	26 - 45	27

Table 1: Daytime and night-time ambient noise levels at position L over 5 full days (Thursday to Monday).

<sup>#</sup> Dominated by roadworks close by.

\* Arithmetic Average based on the average value each day, representing the typical average level of that parameter

The time history plot for the duration of the survey period is shown in Figure 2.

By 23:00 on Wednesday, Thursday, Sunday and Monday that background levels were 34, 35, 37, 33dB  $L_{A90}$  respectively. A closer look at the Friday and Saturday night results at 01:00 show that the levels vary from 42dB to 32dB  $L_{A90}$  respectively at the nearest residential, so comparable with lowest levels at 23:00 as a worst case.

This indicated using 32dB  $L_{A90}$  for all days as a worst case up to 01:00 is reasonable to use for the impact assessment.

## 7.4 Site Observations

During setup and collection of the equipment, the following conditions were observed:

- ☹ Overcast sky and some breeze with gusts from the west on the 26<sup>th</sup> August.
- ☹ Low levels of traffic on the A5209 with 2-3 vehicle passes per minute
- ☹ Overall a quiet and rural area with distant traffic noise being the dominant source
- ☹ It was sunny and warm and clear on the 1<sup>st</sup> September with still to light winds (from the prevailing direction).
- ☹ A5209 was shut for roadworks. There was start-stop noise from road works and works vehicles.
- ☹ Generally quiet rural area with distant traffic the dominant noise source when noise from the roadworks subsided.

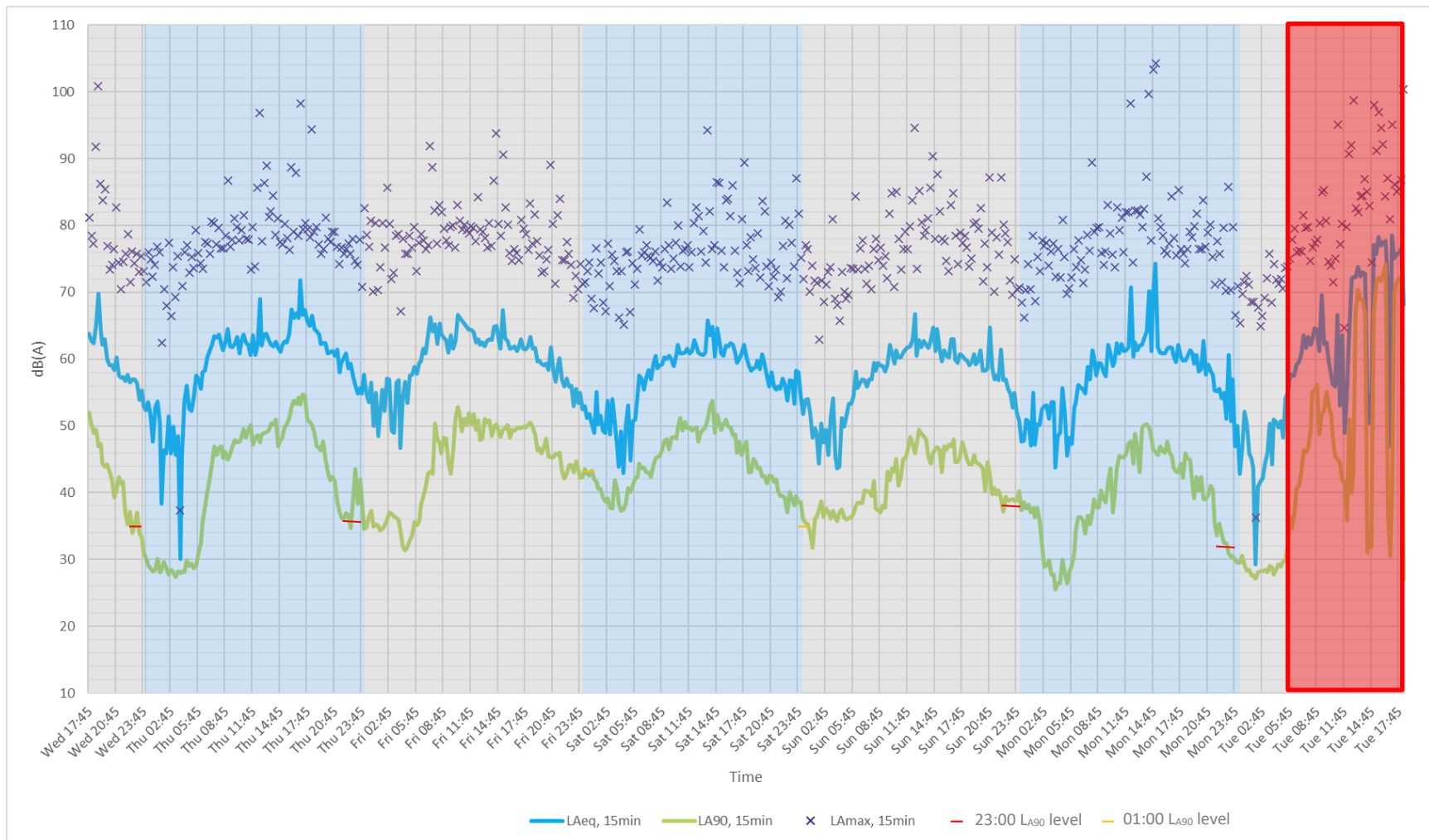


Figure 3: Time history plot from logging sound level meter from 26th August - 1st September. Exclusion for roadworks marked in red.



## 7.5 Impact Assessment & Discussion

### Amplified music

Correcting the 1m measurement for ambient in Table 2 would make the music contribution 39dB(A) at 1m from the facade. Applying a line source propagation over the 30m would result in a reduction of 15dB, making the contribution approximately 24dB(A), which would be 6dB below the WHO suggested target criteria. This is indicative of no adverse impact being likely from amplified music played at maximum output at 01:00, given that the bass elements are not significant.

Based on our investigations, using the existing equipment the levels of music that could be generated as a maximum would be unlikely to be audible at the closest houses with doors and windows closed. It is understood that the highest level of activity would be likely to be a birthday or anniversary party. This means that even if a DJ were to be playing music through a laptop plugged into the AUX cable of that system that this would be unlikely to be noticeable at residential at 01:00 and the adverse impact would be none (NOEL). This would be with downstairs and upstairs speakers on maximum output, which is unlikely to be the case, so the impact would be less than this.

The existing speakers are not capable of producing significant bass music, so the risk of bass escape and intrusion will not be capable of occurring.

There may be some risk of sound being heard for short periods at residential when the front doors are opened. It is understood that the downstairs speakers would not be operated and so it would only be the breakout of the lower levels capable from upstairs that would escape briefly through the door.

This would be unlikely to be an issue but should it become problematic then the door could be managed or a lobby entrance could be added, but this is not necessary in my opinion at this stage to satisfy the licensing objective, or the planning expectations.

### Live music

Any live music is understood to be likely to be small in scale and either unamplified or amplification should use the existing amplified system. It will not be permitted that they bring in their own amplified system, or that drums should be used which may cause a greater adverse impact than low at the perimeter of any nearby residential. This will be a matter for the Noise Management Plan (NMP) (contained in draft in Appendix 5).

Given that the sound system comprises only four speakers across two floors these are not capable of supporting such entertainment, which would require a complete upgrade to the system. This could be prevented by condition or through the NMP, without the installation of an acoustic limiter with controls placed on it that will limit sound output to not more would cause acceptable levels as determined by a suitably qualified acoustic to be produced at residential at the most sensitive times of operation. This is a control that could be required through planning or additional licensing condition.

Given the understanding of the operation these are considered to be appropriate measures at this stage to meet the licensing objective to proactively prevent public nuisance, and limit the adverse impact to not more than “low” but most likely it will be “none”.

## Traffic noise

No particular impact assessment has been completed relating to the noise caused by traffic, as noise from traffic on the local road already exists and can be seen to affect measurements throughout the night. Maximums remain reasonable high (generally above 70dB) which support this. So unless numbers of traffic are significantly increased, which will not be the case, this will not affect the perceived traffic noise levels for residents overall.

What is more likely is that periods of people arriving and parking and leaving together or being picked up by taxi's may cause short peak periods in traffic activity. Given the residual noise in the area I have considered that this would be a matter for the NMP, to minimise noise in the car park through tight management via Marshalls at these times.

There is capacity for 22 cars to park, with 3 spaces for staff around the rear. It is understood that the capacity of the seating areas upstairs would allow up to 50 only, and with no social distancing rules perhaps up to 70 as potential in the future. Consequently, this means there may be a mixture of people driving to the venue and arriving and leaving by taxi to the surrounding areas, but in very modest numbers.

The NMP sets out a procedure for how Taxi noise is proposed to be proactively minimised, and as people arrive and leave a Hi-Viz clad Marshall shall direct cars and remind people to keep noise to a minimum. This approach will be combined with the use of the downstairs area as a holding zone for people waiting for taxi's, such that the taxi will draw up to the door and be greeted by the Marshall. This will prevent horns being sounded to attract the attention of people waiting in groups outside, which will not be permitted. This approach will result in a quiet and smooth dispersal for those needing taxis whether booked via preferred providers of the premises or local firms.

It is considered this mitigation will minimise the adverse impact to not more than "low".

## Noise from People

Other than for dispersal and use of a smoking area the noise from people is likely to be minimal as they are inside during the evening, with windows closed. The space is air conditioned and so this is the normal mode of operation.

The smoking area has been designated as a standing area around the west side of the building, as shown in Figure 2. This screens residents to the east and south so they will be unlikely to receive any impact. Those which have line of sight to the south or south west may just be able to hear voices, but as the prevailing wind in from the SW this will assist to minimise the audibility of people. Management of people smoking and use of signage will also be a way to minimise the noise generated by them.

During dispersal, the use of the downstairs space as a holding zone to allow people to adjust to a quieter environment without music, and either direct people straight to cars or awaiting taxis. Those leaving on foot are expected to be minimal, but they will be reminded to leave the area quietly. It is considered this mitigation will minimise the adverse impact to not more than "low" in my opinion.

## 8 CONDITIONS

The 13 conditions attached to the Annex 2 are typical of a robust approach to control noise from a premises operating until 01:00, but they are unreasonably prescriptive in part and therefore problematic in a number of ways and potentially vague in some respects, in my opinion.

Whilst these conditions are aimed to act as a safety net to prevent public nuisance these are written in the prescriptive style more appropriate for planning. This is not appropriate in the more permissive licensing regime because it is so prescriptive, as the objectives place the responsibility on the licensee to proactively prevent public nuisance.

It is a requirement that any conditions in licensing are appropriate.

It is also inherently appropriate to accept that some noise must be an acceptable position where nuisance is concerned, so noise being “clearly distinguishable” is overly prescriptive against the objective (as illustrated by the Hope and Glory case<sup>ii</sup>).

The conditions also do not control for a change in amplified systems in the future and do not define what is “not clearly distinguishable” means and so what is an acceptable noise level objectively and how this would be enforceable. The licensing objectives are clear that if proactive prevention of public nuisance is occurring this should be acceptable.

The one which is appropriate in my opinion is the penultimate one in Annex 2, which allows for the extension from 23:00 to 01:00 of Fridays and Saturdays for pre-booked private functions.

It is therefore my suggestion that the conditions could be incorporated within a Noise Management Plan (NMP), which comes from the applicant as part of the proactive prevention strategy, as contained in Appendix 5 of this report. This could replace 12 of the 13 conditions, with a single condition to place the emphasis back on the licensee. The NMP incorporates the 13 conditions are add a further 8 to provide a best practice and proactive way to manage all associate operational noise sources.

This would allow the tightened NMP to also incorporate mitigation that would also satisfy the planning requirements to minimise adverse impact to not more than “low” (LOAEL). This would therefore meet the appropriateness test, whilst being sensitive to the planning application that is currently in progress.

Something along these lines could replace the 13 conditions, in my opinion, where their content is incorporated:

*“The premises shall submit for consideration and approval a noise management plan to the Local Authority Environmental Protection Department, which covers the areas set out in Appendix 5 of the Sustainable Acoustics report dated 4<sup>th</sup> September 2020. It must then be implemented operationally. Where this is varied in the future this must be again submitted for approval in writing and implemented operationally”.*

Testing this would means that where the NMP states that all doors and windows would be kept closed will mean that if there is evidence to suggest this is not the case (excluding ingress and egress) then the licence could be called for review for breach of condition, given the NMP must be implemented.

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<sup>ii</sup> R (Hope and Glory Public House Limited) v City of Westminster Magistrates' Court [2011] EWCA Civ 31



It also allows for the future replacement of speakers with alternatives where the maximum music outputs set out in this report are not exceeded. This could include the implementation of a noise limiter, but this would be a proactive step taken by the premises to meet the targets.

## 9 CONCLUSION

Sustainable Acoustics and acoustics expert Peter Rogers have reviewed the current operations over 5 full days and over the weekend for Eden Tearoom and Galleries, Course Lane, Newburgh, WN8 7UB between the 26<sup>th</sup> August and 1<sup>st</sup> September 2020.

It is possible to conclude that the existing sound system at maximum output is not capable of causing sound levels that would be likely to be audible at the closest residential, provided doors and windows are kept closed. The adverse impact from pre-recorded music can therefore be concluded to be none to low, allowing for some sound short periods of sound escape for entrance and egress. This would satisfy the requirements of the licensing objectives.

Considering the other source of noise, such as the potential for live music not using amplified system, traffic and people noise it is considered that any risks of adverse impacts could be minimised through the implementation of the Noise Management Plan in Appendix 5 of this report, which has been approved as agreeable to ETL. This would also be likely to demonstrate that the licensee is proactively preventing public nuisance, and that the overall adverse impact would remain low for operation up to 01:00 and through the dispersal that follows for a brief time.

Recommendations included that the 13 conditions attached could be replaced by one, or possibly two, which would be appropriate for the licensing regime. By incorporating the majority into the Noise Management Plan this would allow more stringent controls that would also satisfy planning requirements to limit adverse impact to not more than “low”.

It is therefore the opinion of the author, an expert in acoustics in this field, that there are no technical grounds for objecting to this licence relating to noise; but that the general concern about what might happen is recognised as an unsubstantiated fear by residents. To address this it is proposed that an amendment to the conditions along the lines suggested could be made, which would also allow the more stringent planning controls to be met within one Noise Management Plan (as contained in Appendix 5).

## 10 STATEMENT OF TRUTH

In accordance with Civil Procedure Rules Part 35.10 and Practice Direction to Part 35 (para 3.3) I confirm that:

*I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer to.*



**Mr Peter Rogers**  
**MSc BSc(Hons) CEng FIOA FRSA MIOL**

**4<sup>th</sup> September 2020**



## APPENDIX 1 Relevant Policy and Guidance



## A1 NOISE

When sound is described as “noise” it generally is understood to mean disagreeable or unwanted sound. Humans evolved hearing to keep safe, so it is first and foremost a warning sense, and one which can trigger a response unconsciously, unless habituated to learn that it does not pose a threat. It is also a prime way that humans rely on to detect each other’s voices and so to communicate, and also to listen to pleasurable things that are not a source of potential threat, like natural sound and music to relax, or stimulate and enjoy oneself. Whether something is threatening, disturbing, annoying, or agreeable depends on a number of factors, with context being very important. Considering the level of a sound alone, with no context, is not a robust approach to determine a human response.

Noise level is measured as fluctuations of pressure, and generally expressed in decibels (dB), which is a logarithmic scale and so cannot arithmetically be added together in the usual way. The “pitch” or frequency of a sound is expressed in hertz (Hz) within the human hearing range of 20 to 2kHz. As humans do not hear sound the same at each frequency this leads to the use of a weighting correction to approximate the level to that which human ears will detect sound. This is routinely expressed as A-weighted decibels or (dB(A)).

It is the combination of level, and frequency that create the character of a sound, and whether it is constant, intermittent, or impulsive determines how much attention it will take.

The factors that affect how noise can affect us are set out below, although not exhaustively listed are:

- Level of sound (eg. dB(A))
- Frequency characteristics (pitch in Hz)
- Whether the sound is steady (continuous)
- Whether it is intermittent or impulsive in character
- Time of day it occurs
- Where it occurs
- For how long it occurs (duration)
- How often it happens (daily, weekly, monthly)
- If it is associated with a task being undertaken, and if it is associated with a positive or negative thing
- A person’s expectations to be free of such a noise
- Sensitivity of the persons hearing the sound
- The perceived need for the sound
- Whether it is caused as part of beneficial activities
- Does it generate an annoyance response
- Is it caused deliberately to disturb others

Noise is therefore a physical phenomenon which we form subjective views about, although it can be objectively quantified.

It is common to consider the typical response of an average person to noise, rather than response of an individual person, to allow for the variability of response between people. This approach allows consideration of the response of the average reasonable person to be the focus for much of the determinations of how disturbing it may be, on balance.



Noise is a product of our modern times and is classified as a pollutant. Prolonged exposure to high levels of noise can cause hearing loss, however environmental noise levels are generally well below these levels and more likely to disturb the ability to communicate through speech, or the use of a garden or home, or even sleep, causing a nuisance or the lowest threshold which is annoyance. Annoyance is the feeling evoked by noise of displeasure, whereas a nuisance is something that causes a material interference to one's reasonable enjoyment.

When a noise impact can be ranked and determined as to what level of intervention is required to make it acceptable as part of the soundscape. This process depends on the factors listed previously.

## A2 NUISANCE TEST FOR NOISE IN DIFFERENT REGIMES

Where noise becomes so intrusive and substantial that it is likely to be above a significant adverse effect level (SOAEL) that causes material interference with the reasonable use of property then this might be considered to be a nuisance where the other factors, listed in A1 support this judgment.

Where this affects just one person this is called a private nuisance.

Where it affects more than more person, judged to be a cross section of society, then this is called a public nuisance.

In the case of the Licensing Act 2003 the objective to promote prevention of public nuisance has been interpreted in case law to means a low-level nuisance affecting only a few people.

The planning regime is generally there to prevent significant impacts occurring, but there are separate Statutory Instruments and powers that relate to this if it does, such as the Section 79(1)(g) and 82 of the Environmental Protection Act 1990.

Where noise is a nuisance or prejudicial to health then it is classified under this act as a Statutory Nuisance.

## A3 NATIONAL POLICY FOR PLANNING & NOISE

### NOISE POLICY STATEMENT FOR ENGLAND

Paragraph 180 of the NPPF also refers to advice on adverse effects of noise given in the Noise Policy Statement for England <sup>[2]</sup> (NPSE). This document sets out a policy vision to:

*"Promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development".*

To achieve this vision the Statement sets the following three aims:

*"Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:*

- *avoid significant adverse impacts on health and quality of life*
- *mitigate and minimise adverse impacts on health and quality of life; and*
- *where possible, contribute to the improvement of health and quality of life.*





## NATIONAL PLANNING POLICY FRAMEWORK

Current planning policy is based on the National Planning Policy Framework (NPPF), revised in February 2019, which supports a presumption in favour of sustainable development, unless the adverse impacts of that development would outweigh the benefits when assessed against the policies in the Framework, taken as a whole.

The noise implications of development are recognised at paragraph 180, where it is stated that planning policies and decisions should:

*“mitigate and reduce to a minimum potential adverse impact from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life<sup>60</sup>”*  
*“Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason”*

The Government’s objective is to significantly boost the supply of homes, but puts in place protections for existing business in paragraph 182:

*“Planning policies and decisions should ensure that new development can be “integrated effectively with existing business and community facilities (such as places of worship, pubs, music venues and sports clubs)”. Existing businesses should not have “unreasonable restrictions placed on them as a result of development permitted after they were established”. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”*

## NATIONAL PLANNING POLICY GUIDANCE ON NOISE (JULY 2019)

The newly refreshed guidance says *“Good acoustic design needs to be considered early in the planning process to ensure that the most appropriate and cost-effective solutions are identified from the outset”*.

It also says noise can override other planning concerns, where justified, *“although it is important to look at noise in the context of the wider characteristics of a development proposal”*.

It makes clear that *“As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy”*.

It also says that as exposure *“crosses the ‘lowest observed adverse effect’ level boundary above which the noise starts to cause small changes in behaviour and attitude, for example, having to turn up the volume on the television or needing to speak more loudly to be heard. The noise therefore starts to have an adverse effect and consideration needs to be given to mitigating and minimising those effects (taking account of the economic and social benefits being derived from the activity causing the noise)”*. This indicates that below the Lowest Observable Adverse Effect Level upper threshold (LOAEL) would be considered acceptable. The noise exposure hierarchy is set out in a table which suggest that at a LOAEL that is “present and intrusive” that the action should be to mitigate and reduce to a minimum.



Above this is considered to be an Observable Adverse Effect (OAE). It makes clear that when the effect becomes significant (SOAEL) that it should be avoided. This guidance is consistent with the policy within NPSE.

It also talks of a positive soundscape “where natural sounds” are more prominent than background noise from manmade sources. The guidance indicates that this can be considered to be tranquillity in terms of identifying areas that justify being protected or improved.

On S182 “Agent of change” the guidance suggests that “nuisance” may mean the same thing as significant adverse effect level on residents. This is unusual as the two regimes have remained separate until now, but the sentiment is important; which is that development in the vicinity of existing business must consider their impact that they are permitted to carry out, even if they are not occurring at the time of the application. The mitigation appears to be focused on avoiding a Statutory Nuisance occurring, rather than in protecting quality of life (as with the LOAEL), which is a different threshold.

Further government advice on how planning can manage potential noise impacts in new development is given in PPG: Noise<sup>iii</sup>. The table below summarises the noise exposure hierarchy, based on the likely average response of those affected:

### SOAEL – Significant Observed Adverse Effect Level

This is the level above which significant adverse effects on health and quality of life occur. It is stated that “*significant adverse effects on health and quality of life should be avoided while also taking into account the guiding principles of sustainable development*”.

### LOAEL – Lowest Observed Adverse Effect Level

This is the level above which adverse effects on health and quality of life can be detected. It is stated that the second aim above lies somewhere between LOAEL and SOAEL and requires that: “*all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development. This does not mean that such adverse effects cannot occur.*”

### NOEL – No Observed Effect Level

This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise. This can be related to the third aim above, which seeks: “*where possible, positively to improve health and quality of life through the pro-active management of noise while also taking into account the guiding principles of sustainable development, recognising that there will be opportunities for such measures to be taken and that they will deliver potential benefits to society. The protection of quiet places and quiet times as well as the enhancement of the acoustic environment will assist with delivering this aim.*”

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<sup>iii</sup> <https://www.gov.uk/guidance/noise--2>



## APPENDIX 2 Speaker Specification



## EVID 4.2

### Dual 4" 2-way surface-mount loudspeaker

- Compact full range
- Ideal for restaurants, bars, patios, and retail
- Vented LF enclosure
- 1-inch titanium diaphragm HF driver with neodymium magnetic structure
- Coherent Coverage Waveguide
- Full-bandwidth overload protection (LF and HF)
- Elliptical weather-resistant ABS enclosure
- Paintable black or white finish
- Magnetically shielded for video applications
- Strong-Arm Mount for easy, flexible aiming
- "T" version for 70 or 100 V distributed systems





### SPECIFICATIONS

Frequency Response <sup>1</sup> (-10 dB)	65Hz - 20kHz
Power Handling <sup>2</sup>	200W Cont. Prog./400W Peak
Sensitivity <sup>3</sup>	89 dB, 1W/1m
<b>FEWER SPECIFICATIONS</b>	
Impedance	8 ohms
Max SPL	113 db
Horizontal Coverage <sup>4</sup>	120°
Vertical Coverage <sup>4</sup>	80°
Crossover Frequency	2.2 kHz
LF Transducer	2 x 4" (100 mm)
HF Transducer	1" (25 mm)
Protection	Full System
Weather Resistance	Meets Mil Spec 810 humidity, salt spray, temperature and UV, and IEC 529 IP 34 splashproof ratings
Swing x Rotation	100° x 90°
Terminals	Phoenix Connector
Enclosure Material	ABS (paintable)
"I" Version Wattage Taps	70V: 3.75 W 70V/100V: 7.5W, 15W, 30W, 8 ohm bypass
Dim (H x W x D)	12.2" x 6.9" x 8.5" (234 mm x 127 mm x 165 mm)
Net Weight (each)	8.5 lbs (3.9 kg)
Shipping Weight (pair)	19 lbs (8.6 kg)
Included Accessories	SAM™, hex key

<sup>1</sup> Half Space (wall mounting)  
<sup>2</sup> Continuous Program Rating: 3 dB greater than continuous pink noiserating (IEC-shaped pink noise with 6dB crest factor)  
<sup>3</sup> Avg. Half Space (wall mounting)  
<sup>4</sup> When mounted with long axis in vertical plane



## APPENDIX 3 Instrumentation



Equipment	Type	Serial Number	Calibration	
			Date	Certificate no
Svantek Class 1 Sound Level Meter	971	60684	24/05/19	14013087-2
Preamplifier	SV18	62752	24/05/19	14013087-2
Microphone	7052E	66699	24/05/19	14013087-2
Svantek field calibrator	SV33	58228	15/05/20	14015460
Rion Class 1 sound level meter	NA-28	00170246	27/03/19	33127
Preamplifier	NH-23	60254	27/03/19	33127
Microphone	UC-59	00299	27/03/19	33129
Rion Building Acoustics Card	NX-28BA	00670019	-	-
Rion field calibrator	NC-74	34773049	12/05/20	UCRT20/1413
Norsonic Nor145 Class 1 sound level meter	NOR145	14529095	11/04/19	4712116694
Preamplifier	NOR1209	22160	26/02/19	4712116694
Microphone	NOR1227	332250	26/02/19	4712116694
<b>Svantek field calibrator</b>	SV36	83721	17/07/20	14015695



## APPENDIX 4 Photographs





Photo 1 : Logger position L



Photo 2 : Ground floor speaker 1



Photo 3 : Ground floor speaker 2



Photo 4: First floor tea rooms with speaker on end wall visible.



Photo 4: First floor tea room – second speaker visible



Photo 5 : Double glazing on facade



Photo 6 : Front of tea rooms, with position A and L shown and residential beyond



Photo 7 : Door, with brush seals showing



## APPENDIX 5 Noise Management Plan

# Noise Management Plan

Sound generated by the operation of the licensed premises in relation to the first floor area for regulated entertainment can take many forms, and is part of the vibrancy and experience created. Managing this both inside and outside the premises to ensure at all times the promotion of the licensing objectives, and to minimise disturbance of nearby residents as far as practicable is the aim of this operational noise management plan.

- We will train our staff to observe and enforce this Noise Management Plan and monitor the effectiveness of it and compliance with it.
- We will encourage our customers to observe this Noise Management Plan and generally to respect the neighbourhood within which we trade.
- **We will take the following specific steps in order to promote the licensing objectives, meet planning policy expectations to protect amenity and minimise the risk of justifiable complaints.**

## A: General

1. The premises shall be used between 23:00 and 01:00 on Friday and Saturdays only for exclusive use by pre-booked private functions only. Otherwise it may be used up to 23:00 hours. The premises will maintain a bookings diary or similar system which will be kept on the premises and made available for inspection by authorised offices of the Licensing Authority and Environmental Health on request.

## B: Music Controls

2. All amplified music played in the venue will be controlled in level and frequency to achieve to not more than following levels, which have been quantified by a suitable qualified person to not be clearly distinguishable at the boundary of any neighbouring premises:

Position	L <sub>Aeq</sub> in dB(A)	L <sub>AMax</sub> in dB(A)	Bass Frequencies	
			L <sub>eq</sub> 63Hz in dB	L <sub>eq</sub> 125Hz in dB
Ground floor up to 23:00 – ambient only	70	73	70	77
First floor up to 01:00	80	83	80	85

*Table 1: Upper Existing Operational Music Levels in any 5 minute period after 18:00 hours*

3. The amplifier shall be inaccessible to the public. As the existing system is limited to the above output as this is the maximum possible no electronic need for an acoustic limiter is needed unless equipment is changed.
4. Where this would normally require external doors facing residents to be kept closed, but where they are kept open for Covid-19 Safe conditions then the existing levels in Table 1 may need to be reduced until by 15dB.
5. No external audio equipment will be permitted to be used, unless approved by the Local Authority in writing.
6. Any changes to the sound system must be set up by a suitably qualified acoustician to be not more than the above levels.
7. All external suppliers of entertainment (ie. DJ's or Live entertainers) will be required to enter into a Service Level Agreement (SLA), which agrees to operate through the limited house system if using amplified systems, or to the directions given as part of the live sound checks and if they are found to not be will not be permitted to continue to supply services to the venue and payment maybe withheld.
8. Where unamplified live music is to played there must be no drumming and a sound check must be completed that satisfies the operator than sound is not discernible at the closest houses, and these checks must be completed intermittently through the performance and adjustments made where that is the case.

### C: External Area Management

9. Ensure all managers, and staff are fully briefed and trained on minimising noise in the external areas and monitor compliance as appropriate. Staff leaving or arriving at sensitive times should do so in a manner to avoid disturbance to nearby residents.
10. All customers wishing to leave, utilise the outside area, and in particular the designated smoking area at sensitive times will remind customers to do so having respect for their residential neighbours. Any customer found not to be complying or behaving in an unacceptable or antisocial manner will be refused further service and in appropriate circumstances will be asked to leave the premises.
11. Customers will not be permitted to the outside seating areas after 21:00 and before 08:00 hours each day, except for smoking in the designated area.
12. All doors and windows will remain closed except where this is as part of Covid Safe operations, in which case the escape of sound should be reduced as set out in 2.



13. Place notices internally at all exits, and in the smoking area, requesting customers to respect our neighbours and use the outside areas or leave the area quietly.
14. Manage the behaviour of customers outside the premises in the smoking area and actively discourage any unreasonable noisy behaviour at sensitive times.
15. Limit bottling out and placing of refuse in receptacles outside the premises to between 08:00 and 20:00
16. No deliveries to take place between the hours of 20:00 and 08:00 hours.
17. Active marshalling of departing cars should take place between 23:00 and 01:00 to manage prompt and quiet dispersals until it is complete, discouraging people from congregating outside.
18. Dispersal will be managed to minimise noise as far as possible, using the ground floor as a holding zone whilst people wait for cars and taxi's and allow them to adjust to a quieter environment. Taxis will be received at the door, and the awaiting parties directed inside promptly.

#### D: Compliance Management

19. Trained staff familiar with the noise management plan to conduct regular perimeter assessments on each occasion the premises is used at sensitive times and observations made on the general compliance with this Noise Management Plan and a written log of these checks made and kept, to include time, date, details of the person making them. Where infringements are found that may cause disturbance to local residents that remedial action is taken to correct these and records of those actions recorded. These records should be made available to an authorised officer of the local authority or police on request.
20. The premises will have a single point of contact for complaints, which is made available to residents that might be affected by noise from the premises (which may be a mobile number or an e-mail address) and they should be encouraged to call it should they have a complaint about music noise;
21. In the event of a complaint details should be recorded into a complaint log and every effort will be made to quickly check that the control measures are in place, and to reduce levels voluntarily until such time as the complaint has been fully investigated in line with this noise management plan. **The premises will actively engage with WLBC Env Health and / or Licensing with regard to any complaints received.**







# Noise Log (cont...) *print on back*

## Complaint Log

Name/ Position: .....

There were no complaints:  (tick if so and go no further)

*Note: If a verbal or telephone complaint was received then complete the details of the complaint below and action taken with as much detail as possible*

Details of complaints (include contact details if given, time, nature):

Investigation details and actions taken:

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Reminders : Was the NMP followed ?  , Was it justified (J) or malicious (m) ?

Could more be done to avoid in future?





## Live Entertainment Service Level Agreement

I agree to operate through the limited house system, and I am familiar with the requirements of the Noise Management Plan. If I am found to not comply then I accept that I could be asked to cease providing services to the venue, pending an investigation, and may have payment withheld if I have been found to have wilfully not complied with the noise management plan.

Date : .....

Name: .....

Contact details : .....

I am familiar with the Noise Management Requirements:  (tick if yes)