

LICENSING ACT 2003

Environmental Health Consultation Response



Date Received: 22 January 2020
Name of Applicant: Daniel Morgan
Address to which application relates: Lady Grey Farm, Lady Lane, Mobberley, WA16 7NE

Conversion: Variation: New:

- | | |
|-------------------------------------|-------------------------|
| <input type="checkbox"/> | Approve |
| <input checked="" type="checkbox"/> | Approve with Conditions |
| <input type="checkbox"/> | Object to Section(s) |

LICENSING OBJECTIVE: PREVENTION OF PUBLIC NUISANCE

The Amenity comments dated 30 January 2020 are withdrawn: requesting a Noise Impact Assessment (NIA) - required to demonstrate that any live, recorded music or people noise, emanating from the premises, is not clearly audible at the boundary of the nearest residential property.

The following areas were discussed with the agent and applicant during the site visit on Wednesday 12th February 2020:

- Entrance and taxi pick up on north west facade - directed away from noise sensitive properties.
- Double lobby door system at entrance proposed.
- 45 space carpark proposed to the north west of site – on pen land opposite the entrance
- Event space, picture window on south west facade -non-openable and will have shutter across during regulated entertainment.
- Aircraft noise impact to ceremony room discussed – additional noise insulation to roof-space.
- Agricultural cement panel fence encloses the car-park/ barrier to noise sensitive properties.

NOISE IMPACT ASSESSMENT

A NIA has been submitted by the applicant's agent on 03-Feb-2020 14:59 - PDA, 31st January 2020, Ref. J002809/4201/RDC/2.

EH OFFICER ASSESSMENT

- The Noise Design Criteria required by this department:

Inaudibility shall be acoustically calculated/modelled at one metre outside the nearest residential façade:

- *Entertainment Noise Level, LAeq (1 minute) shall not exceed the Representative Background Noise Level, LA90.*
- *Entertainment Noise Level, L10 (5 minutes) should not exceed Representative Background Noise Level, L90, in any 1/3 octave band from 40Hz to 160Hz.*

- The applicant's noise consultant has selected the following noise criterion (section 4.4):

- *Entertainment noise is limited to an Leq sound level due to the entertainment 5 dB below the L90 background noise level in terms of the A-weighted broadband sound level.*
- *In addition, in order to control possible low-frequency noise we would propose that the above criterion (Leq source sound 5 dB below the L90 background) is also achieved in each octave frequency band between 63 Hz and 4kHz.*

The applicants selected *entertainment noise level and frequency content limit – 5 dB below background noise level*; is a stricter noise level limit, than required by EH: *entertainment noise level shall not exceed the representative background noise level.*

The NIA's adopted high level entertainment noise, represents a worst-case noise level of a live band / DJ disco in the dance floor area of the proposed barn development. In order to assess the noise impact from wedding events at Lady Grey Farm, to the nearest noise-sensitive residence; calculations during the time when entertainment noise is likely to be occurring, using the assumed source noise levels have been completed of the noise break-out, through the wedding/event barn building envelope - walls and roof, to the nearest residential receiver to the south-east of the proposed development at Lady Lane.

From the noise survey results, the noise consultant identified that the quietest background noise when entertainment is likely to be held within the Wedding Venue is on the Saturday evening / night when the background noise levels are the lowest (noise measurement Saturday 18/01/20). The assessment of entertainment noise egress, has been calculated for the period from 21:00 to 24:00 on the Saturday night.

The outcome of the 'music noise building envelope entertainment noise break-out calculation', predicts that the worst case (upstairs – when residents would be sleeping or preparing to sleep) noise level as 19 dB(A). Whilst the representative location, measured background noise level was 37dB(A). Therefore, the background noise level at the nearest noise sensitive receptor is higher than the noise break-out from the wedding/event barn. That means that the background noise level at the nearest noise sensitive receptor will not be increased by the noise from the proposed wedding venue.

The assessment has concluded that under worst-case circumstances, noise break-out from the function room/events space, will be well below, the lowest measured background noise levels of the area.

In addition, the frequency content of the noise level, has also been assessed and is more than 5dB below the lowest pre-existing background noise level - in each octave frequency band. Therefore, wedding/events are unlikely to be significantly audible at the noise sensitive properties.

As the NIA has predicted noise levels for the nearest noise sensitive property at Lady Lane, it follows that the impact at all other noise sensitive properties, located at a greater distance from the proposed licensed premises will be even lower.

REGULATED ENTERTAINMENT - TERMINAL HOUR

With regard section 5.2, the NIA, the cut-off time for entertainment in the wedding venue is proposed to be mid-night, therefore the assessment of entertainment noise egress has been calculated for the period from 21:00 to 24:00 on the Saturday night.

This contradicts the Premises Licence application:

- section 10 – Provision of Live Music – terminal hour of 01:30 Monday – Sunday and
- section 11 – Provision of Recorded Music – terminal hour 02:00 Monday – Saturday

It is advised that the terminal hour stipulated in the NIA is conditioned.

NIA RECOMMENDATIONS/CONCLUSION

- Section 9 of the NIA:

In order to maintain the sound insulation of the barn doors, these should be kept closed and / or be adequately lobbied during entertainment and if ventilation openings are required in the building these should be fitted with appropriate acoustic attenuators to ensure that they do not compromise the sound insulation of the building envelope.

The NIA predictions fulfils EH's, requirements that the *entertainment noise level shall not exceed the representative background noise level at residential properties. Therefore the NIA demonstrates compliance with the prevention of public nuisance licensing objective.*

This department accepts the methodology and conclusions of the NIA.

OTHER CONSIDERATIONS:

➤ MANCHESTER INTERNATIONAL AIRPORT – FLIGHT PATH

It is worth noting (and only briefly detailed in the NIA) that the site is located within very close proximity to Manchester International Airport, runway two.. Therefore a high aircraft noise area, where the background noise is frequently punctuated by noise from overhead aircraft; whereby the noise impact upon sensitive receptors is noticeable and disruptive.

The location of the application site, has been examined on the current 2018 noise contours from Manchester International Airport. The site is located within the following aircraft noise contours:

- 66 dB LAeq (16 hour daytime, 07:00-23:00)
- 60 dB LAeq (8 hour night-time, 23:00 – 07:00)

https://live-webadmin-media.s3.amazonaws.com/media/7241/1-man_2018_summer_leq_day.pdf

https://live-webadmin-media.s3.amazonaws.com/media/7242/2-man_2018_summer_leq_nqt.pdf

The contours show the average aircraft noise exposure around Manchester International airport, arising from runway usage – from departing and landing aircraft.

Typically, landing jet aircraft produce relatively higher levels of high-frequency noise and departing jet aircraft produce relatively higher levels of low-frequency noise.

On average, each year, between 70% and 80% of Manchester Airport departures are 'westerly operations' – where aircraft take off into the west wind (towards Knutsford) (aircraft must land and take off into the wind)).

Manchester airport operates 24hrs a day and adheres to their 'Night Noise Policy 2018-2020'. The Night Noise Policy restricts the operations permitted so that the noise climate is much reduced from daytime levels. This policy ensures that the number of night movements is capped at no more than 7% of total movements of the airport. <https://live-webadmin-media.s3.amazonaws.com/media/6051/night-noise-policy-2018-2020.pdf>

Therefore, the area around the application site is impacted by low-frequency content aircraft noise from aircraft overflights – which has the potential to further mask any noise break-out from the wedding venue at this location.

Applicant Informative: For venue users, if the build envelope is not adequately insulated against environmental noise break-in, the impact of aircraft noise may negatively impact wedding ceremonies and speeches.

➤ OTHER LICENSED PREMISES OPERATED BY LICENSEE

During the site meeting the applicant advised that they also operate Owen House Wedding Barn, Wood Lane, Mobberley. Located north-west from the application site - across fields and Manchester airport runway approach lights. Whilst the nearest noise sensitive premises to Owen House Farm is

approximately 260m, which is double the distance between the closest noise sensitive property to Lady Grey Farm.

EH has received only one noise complaint (2013) concerning Owen House Wedding Barn - music and people noise arising from wedding functions. Following this department's informal intervention, there was no further noise complaint and the matter was not progressed.

EH OFFICER CONCLUSION

The Amenity comments dated 30 January 2020 are withdrawn: requesting a Noise Impact Assessment (NIA) - required to demonstrate that any live, recorded music or people noise, emanating from the premises, is not clearly audible at the boundary of the nearest residential property.

The NIA predictions fulfils EH's, requirements that the entertainment noise level shall not exceed the representative background noise level at residential properties. Therefore the NIA demonstrates compliance with the prevention of public nuisance licensing objective.

PREVENTION OF PUBLIC NUISANCE CONDITIONS

In order to protect the interest of local residents and ensure that the licensing objective of public nuisance prevention is upheld: all necessary steps shall be taken to ensure that any noise from the premises shall not be at a level which could cause a noise nuisance at the boundary of the nearest residential premises, therefore:

	Any live or recorded music emanating from the premises shall not be clearly audible at the boundary of the nearest residential property.
	The terminal hour for regulated entertainment – live and recorded music shall be 24:00 Sunday – Monday.
	During regulated entertainment, the entrance doors shall either: <ul style="list-style-type: none"> o be kept closed and/or o adequately lobbied – double door system
	During regulated entertainment, the non-openable picture window on the north east facade shall be shuttered.
	If the building requires ventilation openings, these shall be fitted with appropriate acoustic attenuators to ensure that the opening does not compromise the building envelopes sound insulation properties.
	There shall be no temporary or permanent speakers for the use of amplified music, speech or dance, permitted in any outside areas.
	Regular noise assessments shall be undertaken by a competent person (either the Licensee or Manager) and steps shall be taken to reduce the level of noise where it is likely to cause a disturbance to local residents. The noise assessments shall be undertaken during opening hours of the premises and when entertainment or music is occurring. A written/electronic 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 in order to reduce the level of noise where it is likely to cause a disturbance to local residents.

INFORMATIVES

PLANNING PERMISSION

- It is your responsibility to obtain other consent/planning permission/approvals which may be required in addition to the necessary Premises Licence.
- There are sometimes circumstances where planning conditions have been set which may impact on your activities. If the Planning Permission and the Premises Licence differ; for example where the Planning Authority have set a terminal hour which is earlier than those conditioned by the Premises Licence; you must abide by the earlier time otherwise you leave yourself open to enforcement action.

FOOD BUSINESS OPERATIONS

- Anyone starting a new food business must register with the Council **at least 28 days before** you start any food operations. You can register your food business online via GOV.UK. If you have premises in more than one local authority area, you must register with each authority separately.

Signed: Stephanie Bierwas | Environmental Health Officer | Environmental Protection

Dated:

Direct Dial:

Email:

