

ANDY COOPER

From: Marie Perkins
Sent: 28 September 2009 16:25
To: ANDY COOPER
Subject: ASHBY WAR MEMORIAL CLUB
Attachments: ashby war mem.pdf

EMAIL SENT ON BEHALF OF ROGER ETCHELLS

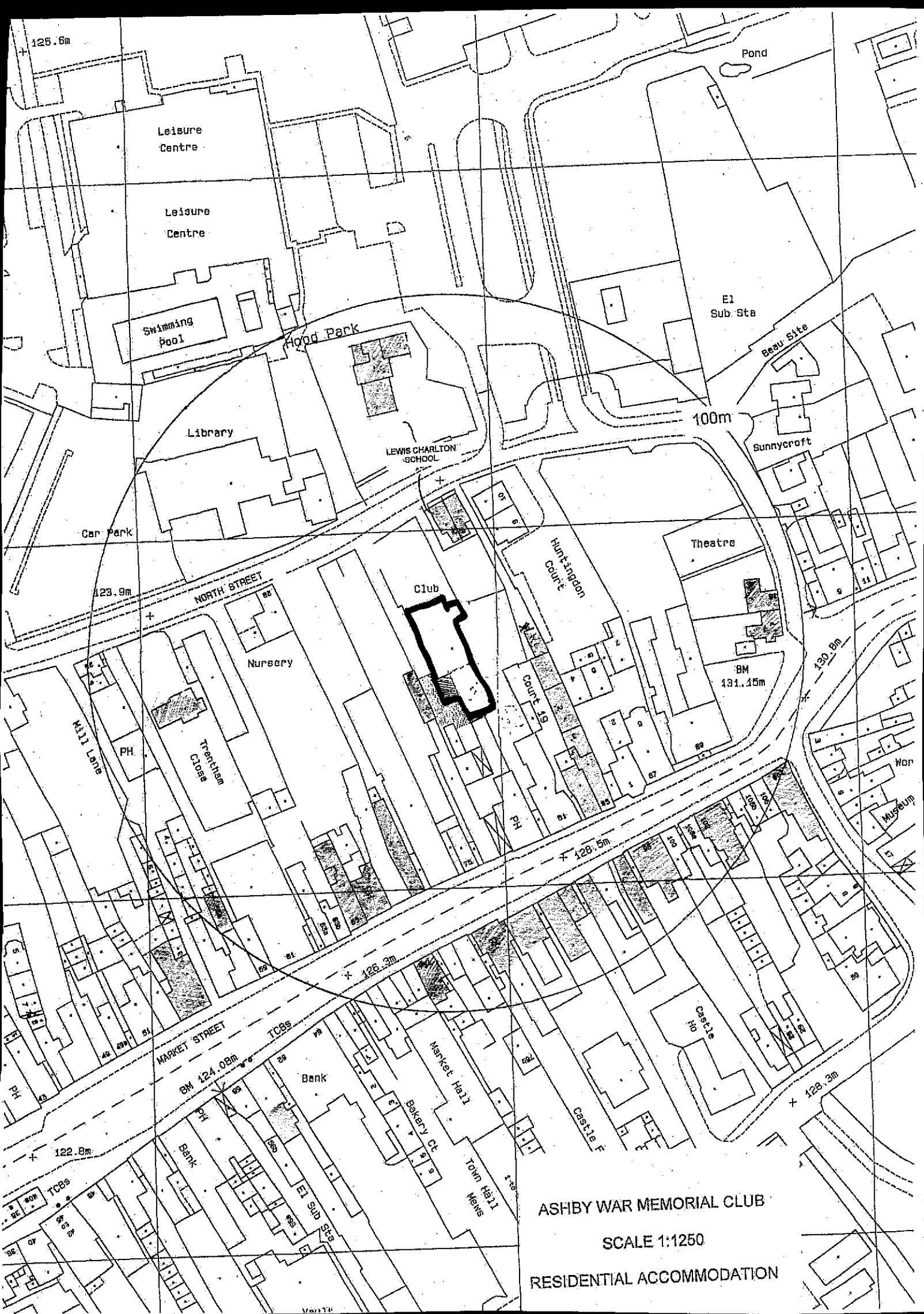
Andy,

I am attaching photographs and a plan which I showed to the applicant at the hearing today. He was happy for me to put it in to the Committee today but I thought it might be better if I were to submit it in advance.

Yours

Roger EtcHELLS

Marie Perkins
Secretary
Roger EtcHELLS & Company Ltd
The Old Bank
Kilwardby Street
Ashby de la Zouch
Leicestershire
LE65 2FR



ASHBY WAR MEMORIAL CLUB
SCALE 1:1250
RESIDENTIAL ACCOMMODATION



Our Ref: RGE/MP
22nd September 2009

FAO Angela Gardner
Popleston Allen
37 Stoney Street
The Lace Market
Nottingham
NG1 1LS

Dear Ms Gardner

RE: ASHBY WAR MEMORIAL CLUB

I refer to our fax of 16th September concerning the opportunity of looking at the premises and also raising the question of conditions.

One of our clients, M Warren of Ashby Partitioning has indicated that in principle he does not now object subject to there being conditions to preserve the amenities of those who live in the area. You will appreciate that a number of our other clients are in principle objectors.

Please advise whether you are intending to put forward some conditions and if so we would like to canvass these with this and other clients.

We note from the documents prepared for the Committee that your sound expert is to do a more comprehensive report.

We would welcome the opportunity of seeing of this report in advance of the hearing so that we can make sense of it and consider it.

Could we therefore ask you to let us have a copy direct in advance if you do intend to put forward a further report from that expert.

My clients are keen that we should see such a report and have the opportunity of taking our own independent advice on it.

Yours sincerely

Roger Etchells

CC Andy Cooper, NWLDC



RDC/CJB/6413

22nd September 2009

ACOUSTIC
CONSULTANTS

Ciro's Night Club, Ashby-de-la-Zouch
Noise Impact Assessment

Prepared for:

Ms H Thacker
Queen's Head Hotel
79 Market Street
Ashby de la Zouch
Leicester
LE65 1AH

Prepared by:

R D Cookson
Philip Dunbavin Acoustics Limited
Alder House
Willow Tree Park
Booths Lane
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WA13 0GH

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expert witness

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ANC
THE ASSOCIATION OF
NOISE CONSULTANTS

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1.0 SUMMARY

At the request of the Queen's Head Hotel, Ashby-de-la-Zouch, a noise assessment has been conducted in the surrounding area of the extended Ciro's night club. An ambient noise survey has been performed to determine the existing noise climate and also the noise due to the night-club extension at the nearest noise sensitive residences.

The noise due to the night-club extension was measured and assessed at the nearest noise sensitive residence. All measurements and assessments have been conducted to in accordance with the requirements contained within BS4142:1997 - 'Method for rating industrial noise affecting mixed residential and industrial areas'.

Our assessment in accordance with BS4142 indicates that the rating noise level of the development is +3 dB above the minimum existing background level and is below the level of marginal significance when assessed in accordance with BS4142. The Environmental Protection Department of North West Leicestershire Borough Council have been consulted about the results of the assessment and have indicated that the level achieved is acceptable.

Report Prepared By:


R D Cookson
Acoustic Consultant

Report Approved By:


E C Evenden
Senior Consultant

2.0 BRIEF FOR CONSULTANCY

PDA Ltd. was engaged to carry out the following:

- a) We will travel to the club in Ashby de la Zouch and take noise measurements outside the club both with and without music playing. We will also measure noise levels within the club in order to determine the level difference from inside to outside to allow limits to be set where appropriate. Measurements will be taken in 1/3 octave frequency bands, and overall broadband levels. Statistical L_n parameters will also be measured both with and without music in operation.
- b) We will perform an ambient noise survey in the vicinity of the nearest noise sensitive properties in the absence of noise from the club (when the club is not operating). Measurements will be taken between 0000 and 0200. Measurements will be taken in 1/3 octave frequency bands, overall broadband levels and statistical L_n parameters.
- c) We will calculate the noise levels due to the club at the nearest noise sensitive residences. Noise levels due to the club will be assessed in accordance with the criteria of the local authority or other criteria as appropriate.
- c) The results of a), b) and c) will be presented in a full technical report suitable for submission to the local authority or your legal representative as appropriate. Where the noise levels from the club do not meet the required criteria we will set limits based on the measured club noise such that the criteria may be achieved.

3.0 SURVEY DETAILS

3.1 Site Description

The site of the night-club extension is the former Ashby War Memorial Social Institute located off North Street, Ashby-de-la-Zouch. The Social Institute has an existing license for operation as a live band venue until 1am at weekends. The property is sandwiched between (and attached to) the rear of the Queen's Head Hotel to the South, and an existing social club to the North. To the east of the property is a car park, beyond which is a row of terraced housing. To the west of the property is a yard beyond which are further commercial and retail properties.

3.2 Survey Times and Personnel

The survey was conducted on Thursday 10th September 2009 and the early morning of Saturday 19th September 2009. Measurements on the 10th September were attended and made by Dr. Richard Cookson of PDA Ltd and on the 19th September were attended and made by Mr Liam Kavaney also of PDA Ltd.

3.3 Equipment

The survey was conducted with a Bruel & Kjaer 2260 sound level meter, for which a calibration certificate is held. The 2260 sound level meter is a type 1 (as per BS EN 60651: 1994 and IEC 60651 Amd 2000), and Class 1 (as per IEC61672-1:2002) computing sound level meter capable of operating as an integrating sound level meter in compliance with BS EN 60204:1994 (IEC 60804:2000).

The sound level meter was mounted on a tripod approximately 1.5 metres above ground level and at least 3.5 metres from any reflecting surfaces, throughout the survey.

The sound level meter was field calibrated both before and after each measurement period, during which time no significant deviation from the calibrated level was observed. The sound level meter was fitted with a microphone windshield at all times.

3.4 Weather

During the survey the weather was dry, cloud cover was 5 -10 %, the temperature was 15 -17°C, and wind speeds varied between 0 and 2m/s.

3.5 Measurement Positions & Procedure

External noise measurements were made at a single measurement position on the Thursday survey, immediately to the north of the terrace of houses, in-line with the housing façade facing the club.

The sound level meter was set up to measure dB(A) and 1/3 octave bands in terms of L_{eq} and L_{90} values using a fast time weighting. Measurements were conducted during a 'trial run' of the club on a Thursday night between 2100 and midnight when the club closed. Background noise was measured at the same location during short intervals when there was no music playing in the club. It was intended to continue background noise measurements until the proposed 0200 closing time of the pub, however, the background noise climate after 2330 on a Thursday night dropped significantly, particularly after the fish and chip shop on Market Street closed, and was not thought likely to be typical of the noise climate at weekends when the later opening of the club was planned. Further background measurements were taken the following Friday night, however, due to the operation of the club these were taken in the car-park of the Theatre further along North Street. Although the background noise climate was noisier on the Friday night due to increased road traffic and pedestrians it was found that the background noise in front of the residences in the absence of the club noise exceeded the background elsewhere in the area predominantly due to noise from the Fish and Chip shop extract fan. The Fish and Chip shop fan remained in operation until 0230, after the club had closed, and the background noise due to the Chip Shop fan measured on the Thursday night was used for the assessment as the Fish and Chip shop appears to be open for all of the times that the club is open.

4.0 NOISE ASSESSMENT CRITERIA

There are no nationally accepted criteria specifically for the assessment of entertainment noise impact on surrounding properties. National guidance for planning policy contained within Planning Policy Guidance 24 'Planning and noise' (PPG24) makes reference to "night clubs, discos and public houses" in the section entitled "Noise from industrial and commercial developments" which suggests the use of BS 4142 "Method for rating industrial noise affecting mixed residential and industrial areas" for these developments.

Mr Steve Leeland (Environmental Protection Officer, North West Leicestershire Borough Council) was consulted on any local criteria for the assessment of night club noise. The criteria suggested were as follows;

- Where a residence currently achieves the guideline value for prevention of sleep disturbance from noise from the World Health Organisation (WHO) Guidelines for

Community Noise, noise from the development should not cause this value to be exceeded.

- Where the noise climate at a residence is already in excess of the criterion from the WHO Guidelines for Community Noise, noise from the development should be assessed in accordance with BS4142. The rating of noise from the development should not exceed the level of 'marginal significance'.

4.1 World Health Organisation Guidelines for Community Noise

The WHO Guidelines for Community Noise identify a guideline maximum of 30 dB $L_{Aeq, 8 \text{ hours}}$ inside bedrooms to prevent sleep disturbance. Where bedroom windows are open, the noise reduction from outside to inside is generally accepted to be between 10dB and 15 dB for a typical bedroom. Hence the guideline value is achieved when the free field noise level outside bedroom windows is less than 40-45 dB L_{Aeq} .

4.2 BS4142:1997

The effect of noise on the nearest noise sensitive residences may be assessed in accordance with BS4142:1997 – 'Method for rating industrial noise affecting mixed residential and industrial areas'.

This standard describes a method of determining the level of a noise, together with procedures for assessing whether the noise in question is likely to give rise to complaints from persons living in the vicinity. It should be noted that although the proposed development is not strictly an industrial noise source, BS4142 gives an effective method for determining whether complaints are likely from any new noise source.

Briefly the standard may be thought of as a procedure for comparing the noise from industrial sources with background noise levels in the absence of the industrial noise and determining the likelihood of complaints.

In accordance with BS 4142 the background noise level is the A-weighted sound pressure level at the assessment position that is exceeded for 90% of a given time interval (L_{A90}). The specific noise level is the equivalent continuous (L_{Aeq}) sound pressure level at the assessment position produced by the noise source over a given time interval.

Certain acoustic features can increase the likelihood of complaint over that expected from a simple comparison between the specific noise level and the background level. Where such features are present, these are taken into account by adding 5 dB to the specific noise level this is called the rating level.

This 5 dB correction should be applied if one or more of the following features occur, or are expected to be present.

- The noise contains a distinguishable, discrete, continuous tone (whine, hiss, screech, hum, etc.)
- The noise contains distinct impulses (bangs, clicks, clatters, or thumps)
- The noise is irregular enough to attract attention

From the above the rating level is established, this being the value that is compared with the background noise.

According to BS 4142 a rating level of:

- 10 dB(A) or more above the background is an indication that complaints, attributable to the operation of the noise source, are likely.
- 5 dB(A) above the background is of marginal significance.
- 10 dB(A) below the background is a positive indication that complaints attributable to the operation of the noise source are unlikely.

5.0 MEASURED LEVELS

5.1 Basic Assessment

The measured 'A' weighted broad band sound pressure levels from the measurement position are presented in terms of L_{Aeq} and L_{A90} in Table 1 below. The levels below were measured at around 11pm when the music from the club was at its loudest. Measurements of background were made in a short period when the music was turned off. The background L_{A90} was dominated by continuous noise from the nearby Fish and Chip shop kitchen extract.

Table 1. Summary of Results.

Position	Music on / off	L_{Aeq} , dB	L_{A90} , dB
Adjacent to façade of houses opposite	Music on	51	-
	Music off	46	46

Noise levels were also measured on the dance floor of the club as a reference. These are shown below.

Table 2 Noise levels measured on club dance-floor

Frequency [Hz]	63	125	250	500	1k	2k	4k	8k	'A'
Measured L_{eq}	101	104	102	102	94	86	82	78	101

6.0 DESCRIPTION OF NOISE SOURCES

The dominant ambient noise sources in the area were traffic on the local roads supplemented by regular aircraft noise and noise from occasional pedestrians passing talking along North Street and people talking as they entered and left the car-parks along North Street. Background noise in the absence of the night-club at the residential façade was dominated by the kitchen extract from the rear of the Fish and Chip takeaway on Market Street. As the fish and chip shop was open for all of the periods for which the club was open the background noise climate was dominated by the Fish and Chip shop throughout the operational time of the club.

7.0 BS4142 ASSESSMENT

7.1 Calculation Procedure

The procedure of BS4142 was followed to determine the rating level due to the music at the nearest residences.

The residual L_{Aeq} measured with the music noise off was logarithmically subtracted from the 'music on' L_{Aeq} to obtain the specific noise level at the residences due to the music alone.

'Music on' total noise level [L_{Aeq}]	51
'Music off' residual noise level [L_{Aeq}]	46
Residual (music only) noise level [L_{Aeq}]	49

The specific level determined at the residential façade was compared with the measured ambient L_{A90} to determine the assessment in accordance with BS4142.

7.2 Calculation Results

The calculated specific noise levels at the façade of the nearest noise sensitive residence, were found to be 49dB(A).

7.3 Comparison with background

As stated in section 4.1 BS4142 compares the noise level produced by the industrial source with the background L_{A90} noise level within the area with the absence of the source.

Details of our assessment are included below.

Background Noise Level L_{A90}	46 dB
Contribution from source alone L_{Aeq}	49 dB
Acoustic Character Correction	0 dB
Rating Level (BS4142:1997)	49 dB
Excess of Rating Level Over Background Level	+3 dB

In accordance with BS4142 the assessment is below the level of marginal significance.

7.4 Discussion

Note that an acoustic character correction has not been applied as the noise did not contain a discrete, continuous tone, distinct impulses or irregularity. The acoustic character corrections are difficult to interpret for non-industrial sources, however, the character correction has not been applied as none of the above criteria specified in BS4142 are relevant for the music noise and the music noise was not judged to be out-of-character with the area as there was already some music noise evident from other existing entertainment venues and the development itself was previously licensed as a live music venue.

It was noted that whilst operating as a live music venue standard glazed windows were present in the façade of the hall facing the nearest residences. In developing the building as a night-club these windows had been boarded on either side of the glazing to the wall thickness with the cavities between the boards and glazing fitted with mineral wool to reduce the noise break-out through the windows of the building.

The rating in accordance with BS4142 is below the level of marginal significance which was indicated to be an acceptable level by Mr Steve Leeland of the Environmental Protection Department of North West Leicestershire District Council.

Note that it was not possible to measure the background levels at the residential façade in the absence of the club on a Friday or Saturday night as the club is already in operation. However, the background noise at the residential façade is dominated by continuous noise from the Fish and Chip shop kitchen extract which operates throughout the operational period of the club. This was measured when the club was not operating on a Thursday night and was confirmed as the same level at 2am on a Friday night when the club had finished operation.

8.0 CONCLUSION

At the request of the Queen's Head Hotel, Ashby-de-la-Zouch, a noise assessment has been conducted in the surrounding area of the extended Ciro's night club. An ambient noise survey has been performed to determine the existing noise climate and also the noise due to the night-club extension at the nearest noise sensitive residences.

The noise due to the night-club extension was measured and assessed at the nearest noise sensitive residence. All measurements and assessments have been conducted to in accordance with the requirements contained within BS4142:1997 - 'Method for rating industrial noise affecting mixed residential and industrial areas'.

Our assessment in accordance with BS4142 indicates that the rating noise level of the development is +3 dB above the minimum existing background level and is below the level of marginal significance when assessed in accordance with BS4142. The Environmental Protection Department of North West Leicestershire Borough Council have been consulted about the results of the assessment and have indicated that the level achieved is acceptable.

APPENDICES

Figure 1 – Site layout and measurement position

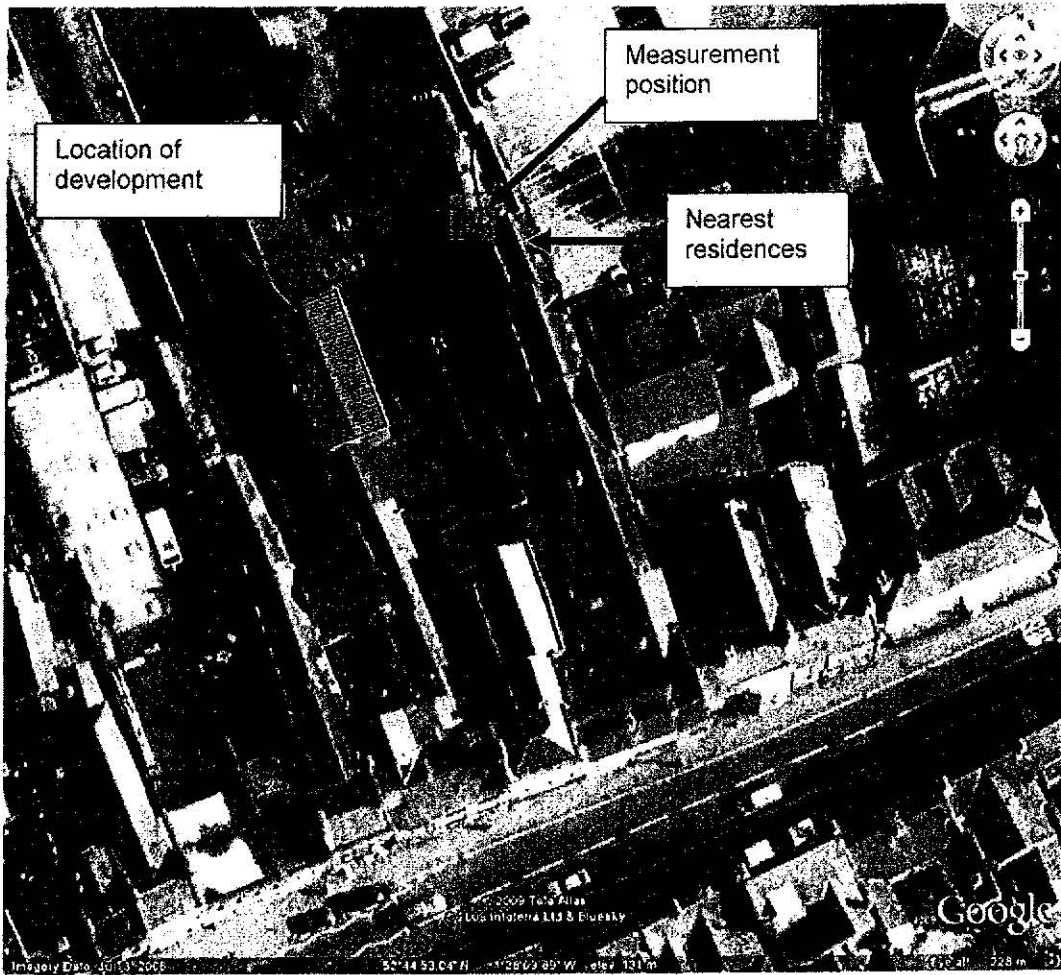


Figure 1 – Location of development, nearest residences and measurement position

ANDY COOPER

From: STEVE LEELAND
Sent: 28 September 2009 14:16
To: ANDY COOPER
Subject: FW: Sound Report - ciros nightclub

From: STEVE LEELAND
Sent: 28 September 2009 08:58
To: 'Harriet Thacker'
Subject: RE: Sound Report - ciros nightclub

Lee,

I have assessed the Noise Impact Assessment report provided by your acoustic consultants (Ref: RDC/CJB/6413) and I can confirm that I am satisfied that the results of this assessment demonstrate that the use of the extended area of the Ciro's nightclub will not have a serious detrimental effect upon the nearby residential properties. Therefore, I would also confirm, that I would not wish to make any representations in respect of the Licence Application for this premises, as the Licence Objective of preventing public nuisance has been adequately addressed by the applicant.

Steve Leeland - Environmental Health Officer
Ext 766

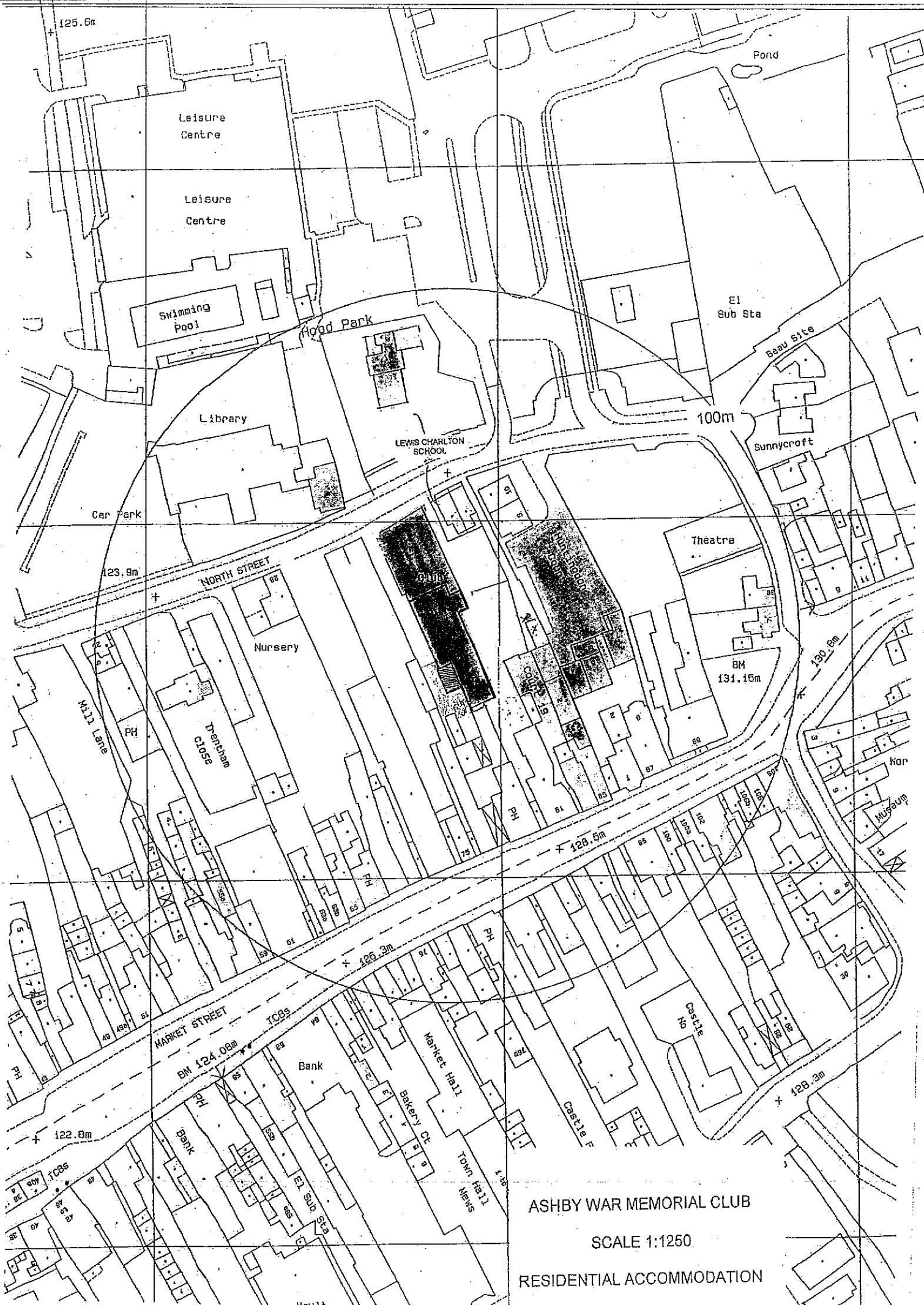
From: Harriet Thacker
Sent: 25 September 2009 14:43
To: STEVE LEELAND
Subject: Sound Report - ciros nightclub

Hi Steve,

Thank you so much for this.

Kind Regards

Lee Firetto



ASHBY WAR MEMORIAL CLUB

SCALE 1:1250

RESIDENTIAL ACCOMMODATION