

CLAIRE HAMMOND

From: ANDY COOPER
Sent: 02 October 2009 15:07
To: CLAIRE HAMMOND
Subject: FW: Ashby War Memorial : Hearing - Thursday, 8 October 2009
Attachments: ECOPY2_EXCHANGE_02102009-145913.pdf; Additional Info Letter.doc

From: Sharron Hancock **On Behalf Of** Andrew Grimsey
Sent: 02 October 2009 15:05
To: ANDY COOPER
Subject: Ashby War Memorial : Hearing - Thursday, 8 October 2009

Dear Andy

Please find attached a letter which we will be intending to introduce at the hearing next week.

I appreciate that you have spoken with Lisette this morning concerning this letter but we are sending a copy direct to the parties listed below and will make any necessary application to refer to this letter at the hearing.

Roger Etchells
Mr C Tandy, Ashby de la Zouch Civic Society
Mr R Jones, Ahsby de la Zouch Museum
Jane Mummery, Court 19, North Street, Ashby de la Zouch

Kind regards.

Andy Grimsey

Andy Grimsey, Solicitor, Poppleston Allen

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John Bartlett
Flat 1, 77 Market Street
Ashby-de-la-Zouch
LE65 1AH

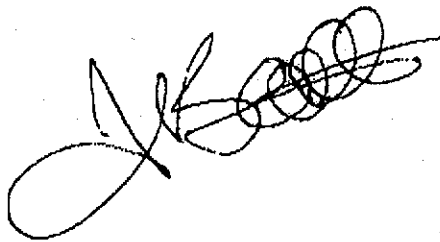
02/10/09

Dear Sirs,

I understand that a number of concerns have been raised regarding the noise at Ciro's Nightclub. I believe I am the nearest resident to the club and although I previously raised concerns over the noise levels, over the past two weeks the noise has been no issue to me. In fact last weekend, the 25th September, I actually asked a member of staff whether the club was closed. I have no issues with regards to the noise levels in this nightclub.

Your Sincerely

John Bartlett

A handwritten signature in black ink, appearing to be 'John Bartlett', written in a cursive style with several loops and a long horizontal stroke at the end.



RDC/NC/6413.Addendum

30th September 2009

Harriet Thacker
Ciro's Club,
Queen's Head Hotel
Ashby-de-la-Zouch
Leicestershire
LE65 1AH

ACOUSTIC
CONSULTANTS

Dear Ms Thacker

Re: Ciro's night club – Additional assessment and summary

Further to my report RDC/CJB/6413 dated 22nd September 2009 some further noise issues have been raised regarding the new development. These are;

1. The effect of noise from patrons using the extended outdoor area of the club.
2. The information that a flat immediately to the west of the existing outdoor area is the nearest residence, rather than the residences to the east initially assessed.

The effect of these items on the assessment is discussed below.

1. The effect of noise from patrons using the extended outdoor area

The existing Ciro's club has doors which open on to an outdoor yard area where patrons enter and leave the club and where they may sit outside or smoke. This outdoor area has been in operation for three years. It is understood that the entrances to the existing club from the outdoor area are generally left open during the operation of the club to allow free access in and out of the club.

Concerns have been raised regarding the proposed extension to this area and the increase in noise level which will result from this.

Assessing likely noise levels from people interacting in social situations can be difficult as there are a number of uncertainties regarding how loudly people may typically talk in a particular situation and how many people may be talking at any given time. It is also difficult in this case to quantify in absolute terms the pre-existing noise levels due to the existing club and the effects of shielding from the various buildings in between the sources in the yard of the club, and the noise sensitive receivers in the residences.

The most appropriate method of assessment in this case is to estimate the increase in noise level by considering the predicted increase in the number of people present. There is no reason to suppose that the behaviour of the people will change in terms of the loudness of speech or the percentage of people speaking at a given time. As such the decibel increase in the number of people in the outdoor area is directly proportional to the likely increase in noise levels at the nearest noise sensitive residences.

The current capacity of the outdoor area for the existing club is 130 patrons based on the maximum numbers permitted by fire regulations. With the proposed extension to the facilities the capacity of the outdoor area will rise to 210 patrons. In terms of the decibel scale this corresponds to an increase of 2.1 decibels.

Philip Dunbavin Acoustics Ltd.

Alder House · Willow Tree Park · Booths Lane · Lymm · Cheshire WA13 0GH
Tel: 01925 759380 Fax: 01925 759320 · www.pdaltd.com

Directors: P. R. DUNBAVIN, J. A. DUNBAVIN
Registered Number 2332847 England

architectural
environmental
occupational
industrial
noise control at source
project management
planning
legal services
expert witness

Ctd./...



Planning Policy Guidance 24 (PPG24) gives national guidance to local authorities on the likely effects of noise in terms of loss of amenity at neighbouring noise sensitive properties. The Glossary of PPG24 gives the following guidance on human perception of loudness;

"Measurements in dB(A) broadly agree with people's assessment of loudness. A change of 3 dB(A) is the minimum perceptible under normal conditions, and a change of 10 dB(A) corresponds roughly to halving or doubling the loudness of a sound."

As such the predicted increase in noise due to patrons of 2.1 decibels is below the level which is generally accepted as the limit of perception. As such it is unlikely that residents at nearby properties will be able to perceive any increase in noise level due to the increased number of patrons in the outdoor areas.

2. The likely impact on the property immediately to the west of the development

The noise impact assessment in the previous report RDC/CJB/6413 was based on the information that the houses to the east of the club (properties A) were the nearest noise sensitive residences (see figure 1). The impact on the property immediately to the west of the development (property B) was not assessed and the likely impact of the development on this property is discussed below.

In assessing noise levels at properties during the night-time period it is normal practice to assess noise levels at the windows of the noise sensitive properties as these are the 'weak' areas of the façade with respect to insulating the interior from unwanted noise, particularly where open windows may be used for ventilation.

It should be noted that although the property to the west of the development is closer to the club than those previously assessed to the east, the facades facing the club do not contain any windows and are of solid masonry construction. Hence, although there will be less attenuation of sound from the club due to distance, there will be an increase in attenuation at the windows of the property due to the barrier of the building itself as there is no 'line of sight' propagation path from the club to the windows of the residence.

The 'barrier' attenuation of sound due to the propagation path passing around the building to the windows may be estimated using the Maekawa equation. In addition to this barrier attenuation, sound which has refracted around the building will be travelling at close to 90° angle of incidence to the façade. In this case there is additional attenuation due to the façade angle which applies to noise break-in to the property.

Distance attenuation, barrier attenuation and façade angle correction have been calculated for the property and compared to the distance attenuation for the properties to the east of the development in the table below;

Property	A (east)	B (west)
Distance to windows from centre of club [m]	20	16
Distance attenuation [dB] ¹	18	16
Barrier attenuation [dB] ²	0	11
Façade angle attenuation [dB] ³	0	8
Total attenuation [dB]	18	35

Notes:

1. Distance attenuation assuming hemispherical propagation from a source at the centre of the club

2. Barrier attenuation is dependent on the frequency spectrum of the noise source. We have used the spectrum of noise measured 3m from the external façade of the club during operation.
3. Façade angle attenuation theoretically becomes infinitely high at an angle of incidence of 90°. As a rule of thumb a maximum angle of incidence of 80° is assumed limiting the attenuation to 8dB

From the table above it can be seen that we would expect noise break-out from the club to be significantly more attenuated at the windows of property B than at the windows of property A already considered due to the interruption of line-of-sight propagation.

As such we would not expect noise levels at property B to be any higher than those previously assessed a property A.

Having stated the above, the noise break-out from the club onto the terrace is a concern, as this is more likely to be directional and to increase noise levels in the direction of property B. The terrace has been surrounded by an imperforate timber fence which will go some way to attenuating the levels incident on the property from this area, however it is difficult to assess the impact on the property without measurements of background noise in this location. It should be borne in mind that the existing Ciro's club has open doors onto the yard only a few metres from the opening onto the terrace so the noise levels in this area may not have necessarily increased significantly. We would recommend that noise levels at this property are assessed in accordance with the guidance of the EHO and if they are found to have increased in excess of the specified criterion of the local authority some acoustic treatment should be applied to the doors to the terrace, such as the inclusion of a lobby system and / or upgrading of the noise barrier surrounding the terrace.

Summary

- The increase in noise due to increased numbers of patrons in the outdoor areas of the club is not likely to be perceivable at the nearest noise sensitive receivers.
- Noise break-in from the club building to property B, the closest property, is likely to be less than the noise break-in to the property A initially considered because of the screening of line-of-sight propagation to the windows of the building. However, there may be an increase in noise levels due to the opening from the new club onto the terrace. It is recommended that the noise level from the terrace is assessed in accordance with the criterion of the local authority and remedial treatments applied to the terrace door and / or noise barrier should these be necessary.

Report Prepared By:-

R.D. Cookson

Richard Cookson
BSc(Hons) PhD MIOA
Acoustic Consultant

Report Checked By:-

Martin McNulty

Martin McNulty
MSc BSc (Hons) AMIOA
Acoustic Consultant.

Encs.

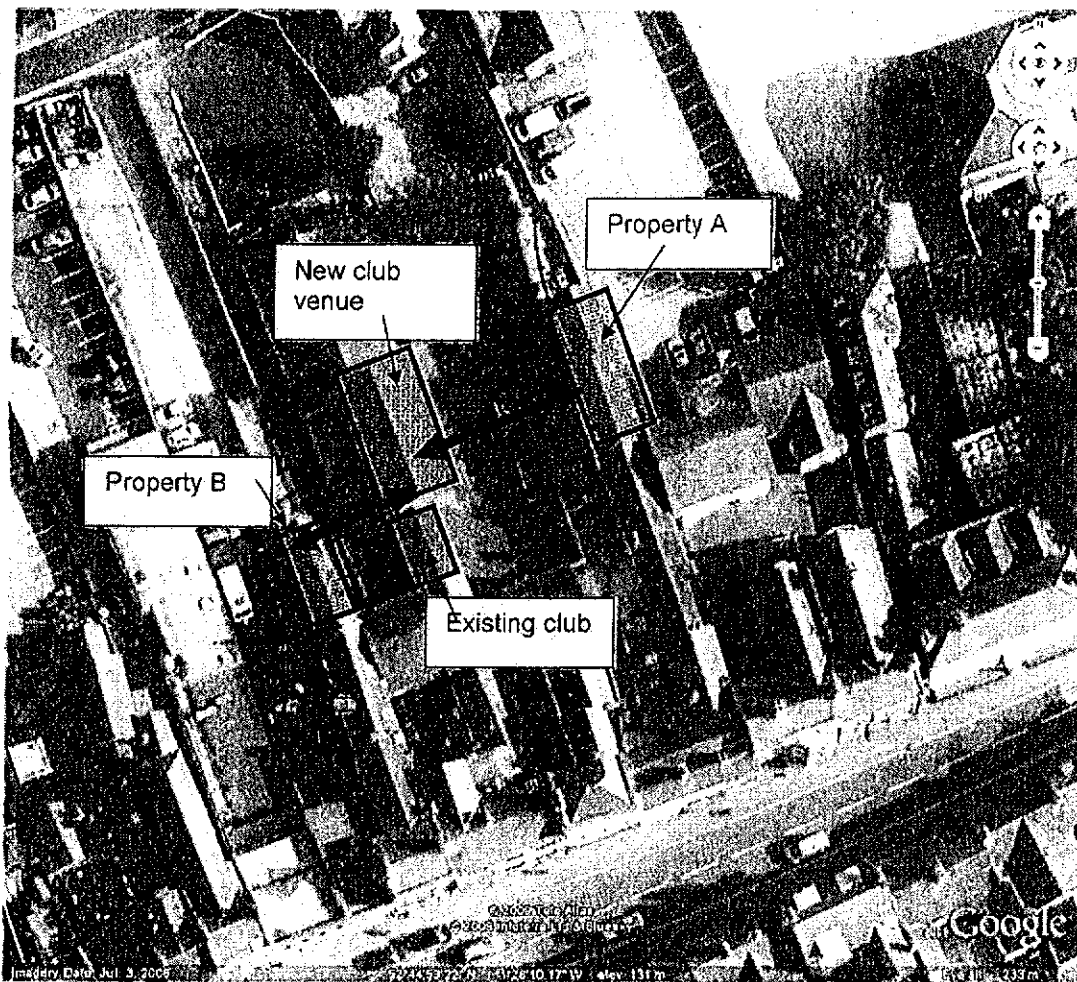


Figure 1 – Nearest residential properties and distances from centre of club to property windows. Distance to property A windows =20m , distance to property B windows = 16m

Environmental Health Officers Report

In respect of an application to vary the Licence Conditions relating to:

The Ashby War Memorial Club, North Street, Ashby de la Zouch.

I am Steve Leeland, an Environmental Health Officer employed within the Environment Team. I am the Officer who deals with Licence applications for the South Area of North West Leicestershire DC. My responsibility is to act as an advisor, and make representations in respect of promoting the Licensing Objective of Prevention of Public Nuisance.

I became aware of the application to vary this Licence on the 31st July 2009. My initial concerns related to the possibility of nearby residents being disturbed by noise breakout from the use of these premises and the extended hours of use. I contacted the applicant to discuss my concerns and agreed a site visit to observe proposed measures and advise of mitigation measures which would prevent making representations to the Licensing Committee.

I visited the premises on the 27th August 2009, during this visit I met with the applicant and the contractor who was undertaking internal works to the proposed area to be used as the Night Club. It was immediately obvious that the applicant had taken advice from an acoustics professional and was implementing recommendations to prevent noise breakout from the premises. Substantial insulation measures were being provided to prevent noise breakout through the window areas, to the premises known as Court 19.

I was handed, during this site visit, a dispersal procedure document, and a mission statement, which the applicant stated that they wish to implement in connection with the varied licence. These documents reinforce the applicants intention to prevent public nuisance being caused to nearby residents.

I was then contacted by the Acoustic Consultant Acting for the applicant and was advised that he was to undertake a specific noise monitoring exercise to identify any increased noise levels associated with the use of the extended area of the night club. I advised that the criteria, advocated by BS4142: Rating industrial noise affecting mixed residential and industrial areas, would be able to indicate whether or not the use of the premises would be likely to cause such an increase in noise levels to nearby residents so as to cause nuisance. It should be understood however, that this document does not specifically relate to the use of premises for entertainment purposes.

On the basis of my meeting with the applicant and her contractor and discussions with the acoustic consultant, employed to undertake monitoring of noise levels, I was satisfied that the Licensing Objective relating to the prevention of Public Nuisance, had been adequately addressed and therefore, I made no representation to the application to vary this Licence.

I received the Report of the results of the monitoring on the 25th September 2009, in the late afternoon. I assessed this report during the weekend and found that the report confirmed that there would be a slight rise in noise levels, at the closest residential properties, when the specific noise source is at the volume noted within the premises at the time of the monitoring, but this would have a marginal impact upon the residents. This confirmed my initial impression of the standard of the insulation measures incorporated into the extension. I sent an E mail confirming this to the applicant on the morning of 28th September 2009. Properties at a greater distance would not be affected by any significant increase in noise levels, because of the attenuation derived from the greater distance.

Photographs pertaining
to Ashby War
Memorial

Frontage:



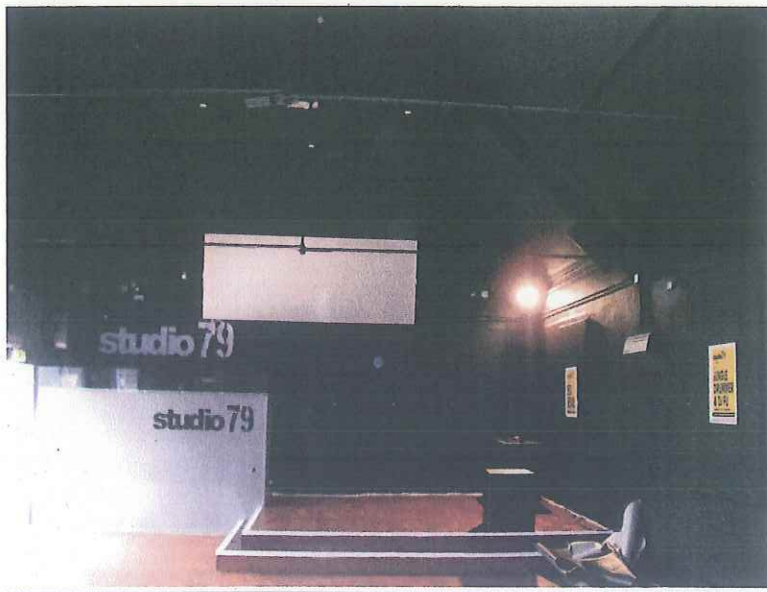
Function Room



Family Room

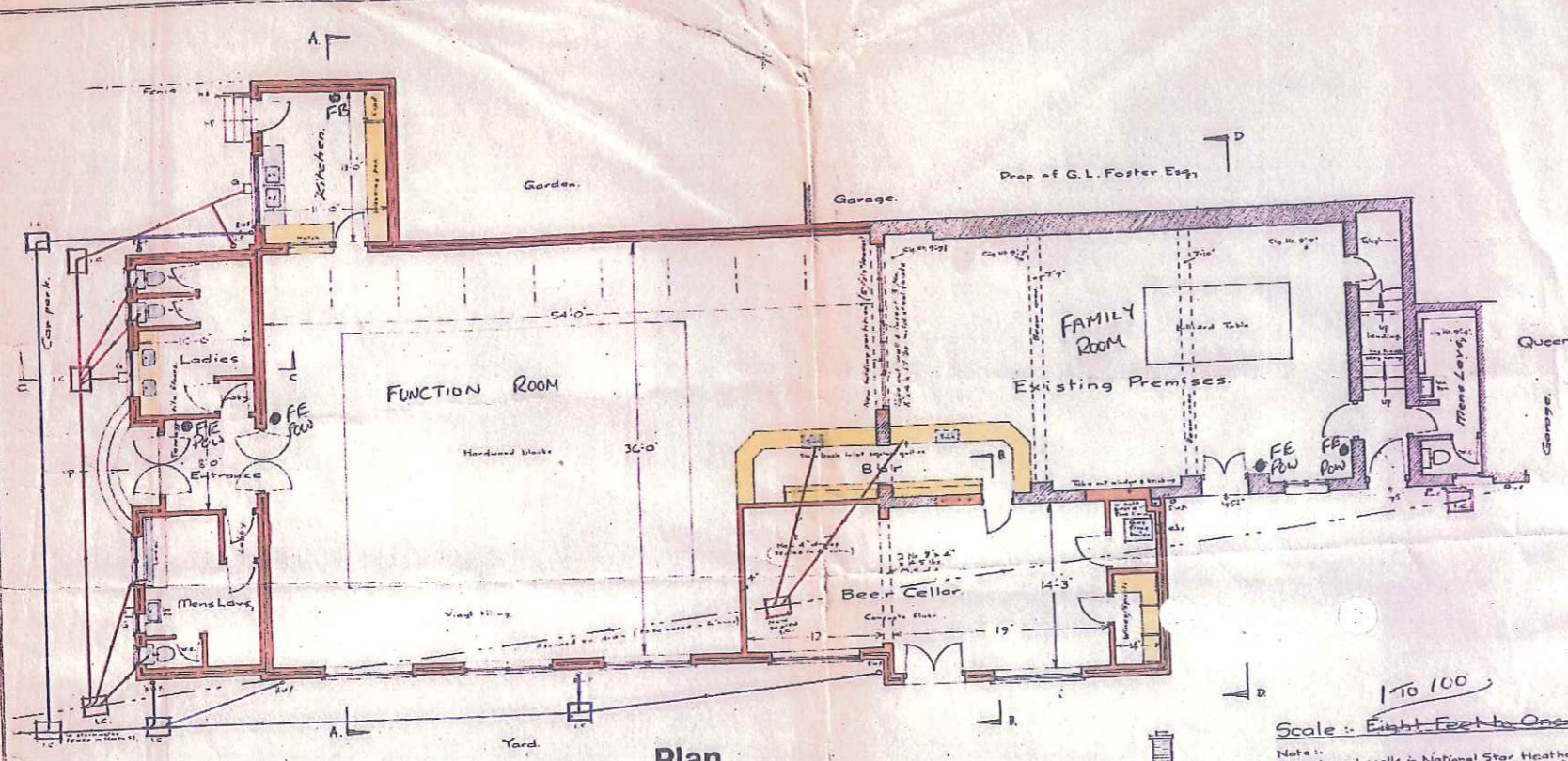


Billiard Room

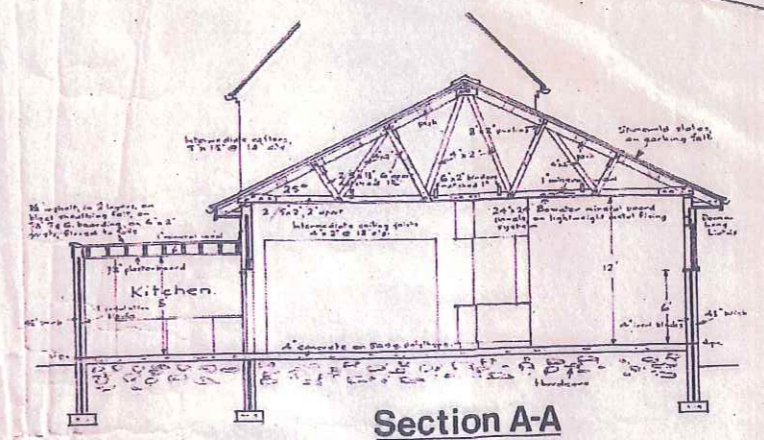


The Outside Area:

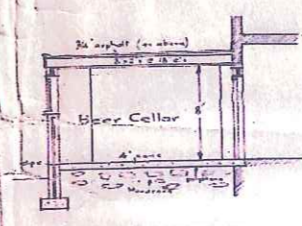




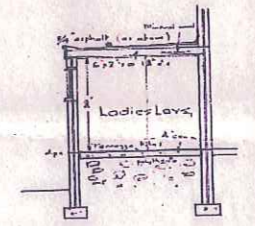
Plan



Section A-A

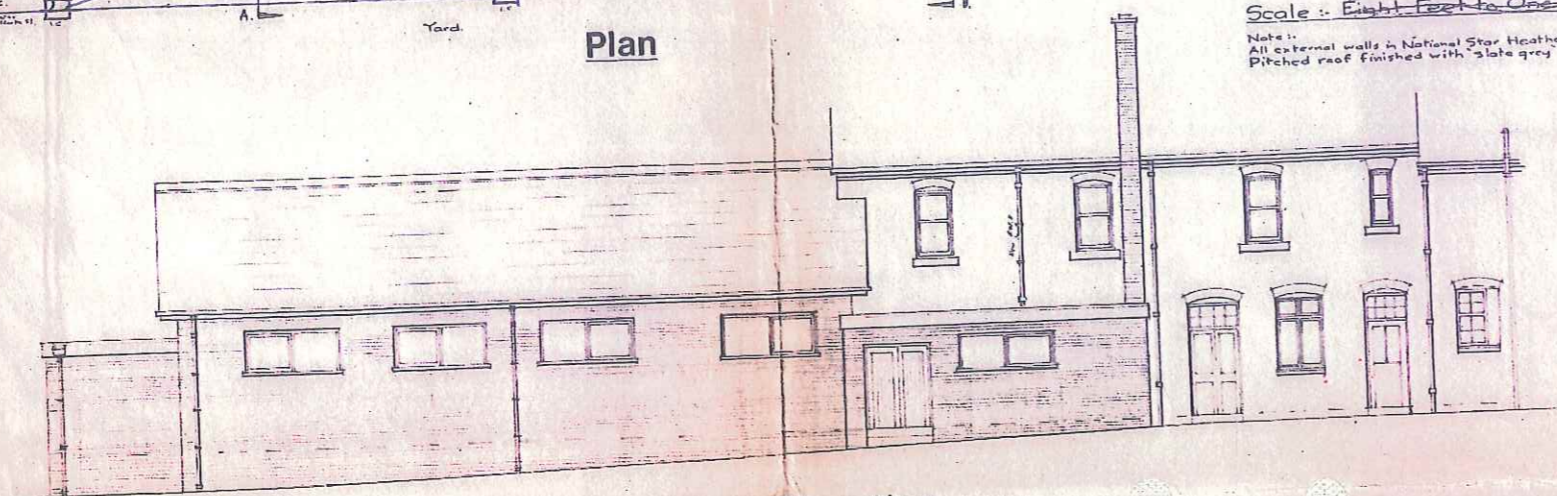


Section B-B

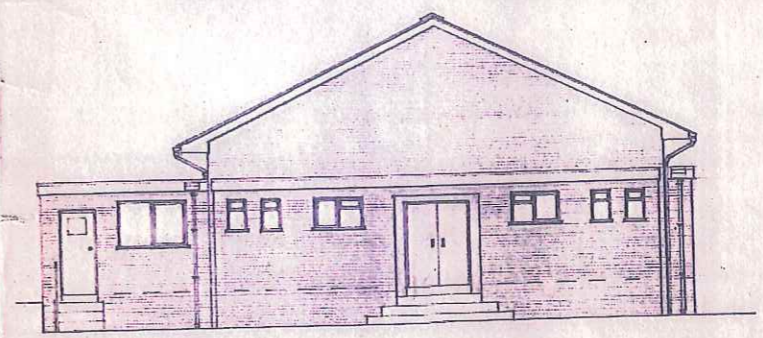


Section C-C

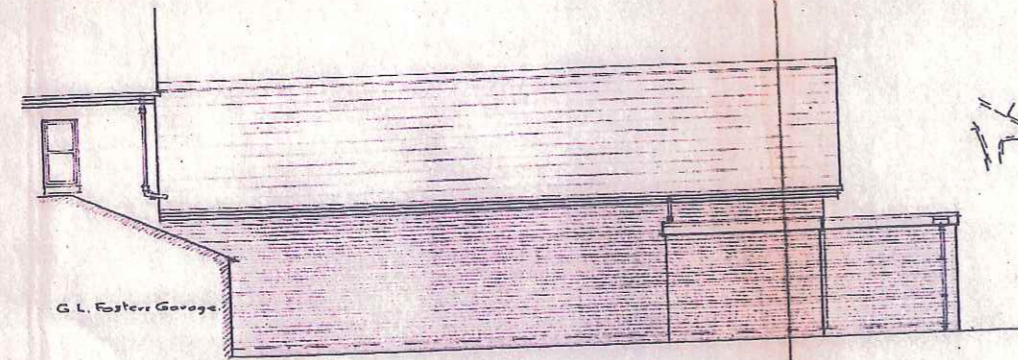
Scale: Eight Feet to One Inch
 Note: All external walls in National Star Heather Red Rustic face. Pitched roof finished with slate grey Stonefold slates.



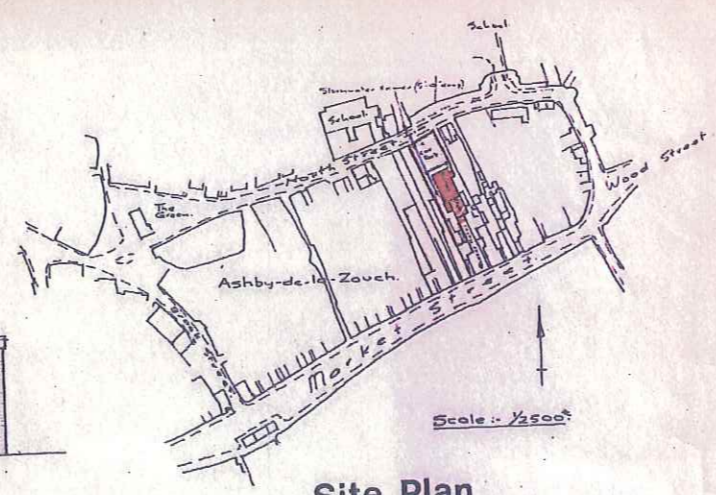
West Elevation



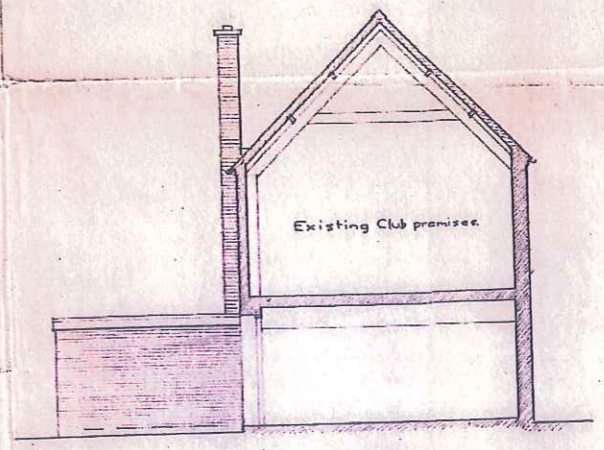
Front Elevation



East Elevation



Site Plan



Section D-D

**PROPOSED EXTENSIONS TO THE Ashby-de-la-Zouch War Memorial Social Institute,
 NORTH STREET, ASHBY-DE-LA-ZOUCH, Leics.,**

ALL LICENSABLE ACTIVITIES
 AND CONSUMPTION OF ALCOHOL
 WILL TAKE PLACE IN THE
 FAMILY ROOM AND FUNCTION
 ROOM
 P. H. SHATTOCK, A.R.I.C.S.
 Chartered Surveyor
 Shelbrook
 Ashby-de-la-Zouch, Leics.

June 1971.