

Appendix G

Stone, Derek

From: Lee, Richard
Sent: 07 June 2017 11:20
To: Licensing Shared Email
Cc: Humphreys, Nickii; Stone, Derek; Lee, Ross; Robson, Debra; Maidment, Richard; Baily, Stephen
Subject: Acoustic Report - South Parade Pier - Response from Environmental Health
Attachments: Music Breakout report - South Parade Pier.pdf; South Parade Pier; South Parade Pier Acoustic Report V2.0.pdf

Importance: High

Dear Licensing,

On the 24th May 2017 this service was contacted by Mike Vine from Airtight Noisecheck Ltd / Noisecheck Solutions Ltd. Mr Vine advised that he had been asked to prepare a noise assessment to determine the noise breakout from the South Parade Pier venue and requested our assistance in respect to any requirements / criteria that should be met. On the same day we responded advising that:

- historically the biggest problem with this venue is low frequency bass breakout and that therefore we recommended use the calculation model in Section 4 of BS12354-4 as opposed to the single number rating method in Annex F.
- our preferred external target criteria is based upon the Working Draft Annex on Criteria for Control of Noise from Pubs and Clubs. We acknowledged that although this was never formally adopted unless Mr Vine could recommend any alternative proposals this should ensure entertainment noise is virtually inaudible within residential properties.
- a LAeq of the entertainment noise should not exceed the representative background noise level LA90 (without entertainment noise) 2 metres from the facade of any noise sensitive premises.
- the L₁₀ of the entertainment noise should not exceed the representative background noise level L90 (without entertainment noise) in the 63Hz and 125Hz octave bands 2 metres from the façade of any noise sensitive premises.

Further to this communication, as you are aware, on the 26th May 2017 I received notification from Jon Wallsgrove that he had been instructed in respect to the premises licence for the pier. At that time I was additionally advised that his client had directed him to amend the application in the following terms:

- live Music until 2300 each day.
- all other regulated entertainment until 0200 weekdays day (a reduction of 1 hour on a Friday and Saturday).
- opening hours until 0230 each day (a reduction of 90 minutes each day).

Further, Mr Wallsgrove provided the attached unreferenced "Music Breakout Report" from Airtight & Noise check Limited dated 25th -26th April 2017. In summary, this report concluded that their assessments had indicated that music associated within the venue with its new mitigation measures should not have an adverse impact on the residential dwellings located nearby - *page 12, section 10, subsection 10.1* - further safeguarding recommendations were made based around the:

- installation of acoustic curtains.

- regular checking of music levels within the venue to ensure music the criteria requested by us could be met.
- careful management of internal music levels.
- careful management of the venue.

Following receipt of this additional information you confirmed that the Committee had been postponed to enable sufficient time for this service to review the content of the above-mentioned report.

This service has now had an opportunity to consider the report. In doing so this we have completed our own investigation, critiqued the report drawing evidenced and robust conclusions. These are summarised below however our full report is attached.

On Monday 5th June Mr Wallsgrove contacted me in respect to the acoustical report and whether we had reached any conclusions. I have not responded to this email (attached) as at this point I'm unsure of the correct protocols and how this should be shared with other interested parties / responsible authorities. I would therefore be grateful if you would forward to Mr Wallsgrove and others our response as appropriate.

Our conclusions are:

- The acoustic report submitted in support of the application contains significant errors in the choice of methodology and execution. The content does not alter our opinion in respect to the likely impact upon residents not only from music but also from the noise and disturbance created by patrons leaving the premises (which has not been addressed by the report).
- No information has been received as to how maximum levels of noise within the premises will be controlled and therefore our original comments in respect to managerial and automatic controls of music volumes remains unchallenged.
- The assessment has been repeated using data obtained by the Environmental Health Service which demonstrates that the music noise levels will not comply with the recommended criteria, highlighting a potential significant problem with bass breakout from the venue and validates our concerns in respect to the ability of the venue to attenuate noise to a degree that will prevent public nuisance from occurring.
- The noise maps in Appendix 4 of our report demonstrate the likely extent of the predicted impacts upon the locality. Whilst disturbance from the broad band noise would be mainly confined to the front façade of The Royal Beach Hotel and the new McCarthy and Stone retirement accommodation, the low frequency bass component of the music is highly likely to affect all properties along South Parade from Alexandra Court Retirement home to St Helens Court.
- Plotting the predicted music noise level against the measured background over time demonstrates that the impact from the venue in terms of bass breakout is likely to be noticeable from around 21:00hrs and the broad band level from around 23:00hrs, with the impact increasing steadily as the evening progresses. The impact between midnight and 02:00hrs being highly significant.
- Our experience of investigating complaints from residents disturbed by noise differs to those of the consultant. These experiences provide expert testimony in respect to the likelihood of public nuisance caused when levels of music reach those as predicted by the service.
- This service continues to maintain its position that the provision of regulated entertainment should be restricted to 23:00hrs as allowed by The Live Music Act or music noise levels reduced commensurate with the sound insulation of the structure, which will require levels to be tightly controlled to a maximum of 89dB in the 63Hz and 125Hz octave bands.
- As mentioned above this service has no information in respect as to how such safeguarding measures will be introduced, managed and maintained or that the levels mentioned immediately

above will be viable in respect to the wishes of the applicant to provide both recorded and live music in a venue of this description.

In view of the above, we maintain our representation and position as presented to you on the 19th April 2017. We recommend that:

- the entertainment is contained within the times permitted by the provisions of the Live Music Act 2013.
- the applicant takes advantage of their ability to extend their licensable hours for special events by applying for a Temporary Events Notice, of which they can have up to 15 in one year provided that the total length of all events is not more than 21 days.
- in order to minimise disturbance caused to local residents from business operational hours, the pier is open between the hours of 07:00 and midnight.

Regards

Richard Lee
Regulatory Services Manager