

Technical Note: Noise

18 Marmion Road, Southsea, Portsmouth

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|| Planning



|| Acoustics



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18 Marmion Road, Southsea, Portsmouth

Introduction

Joynes Nash has been appointed to provide advice in respect of the options for management and control of noise from the proposed venue at 18 Marmion Road, Southsea Portsmouth. This note is intended to support applications for a Premises License and Planning Permission and seeks where necessary to recommend conditions and forms of mitigation which will be required prior to the venue operating.

The Proposal

It is firstly important to understand the concept being proposed, what activities are likely to take place, how any noise may impact on the existing environment and those individuals who reside or work in it.

Starting with the applicant themselves, it is worth noting that they are an established operator of multiple successful venues across Southsea and Portsmouth. In fact, the drive for expansion of this operation is based on the success of such and it is intended that the premises will follow an almost identical format to an existing venue they control, known as Broken and Repaired. There is a significant difference to this format of venue over typical drinking establishments. That is, it is a member's bar intended for creatives, where entrance is controlled via booking, members abide by a set of strict rules and the management of the venue maintain full control over those given access. This offers a far greater level of control than you would expect with a typical drinking establishment.

The building itself is very small in scale and is unlikely to be able to accommodate more than 25 people, the frontage will be very subtle and unlikely to have any form of signage to promote itself to the general public. Likewise, whilst the glazing to the front will remain, there will be a false frontage behind the glass to prevent the general public from observing the users inside. In terms of those attending this will be through prior appointment and the door will remain locked to the outside unless operated by a member of staff. This is again similar to Broken and Repaired where the door is not accessible to the public at any time. This in turn drastically reduces the amount of time the door is ever open. Likewise, the address of the premises is not widely publicised other than to customers and members following a booking.

In terms of the internal use, its focus is on small creative groups of like-minded people enjoying conversation and high-end sophisticated drinks. For most of the time such activities will be accompanied by background music, the purpose of which is to create an ambience which is incidentally to the experience rather than been the focus. This is expected to be provided through the provision of a small distributed localised home speaker system throughout the premises.

The Existing Environment

The current environment within which the premises is situated is typical of an urban environment, the neighbourhood consisting of many shops and commercial units with residential above, a supermarket and indeed a range of café's etc. In fact, the premises about The Marmion Tavern which is known to host frequent music nights and is permitted to do such during the latter part of the week until 00.00hrs. The premises are also permitted to open until 00.30hrs. Restrictions on the license are that doors and windows should remain shut, that customers are seen off the premises / encouraged to disperse at closing and where necessary staff will arrange taxis for those requiring such to aid dispersal.

Other similar premises include Lou Lou's at 37 Marmion Road which is also permitted to open until 00.30hrs and to play recorded music until 23.59hrs with no known restrictions on the license. Smile at 49 Marmion Road is also licensed for alcohol sales, and the playing of recorded music until 22.00hrs during the latter part of the week. The opening hours are similar with no known restrictions. Neither venue differ significantly in offering to that proposed in fact.

It is therefore clear that whilst the area contains residential premises, the character of the area is mixed urban with a number of late licenced premises and there is no reason to suspect that a venue such as that proposed, particularly given its size and scale could not operate without creating undue disturbance or noise out of character with the area.

Identified Areas of Concern and Proposals for Mitigation

Noise issues relating to venues typically includes that from entertainment noise, noise from mechanical services equipment, noise from customers arriving and leaving, and noise from deliveries to the venue. These noises differ in character and hence in the way they must be assessed and mitigated, and each element is discussed individually below.

Noise from Mechanical Services, Plant and Equipment

This is a frequent issue with such venues but is generally assessed using British Standard 4142 and typically conditions are placed on licenses or planning permissions requesting that sound be assessed and controlled to ensure that any it does not typically exceed the background noise level. With respect to the proposal the only plant which may be installed externally, and this is not confirmed is a refrigeration unit (cellar chiller).

It is believed that this could be controlled through the use of suitable conditions on any permission granted.

Should it be necessary the client is willing to consider restricting the airborne noise generated using silencers and/or acoustic screens or enclosures, which may have to be specifically designed and installed. Machinery will also be mounted on anti-vibration mounts where appropriate and will be switched off when not in use, where operational times can be controlled by automatic timers etc.

Deliveries & Collections

It is proposed that no deliveries will take place outside the hours of 08.00 and 20.00hrs daily, which includes the collection of waste and glass bottle etc. It is also advised that no external bottling up or glass recycling activities will take place external to the premises beyond these hours to minimise risk of disturbance.

Noise from customers arriving and leaving

Controlling the impact of noise from patrons is usually a careful mix of location, design, operation and management of licensed premises and there is no method of technically assessing such or applicable standards. However, this needs to be put in the context of the intended use, namely a small-scale venue for up to 25 people, for a mixed clientele which tend not to generate significant issues (when compared to a premises targeted primarily at young persons etc). Likewise, the premises is member orientated and access is through bookings only, so the arrival and departure can be controlled and managed to ensure steady ingress and egress. Likewise, there is no potential for queues or materialise external of the venue.

This is in direct contrast to the adjacent Tavern, which has far less scope for controlling ingress and egress. In fact, it is not expected that the controlled ingress and egress of up to 25 people will cause any due concern or cumulatively increase any level of disturbance in the area beyond that which exists already. That is not to say that our client does not accept there are risks and they intend to adopt the following:

- Ensure that the target audience discourages any form of disturbance
- Monitor noise externally of the venue during patron egress to ensure that it is calm
- Display a set of rules in any membership to encourage neighbourly behaviour
- Appropriate signage at the entrance and egress to remind guests to be mindful of neighbours
- The training of staff to deal with the issues surrounding disturbance during egress
- The calling of taxi's on behalf of customers with agreements with local cab companies to ensure that drivers come to the door or into the premises to collect their passengers without needing to sound their horn etc. This may include a dedicated number for customers to preferred suppliers. By having these controls staff can ensure that the public remain indoors until the transport arrives.

It is therefore not expected that ingress and egress of patrons from the premises in the context of the existing environment will be to the detriment of those living or working in the immediate environment.

Noise from Entertainment

It is acknowledged that this creates potentially the greatest risk from the venue and may need the greatest level of control, albeit this is heavily dependent on the intended end use. At this time, it is stressed that the provision of music is to be incidental to the primary offering, namely, to provide background ambience. That is not say that at times there remains the scope for some form of live or recorded performance to a small audience. What is clear is that both will require different forms of treatment and this will largely

depend on the frequency, timing and duration of any specific events. The forms of treatment will be to restrict entertainment noise breaking out of the structure and impacting on neighbouring premises and being transmitted through the structure to the residential premises above.

Starting with the residential premises above there will be a need to introduce a new acoustic ceiling which are commercially available. Indeed, such premises below residential are common place and it clear that they can be controlled. The methodology within which the design of such would be finalized is typically that a sound test would be conducted prior to works to determine the level of attenuation required then after the works are completed in order to confirm that they have been successful. Typical system will combine a mixture of acoustic board installed on to walls and ceilings on resilient bars, with additional insulative material in between the void, and over-boarded with a layer of plasterboard.

Due to the expense likely to be incurred in doing so and the need for cooperation of the tenant this is typically secured by way of condition on any premises license or planning permissions granted. Indeed, it is accepted that the result of any testing and insulation schemes will determine the type of entertainment provided. However, it is perfectly achievable to prevent the intended use at this time impacting on the occupiers of the residential unit above.

With regards to further breakout from the structure such as through the glazing to the front, this can be controlled through the application of similar treatments to the false frontage and the door. It is stressed again thought that the proposed use of the venue and secured nature will deter the frequent opening and closure of the main door and therefore breakout will be limited in this way.

Smoking

With regard to the such, if an area needs to be provided then the only viable option is to the front of the premises, albeit the expected numbers are considered insignificant and indeed not dissimilar to the existing situation with the adjacent Tavern. However, there are multiple methods which will be considered based on experience should issues arise when the venue becomes operational. These include:

- defining an area or size of area for such purposes
- limiting the number of people allowed to access the area and therefore the volume of noise
- preventing people taking drinks outside to prevent congregating and spending more time than necessary
- limiting the number of people in the defined area at any one time
- limiting the hours which the space is available for smoking (i.e not late at night)

In Conclusion

It is stressed that this is an atypical proposal by its very nature, is considerably low key and is not likely to give rise to any public nuisance or significant impact on residential amenity. That said the intended

operators respect that risks remain and look to minimise these, by working with the Local Authority to identify and control such in order to bring the venue to fruition.

Likewise, it is acknowledged that Portsmouth City Council state within its policies that it is committed to facilitating a broad range of entertainment provision within the city for the enjoyment by a wide cross-section of the public. Indeed, the Licensing Authority states that in wishing to offer such facilities it recognises that a balance needs to be struck between promoting the provision of entertainment and addressing concerns relevant to the licensing objectives. The Licensing Authority is also conscious of the risk that a licensing policy may inadvertently deter live music by imposing indirect costs of a disproportionate nature, and will therefore only seek to impose conditions, when representations are received, that will be proportionate, justifiable, capable of being met and appropriate for the promotion of the four licensing objectives.

What is clear is that the type of premises being proposed is tailored to the location with a view to promoting the licensing objective, in this instance of the Prevention of Public Nuisance. The scale of the venue is not expected to add cumulatively to the existing noise climate and indeed is most likely to operate unnoticed for the large part within the immediate community. Therefore, there is no need to impose disproportionate and overly burdensome conditions where they are not required. That said, in order to address any concerns, the following conditions are proposed:

Condition 1

The premises hereby approved shall not be brought into operation until such time that a noise management policy has been approved by the Local Authority. The policy should:

- (a) set out sound attenuation measures to prevent or control music, any singing and speech noise breakout, or that from regulated entertainment from the premises impacting on existing residents and businesses
- (b) be based on the findings of an acoustic consultant's assessment.
- (c) ensure that all staff are trained on the content of the policy to ensure a commitment to good noise management. A record should be kept of the date and name of person trained and made available for inspection by the licensing authority or environmental health responsible authority.
- (d) detail how those providing any form of entertainment should be made aware of the policy in advance of any performance

Condition 2

The premises hereby approved shall operate only between the hours of 09.00 and 23.00hrs each day until such time that it has been demonstrated to the satisfaction of the local authority that there will be no cumulative or disproportionate impact on the local community from the ingress and egress of individuals

by means of an appropriate acoustic assessment. Thereafter, and only where approved in writing the premises may operate until 00.30hrs each day providing that any controls of mitigation are implemented.

Condition 3

The external area to the rear of the premises shall not be used by the general public at any time

Condition 4

Deliveries shall not be accepted or collections permitted between 20.00hrs and 08.00hrs.

Condition 5

The rating sound from any plant machinery and equipment shall not exceed the existing background noise level when assessed in accordance with British Standard BS4142. No equipment, machinery or plant shall be installed until such times that a mitigation scheme has been agreed by the Local Authority and implemented in full.

Condition 6

All doors and windows shall remain closed at all times after during the provision of regulated entertainment save for entry or exit, or in the event of an emergency.

Condition 7

A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.

These conditions are specific to the venue and the proposed end use as set out above. They provide a mechanism through which those responsible for the venue must seek further agreement and approval from the local authority prior to it been first brought into use and indeed are enforceable.

Should the local authority wish to have greater confidence in the final proposal, then it may be possible to consider restricting the operation of the premises to the current applicant, preventing future uses under the same use classes leading to additional problems.

The proposal also seeks to address the fact that Licensing Authority recognises that licensed premises make an important contribution to our local community. Indeed, it is envisaged that the proposal will uphold the licensing objective of Public Nuisance and that the Council will not have to use the wide range of tools available to it to effectively manage the different pressures that licensed premises can bring to a locality.