Receipt No ...531055 (CRE)

Initials ....EME

Date ....11:04:16

SOUTH LAKELAND DISTRICT COUNCIL

Public Health & Licensing Group, South Lakeland House, Lowther Street, Kendal, Cumbria LA9 4UD

**Application for a premises licence to be granted under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

**I/We** Andrew Carter

*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises Details**

| Postal address of premises or, if none, ordnance survey map reference or description<br>**3 Lowther Street** | | | |
|---|---|---|---|
| **Post town** | KENDAL | Postcode | LA9 4DH |

| | |
|---|---|
| Telephone number at premises (if any) | |
| Non-domestic rateable value of premises | **£3,450.00** |

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

| | | | |
|---|---|---|---|
| a) | an individual or individuals * | ☒ | please complete section (A) |
| b) | a person other than an individual * | | |
| | i. as a limited company | ☐ | please complete section (B) |
| | ii. as a partnership | ☐ | please complete section (B) |
| | iii. as an unincorporated association or | ☐ | please complete section (B) |
| | iv. other (for example a statutory corporation) | ☐ | please complete section (B) |
| c) | a recognised club | ☐ | please complete section (B) |

| | | | |
|---|---|---|---|
| d) | a charity | ☐ | please complete section (B) |
| e) | the proprietor of an educational establishment | ☐ | please complete section (B) |
| f) | a health service body | ☐ | please complete section (B) |
| g) | a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales | ☐ | please complete section (B) |
| ga) | a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England | ☐ | please complete section (B) |
| h) | the chief officer of police of a police force in England and Wales | ☐ | please complete section (B) |

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☐

I am making the application pursuant to a

statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

| | | | |
|---|---|---|---|
| Mr ☒ Mrs ☐ Miss ☐ Ms ☐ | | Other Title (for example, Rev) | |
| **Surname**<br>**CARTER** | | **First names**<br>ANDREW | |
| I am 18 years old or over | | ☒ Please tick yes | |
| Current postal address if different from premises address | Greenacres<br>Newby Bridge Road | | |
| Post town | **Windermere** | Postcode | **LA23 3LL** |
| **Daytime contact telephone number** | **015395 58980** | | |
| **E-mail address (optional)** | **carter.a@btinternet.com** | | |

**SECOND INDIVIDUAL APPLICANT** (if applicable)

| | | | |
|---|---|---|---|
| Mr ☐ Mrs ☐ Miss ☐ Ms ☐ | | Other Title (for example, Rev) | |
| **Surname** | | **First names** | |
| I am 18 years old or over | | ☐ Please tick yes | |
| Current postal address if different from premises address | | | |
| Post town | | Postcode | |
| **Daytime contact telephone number** | | | |
| **E-mail address (optional)** | | | |

**(B) OTHER APPLICANTS**

**Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.**

| |
|---|
| Name |
| Address |
| Registered number (where applicable) |
| Description of applicant (for example, partnership, company, unincorporated association etc.)<br>Limited Company |
| Telephone number (if any) |
| E-mail address (optional) |

**Part 3 Operating Schedule**

When do you want the premises licence to start?

| DD | | MM | | YYYY | | | |
|---|---|---|---|---|---|---|---|
| 0 | 1 | 0 | 8 | 2 | 0 | 1 | 6 |

If you wish the licence to be valid only for a limited period, when do you want it to end?

| DD | | MM | | YYYY | | | |
|---|---|---|---|---|---|---|---|
| | | | | | | | |

Please give a general description of the premises (please read guidance note 1)

Approximately 150sqm Industrial unit. Principle activity is the production of beers. The unit houses all the equipment for manufacture of beer (brewhouse and fermenters, tanks etc) as well as the raw ingredients; malted barley and hops. The cask and bottled beer is also stored on site for distribution to pubs and bars.

The premises are approved by Environmental Health. There are 3 exits, two at the front and one at the rear.

It is our intention to supply alcohol from our brewery for consumption off the premises. We intend to receive orders online and via people visiting our brewery

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

| Provision of regulated entertainment | | Please tick any that apply |
|---|---|---|
| a) | plays (if ticking yes, fill in box A) | ☐ |
| b) | films (if ticking yes, fill in box B) | ☐ |
| c) | indoor sporting events (if ticking yes, fill in box C) | ☐ |
| d) | boxing or wrestling entertainment (if ticking yes, fill in box D) | ☐ |
| e) | live music (if ticking yes, fill in box E) | ☐ |
| f) | recorded music (if ticking yes, fill in box F) | ☐ |
| g) | performances of dance (if ticking yes, fill in box G) | ☐ |
| h) | anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | ☐ |

**Provision of late night refreshment** (if ticking yes, fill in box I) ☒

**Supply of alcohol** (if ticking yes, fill in box J) ☒

**In all cases complete boxes K, L and M**

**A**

| **Plays** Standard days and timings (please read guidance note 6) | | | **Will the performance of a play take place indoors or outdoors or both – please tick** (please read guidance note 2) | Indoors | ☐ |
|---|---|---|---|---|---|
| | | | | Outdoors | ☐ |
| Day | Start | Finish | | Both | ☐ |
| Mon | | | **Please give further details here** (please read guidance note 3) | | |
| Tue | | | | | |
| Wed | | | **State any seasonal variations for performing plays** (please read guidance note 4) | | |
| Thur | | | | | |
| Fri | | | **Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list** (please read guidance note 5) | | |
| Sat | | | | | |
| Sun | | | | | |

**B**

| **Films**<br>Standard days and timings (please read guidance note 6) | | | **Will the exhibition of films take place indoors or outdoors or both – please tick** (please read guidance note 2) | | |
|---|---|---|---|---|---|
| | | | | Indoors | ☐ |
| | | | | Outdoors | ☐ |
| Day | Start | Finish | | Both | ☐ |
| Mon | | | **Please give further details here** (please read guidance note 3) | | |
| Tue | | | | | |
| Wed | | | **State any seasonal variations for the exhibition of films** (please read guidance note 4) | | |
| Thur | | | | | |
| Fri | | | **Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list** (please read guidance note 5) | | |
| Sat | | | | | |
| Sun | | | | | |

C

| **Indoor sporting events** Standard days and timings (please read guidance note 6) | | | **Please give further details** (please read guidance note 3) |
|---|---|---|---|
| Day | Start | Finish | |
| Mon | | | |
| Tue | | | **State any seasonal variations for indoor sporting events** (please read guidance note 4) |
| Wed | | | |
| Thur | | | **Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list** (please read guidance note 5) |
| Fri | | | |
| Sat | | | |
| Sun | | | |

**D**

| **Boxing or wrestling entertainments** Standard days and timings (please read guidance note 6) | | | **Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick** (please read guidance note 2) | Indoors | ☐ |
|---|---|---|---|---|---|
| | | | | Outdoors | ☐ |
| Day | Start | Finish | | Both | ☐ |
| Mon | | | **Please give further details here** (please read guidance note 3) | | |
| Tue | | | | | |
| Wed | | | **State any seasonal variations for boxing or wrestling entertainment** (please read guidance note 4) | | |
| Thur | | | | | |
| Fri | | | **Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list** (please read guidance note 5) | | |
| Sat | | | | | |
| Sun | | | | | |

**E**

| **Live music** Standard days and timings (please read guidance note 6) | | | **Will the performance of live music take place indoors or outdoors or both – please tick** (please read guidance note 2) | | |
|---|---|---|---|---|---|
| | | | | Indoors | ☐ |
| | | | | Outdoors | ☐ |
| Day | Start | Finish | | Both | ☐ |
| Mon | | | **Please give further details here** (please read guidance note 3) | | |
| Tue | | | | | |
| Wed | | | **State any seasonal variations for the performance of live music** (please read guidance note 4) | | |
| Thur | | | | | |
| Fri | | | **Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list** (please read guidance note 5) | | |
| Sat | | | | | |
| Sun | | | | | |

**F**

| **Recorded music** Standard days and timings (please read guidance note 6) | | | **Will the playing of recorded music take place indoors or outdoors or both – please tick** (please read guidance note 2) | Indoors | ☐ |
|---|---|---|---|---|---|
| | | | | Outdoors | ☐ |
| Day | Start | Finish | | Both | ☐ |
| Mon | | | **Please give further details here** (please read guidance note 3) | | |
| Tue | | | | | |
| Wed | | | **State any seasonal variations for the playing of recorded music** (please read guidance note 4) | | |
| Thur | | | | | |
| Fri | | | **Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list** (please read guidance note 5) | | |
| Sat | | | | | |
| Sun | | | | | |

**G**

| **Performances of dance** Standard days and timings (please read guidance note 6) | | | **Will the performance of dance take place indoors or outdoors or both – please tick** (please read guidance note 2) | Indoors | ☐ |
|---|---|---|---|---|---|
| | | | | Outdoors | ☐ |
| Day | Start | Finish | | Both | ☐ |
| Mon | | | **Please give further details here** (please read guidance note 3) | | |
| Tue | | | | | |
| Wed | | | **State any seasonal variations for the performance of dance** (please read guidance note 4) | | |
| Thur | | | | | |
| Fri | | | **Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list** (please read guidance note 5) | | |
| Sat | | | | | |
| Sun | | | | | |

**H**

<table>
<tr><td colspan="3">Anything of a similar description to that falling within (e), (f) or (g)<br>Standard days and timings (please read guidance note 6)</td><td colspan="3">Please give a description of the type of entertainment you will be providing</td></tr>
<tr><td>Day</td><td>Start</td><td>Finish</td><td rowspan="2"><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</td><td>Indoors</td><td>☐</td></tr>
<tr><td>Mon</td><td></td><td></td><td>Outdoors</td><td>☐</td></tr>
<tr><td></td><td></td><td></td><td></td><td>Both</td><td>☐</td></tr>
<tr><td>Tue</td><td></td><td></td><td colspan="3" rowspan="2"><u>Please give further details here</u> (please read guidance note 3)</td></tr>
<tr><td></td><td></td><td></td></tr>
<tr><td>Wed</td><td></td><td></td><td colspan="3" rowspan="2"></td></tr>
<tr><td></td><td></td><td></td></tr>
<tr><td>Thur</td><td></td><td></td><td colspan="3" rowspan="2"><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</td></tr>
<tr><td></td><td></td><td></td></tr>
<tr><td>Fri</td><td></td><td></td><td colspan="3" rowspan="2"></td></tr>
<tr><td></td><td></td><td></td></tr>
<tr><td>Sat</td><td></td><td></td><td colspan="3" rowspan="2"><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</td></tr>
<tr><td></td><td></td><td></td></tr>
<tr><td>Sun</td><td></td><td></td><td colspan="3" rowspan="2"></td></tr>
<tr><td></td><td></td><td></td></tr>
</table>

I

| **Late night refreshment** Standard days and timings (please read guidance note 6) | | | **Will the provision of late night refreshment take place indoors or outdoors or both – please tick** (please read guidance note 2) | | |
|---|---|---|---|---|---|
| | | | | Indoors | ☐ |
| | | | | Outdoors | ☐ |
| Day | Start | Finish | | Both | ☒ |
| Mon | 11:00 | 00:30 | **Please give further details here** (please read guidance note 3) | | |
| Tue | 11:00 | 00:30 | | | |
| Wed | 11:00 | 00:30 | **State any seasonal variations for the provision of late night refreshment** (please read guidance note 4) | | |
| Thur | 11:00 | 00:30 | | | |
| Fri | 11:00 | 00:30 | **Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list** (please read guidance note 5)<br>Hours of 11:00 – 01:00 on:<br>Christmas Eve<br>Boxing Day<br>New Year's Eve<br>Banks Holidays (Fri, Sat, Sun & Mon of all bank holiday weekends) | | |
| Sat | 11:00 | 00:30 | | | |
| Sun | 11:00 | 00:30 | | | |

**J**

| **Supply of alcohol** Standard days and timings (please read guidance note 6) | | | **Will the supply of alcohol be for consumption – please tick** (please read guidance note 7) | | |
|---|---|---|---|---|---|
| | | | | On the premises | ☐ |
| | | | | Off the premises | ☐ |
| Day | Start | Finish | | Both | ☒ |
| Mon | 11:00 | 00:30 | **State any seasonal variations for the supply of alcohol** (please read guidance note 4) | | |
| Tue | 11:00 | 00:30 | | | |
| Wed | 11:00 | 00:30 | | | |
| Thur | 11:00 | 00:30 | **Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list** (please read guidance note 5)<br><br>Hours of 11:00 – 01:00 on:<br>Christmas Eve<br>Boxing Day<br>New Year's Eve<br>Banks Holidays (Fri, Sat, Sun & Mon of all bank holiday weekends) | | |
| Fri | 11:00 | 00:30 | | | |
| Sat | 11:00 | 00:30 | | | |
| Sun | 11:00 | 00:30 | | | |

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:**

| | |
|---|---|
| Name<br>Andrew Carter | |
| Address<br>[redacted] | |
| Postcode | [redacted] |
| Personal licence number (if known)<br>PA028953 | |
| Issuing licensing authority (if known)<br>SLDC | |

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 8).
N/A

L

**Hours premises are open to the public**
Standard days and timings (please read guidance note 6)

| Day | Start | Finish |
|---|---|---|
| Mon | 11:00 | 00:30 |
| Tue | 11:00 | 00:30 |
| Wed | 11:00 | 00:30 |
| Thur | 11:00 | 00:30 |
| Fri | 11:00 | 00:30 |
| Sat | 11:00 | 00:30 |
| Sun | 11:00 | 00:30 |

**State any seasonal variations** (please read guidance note 4)
N/A

**Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list** (please read guidance note 5)

Hours of 11:00 – 01:00 on:
Christmas Eve
Boxing Day
New Year's Eve
Banks Holidays (Fri, Sat, Sun & Mon of all bank holiday weekends)

**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e)** (please read guidance note 9)

We will abide by all mandatory conditions

**b) The prevention of crime and disorder**

In addition to the DPS there will be a responsible manager in possession of a Personal License
We have a written Dispersal Policy (attached)
All persons responsible for serving alcohol will have read through and understood the mandatory conditions and will have signed off a form to say they understand.

**c) Public safety**

Anyone who appears intoxicated will not be served

d) The prevention of public nuisance

Bottle bins will not be moved outside the hours of 08:00-22:00
We have conducted a Noise Report to ensure the premises does not adversely affect neighbours (attached)

e) The protection of children from harm

We will operate a challenge 25 Policy at point of sale

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

| | |
|---|---|
| Signature | [redacted] |
| Date | 18/03/2016 |
| Capacity | |

**For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

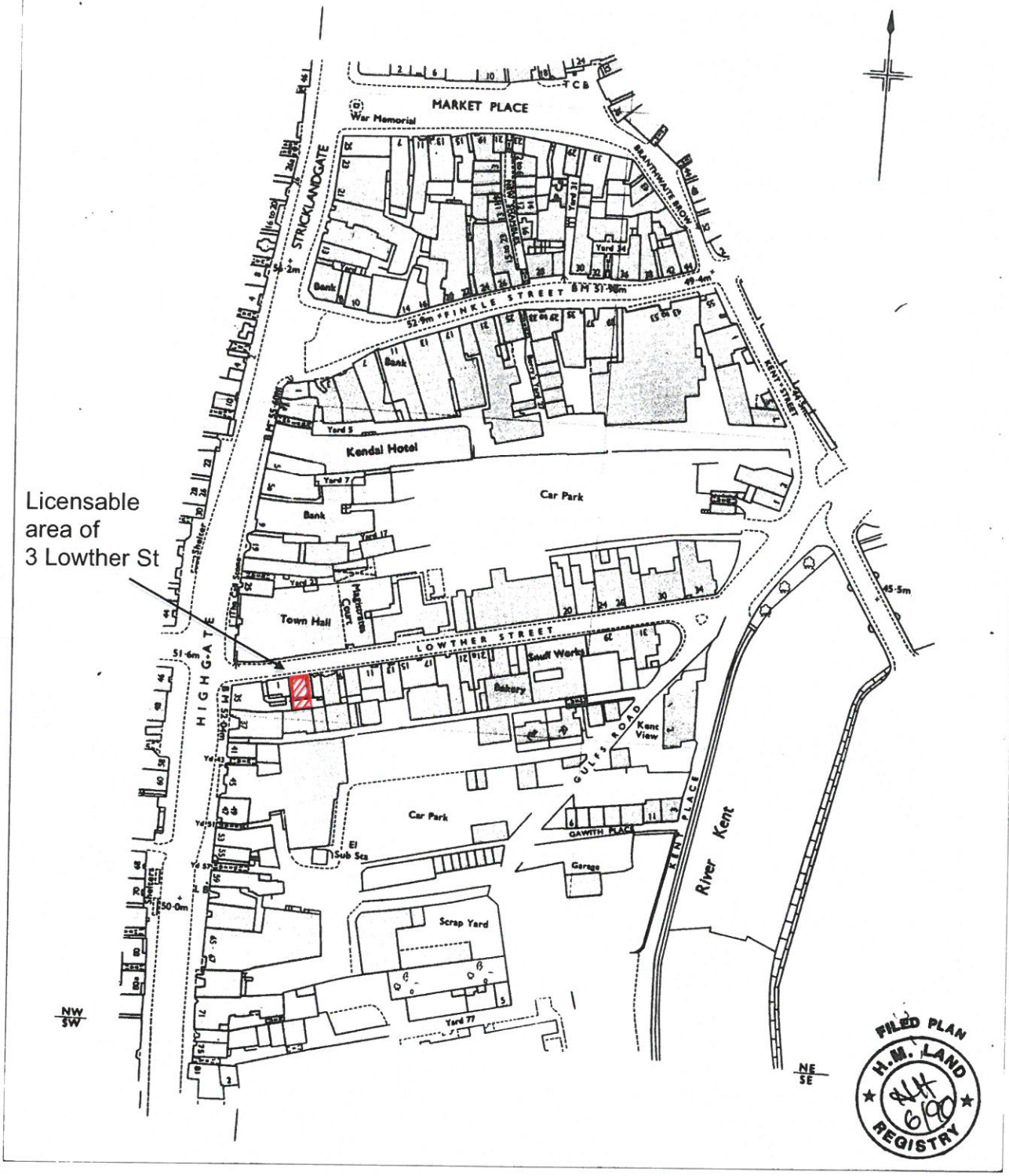
| | |
|---|---|
| Signature | |
| Date | |
| Capacity | |

| | | | |
|---|---|---|---|
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) | | | |
| Post town | | Postcode | |
| Telephone number (if any) | | | |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional) | | | |

**Notes for Guidance**

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

| H.M. LAND REGISTRY | | TITLE NUMBER | |
|---|---|---|---|
| | | CU 53683 | |
| ORDNANCE SURVEY PLAN REFERENCE | SD 5192 | SECTION G | Scale 1/1250 |
| COUNTY CUMBRIA | DISTRICT SOUTH LAKELAND | | © Crown copyright 1989 |




This is a copy of the title plan on 13 NOV 2015 at 13:51:50. This copy does not take account of any application made after that time even if still pending in the Land Registry when this copy was issued.

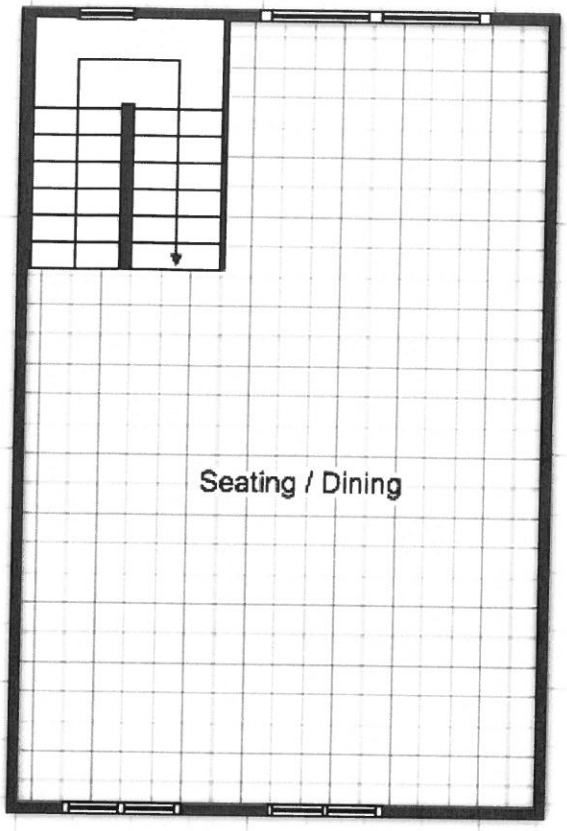
This copy is not an 'Official Copy' of the title plan. An official copy of the title plan is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the Land Registry web site explains how to do this.

The Land Registry endeavours to maintain high quality and scale accuracy of title plan images. The quality and accuracy of any print will depend on your printer, your computer and its print settings. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

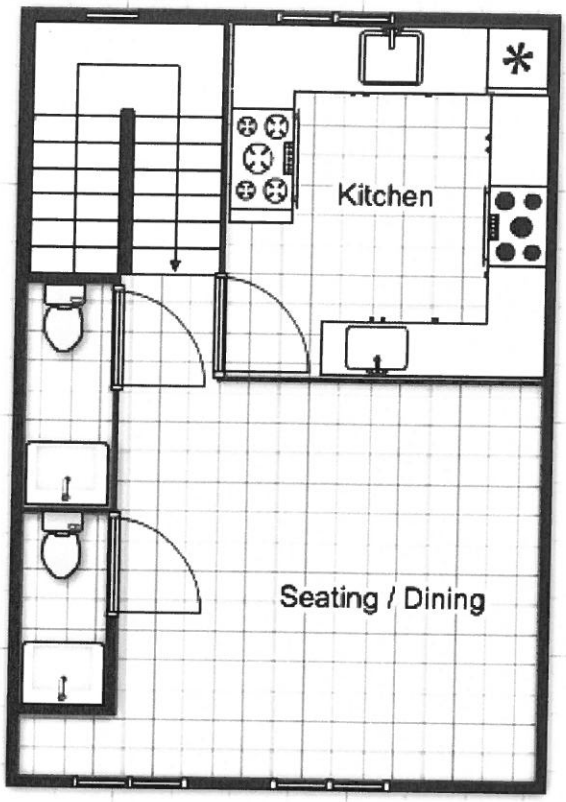
This title is dealt with by Land Registry, Durham Office.

Floor Plan Proposed (Licensable Area)

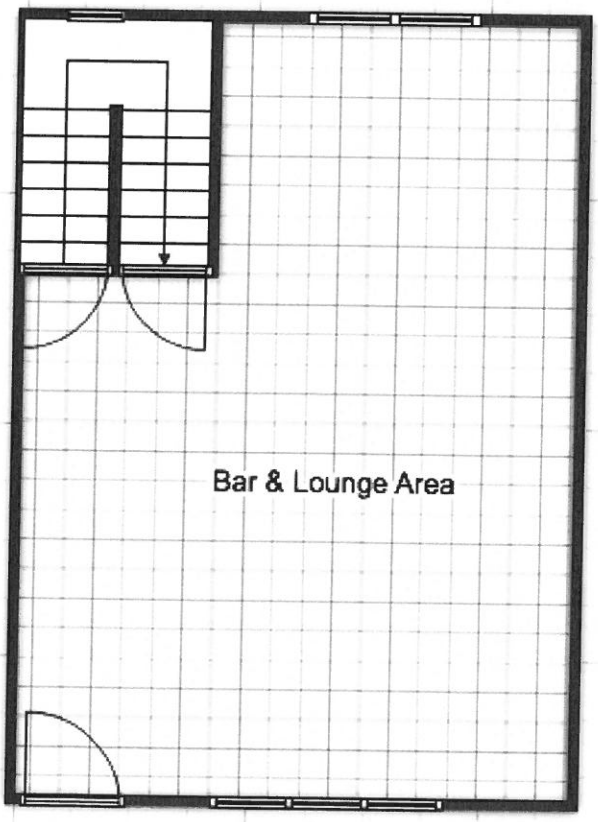
First Floor



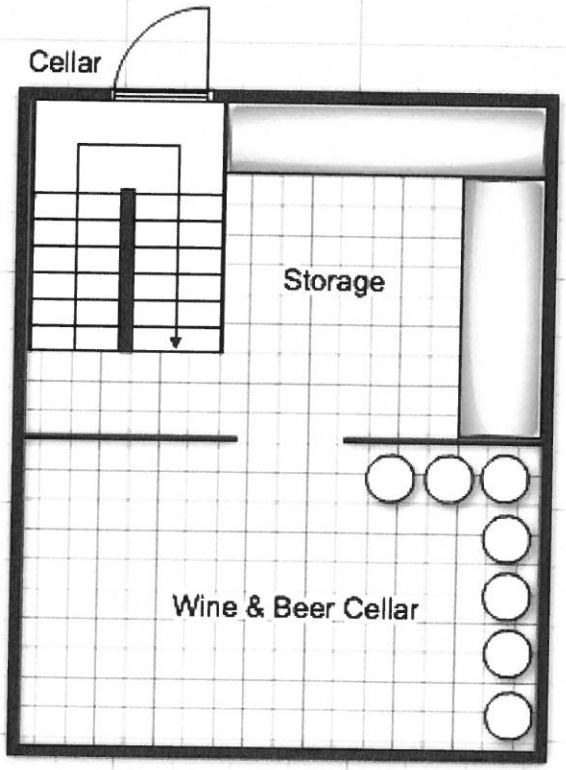

Second Floor




Ground Floor




Cellar




1:00m

3 Lowther Street
Kendal
LA9 4DH

# DISPERSAL POLICY

The purpose of this policy is to regulate the flow of people around the front of the bar and prevent groups of people loitering outside. This is important for the safety of those entering and leaving the bar as well as other pavement users.

To prevent guests from standing outside the bar to smoke we will provide a designated smoking area in the yard to the rear of the premises. This yard area is an open courtyard with no passing traffic (pedestrian access only) so will provide a safe place for customers to smoke outside and not block the main high street thoroughfare.

We will display a sign upon exit to remind customers to leave the premises quietly so as to respect our neighbours.

A member of staff will always be appointed to monitor the situation outside the bar every 15 minutes through a visual inspection through the front window. If there are more than 5 people standing outside the premises the member of staff responsible will politely ask them to move to a more appropriate location where they will not block the pavement for other users.

If there are any customers making an excessive amount of noise they will be asked to respect our neighbours.

In the event any persons do not respond to requests from staff then we will contact the Police to assist in their dispersal to maintain a safe thoroughfare down Lowther Street.

This policy will be reviewed annually to maintain its effectiveness and ensure adequate dispersal.

**Martec Environmental Consultants Ltd.**
Waterbrow Wood, Gressingham, LANCASTER LA2 8LX
Tel: 01524 222000
Email: info@martecenviro.co.uk Website: www.martecenviro.co.uk

# NOISE IMPACT REPORT

## No.3 Lowther Street, Kendal LA9 4DH

Report by

M A Kenyon MSc BSc MIOA

MARTEC ENVIRONMENTAL CONSULTANTS LTD

ANC REGISTERED TESTERS NO.134

| | |
|---|---|
| **Report Date** | 16-Mar-16 |
| **Site Address** | 3 Lowther St, Kendal LA9 4DH |
| **Property Type** | Houses |
| **Tested Construction -** | Historic Building |
| **Client** | Andrew Carter |
| **Client Address** | 3 Lowther St, Kendal LA9 4DH |
| **Leq No** | 7671 |
| **Software Version** | 2.03 |

**Prepared by:**

M.A. Kenyon

**Reference:**

20160329 7671 Noise Impact report-2.docx

**Date:**

16th March 2016

**Loughborough Office:**
8 Bayliss Close, Quorn
Loughborough LE12 8PF

**Ormskirk Office:**
131 New Court Way, Ormskirk, Lancs L39 2YT

**Staffordshire / Cheshire Office:**
2, Betley Hall Gardens, Betley, Crewe CW39BB

## CONTENTS

## 1.0 INTRODUCTION

Martec Environmental Consultants Ltd were instructed to carry out sound insulation tests on the separating wall between the first floor of No.3 Lowther Street, Kendal LA9 4DH and the residential accommodation on first floor of No.5 Lowther Street; in additional similar tests were made between No.3 and the first floor space above the adjacent "Betfred" Kendal; the purpose of the tests was to determine whether the tested constructions met the sound insulation performance standards detailed in Appendix H of BS8233:2014, and to make recommendations for improvements where appropriate.

This request arose as a result of an application to convert No.3 Lowther Street to licensed premises.

This report describes the rooms tested by Mel Kenyon on 16th March 2016, the equipment used, the results obtained, and draws conclusions as to the performance of the structure in comparison with the standards detailed in BS8233:2014. The detailed result graphs appear at the rear of the report. Appendix 3 contains photographs of the buildings.

Should noise from any external areas or a kitchen extract system be an issue, separate assessments will need to be undertaken.

## 2.0 CONSTRUCTION AND BACKGROUND NOISE

The construction of the separating walls is unknown but from the age of the buildings, which appear to be Victorian or earlier, the construction is likely to be stone or possibly brick and at least 9 inches thick.

The dominant background noise source was road traffic on Lowther Street, which was generally constant.

The development is described in greater detail elsewhere, but in brief, the premises are a former shop on three levels with adjoining properties to either side [No.5 Lower Street, being residential on the first and second floors.

We are instructed as follows:

1. Food would be served within the premises,
2. Music would be played at background/ambient levels only.
3. Operational hours would be:
    a. Sunday to Thursday 0800 to 2330 hours
    b. Friday and Saturday 0800 to midnight.

## 3.0 CRITERIA

### 3.1 British Standard 8233

BS8233:2014 is entitled "Guidance on sound insulation and noise reduction for buildings" and Annex H contains "Examples of design criteria adopted by hotel groups".

For airborne sound insulation, Annex H sets out criteria in terms of a single number value either in terms of $D_{nT,w}$ or in terms of $D_{nT,w}+C_{tr}$; these are forms of weighted averages of performance across the range of frequencies. $C_{tr}$ is a spectrum adaptation term designed to give more weight to the performance of separating structures at low frequencies.

At No.3 Lowther Street, the separating walls would be between a dining/bar area and two bedrooms in No.5, Lower Street. In Annex H of BS.8233:2014 the nearest category is a recommended sound insulation of 60 dB $D_{nT,w}$ between a bedroom and a restaurant/bar within the same hotel.

In Annex H, there is also the criteria for "Bedroom - Other tenancies" of 65 dB $D_{nT,w}$. The Association of Noise Consultants commented on Annex H of BS8233:2014. In fairness they didn't like most of the recommendations in Annex H; in particular they stated:

*"The most obvious examples of flaws are the criteria for bedroom to other tenancies (which could vary from a library to a nightclub) or plant room (which could vary from a tank room to a diesel generator) or bar (which could vary from a small boutique bar or to a large one with loud music or raucous groups watching football)."*

Given the proposed operational hours, the proposed character of the bar/restaurant, and comments of the ANC, it is considered that the "Bedroom - Restaurant/bar" criterion of 60 dB $D_{nT,w}$ would apply.

### 3.2 Building Regulations

For airborne sound insulation, Part E of The Building Regulations relies on a single number value for assessment of sound insulation; this term is known as $D_{nT,w}+C_{tr}$; $D_{nT,w}$ was the previous single figure term and Ctr is a spectrum adaptation term designed to give more weight to the performance of separating structures at low frequencies. For dwellings and rooms for residential purposes formed by a material change of use, the airborne sound insulation of both separating walls and floors should achieve a value of 43 dB $D_{nT,w}+C_{tr}$ or higher. The larger the $D_{nT,w}+C_{tr}$ the better the airborne sound insulation.

Although not strictly relevant to the current circumstances, it is worth noting that the Building Regulations specify this degree of sound insulation for structures separating residential from commercial spaces.

## 4.0 MEASUREMENTS

### 4.1 Sound Insulation

Approximate room dimensions were measured on site. In carrying out these tests, all the procedures described in Annex B of Approved Document E [ADE] of the Building Regulations have been followed except where stated otherwise. The main departures from Annex B and ADE, were

1. the space used for the "Betfred" test was a stairwell which covers most of the party

wall; the large upstairs room in Bedfred could have been used, but it contains only a small area of party wall, and would have overestimated the sound insulation performance of the walls in any bedroom built on the Betfred premises; whereas using the stairwell would tend to underestimate the performance.

2. the bedroom used for the "No.5" test was furnished.
3. The first floor of No.3 was undergoing the early stages of refurbishment and was therefore not a completed space.

**For Airborne Sound Insulation Tests**

The airborne sound insulation of the separating structures was tested in full accordance with the methodology of ISO 140:1998 Part 4 and single number values for $D_{nT,w}$ & $D_{nT,w}+C_{tr}$ were calculated using the methodology of ISO 717: 1996 part 1.

The source level for each room was determined according to the following method. The sound sources were placed on stands in the larger of the two rooms and the second source position was at least 1.4m from the first, with neither speaker facing towards the partition tested; the minimum distance from each speaker to any room boundary was at least 500mm and the minimum difference in those distances was 100mm. The speakers operated simultaneously using separate, uncorrelated, pink noise sources.

A preliminary sweep measurement was made over the course of at least 30 seconds and any differences between adjacent 1/3 octaves, greater than 6 dB, were eliminated by a combination of adjusting the source settings, moving the loudspeakers or by moving diffusers (or furniture). Subsequently 10 second measurements were made at six microphone positions for both the source and receiver rooms (received levels and background noise measurements), i.e. an average over 1 minute;

No microphone position was closer than 0.5m from the room boundaries. In smaller rooms (<25m3) five microphone positions may have been used for 12 seconds at each position; however, the separation distance requirements were complied with.

**Instrumentation**

Details of the measuring instrumentation are shown below:

| Model | Instrument | Serial No. | Lab Cal Certificate | Date of Due Calibration |
|---|---|---|---|---|
| C Svan 957 | Sound Level Meter | 23201 | 23201/59185 | 11/03/2017 |
| Svan SV12L | Preamp | 24265 | 23201/59185 | 11/03/2017 |
| PCB 377B02 | Microphone | LW136090 | 23201/59185 | 11/03/2017 |
| RION NC74 | Calibrator | 34262041 | 34262041/65560 | 30/07/2016 |
| Prosound | A87RZ Speaker Amp | 03/15 | n/a | n/a |
| Prosound | A87RZ Speaker Amp | 04/15 | n/a | n/a |
| Stereo recording of pink noise sources played on PC | | | n/a | n/a |

**Reverberation Time Measurements**

The reverberation times were determined by using the sound level meter and its internal software or external PC software. The average value of T20 for six starting pistol impulses at six different source and receiver positions was used. Reverberation time calculations were made using the "reverse-Schroeder integration method".

## 4.2 Source Noise Levels

### 4.2.1 Martec

When predicting noise impact through building structures, it is necessary to know, not only the overall level of noise, but also the spectrum shape of the noise.

In connection with another matter, Martec made measurements at two restaurants of patron noise and reported as follows:

*" Measurements were made at two similar McDonalds Restaurants which it is considered are a similar size to the proposed KFC at Southport. In both cases, measurements were made as close to the centre of the restaurant area as could be achieved...*

*The Ormskirk MacDonalds was visited on Friday 1st February 2002 during mid-afternoon; it is a town centre restaurant and at the time of the measurements was mostly frequented by clients from late teens upwards and was about one-quarter full. The third-octave results*

*appear in Figure 1; the 1 hour LAeq was 67.5 dBA, which would lead to an estimated noise level of maximum capacity of 73.5 dBA [67.5 + 6].*

*The Aintree MacDonalds was visited on Sunday 3rd February 2002 it is a drive through facility on a trading estate but its restaurant area appeared to be of a similar size. The facility was almost full with almost all seats occupied; the clientele ranged from infant school children involved in a childrens' party in a separate room to many adults. The third-octave results appear in Figure 1* [Not included]*; the 15 minute LAeq was 74.8 dBA. The overall level and spectrum shape agrees well with the results from the Ormskirk branch."*

### 4.2.2 **Other Information**

Defra has funded research into the noise impact from pubs and clubs; Phase I of the study ["Noise from Pubs and Clubs - Phase I" Contract No. NANR 92] was a report on likely source noise levels and assessment methodologies at the time [October 2005]. At Section 2.1.1.4 it is stated

*"...Noise levels measured in bars and restaurants during quiet periods showed noise levels of 65-70 dB LAeq. Noise levels of up to 88 dB LAeq were measured during busy periods in bars not playing music, i.e. just customer noise."*

### 4.2.3 **Summary on Source Noise**

For the purposes of this assessment, a figure of 88 dB LAeq and the "Aintree" spectrum has been assumed in the predictions of noise in the bedroom of No.5, contained in Section 5.2 below.

# 5.0 RESULTS

## 5.1 Sound Insulation Test Results

| Table 1: Airborne Sound Insulation Results [dB] - 16/03/2016 | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Test | ANC Test | Source | Vol (m3) | Receiver | Vol (m3) | Element | $D_{nT,w}$ | $C_{tr}$ | $D_{nT,w}+C_{tr}$ |
| A1 | N/A | No.3 FF Room | 87 | Betfred FF Fire Escape Stairwell | 28 | Wall | 57 | -4 | 53 |
| A2 | N/A | No.3 FF Room | 87 | No.5 FF Flat1 front Bed | 33 | Wall | 61 | -4 | 57 |

## 5.2 Predicted Noise Levels in No.5 Bedroom

The Results of the sound insulation tests on the existing wall [using the uncorrected difference in levels between No.3 and No.5 and next door property] can be combined with the derived source noise levels and spectrum shape in Section 4.2 above, to predict the Resultant noise levels inside the neighbouring property as follows:

| Condition | Third Octave Band Centre Frequency [Hz] | | | | | | | | | | | | | | | | dBA |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 100 | 125 | 160 | 200 | 250 | 315 | 400 | 500 | 630 | 800 | 1000 | 1250 | 1600 | 2000 | 2500 | 3150 | |
| Aintree Spectrum | 69.5 | 67.5 | 68 | 68 | 63 | 62 | 62 | 64.5 | 67 | 67 | 65 | 65 | 65 | 64 | 64.5 | 69 | 75.9 |
| Adjusted to [dBA] | 81.6 | 79.6 | 80.1 | 80.1 | 75.1 | 74.1 | 74.1 | 76.6 | 79.1 | 79.1 | 77.1 | 77.1 | 77.1 | 76.1 | 76.6 | 81.1 | 88 |
| Measured Dffrnc N0.3 to 5 | 47.0 | 48.3 | 51.0 | 53.5 | 55.4 | 57.9 | 60.8 | 63.5 | 68.8 | 66.1 | 62.4 | 64.6 | 64.4 | 66.3 | 70.2 | 76.5 | |
| Resultant Internal Level | 34.5 | 31.3 | 29.1 | 26.5 | 19.6 | 16.1 | 13.3 | 13.1 | 10.2 | 13.0 | 14.6 | 12.5 | 12.7 | 9.7 | 6.4 | 4.6 | 24.7 |

**Table 2: Predictions of Internal Noise Level - No.5 Front First Floor Bedroom [dB LAeq]**

# 6.0 DISCUSSION OF RESULTS

## 6.1 British Standard 8233:2014

### 6.1.2 No.3 to Betfred

Currently the first floor at Betfred is largely open plan. Presumably planning consent would be required to convert the space to residential and definitely significant building works would be required. Consequently it is not considered that the standards in BS8233 would apply to these circumstances, and the tests on this separating wall were conducted for information purposes.

It can be seen that the measured sound insulation between No.3 and the Betfred Stairwell at 57 dB $D_{n,Tw}$ was some 3dB short of the BS8233 Annex H standard; however, this was in the stairwell and sound insulation depends [inter alia] on the proportion of separating structure to room volume; the stairwell's side wall is the separating wall [See Figure 1]; whereas any bedroom would only have a short section of the separating wall within it [<1m wide] presuming the stairwell were to remain; consequently it is likely that were any bedrooms to be created at "Betfred" that the sound insulation would meet the Annex H standard without the need for additional works.

#### 6.2.2 **No.3 to No.5**

At 61 dB $D_{nT,w}$ it can be seen that the tested separating wall meets the sound insulation standards derived from in Annex H of BS8233:2014.

### 6.2 **The Building Regulations**

The measured levels of 53 and 57 dB $D_{nT,w} + C_{tr}$ exceed the standards of the Building Regulations by 10 and 14 dB.

### 6.3 **Predicted Bedroom Noise Level**

Using the measured levels of sound insulation, and the measurements of restaurant noise spectrum and the level of a "Busy non-music" bar from the Defra Study, the predicted noise level in the first floor front bedroom No.5 would be 25 dBA LAeq to the nearest whole number.

## 7.0 CONCLUSIONS AND RECOMMENDATIONS

Based on the above assumptions, the current levels of sound insulation meet the derived criteria, and assuming the wall construction is the same at second floor level, this indicates that planning consent could be granted, without additional works to the separating wall.

The "Betfred" building is not currently residential, but the tests indicated that should planning consent for the conversion of "Betfred" to residential be sought and obtained, that the standards derived above would probably be met without additional works; however, it would be the responsibility of the developers of that building to achieve compliance in any event.

However, if the windows of No.3 were to be open, noise could pass into in the rear yard [See Figure 2] or into Lowther Street [Figure 3], both of which are relatively reverberant "spaces"; permitting sound to flank around the separating walls.

Consequently it is recommended that an investigation is conducted to confirm that the construction of the separating wall at second floor level is the same as at first floor level, and that the wall extends up to, and seals with, the underside of the roof.

It is also recommended that a system of ventilation be installed in the premises such that the windows at No.3 remain closed at all times when the bar/restaurant is open. Naturally any ventilation system should not in itself create significant noise, nor permit significant amounts of internal noise to pass to the outside of the building.

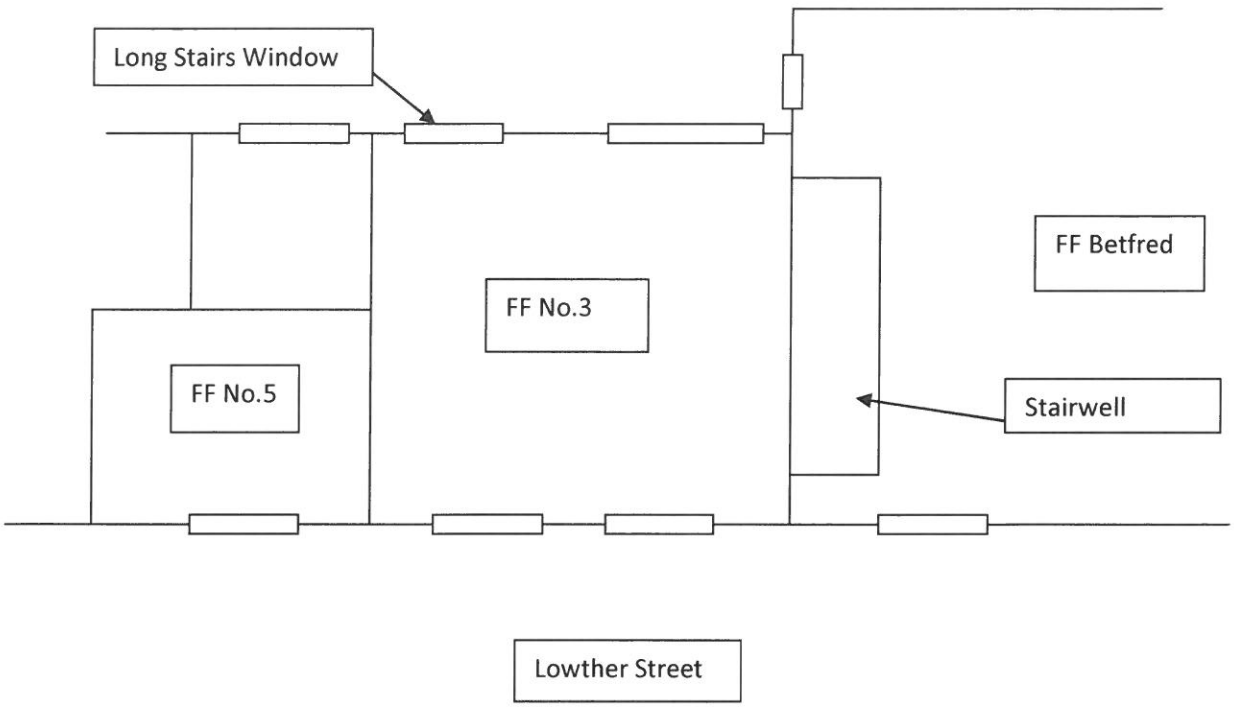



**Figure 1: Sketch Plan of Test Arrangements**

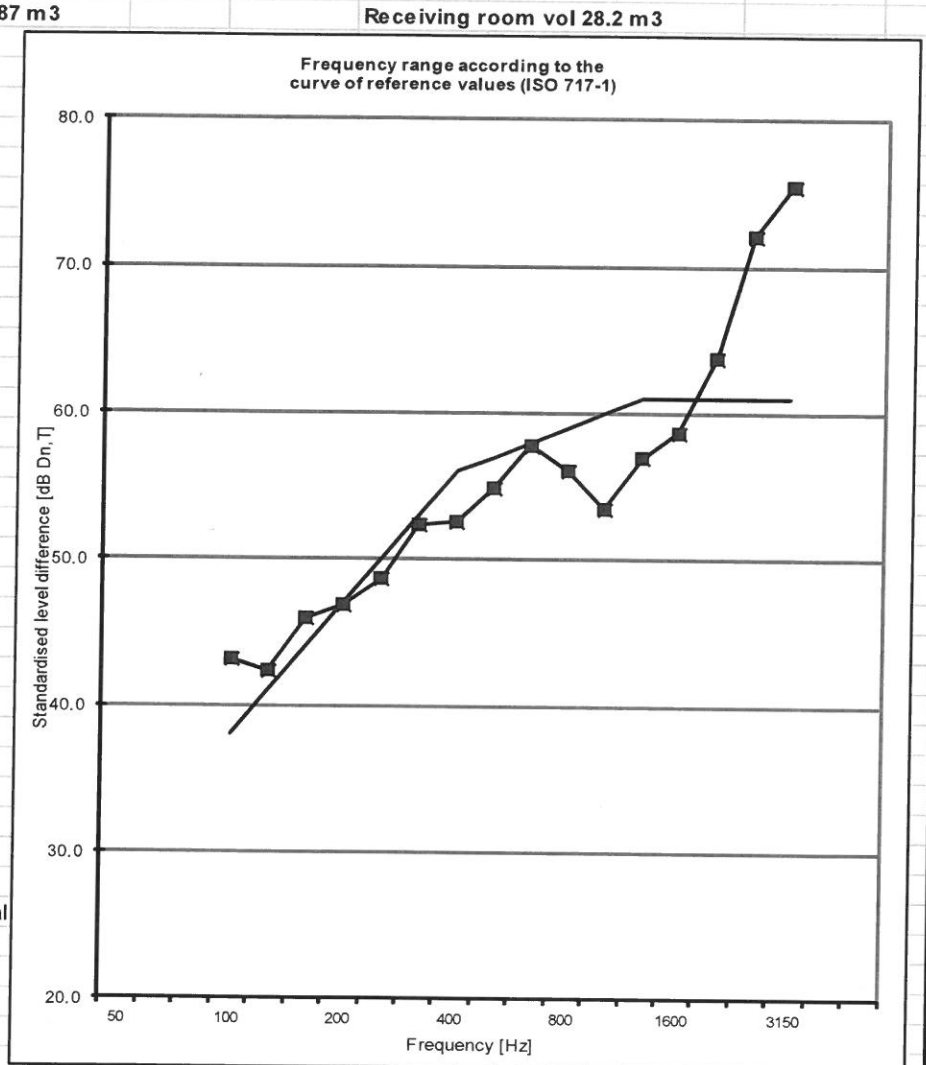
**ISO 140-4:Part 4 - Standardised level Difference**
**Field measurements of airborne sound insulation between rooms**

| | | | |
|---|---|---|---|
| **Client:** | | | |
| Andrew Carter | | **Date of Test:** | 16/03/2016 |
| **Desc:** | | | |
| Site | 3 Low ther St, Kendal LA9 4DH | | |
| Source | No.3 FF Room | **Version** | 2.03 |
| Receiver | Betfred FF Fire Escape Stairw ell | | |
| Type | Wall | | |
| Cnstrn | Stone | | |

**Source room vol 87 m3** **Receiving room vol 28.2 m3**

| Freq Hz | $D_{nT}$ [1/3 oct] dB |
|---|---|
| 50 | 0.0 |
| 63 | 0.0 |
| 80 | 0.0 |
| 100 | 43.2 |
| 125 | 42.4 |
| 160 | 46.0 |
| 200 | 46.9 |
| 250 | 48.7 |
| 315 | 52.4 |
| 400 | 52.6 |
| 500* | 54.9 |
| 630 | 57.8 |
| 800* | 56.1 |
| 1000* | 53.5 |
| 1250* | 57.0 |
| 1600* | 58.7 |
| 2000* | 63.8 |
| 2500* | 72.1 |
| 3150* | 75.5 |
| 4000 | 0.0 |
| 5000 | 0.0 |

Background noise
Road Traffic -C
*-w ithin 6 dB of signal




**Rating According to ISO 717-1**

$D_{nT,w}$ (C ; $C_{tr}$) ≥ 57 ( -1 ; -4 ) dB $D_{nT,w} + C_{tr}$ ≥ 53 dB

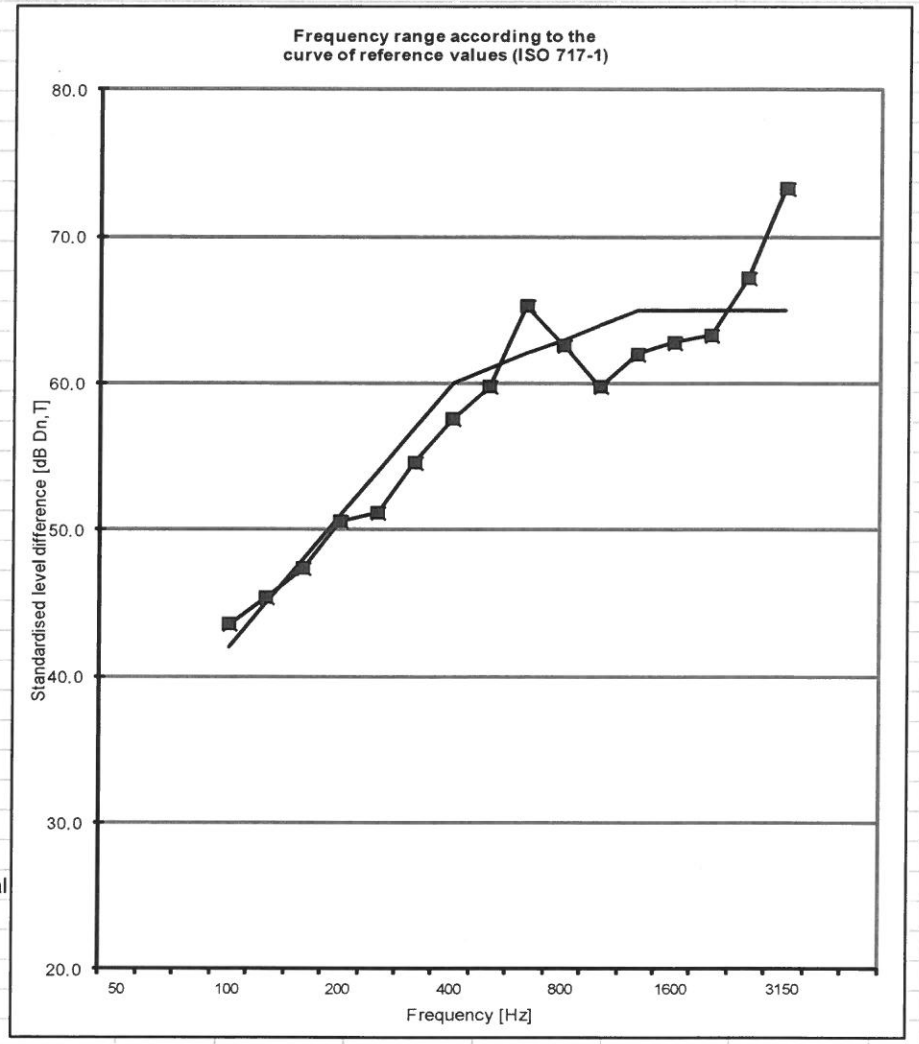
| | | | |
|---|---|---|---|
| Test No. | 7671 -A1 | Test Institute: Martec Environmental Consultants Ltd | |
| ANC Test | N/A | | |
| Date of Report | 16-Mar-16 | **Signature:** | M.A. |

**ISO 140-4:Part 4 - Standardised level Difference**
**Field measurements of airborne sound insulation between rooms**

| | | | |
|---|---|---|---|
| **Client:** | | | |
| Andrew Carter | | **Date of Test:** | 16/03/2016 |
| **Desc:** | | | |
| Site | 3 Low ther St, Kendal LA9 4DH | | |
| Source | No.3 FF Room | **Version** | 2.03 |
| Receiver | No.5 FF Flat1 front Bed | | |
| Type | Wall | | |
| Cnstrn | Stone | | |
| **Source room vol [m3]** | 86.832 | **Receiving room vol [m3]** | 32.76 |

| Freq Hz | $D_{nT}$ [1/3 oct] dB |
|---|---|
| 50 | 0.0 |
| 63 | 0.0 |
| 80 | 0.0 |
| 100* | 43.6 |
| 125 | 45.4 |
| 160 | 47.4 |
| 200 | 50.6 |
| 250 | 51.2 |
| 315 | 54.6 |
| 400 | 57.6 |
| 500 | 59.8 |
| 630* | 65.3 |
| 800* | 62.6 |
| 1000* | 59.8 |
| 1250* | 62.0 |
| 1600* | 62.8 |
| 2000* | 63.3 |
| 2500* | 67.2 |
| 3150* | 73.3 |
| 4000 | 0.0 |
| 5000 | 0.0 |

Background noise
Road Traffic -C
*-within 6 dB of signal




| Rating According to ISO 717-1 | | | |
|---|---|---|---|
| $D_{nT,w}$ (C ; $C_{tr}$) | ≥ 61 ( -1 ; -4 ) dB | $D_{nT,w} + C_{tr}$ | ≥ 57 dB |

| | | | |
|---|---|---|---|
| Test No. | 7671 -A2 | Test Institute: Martec Environmental Consultants Ltd | |
| ANC Test | N/A | | |
| Date of Report | 16-Mar-16 | **Signature:** | M.A. |

## APPENDIX 1

## EXPLANATION OF ACOUSTIC TERMS

The **dB** or the decibel, is the unit of noise. The number of decibels or the level, is measured using a sound level meter. It is common for the sound level meter to filter or 'weight' the incoming sound so as to mimic the frequency response of the human ear. Such measurements are designated dB(A) or **dBA**.

A doubling of the sound is perceived, by most people, when the level has increased by 10 dB(A). The least discernible difference is 2 dB(A). Thus most people cannot distinguish between, say 30 and 31 dB(A).

If a noise varies over time then the equivalent continuous level, or **LAeq**, is the notional constant level of noise which would contain the same amount of acoustic energy as the time varying noise.

**Tmf** is a measure of the average reverberation time (echoiness) in mid frequencies for a space. The larger (longer) the Tmf the more echoy or "live" the space.

The $\mathbf{R_w}$ is a laboratory measure of the intrinsic airborne sound insulation capabilities of a structure. The $\mathbf{D_{nT,w}}$ is a measurement (or prediction) of the overall airborne sound insulation in situ and as such will depend flanking conditions, the proportion of the separating structure's area to the receiving room volume, and well as the maximum permissible reverberation time of the receiver room. The larger the $R_w$ or $D_{nT,w}$ the better the sound insulation.

$\mathbf{L_{nw}}$ and $\mathbf{L_{nT,w}}$ are the corresponding terms to Rw and DnT,w respectively for impact sound (footfalls) measurements and values, but in this case the smaller the Lnw and LnT,w the better the impact sound insulation.

The following table gives an approximate indication of the comparative loudness of various noises expressed in terms of the A weighted scale:

| Source of noise | dB(A) | Nature of Noise |
|---|---|---|
| Inside Quiet bedroom at night | 30 | Very Quiet |
| Quiet office | 40 | |
| Rural background noise | 45 | |
| Normal conversational level | 60 | |
| Busy restaurant | 65 | |
| Typewriter @ 1m | 73 | |
| Inside suburban electric train | 76 | |
| Alarm clock ringing @ .5m | 80 | |
| Hand clap @ 1m | 80 | |
| HGV accelerating @ 6m | 92 | Very Loud |

## APPENDIX 2

## QUALIFICATIONS AND EXPERIENCE OF M.A. KENYON

My full name is Melville Alexander Kenyon. I am the principal of the firm of Martec Environmental Consultants Ltd, a consultancy company that specialises in environmental noise assessment and control. I hold a Bachelor's degree in Engineering and a Master's degree in Environmental Acoustics. I have been a corporate member of the professional body for noise and vibration specialists, the Institute of Acoustics since 1988 and have sat on the British Standards Committee dealing with noise in buildings [BS.8233:1999].

I have lectured at Liverpool John Moores University on the Diploma of Acoustics course and at Manchester Metropolitan University on their Environmental Health degree course.

I graduated in 1982 and since that time have experience of dealing with the problems caused by noise and vibration, in the environment, the workplace and the home.

My company was formed in 1973 and has been a member of The Association of Noise Consultants since 1996 and accredited for sound insulation testing since 2005 via this professional body [ANC Accredited Testers No.134].

## APPENDIX 3

## BUILDING PHOTOGRAPHS

**Figure 2: First Floor Rear of Buildings - Long Stairs window @ No.3 in Centre.**

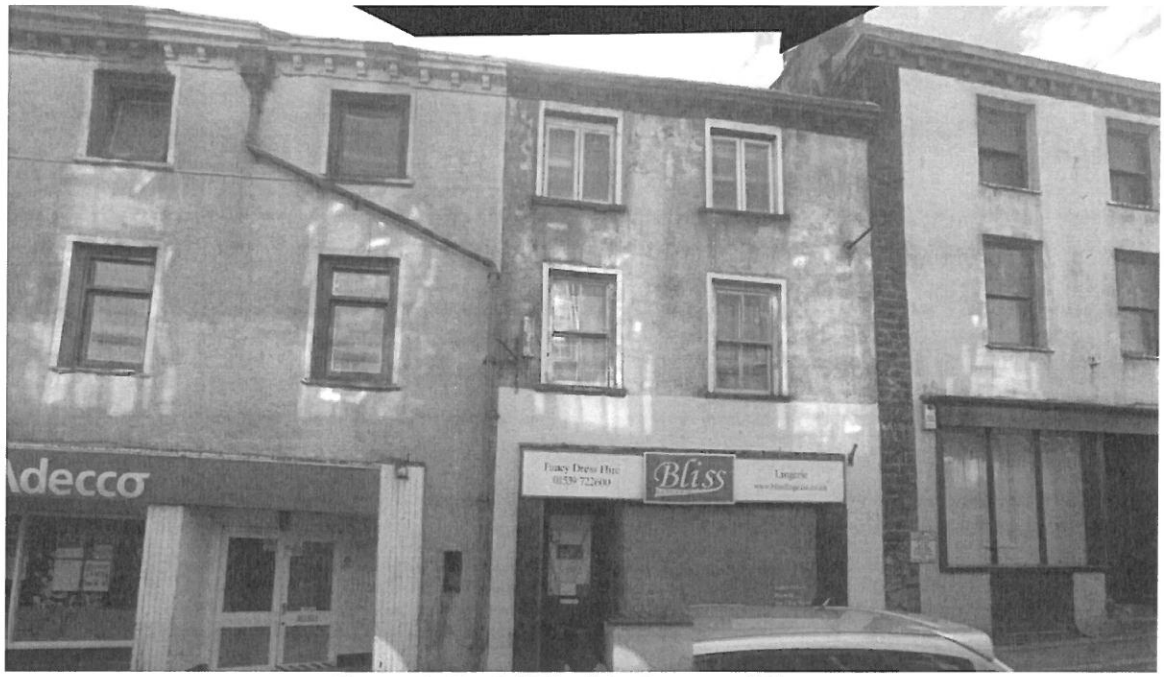



**Figure 3: No.3 "Bliss" in Centre of Shot**