

SL7



SOUTH LAKE LAND DISTRICT COUNCIL
Public Health & Licensing Group, South Lakeland House, Lowther Street,
Kendal, Cumbria LA9 4UD
Tel: 01539 733333 Fax: (01539) 740300
www.southlakeland.gov.uk e-mail: licensing@southlakeland.gov.uk

**Application for a provisional statement 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 BOWNESS BAY BREWING LTD
(Insert name(s) of applicant)

apply for a provisional statement under section 29 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			
<u>UNITS THE FACTORY TAP</u> <u>CASTLE MILLS</u> <u>5 AYNAM RD</u> <u>KENDAL</u> <u>LA9</u>			
Post town	<u>KENDAL</u>	Postcode	<u>LA9 7DE</u>
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ <u>NOT KNOWN</u>	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick all that apply

- 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 as appropriate

- 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 <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> 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	BAWNESS BAY BREWING LTD
Address	TUDOR HOUSE NATLAND RD KENDAL LA9 7LR
Registered number (where applicable)	
Description of applicant (for example, partnership, company, unincorporated association)	LIMITED COMPANY
Telephone number (if any)	01539 720118
E-mail address (optional)	mashtun@bawnessbaybrewing.co.uk

- CO. UK

What is the nature of your interest in the premises?

TENANTS

Part 3 – Schedule of works

Is the premises

Please tick as appropriate

about to be constructed

☐

~~being~~ extended or altered

☒ *

Please give details of the work and please attach plans of the work being done or about to be done at the premises

* PREMISES HAVE BEEN ALTERED,
NOW WAITING FOR PLANNING PERMISSION

PLANS ATTACHED

Please give particulars of the premises to which the application relates (please read guidance note 1)

MICROPUB/CAFE SERVING THE LOCAL
COMMUNITY, AIMED AT MATURE
REAL ALE ENTHUSIASTS. SELLING ALCOHOL
& FOOD ON THE PREMISES AS WELL
AS BOTTLED BEER FOR CONSUMPTION
OFF PREMISES

Which licensable activities will the premises be used for?

Provision of regulated entertainment

Please tick Yes

- | | |
|---|-------------------------------------|
| a) plays (optional, fill in box A) | <input type="checkbox"/> |
| b) films (optional, fill in box B) | <input checked="" type="checkbox"/> |
| c) indoor sporting events (optional, fill in box C) | <input checked="" type="checkbox"/> |
| d) boxing or wrestling entertainment (optional, fill in box D) | <input type="checkbox"/> |
| e) live music (optional, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (optional, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (optional, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (optional, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (optional, fill in box I)

☒

Supply of alcohol (optional, fill in box J)

☒

Complete boxes K, L and M (optional)

Part 4 – OPTIONAL – you may fill in this section if you choose to

General description of premises (please read guidance note 1)

MICROPUB/CAFE

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	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input type="checkbox"/>
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 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	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	11.00	00.00	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	11.00	00.00			
Wed	11.00	00.00	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	11.00	00.00			
Fri	11.00	00.00	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	11.00	00.00			
Sun	11.00	23.30 00.00			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon	11.00	00.00	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue	11.00	00.00	
Wed	11.00	00.00	
Thur	11.00	00.00	<u>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</u> (please read guidance note 5)
Fri	11.00	00.00	
Sat	11.00	00.00	
Sun	11.00	23.30	
		00.00	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			<u>Please give further details here</u> (please read guidance note 3)			
Tue						
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)			
Thur						
Fri			<u>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</u> (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	<input checked="" type="checkbox"/>
					Outdoors	<input checked="" type="checkbox"/>
					Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon	11.00	00.00	No amplified music outdoors			
Tue	11.00	00.00				
Wed	11.00	00.00	State any seasonal variations for the performance of live music (please read guidance note 4)			
			Xmas Eve & New Years Eve until 02.00am			
Thur	11.00	00.00	on the following day			
Fri	11.00	02.00	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)			
		00.00				
Sat	11.00	02.00				
		00.00				
Sun	11.00	23.00				
		00.00				

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input checked="" type="checkbox"/>
Mon	11.00	00.00	Please give further details here (please read guidance note 3) No amplified music outdoors	Both	<input checked="" type="checkbox"/>
Tue	11.00	00.00			
Wed	11.00	00.00	State any seasonal variations for the playing of recorded music (please read guidance note 4) Xmas Eve & New Years Eve until 02 00am on the following day		
Thur	11.00	00.00			
Fri	11.00	02.00 00.00	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	11.00	02.00 00.00			
Sun	11.00	23.00 00.00			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)	
Wed				
Thur			<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)	
Fri				
Sat			<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)	
Sun				

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 <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish		
Mon	23.00	00.00	Please give further details here (please read guidance note 3)	
Tue	23.00	00.00		
Wed	23.00	00.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) Xmas Eve & New Years Eve until 02.00am on the following day	
Thur	23.00	00.00		
Fri	23.00	02.00	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)	
		00.00		
Sat	23.00	02.00		
		00.00		
Sun	23.00	23.30		
		00.00		

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	<input checked="" type="checkbox"/>
					Off the premises	<input type="checkbox"/>
					Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)			
Mon	23.00 11.00	00.00 00.00	ON NEW YEARS EVE ALCOHOL MAY BE SERVED FROM END OF PERMITTED HOURS UNTIL START OF PERMITTED HOURS FOLLOWING DAY			
Tue	23.00 11.00	00.00 00.00				
Wed	23.00 11.00	00.00 00.00				
Thur	23.00 11.00	00.00 00.00	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)			
Fri	23.00 11.00	02.00 00.00				
Sat	23.00 11.00	02.00 00.00				
Sun	23.00 11.00	23.30 00.00				

K

<p>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).</p> <p>N/A</p>
--

L

Hours premises are open to the public Standard timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	08.00	00.00	
Tue	08.00	00.00	
Wed	08.00	00.00	<u>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</u> (please read guidance note 5)
Thur	08.00	00.00	
Fri	08.00	02.00 00.00	
Sat	08.00	02.00 00.00	
Sun	08.00	00.00	

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)

SEE ATTACHED

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm


Checklist:**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plans of the works to be done at the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where 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 5 – 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	
Date	14-7-15 18-8-15
Capacity	DIRECTOR

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).

BOWNESS BAY BREWING
GEORVENOR HOUSE
STRAMONGATE KENDAL

Post town	KENDAL	Postcode	LA9 4SD
Telephone number (if any)	0539 720118		

If you would prefer us to correspond with you by e-mail, your e-mail address (optional).

The Factory Tap – Promotion of Licensing Objectives

General

- Designated premises supervisor experienced in managing similar premises
- When the designated premises supervisor is not at the premises a nominated person will be responsible for the management of the premises and will have contact details for the designated premises supervisor.
- All staff to be given training in the sale of alcohol, provision of entertainment and late night refreshment.
- Licensing law to be given in writing to staff before commencement of employment.
- This is a micropub serving real ales and some wines and spirits for a mature market of real ale enthusiasts

Prevention of Crime & Disorder

- No admission after 23.00 hours
- Dispersal – there will be one hour from the last sale of alcohol for patrons to exit the premises.
- Excessive consumption of alcohol to be discouraged, free tap water available.
- Proof of age required for anyone who looks under 25.
- A member of staff to attend local Pubwatch meetings

Promotion of Public Safety

- A log book shall be kept on the premises with particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.
- Maximum number of persons on premises at anyone time should not exceed 100
- Adequate access is provided for emergency vehicles.
- Spillages and broken glasses will be cleaned up immediately.

Prevention of Public Nuisance

- Prominent, clear and legible notices will be displayed at all exits requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
- All windows & doors to be kept closed when music performances are carried out inside
- No amplified music outdoors.

- Deliveries will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
- All bottles will be collected weekly during the daytime – not evenings.
- Noise – A noise impact assessment has been carried out
It is intended to have music outside on an occasional basis only so as to minimise disturbance to nearby residents.
- The Licensee will ensure that staff who arrive early morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.
- The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.
- Bright lights on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.
- Adequate waste receptacles for use by customers will be provided in the local vicinity.

Protection of Children from Harm

- All persons under the age of 18 to have vacated the premises by 10.00pm (except for private functions when accompanied by responsible adult).

SOUTH LAKELAND DISTRICT COUNCIL

Licensing Section, South Lakeland House, Lowther Street, Kendal, Cumbria, LA9 4UD

Tel: 01539 733333 Fax: 01539 740300

www.southlakeland.gov.uk email: licensing@southlakeland.gov.uk**Part A****Consent of individual to being specified as premises supervisor**

I LESLIE BROWN [full name of prospective premises supervisor]
 of [REDACTED] [home address of prospective premises supervisor]
 hereby confirm that I give my consent to be specified as the designated
 premises supervisor in relation to the application for.....[type of
 application] by BOWNESS BAY BREWING [name of applicant]
 relating to the premises licence.....[number of existing licence, if any]
 for FACTORY TAP CASTLE MILLS, 5 ATNAM RD, KENDAL
LA9 7DF [name and address of premises to which the application relates]
 and any premises licence to be granted or varied in respect of this application
 made by BOWNESS BAY BREWING [name of applicant]
 concerning the supply of alcohol at FACTORY TAP CASTLE MILLS, 5 ATNAM RD
KENDAL, LA9 7DF [name and address of premises to which application relates].
 I also confirm that I am applying for, intend to apply for or currently hold a
 personal licence, details of which I set out below.

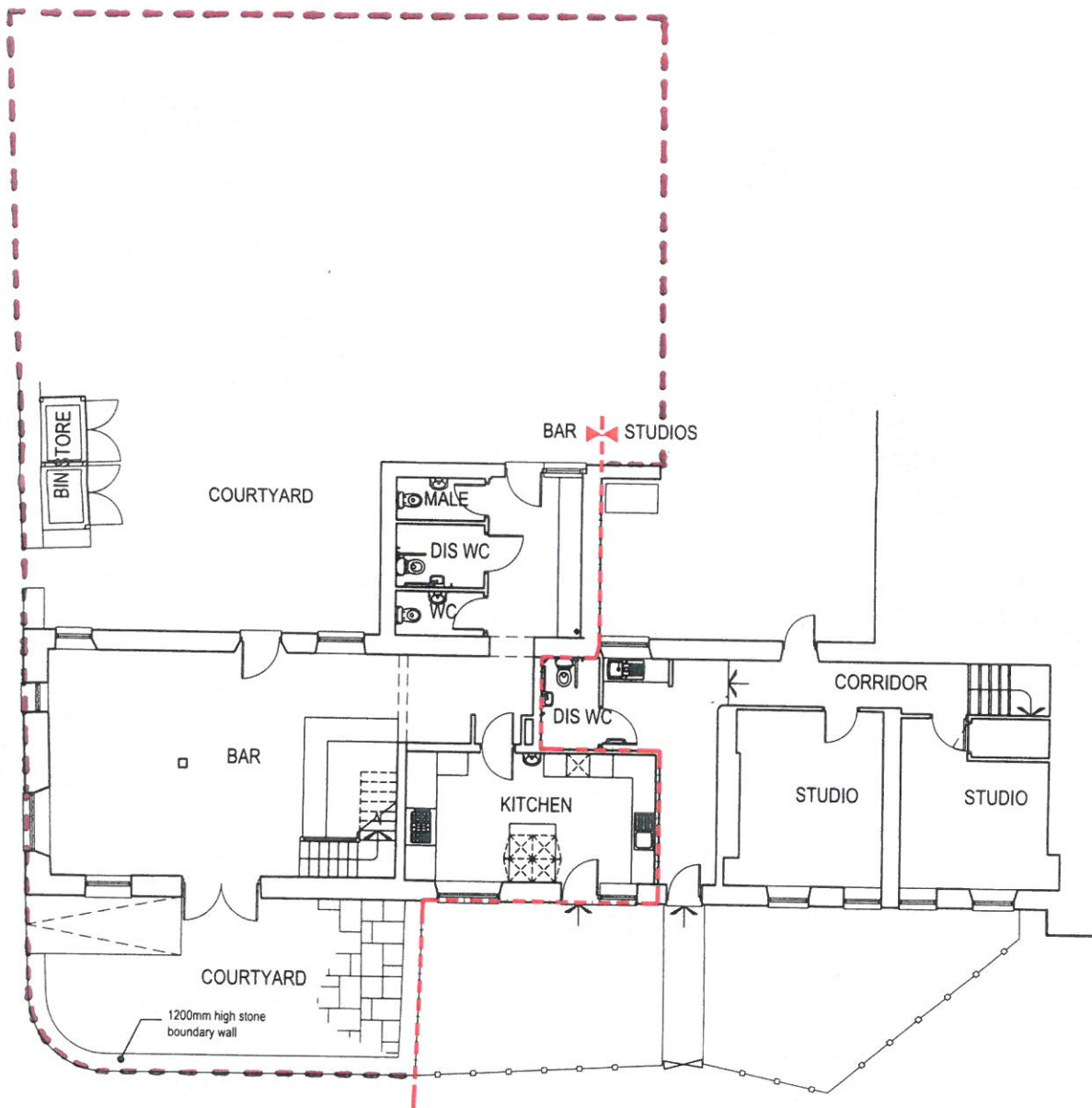
Personal licence number PA1160 [insert personal licence number, if any]
 Personal licence issuing authority SLDC
 [insert name and address and telephone number of personal licence issuing
 authority, if any]

[REDACTED] signed
L BROWN name (please print)
28.7.15 dated

Part B**Consent of premises licence holder to transfer**

I/we.....[full name of premises licence holder(s)]
 the premises licence holder of premises licence number.....[insert
 premises licence number] relating to.....
[name and address of premises
 to which the application relates] hereby give my consent for the transfer of
 premises licence number.....[insert premises licence number]
 to.....[full name of transferee].

.....signed
name (please print)
dated



Ground Floor Plan

Client
Bowness Bay Brewing

Project
**Change of Use from A3 to A4
5 Aynam Road, Kendal**

Drawing Title
Proposed Floor Plans

Rev	Description	Date	By

Drawing No. 5273 - 01	Revision
Scale 1:125 @ A3	Date Jul '15
Drawn By MPD	Project No. 5273



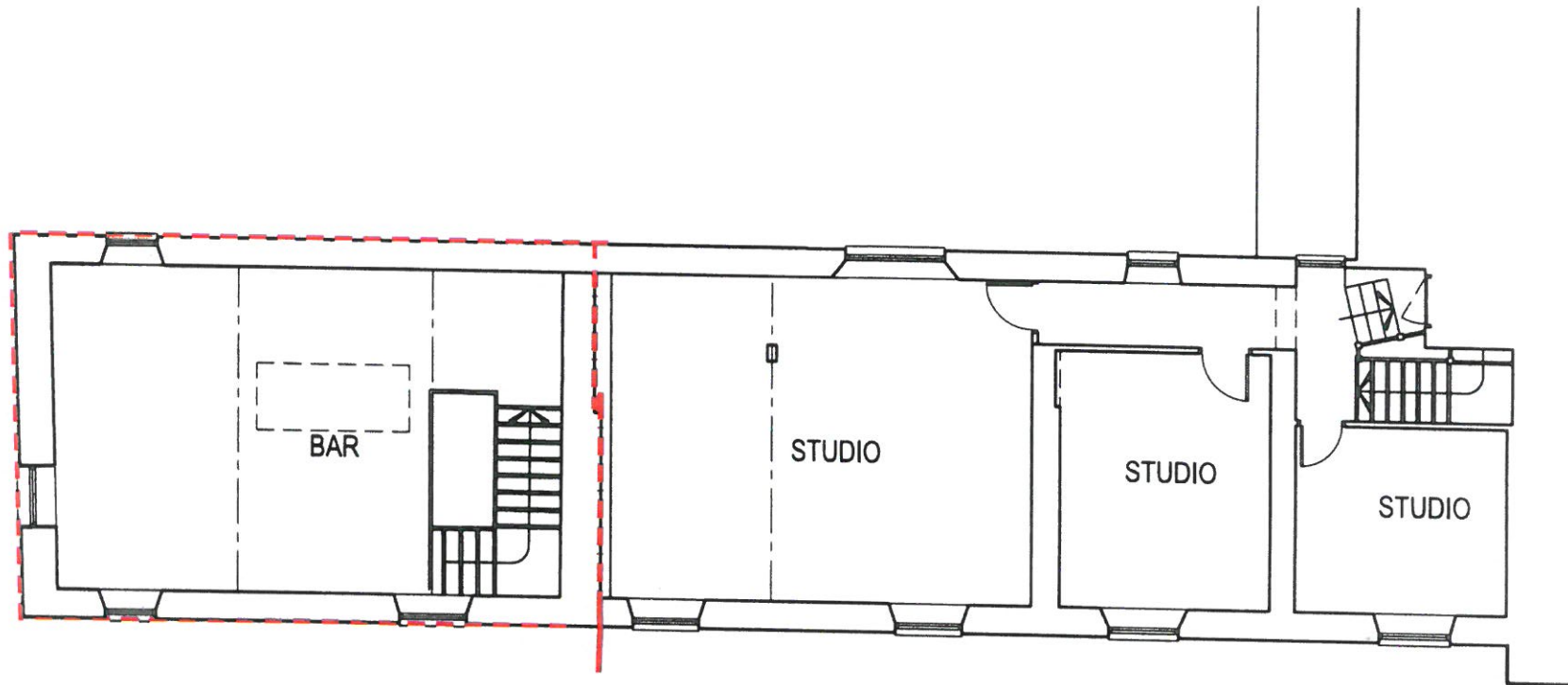
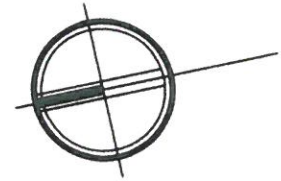
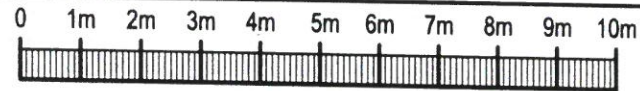
Aynam Cote, 2 Bridge Street, Kendal,
Cumbria LA9 7DD

Tel: 01539 720480

email: info@hm-architecture.com
website: www.hm-architecture.com

PLANNING ISSUE

Do Not Scale from this drawing without
the express permission of the Architect



First Floor Plan

13th July 2015



ACOUSTIC
CONSULTANTS

**CHANGE OF USE FROM A3 TO A4, 5 AYNAM
ROAD, CASTLE MILLS, KENDAL**
NOISE IMPACT ASSESSMENT

Report Prepared For:-

Mealbank Properties Ltd
Estate Office
Lake District Business Park
Mint Bridge Road
Kendal
Cumbria
LA9 6NH.

Report Prepared By:-

Liam Kavaney
PDA Ltd.
Alder House
Willow Tree Park
Booths Lane
Lymm
Cheshire
WA13 0GH

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 2302647 England

Registered Office: Alder House · Willow Tree Park · Booths Lane · Lymm · Cheshire WA13 0GH

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

ANC
THE ASSOCIATION OF
NOISE CONSULTANTS

1.0	SUMMARY	3
2.0	BRIEF FOR CONSULTANCY	4
3.0	INTRODUCTION	5
4.0	SURVEY DETAILS	6
4.1	Survey Times and Dates	6
4.2	Equipment	6
4.3	Weather	6
4.4	Measurement Positions & Procedure	6
5.0	TERMS OF REFERENCE	8
5.1	BS4142:2014	8
5.2	BS8283:2014	9
6.0	MEASURED RESULTS	10
6.1	Description of Background Noise	10
6.2	Noise Criteria	11
7.0	NOISE IMPACT ASESMENT	11
7.1	Noise from within Proposed Café / Bar	10
7.2	External Noise Levels	15
7.3	Calculation Assumptions	16
7.4	Calculations Results	11
8.0	DISCUSSION OF RESULTS	18

Appendix I – Definition of Acoustic Terms

Document Control

Revision	1	2	3
Remark	First issue		
Date	13/07/2015		
Report prepared by	Liam Kavaney AMIOA		
Position	Acoustic Consultant		
Report checked by	Richard Cookson BSc (Hons) PhD MIOA		
Position	Senior Consultant		

1.0 SUMMARY

At the request of Mealbank Properties Ltd a background noise survey and impact assessment has been conducted in the surrounding area of the proposed drinking establishment at 5 Aynam Road, Castle Mills in Kendal, LA9 7DE. The noise survey has been conducted at the nearest noise sensitive properties to the proposed new café / bar including the outdoor seating areas, kitchen ventilation and associated external plant.

The results of the survey have been used to assess the background noise at the nearest noise sensitive receptors with the likely noise levels of the proposed new café / bar modelled and the specific noise due to the activity predicted at the nearest noise sensitive residences.

The Assessment has been undertaken following the guidance contained within BS4142:2014 – 'Methods for rating and assessing industrial and commercial sound'. Utilising data of the likely noise levels generated by the proposed café / bar we have calculated the expected noise levels at the nearest noise sensitive receivers. The results of these calculations have indicated that the noise level generated will be 32dB LAeq during the day and 16dB LAeq during the night at Receiver 1 and 15dB LAeq during the day and 13dB LAeq during the night at Receiver 2. The noise levels are below the lowest typical background noise that was measured during the evening and night-time at each receiver.

It is noted that the recommendations within BS4142:2014 indicate that the following:

'Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context.'

We would therefore consider that the noise emissions from the proposed café / bar will have a low impact on the surrounding nearest residential receivers.

2.0 BRIEF FOR CONSULTANCY

PDA Ltd. was engaged to carry out the following:

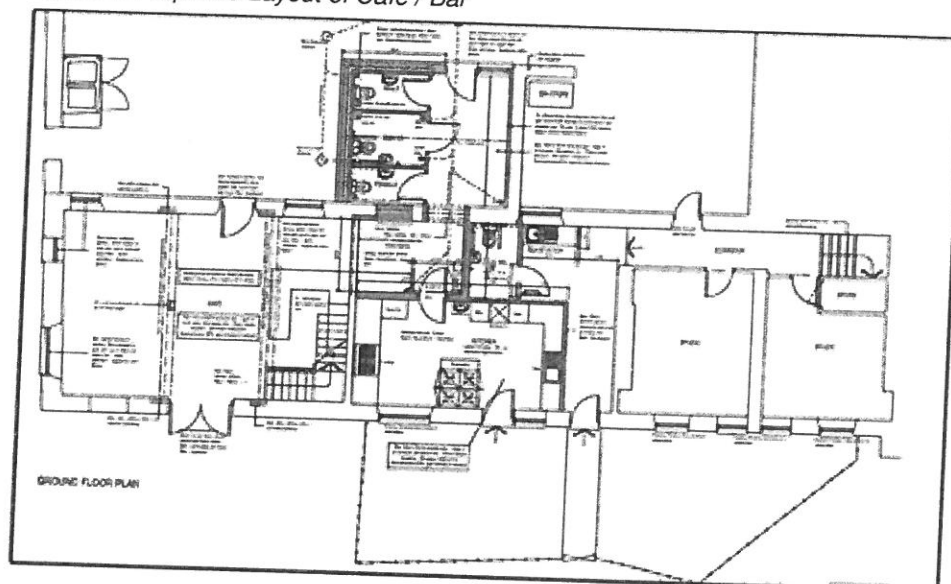
- a) We will travel to the site in Kendal on a weekday evening and conduct an ambient noise survey close to the nearest noise sensitive residences on Aynam Road. Noise measurements will be conducted in accordance with BS 7445 "Description and Measurement of Environmental Noise". The measurements will include dB(A) and octave bands in terms of L_{eq} , L_{max} and L_N values. Measurements will be undertaken between 19:00 and 23:00 hours to correspond with the likely quietest periods of the proposed opening times of the café.
- b) We will undertake a noise modelling exercise to predict the breakout of noise sources associated with the proposed café / bar including the outdoor seating area. Using standard measurements of voices in normal speech we will calculate the likely noise levels at the nearby residences due to patrons in the seating area outside the café. Propagation will be calculated from the seating area to the residence using the methods of ISO 9613 part 2 "Acoustics – attenuation of sound during propagation outdoors – general method of calculation". If required we will also calculate the effect of installing noise barriers at the end of the seating area.
- c) The results of the assessment will be compared with the pre-existing noise level at the nearest noise sensitive residence and / or the noise criteria for annoyance from the World Health Organisation Guidelines for Community Noise. The impact will be assessed based upon the policies of the Local Planning Authority, the National Planning Policy Framework and other relevant standards as appropriate.
- d) We will produce a full technical report detailing all measurements, methods and assessment results. We will also give noise mitigation advice including the impact of barriers and other proposed operational noise controls. The report will be in a format suitable for submission to the Planning Inspectorate or Local Authority.

3.0 INTRODUCTION

The proposals are to convert the building at 5 Aynam Road in Kendal into studios and a café / bar. It is understood that the property has planning consent for a café (A3), however it is proposed to change the use to a drinking establishment (A4) where it will be serving alcohol from 11:00 until 23:00 hours each day with the inclusion of an outdoor seating area.

The proposed layout is as follows:

Figure 1: Proposed Layout of Café / Bar



It has been identified that the nearest noise sensitive properties are 6 Aynam Road and Weavers Court which are located approximately 15m southwest and 40m south of the proposed café / bar respectively. It should be noted that 6 Aynam Road is owned by the landlord of the café / bar. A site plan showing the location of the site and the surrounding local area including the closest residential receivers and measurement positions is shown in Figure 2 below.

4.0 SURVEY DETAILS

4.1 Survey Times and Dates

The ambient noise measurements were conducted between 21:02 – 01:42 on the 24th and 25th June 2015, with all measurements being made by Mr W Charlton of PDA Ltd.

4.2 Equipment

Throughout the survey the following equipment was used:

Description	Manufacturer	Model
Sound Level Meter	Rion	NA-28
Sound Level Meter	NTI	XL2
Calibrator	Rion	NC-74

The sound level meters used are a class 1 (as per IEC 61672-2:2003) computing sound level meters for which calibration certificates are held.

The sound level meters were mounted approximately 1.5 metres above ground level and at least 3.5 metres from any reflecting surfaces, throughout the survey.

The sound level meters were field calibrated both before and after the survey period, during which time no significant deviation from the calibrated level was observed. A range of statistical noise indicators were measured, including L_{Aeq} and L_{A90} .

Definitions of the above terms are listed below:

- L_{Aeq} : The equivalent A-weighted noise level is indicative of the average noise level.
 L_{A90} : This is a statistical parameter that is equivalent to the noise level that is exceeded 90% of the measurement period indicative of underlying background noise

4.3 Weather

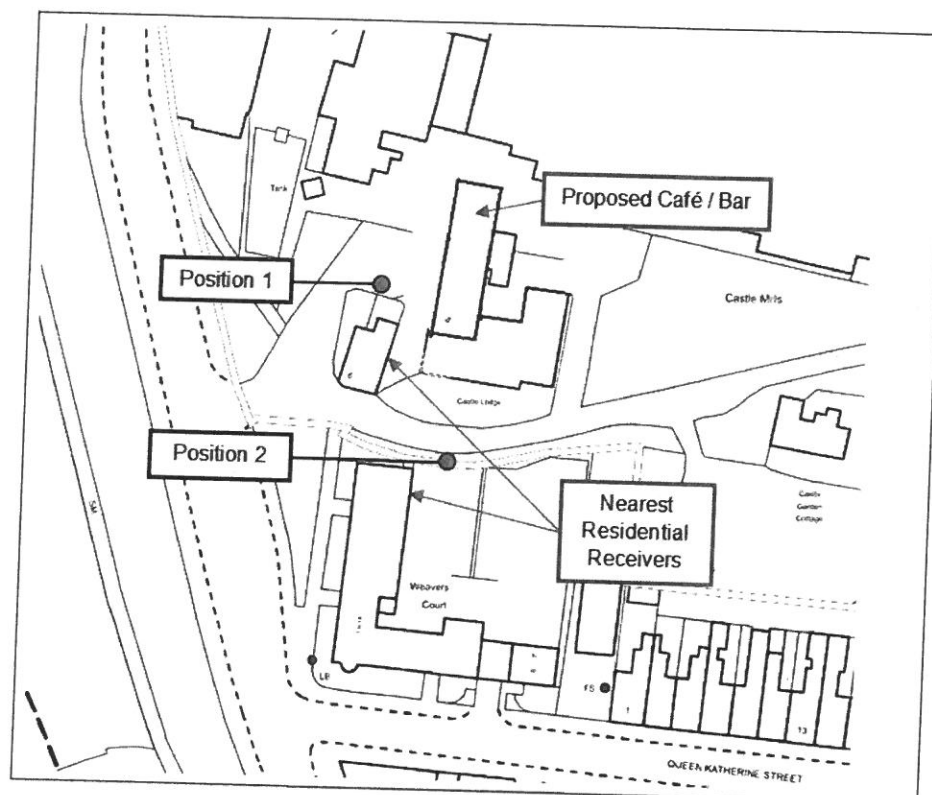
Weather conditions were suitable for environmental noise measurements throughout the survey period, it being dry with negligible wind speeds.

4.4 Measurement Positions & Procedure

Background noise measurements were made at two measurement positions as shown in Figure 2 below. The locations were deemed representative of the closest residential locations to the site.

The sound level meters were set up to measure dB(A) in terms of L_{eq} and L_{90} values using a fast time weighting. Measurements were set to 15 minute intervals with measurements being conducted consecutively.

Figure 2: Site Layout Plan and Background Noise Measurement Positions



5.0 TERMS OF REFERENCE

5.1 BS 4142:2014

The effect of industrial noise on the nearest noise sensitive residences will be assessed in accordance with BS4142:2014 – 'Methods for rating and assessing industrial and commercial sound'. This will include noise break-out from the industrial and commercial units and noise from external plant.

The standard describes a method of determining the level of a noise of commercial nature, together with procedures for assessing the impact of such a noise outside nearby noise sensitive areas.

The standard may be thought of as a procedure for comparing the noise from commercial sources with background noise levels in the absence of the commercial noise and determining the likely impact of the noise on noise sensitive areas.

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

Certain acoustic features can increase the impact over that expected from a simple comparison between the specific noise level and the background level. Where such features are present, these are taken into account by adding up-to 21 dB to the specific noise level.

This correction is applied based on whether the following features occur, or are expected to be present. The correction values can either be determined subjectively, or by various objective measurement procedures.

- The noise contains a distinguishable, discrete, continuous tone (whine, hiss, screech, hum, etc.). 0 – 6 dB penalty
- The noise contains distinct impulses (bangs, clicks, clatters, or thumps). 0 – 9 dB penalty.
- The noise is irregular enough to attract attention. 0 – 3 dB penalty.
- Other features. 0 – 3 dB penalty.

From the addition of the above penalties where appropriate the rating level is established, this being the value that is compared with the background noise.

According to BS 4142 an initial estimate of the impact is given for a rating level of:

- 10 dB(A) or more above the background is an indication of significant adverse impact, depending on the context.
- 5 dB(A) above the background is an indication of an adverse impact, depending on the context.
- where the rating level does not exceed the background level, this is an indication of the specific sound source having a low impact, depending on the context.

BS4142 indicates that the noise source should be evaluated over the appropriate time interval which is as follows:

- a) 1h during the day (07:00 – 23:00)
- b) 15 min during the night (23:00 – 07:00)

The above initial assessment may then be modified depending on the context, to take into account;

- The absolute level of the sound.
- The character and level of the residual sound compared to the character and level of the specific sound.
- The sensitivity of the receptor and whether dwellings or other premises used for residential purposes will already incorporate design measures that secure good internal and/or outdoor acoustic conditions, such as:
 1. Façade insulation treatment
 2. Ventilation and / or cooling that will reduce the need to have windows open so as to provide rapid or purge ventilation; and
 3. Acoustic screening

5.2 BS8233:2014

British Standard 8233:2014, Guidance on Sound Insulation and noise reduction for buildings, gives guidance on internal noise levels within dwellings, flats and rooms in residential use when unoccupied. The following criteria are for Living and Dining Rooms for daytime use and Bedrooms for night time.

Table 1: BS8233 Recommended Internal Noise Levels

Activity	Location	07:00 – 23:00 (Daytime)	23:00 – 07:00 (Night-time)
Resting	Living Room	35 LAeq	
Dining	Dining Room	40 LAeq	
Sleeping (Daytime Resting)	Bedrooms	35 LAeq	30 LAeq

In addition BS 8233 suggests, 'regular individual noise events (for example, scheduled aircraft or passing trains) can cause sleep disturbance. A guideline value may be set in terms of SEL or LA_{max,F}, depending on the character and number of events per night. Sporadic noise events could require separate values'.

6.0 MEASURED RESULTS

The results of measured noise levels are presented in terms of L_{A90} and L_{Aeq} in Tables 2 and 3 below.

Table 2: Summary of Background Noise Measurements at Position 1

Time	$L_{Aeq,15mins}$ (dB)	$L_{A90,15mins}$ (dB)
21:05	61	46
21:20	61	44
21:35	61	41
21:50	60	38
22:05	59	39
22:20	58	34
22:35	57	34
22:50	56	34
23:05	56	34
23:20	53	32
23:35	54	31
23:50	53	31
00:07	53	30
00:22	51	30
00:37	53	30
00:52	49	30
01:07	49	30
01:22	45	30
01:37	44	30

Table 3: Summary of Background Noise Measurements at Position 2

Time	$L_{Aeq,15mins}$ (dB)	$L_{A90,15mins}$ (dB)
21:02	52	41
21:17	52	39
21:32	53	37
21:47	52	34
22:02	51	34
22:17	49	31
22:32	48	29
22:47	47	30
23:02	47	29
23:17	45	28
23:32	44	27
23:47	43	27
00:02	42	26
00:17	43	26
00:32	45	27
00:47	41	26
01:02	38	26
01:17	40	26
01:32	34	26

6.1 Description of Background Noise

The noise sources that contributed to the audible environment consisted of distant road traffic and local road traffic noise on Aynam Road (A65/A6).

6.2 Noise Criteria

Based on the advice given in section 5.0 above, it would be recommended that noise break-out from noise sources be controlled so that it does not exceed the current background noise at each noise sensitive receiver. Noise limits are given below with respect to noise generation from the proposed café / bar itself:

Noise Sensitive Receiver 1

Daytime Operation	34dBL _{Aeq 1 hour}
Night time Operation	30dBL _{Aeq 1 hour}

Noise Sensitive Receiver 2

Daytime Operation	29dBL _{Aeq 1 hour}
Night time Operation	26dBL _{Aeq 1 hour}

7.0 NOISE IMPACT ASSESSMENT

7.1 Noise from within the Café / Bar (Daytime)

It is understood that the construction of the proposed café / bar is existing solid 450mm stone walls with the new windows being 10 / 12 / 6 glazing with hardwood timber frames, new doors being hardwood timber with 6 / 12 / 6 glazing and existing refurbished windows have been assumed to be single glazed likely 6mm thick or similar. The roof is to be existing slate roof with 25mm breather membrane, 75mm insulation board between the rafters with 50mm insulated plasterboard below and 2mm skim. There is to be new patent glazing within a section of the roof.

7.1.1 Internal Noise Level

Based on data previously measured by PDA Ltd at similar premises to the proposed café / bar the following internal noise level has been adopted:

Table 4: Internal Noise Level

Activity	Octave Band Centre Frequencies (Hz) dB							A-Weighted Sound Pressure
	63	125	250	500	1k	2k	4k	
Internal reverberant level	63	63	60	64	61	55	48	65

7.1.2 Façade and Roof Sound Insulation Assessment

Based on the construction of the proposed café / bar and using HM Architecture Drawings No. 06 and 07 the expected sound insulation performance, proportional areas, and subsequent composite sound insulation performance of the façade elements is as follows with data taken from standard manufacturers' data:

Table 5: Roof – Sound Insulation Performance

Cladding Element	Proportion of Area %	Sound Reduction Index Octave Band Centre Frequencies (Hz) dB						
		63	125	250	500	1k	2k	4k
Slate Roof with Insulated Plasterboard	96	22	28	30	41	47	53	56
10mm 12mm 6mm Glazing	4	20	26	27	34	40	38	46
Composite Sound Insulation	100	17	26	36	42	46	43	46

Table 6: Front Façade Bar – Composite Sound Insulation Performance

Cladding Element	Proportion of Area %	Sound Reduction Index Octave Band Centre Frequencies (Hz) dB						
		63	125	250	500	1k	2k	4k
Existing Stone Wall	85	35	40	45	52	59	63	67
New 10mm 12mm 6mm Glazing	5	20	26	27	34	40	38	46
Hardwood Door	4	21	26	28	29	28	28	31
Door Glazing	5	18	20	19	29	38	36	45
Composite Sound Insulation	100	27	31	31	38	40	39	43

Table 7: Front Façade Kitchen – Composite Sound Insulation Performance

Cladding Element	Proportion of Area %	Sound Reduction Index Octave Band Centre Frequencies (Hz) dB						
		63	125	250	500	1k	2k	4k
Existing Stone Wall	69	35	40	45	52	59	63	67
Refurbished 6mm Glazing	18	20	20	24	28	29	26	30
Hardwood Door	10	21	26	28	29	28	28	31
Door Glazing	3	18	20	19	29	38	36	45
Composite Sound Insulation	100	25	25	28	33	31	35	40

Table 8: Back Façade Bar – Composite Sound Insulation Performance

Cladding Element	Proportion of Area %	Sound Reduction Index Octave Band Centre Frequencies (Hz) dB						
		63	125	250	500	1k	2k	4k
Existing Stone Wall	69	35	40	45	52	59	63	67
New 10mm 12mm 6mm Glazing	24	20	26	27	34	40	38	46
Hardwood Door	10	21	26	28	29	28	28	31
Door Glazing	3	18	20	19	29	38	36	45
Composite Sound Insulation	100	24	28	29	35	37	36	39

Table 9: Side Façade Bar – Composite Sound Insulation Performance

Cladding Element	Proportion of Area %	Sound Reduction Index Octave Band Centre Frequencies (Hz) dB						
		63	125	250	500	1k	2k	4k
Existing Stone Wall	83	35	40	45	52	59	63	67
New 10mm 12mm 6mm Glazing	17	20	26	27	34	40	38	46
Composite Sound Insulation	100	27	32	34	41	47	45	53

7.1.3 Façade / Roof Noise Break Out

Based on the predicted internal noise level at the proposed café / bar the façade / roof noise break-out per metre squared (i.e. sound intensity) will be as follows:

Table 10: Roof – Noise Break-out

Activity	A-Weighted Sound Pressure / Power	Sound Reduction Index Octave Band Centre Frequencies (Hz) dB						
		63	125	250	500	1k	2k	4k
Sound Pressure Level in Building $L_{P Rev}$	65 dBA SPL	63	63	60	64	61	55	48
Composite Sound Insulation		-17	-26	-36	-42	-46	-43	-46
Reverberant to Direct Correction (-6dB)		-6	-6	-6	-6	-6	-6	-6
Roof Sound Power per m^2	20 dBA SWL/ m^2	40	31	18	16	9	6	-4

Table 11: Front Façade Bar – Noise Break-out

Activity	A-Weighted Sound Pressure / Power	Sound Reduction Index Octave Band Centre Frequencies (Hz) dB						
		63	125	250	500	1k	2k	4k
Sound Pressure Level in Building $L_{P Rev}$	65 dBA SPL	63	63	60	64	61	55	48
Composite Sound Insulation		-27	-31	-31	-38	-40	-39	-43
Reverberant to Direct Correction (-6dB)		-6	-6	-6	-6	-6	-6	-6
Façade Sound Power per m^2	21 dBA SWL/ m^2	30	27	23	20	15	9	-1

Table 12: Front Façade Kitchen – Noise Break-out

Activity	A-Weighted Sound Pressure / Power	Sound Reduction Index Octave Band Centre Frequencies (Hz) dB						
		63	125	250	500	1k	2k	4k
Sound Pressure Level in Building $L_{P Rev}$	65 dBA SPL	63	63	60	64	61	55	48
Composite Sound Insulation		-25	-25	-28	-33	-31	-35	-40
Reverberant to Direct Correction (-6dB)		-6	-6	-6	-6	-6	-6	-6
Façade Sound Power per m^2	27 dBA SWL/ m^2	33	32	26	26	22	18	7

Table 13: Back Façade Bar – Noise Break-out

Activity	A-Weighted Sound Pressure / Power	Sound Reduction Index Octave Band Centre Frequencies (Hz) dB						
		63	125	250	500	1k	2k	4k
Sound Pressure Level in Building $L_{P Rev}$	65 dBA SPL	63	63	60	64	61	55	48
Composite Sound Insulation		-24	-28	-29	-35	-37	-36	-39
Reverberant to Direct Correction (-6dB)		-6	-6	-6	-6	-6	-6	-6
Façade Sound Power per m^2	25 dBA SWL/ m^2	33	30	26	23	19	13	3

Table 14: Side Façade Bar – Noise Break-out

Activity	A-Weighted Sound Pressure / Power	Sound Reduction Index Octave Band Centre Frequencies (Hz) dB						
		63	125	250	500	1k	2k	4k
Sound Pressure Level in Building $L_{P Rev}$	65 dBA SPL	63	63	60	64	61	55	48
Composite Sound Insulation		-27	-32	-34	-41	-47	-45	-53
Reverberant to Direct Correction (-6dB)		-6	-6	-6	-6	-6	-6	-6
Façade Sound Power per m^2	18 dBA SWL/ m^2	30	25	21	18	9	4	-11

7.2 External Noise Levels

For assessing the proposed seating area we have considered data using the *Average Speech Levels and Spectra in Various Speaking/Listening Conditions: A Summary of the Pearson, Bennett, & Fidell (1977) Report*. We have assumed 3 no. persons to be speaking simultaneously using data for males, females and children.

Data for the kitchen and WC Extract Fans have been taken from similar units used previously on PDA Ltd projects. Broadband data for the IMI Cornelius 24v Remote Cooler which is assumed to be running throughout the night- time is sourced from the IMI Cornelius website. The data does not provide the spectral distribution of the unit so therefore calculations have assumed the spectrum from a similar unit.

The sound power of the units have been calculated assuming the measured noise levels radiated into a hemispherical space from the centre of the unit.

Details of the following external sound power levels used within our calculations are summarized within the following table:

Table 15: Summary of External Noise Measurements – External Noise Levels

Activity / Plant	A-Weighted Sound Power SWL (dB)	Octave Band Centre Frequencies (Hz)						
		63	125	250	500	1k	2k	4k
2 no. Outside Seating Area (based on 3 persons speaking)	60	-	52	59	60	50	48	46
1 no. Kitchen Extract Fan (vented through existing chimney stack)	58	48	51	55	55	51	51	44
1 no. IMI Cornelius 24v Remote Cooler	69	63	63	62	61	57	51	49
3 no. WC Extract Fan (15 litres per second)	57	70	66	52	47	49	44	51

7.3 Calculation Assumptions

Utilising the noise data detailed above we have calculated the noise egress to the nearest residential properties. Our calculations have been undertaken utilising the following methodology:

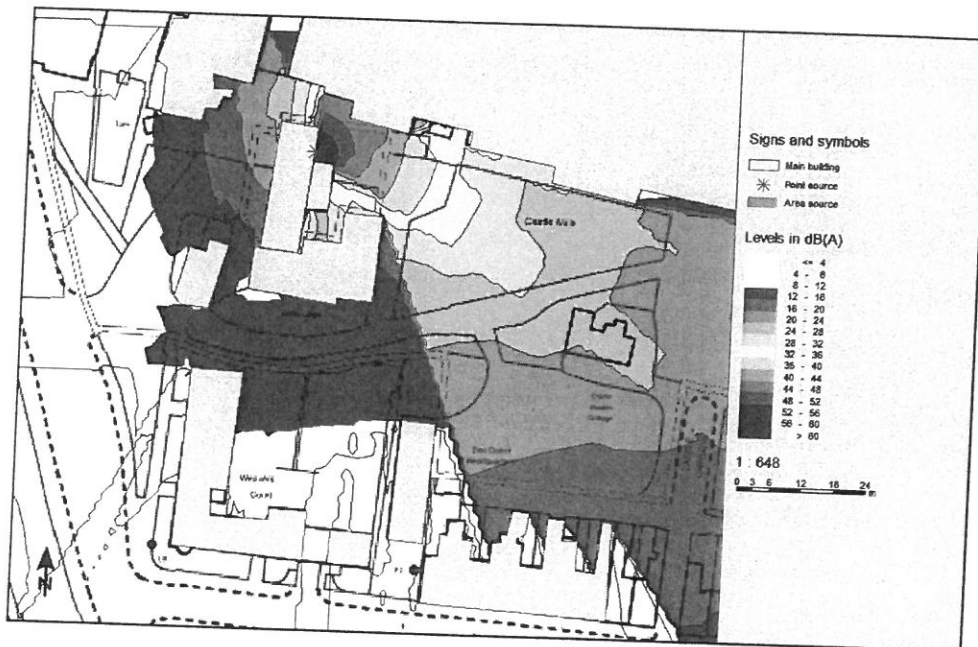
- Noise propagation to the nearest residential properties have been undertaken in accordance with the guidance contained within ISO 9613-2:1996. All calculations have been undertaken utilising commercial noise prediction software.
- The kitchen extract outlet will be located through the existing chimney stack located above the roof on the front façade.
- The IMI Cornelius 24v Remote Cooler will be located at the back façade adjacent to the WC façade.
- There will be 2 no. outside seating areas. One will be located at the front façade adjacent to the double entrance doors to the café / bar with another located at the back.
- It has been assumed that the boundary between daytime and night-time occur at 23:00. Daytime levels have been predicted at ground floor levels, and night-time levels have been predicted at first floor levels.
- It has been assumed that the kitchen and WC extract fans will not operate at night. However the IMI Cornelius 24v Remote Cooler will likely operate throughout the night.

7.4 Calculations Results

The façade and roof sound power levels per m^2 (applied over source area) from Tables 10-14 and the sound power levels of the external noise sources from Table 15 have been included in an environmental SoundPLAN® model to determine the noise level impact from the proposed operations of the café / bar upon the nearby residential receivers.

The results of our calculations have indicated that the noise level incident upon the nearest residential properties are 32dB L_{Aeq} during the day and 16dB L_{Aeq} during the night at Receiver 1 and 15dB L_{Aeq} during the day and 13dB L_{Aeq} during the night at Receiver 2.

In addition we have provided separate noise maps for the daytime and night-time noise predictions. These are detailed as follows:

Figure 3: Daytime Noise Map**Figure 4: Night-time Noise Map**

8.0 DISCUSSION OF RESULTS

Utilising the results of the noise predictions we have compared the predicted noise egress with the background noise levels measured. Our assessment is detailed as follows:

Table 16: Results for Daytime / Evening Noise Break Out of Proposed Café / Bar

Receiver No.	Predicted Specific Noise Level L_{Aeq} dB	Background Noise Level L_{A90} dB	Excess of Source Over Background, dB
1	32	34	-2
2	15	29	-14

Table 17: Results for Nighttime Noise Break Out of Proposed Café / Bar

Receiver No.	Predicted Specific Noise Level L_{Aeq} dB	Background Noise Level L_{A90} dB	Excess of Source Over Background, dB
1	16	30	-14
2	13	26	-13

It is noted that the recommendations within BS4142:2014 indicate that the following:

'Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context.'

We would therefore consider that the noise emissions from the proposed café / bar will have a low impact on the surrounding nearest residential receivers.

APPENDIX I – DEFINITION OF ACOUSTIC TERMS (ENVIRONMENTAL)

The decibel

This is the basic unit of noise, denoted dB.

A Weighting

This is a weighting process which simulates the human ear's different sensitivity at different frequencies. A weighting can be shown two typical ways, 50 dB(A) L_{eq} or 50 dB L_{Aeq} . Both mean the same thing. (See below for a definition of L_{eq}). The dB(A) level can be regarded as the overall level perceived by human beings.

L_{eq} and $L_{eq(s)}$

This is the equivalent continuous noise level which contains the same acoustic energy as the actual time-varying sound. In other words it is a kind of average noise level. It is denoted dB L_{eq} or, for A-weighted figures dB(A) L_{eq} or dB L_{Aeq} . It can also be expressed in terms of frequency analysis (see later). $L_{eq(s)}$ is the sample L_{eq} level.

L_n

This is the level exceeded for n% of the time. It is denoted dB L_n or, for A-weighted figures dB(A) L_n or dB L_{An} . It can be expressed in terms of frequency analysis (see later). L_{90} is the level exceeded for 90% of the time and is a measure of the lowest level typically reached. L_{10} is the level exceeded for 10% of the time and is the highest level typically reached. L_{50} is the level exceeded for 50% of the time and, mathematically, it is the median.

L_{max}

This is the maximum level reached during a measurement period. The "time constant", or the ability of the equipment to respond to impulses is usually expressed along with it, e.g. "Fast", "Slow", etc. It is denoted dB L_{max} or, for A-weighted figures dB(A) L_{max} , dB L_{Amax} , etc. It can also be expressed in terms of frequency analysis.

Frequency Analysis

Whereas dB(A) gives a very useful overall figure, it has its limitations in that it cannot be used to model or predict the effect of noise control and mitigation as this nearly always has radically different performance at different frequencies.

Frequency analysis expresses an overall noise level at each frequency or band of frequencies in the audible range. Octave band analysis divides the audible range into 10 bands from 31.5 Hz to 16 kHz and the noise level in each band can be expressed in any form e.g. L_{eq} , L_{90} , L_{max} , etc. One third octave band analysis uses 30 bands.

Narrow band analysis takes the process to resolutions of less than 1 Hz. This is useful for identifying the existence of tones (whines, hums, etc.) and in pin-pointing the sources.