

CAMBRIDGE CITY COUNCIL MEMO

To: Catherine Linford **Dept:** Planning

Building: The Guildhall **Room:**

From: Daniel Bayles **Dept:** Environmental Services

Phone: 01223 457895 **Room:** Mandela House

Date: 11 March 2010

Subject: **Proposed Third Floor Alterations To Guildhall Chambers, Cambridge**

Guildhall Chambers, Guildhall Place, CB2 3QQ

My Ref: WK/200914403

Your Ref: 09/1171/FUL

Copies:

Thank you for your email received on 12 January 2010.

Please note this memo replaces my draft dated 1 February 2010 and is amended in light of the amended drawings showing a lobby on to the proposed roof terrace and the amended noise report dated 8 March 2010.

COMMENTS

Location

Fisher Square and the surrounding area, is bordered by a number of licensed premises the largest being the applicants property, The Soul Tree.

Fisher House, the Catholic Chaplaincy, is a residential property, immediately opposite The Soul Tree.

Smoke Free

As the Soul Tree has no area that complies with the requirements of The Health Act 2006, the act that introduced Smoke Free, smokers have to leave the premises and smoke in Fisher Square and the surrounding area. This creates problems of controlling people exiting and returning to the premises. Also as the smokers are not on the premises they are not under the control of the Security Staff, so they cannot control any anti social behaviour (ASB). Patrons are also free to mix with people who have not entered the premises and collect or give items to people who have not entered the premises. I understand from the occupiers of Fisher House that this activity currently creates considerable noise and at times ASB.

Having a smoking area within the premises would prevent the need to frequently leave the building allowing better control of who is entering and leaving the premises. When inside the premises the security staff can control the behaviour of its patrons such as request they reduce their volume.

As a result of the Smoke Free legislation a similar problem occurred outside the nearby Revolution Bar on Downing Street, where there was the risk of patrons, mainly smokers, being hit by passing vehicles. In 2009 Revolution applied for Planning Permission to increase the use of their Roof Terrace, which was granted with a number of conditions to prevent noise, similar to those proposed below. Since Revolution was granted planning permission subjectively the number of people outside the bar has decreased making an accident less likely and improving the appearance of the area. I am also unaware of any noise complaints being made.

I therefore foresee this roof terrace as having a similar improvement on the night time anti social behaviour in and around Fisher Square. It could therefore improve the amenity.

Noise

Despite the advantage of the application the amenity of the residents of Fisher House must be protected from noise of the patrons on the roof terrace. It must also be noted that Downing Street is a noisier environment than Fisher Square.

Miss Catherine Linford, Planning Officer and I undertook a site visit to both the Soul Tree and Fisher House on Friday 29 January 2010. During this visit we observed that bedrooms of Fisher House are in direct line of sight to the proposed roof terrace. I also noted that the windows of some bedrooms are single glazed and that the building's structure is medieval in style so it will not have good acoustic insulation properties.

Due to the increase in height of the roof terrace there was the possibility of noise from the roof terrace disturbing those in Fisher House. I therefore studied the acoustic report from Richard Vivian of Big Sky Acoustics dated 4 December 2009, reference 09120336, in detail. I have since requested and received additional information, in the second noise report dated 8 March 2010 reference 1003047, which I have also studied and made my own calculations on. I have also compared the noise levels measured by Big Sky to other surveys in the area and found them comparable. My conclusion therefore is

Providing other sources of noise such as amplified music are prevented. Even in the early hours of the morning the noise of voices from people on the proposed roof terrace at the windows of Fisher House will be below the background noise level and the windows will further reduce the noise inside the bedrooms. Outside Fisher House the noise of the people on the roof terrace will be audible, if listened for, but will not be at a volume that will be clearly noticeable and will not be at a level at which noise can be used as a reason for the refusal of planning permission.

This is based on the understandings that the barrier will be sufficiently well designed and constructed and that there will be no other noise such as amplified music, conditions are therefore needed to ensure these understandings can be enforced.

In order to act as an effective noise barrier the screens around the roof terrace must be free from gaps and have sufficient surface density, but the exact details can be agreed as a condition. Also in order to prevent patrons shouting down at people in Fisher Square the screen should also not be transparent. This will also protect the privacy of those in Fisher House.

In order to prevent noise breakout from the bar areas access to the roof terrace must be via a lobby with two sets of doors between the internal areas and the roof terrace. This has now been agreed to and the design has now been amended to incorporate this. The doors of the lobby must be on self-closures and shall be signed stating they must be kept closed.

The current design has a sliding door opening directly from the internal bar on to the roof terrace. To prevent unacceptable noise breakout affecting the amenity of those in the area these doors must be closed between 21:00 and 09:00 hours. During this time access to the roof terrace must only be via the lobby.

To control noise from noisy patrons between 21:00 and 09:00 hours the terrace bar shall be stewarded. The stewards must remind rowdy patrons of the need to reduce their volume.

To prevent the noise of furniture scrapping on the floor all furniture and chairs must have soft feet such as plastic rubber or similar.

Background music will increase the volume of conversation, as voices will have to be raised to overcome it. Amplified music will also carry over a wide area, as there are fewer buildings at the height of the roof terrace to prevent its travel. There must therefore be no music on the roof terrace.

Licensing Act 2003

If approved prior to use this development will also require a variation to the existing Premises License issued by the Council, as the Licensing Authority under the Licensing Act 2003. However, it is only an objective of that Act, "To prevent Public Nuisance." The Planning Process deals with the more stringent standard of amenity. It is not the function of either the Licensing Act 2003 or the noise nuisance provisions of the Environmental Protection Act 1990 (as amended) to protect the amenity, this is for the planning process alone. Therefore, as recently noted by the Planning Inspector when dismissing an appeal at another licensed premises within the City, the application should be assessed against the standard of amenity, if necessary additional conditions imposed to protect the amenity or if the application cannot be approved without unacceptable harm to the amenity it should be refused. A good planning decision should protect the amenity and as a result prevent the occurrence of a nuisance.

I advise that the applicant seeks to have the Premises License varied before starting any works in order to reduce cost in the event that the Licensing process requires the structure to be varied.

The standard Licensing Informative is required.

Plant Noise and Odour

I understand that the plant including the kitchen extraction system will be moved. This will therefore require the normal plant noise insulation condition and odour control conditions.

Waste and Recycling

To prevent harm to the amenity from odour, vermin or litter details of waste and recycling storage need to be agreed.

Lighting

Due to the size of the area needing to be lit the lighting needs to be managed in order to ensure it is adequate for health and safety, but does not cause problem from light pollution. Lighting therefore needs to be agreed as a condition.

RECOMMENDATION

APPROVE with Conditions

CONDITIONS

1. Details of Screen to be Agreed

Prior to the commencement of development the detail of the screen surrounding the roof terrace including height, appearance and acoustic details shall be agreed with the LPA and implement in accordance with the agreed details prior to the commence of the development/use hereby permitted

2. Exclusion of Amplified Music

There shall be no speakers or amplified music or vocals on the roof terrace.

3. Exclusion of Regulated Entertainment

There shall be no regulated entertainment on the roof terrace.

4. Access to Bar Terrace via a lobby

Between the hours of 21:00 and 09:00 access / egress to the roof terrace shall only be via a double-doored lobby. The doors shall be kept closed, fitted with overhead closures and signed that the must be kept closed.

5. Close all doors and windows

All doors and windows apart from the lobby described above shall be kept closed between the hours of 21:00 and 09:00.

6. Stewarding

Between the hours of 21:00 and 09:00 when members of the public are present the roof terrace shall be stewarded at all times. The stewards shall remind noisy patrons of the need to keep noise to a reasonable level.

7. Furniture

All furniture shall have plastic, rubber or similar feet to prevent the noise of scrapping.

8. Noise Insulation (Plant)

C62

Before the development/use hereby permitted is commenced, a scheme for the insulation of the building(s) and/or plant in order to minimise the level of noise emanating from the said building(s) and/or plant shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the use permitted is commenced.

9. Fume Filtration/Extraction

C60

Before the development/use hereby permitted is commenced, details of equipment for the purpose of extraction and/or filtration of fumes and or odours shall be submitted to and approved in writing by the local planning authority. The approved extraction/filtration scheme shall be installed before the use hereby permitted is commenced.

10. Construction Hours

C63

Except with the prior written agreement of the local planning authority in writing no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

11. Waste and Recycling

WC1

Prior to the commencement of development, full details of the on-site storage facilities for trade waste, including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheelie bins, paladins or any other means of storage will be stationed and the arrangements for the disposal of waste. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

12. Lighting

Before the development/use hereby permitted is commenced, a scheme for the lighting of the development/use shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the use permitted is commenced.

INFORMATIVE

1. C62 Noise insulation Informative

To satisfy standard condition C62 (Noise Insulation), the noise level from all plant and equipment, vents etc (collectively) associated with this application should not raise the existing background level (L_{90}) by more than 3 dB(A) (*i.e. the rating level of the plant needs to match the existing background level*). This requirement applies both during the day (0700 to 2300 hrs over any one hour period) and night time (2300 to 0700 hrs over any one 5 minute period), at the boundary of the premises subject to this application and having regard to noise sensitive premises. Tonal/impulsive noise frequencies should be eliminated or at least considered in any assessment and should carry an additional 5 dB(A) correction. This is to guard against any creeping background noise in the area and prevent unreasonable noise disturbance to other premises.

It is recommended that the agent/applicant submits a noise prediction survey/report in accordance with the principles of BS4142: 1997 "Method for rating industrial noise affecting mixed residential and industrial areas" or similar. Noise levels shall be predicted at the boundary having regard to neighbouring residential premises.

Such a survey / report should include: a large scale plan of the site in relation to neighbouring premises; noise sources and measurement / prediction points marked on plan; a list of noise sources; details of proposed noise sources / type of plant such as: number, location, sound power levels, noise frequency spectrums, noise directionality of plant, noise levels from duct intake or discharge points; details of noise mitigation measures (attenuation details of any intended enclosures, silencers or barriers); description of full noise calculation procedures; noise levels at a representative sample of noise sensitive locations and hours of operation.

Any report shall include raw measurement data so that conclusions may be thoroughly evaluated and calculations checked.

2. Licensing

As the premises is intended to provide alcohol or regulated entertainment it may require a Premise Licence under the Licensing Act 2003. The applicant is advised to contact The Licensing Team of Environmental Health at Cambridge City Council on telephone number (01223) 457899 for further information.

Regards

Mr Daniel Bayles
Environmental Health Officer

APPENDIX 1

Comments On The Acoustic Report From Richard Vivian Of Big Sky Acoustics Dated 4 December 2009 Reference 09120336

COMMENTS

Section 3.5, "Extensive double glazing at Fisher House", the bedroom Miss Linford and I saw with direct line of sight to the proposed roof terrace was single glazed. Double-glazing may not be possible as the building is likely to be listed. However, secondary glazing may be a possibility.

Section 3.5, "Guest rooms are not used as permanent bedrooms." During the site visit the room in Fisher House observed had just been vacated and we were informed there are regular guest staying at Fisher House. There is also the possibility of longer stays such as by students. All of these resident require a suitable noise level for sleep. The amenity of these rooms should still be protected, as it is not in the control of the applicant how these rooms are occupied.

Section 6.6, "Windows of Fisher House are not line of sight to the terrace area." From the bedroom Miss Linford and I had direct line of sight to the proposed roof terrace.

Section 5.4 I am more used to night time measurements being taken over a five minute periods. The readings presented are $L_{Aeq(15\text{ min})}$ or $L_{Aeq(1\text{ min})}$ the lowest ambient noise is given as $L_{Aeq(15\text{ min})}$ 48 dB. However, the graph in figure 4 (section 5.4) shows the lowest $L_{Aeq(1\text{ min})}$ 45 dB. I would also expect to see the background noise level $L_{A90(5\text{ min})}$. For comparison a recent noise report over 3 days for plant on Lion Yard gives the lowest readings as $L_{Aeq(15\text{ min})}$ 45 dB and $L_{A90(15\text{ min})}$ 44 dB.

5.6 The table shows readings until 01:44, but the premise has a licence until 04:00. The data therefore does not go the latest time the application is for.

6.4 The assessment of a sound pressure level of 77 dB(A) at 1 metre is a steady state noise. Conversation overtime will vary with short high volume instances such as laughter. This steady state figure averages out these short high volume instances, which will be disturbing such as to the residents of Fisher House. Some calculation of the maximum noise i.e. the $L_{A(max)}$ are need.

A recent noise report of a nearby similar application reported the noise from a table of 5 at 3 metres as L_{Aeq} 65 dB and $L_{A(max)}$ 78 dB. Based on these figures it gave the flowing for a 100 people at 3 metres L_{Aeq} 78 dB and $L_{A(max)}$ 78 dB. Although I would expect $L_{A(max)}$ 81 dB to be more likely. For comparison L_{Aeq} 78 dB at 3 metres equates to L_{Aeq} 88 dB at 1 meter, 11 dB higher than the estimate used in the report.

Section 6.7 For distance attenuation a distance of 30 metres is given but where at Fisher House is not stated this conflicts with section 5.1 states the closest façade is 6 metres away.

Barrier attenuation can be calculated in a number of ways so the calculations need to be provided so they can be verified. The report only gives the final figures not how they were calculated. I also note the incorrect assumption section 6.6 which may alter this calculation.

Section 7.5 "PPG 24 states that the sound insulation provided by an open window when partially open will be in the region of 10-15dBA." Agreed, but looking at the construction of the window in the bedroom observed this is more likely to be the lower end of the range i.e. 10dB.

Section 8.7 I agree see my main comments.

APPENDIX 2

Comments On The Acoustic Report From Richard Vivian Of Big Sky Acoustics Dated 8 March 2010 Reference 10030347

COMMENTS

The amended report contains calculations of the reduction the noise barrier will achieve.

The calculations used the Maekewa method with the A weighted figure being taken from table 9 of the Calculation of Road traffic Noise (CRTN) 1988.

I have not measured the 23 metres from the roof terrace to the windows of Fisher House or the height of the terrace or the window but having visited the site I have no reason to doubt these distances.

The report uses a maximum noise level of a person with a raised voice of 60 dB(A) at 1 metre and calculates for 50 people a total SPL of 77 dB(A). Table 7 of BS 8233 gives a level 2 dB higher of 62 dB(A) at 1 metre this equates to 79 dB(A) at 1 metre for a group of 50 people.

The report only gives a calculation for a noise source at 1 metre from the barrier. This is an optimum location as a barrier is most effective close to the receiver or the source. I have therefore calculated at distances 1- 7 metres in 1 metre intervals from the barrier. At 3 metres from the barrier there is a 1dB increase in the noise at Fisher House compared to at 1 metre but at 4 metres distance attenuation more than accounts for the decreased attenuation of the barrier.

The worst case I calculated the noise at Fisher House from patrons on the roof terrace would be $L_{Aeq (time)}$ 41 dB and this compares to the lowest recorded $L_{A90 (time)}$ 49 dB at 4 am. A difference of 8dB, assuming the minimum noise reduction of 10 dB for a opened window stated in PPG 24 the noise level in the nearest room from patrons on the roof terrace would be $L_{Aeq (time)}$ 31 dB, below the level recommended in PPG 24. Noise from the patrons will therefore not be detrimental to the amenity.

The noise levels measured are comparable to levels measured recently in other noise reports in the area.