

# Technical Statement

**To:** Kieran Rafferty – KR Planning  
**From:** Steve Gosling – 24 Acoustics Ltd  
**Date:** 6th September 2017  
**Job:** 6701, Admiral Mann  
**Ref:** Statement - Noise

The purpose of this letter is to respond to the refusal of planning application (2016/7069/P) dated 5<sup>th</sup> July 2017.

The reasons for refusal, relating to noise, are shown below:

- 1. The proposed development, by virtue of the loss of ancillary space to serve the public house and proposed restrictions on amplified music, would materially change the character of an existing use designated as an Asset of Community Value and compromise the long-term viability and future of the public house which provides an important local community facility. It would therefore fail to support social wellbeing, strengthen community cohesion and encourage social diversity. Thus, the proposal is contrary to Policy C4 (Public Houses) of the Camden Local Plan June 2017, paragraph 70 of the National Planning Policy Framework 2012 and Policy 4.8 of the London Plan 2016.*
- 2. Insufficient information has been submitted to fully demonstrate the compatibility of the proposed uses, that the co-location of residential units and the public house would not cause harm to the amenity of future occupants of the proposed flats, or prejudice the continuing operation of the public house, through disturbance caused by normal activity associated with a public house use and the likelihood of complaints relating to noise and nuisance from the prospective occupiers of the non-ancillary uses directly above it. Thus, the proposal is contrary to Policies A1 (Managing the impact of development), A4 (Noise and vibration) and C4 (Public Houses) of the Camden Local Plan June 2017, paragraph 70 of the National Planning Policy Framework 2012 and policy 4.8 of the London Plan 2016.*

This document should be read in conjunction with technical report R6701-1 Rev 1 dated 21<sup>st</sup> December 2016. It is relevant to note that the application involved detailed discussions with technical noise officers from Camden Council which resulted in a recommendation for approval to committee members.

Detailed ambient noise survey work was undertaken to gain an understanding of the prevailing noise climate. In addition, comprehensive, robust and enforceable noise mitigation measures (both in terms of enhanced sound insulation and proposals for enhanced sound system compressors) were proposed to ensure that noise arising from operation of the public house would be kept within acceptable levels. These measures are shown in section 5 of the technical report.

It is relevant to note that where a public house has been awarded ACV status, the operation of the premises would be governed by the most recent license in force at the time of the award.

With regard to noise, Condition 23 of Premises Licence (ref PREM-LIC\2530) states the following

*The premises supervisor shall monitor the volume of music emanating from the premises and adjust the volume of any music to ensure that any amplified sound from the licensed premises does not cause a public nuisance by ensuring music is not audible from the boundary of any noise sensitive premises.*

As would be expected for a licenced premises in a residential area, there is not an unrestricted use of amplified music. Requiring music to be inaudible is a very onerous requirement and significantly limits the volume and character of music reproduced internally.

It is possible that previous musical events did not comply with this requirement of the licence which possibly led to the perspective for some that loud amplified music ought to be carried over in the requirements of the ACV.

In any event, the lawful development of 3 Hargrave Place as residential units, directly adjacent to the licensed premises, places a significant restriction on the level of music that may be played at the Admiral Mann. As a result, the music level referred to in the 24 Acoustics report of 82 dB  $L_{Aeq\ 5\ min}$ , (with associated octave band data) whilst suitable for the purposes of musical entertainment, may well result in non-compliance with Condition 23, attached to the Premises Licence. Hence in planning terms, there would be no conflict but under the licensing regime, a lower internal music level may be required.

In summary, the level of amplified music sought by campaigners – and maybe used in the past - is no longer possible by virtue . It is considered that reason for refusal 1, therefore, is not sustainable.

With regard to reason for refusal 2, it is considered that sufficient information was submitted as evidenced by Camden's technical noise officer's presentation and comments to the planning committee. As noted, a comprehensive series of noise mitigation measures were proposed. These proposals resulted in the recommendation of condition 8 (below):

*Prior to commencement of the development, details shall be submitted to the Council for approval of proposed sound insulation of the building envelope (walls/glazing) and floor/ceiling separation, orientation of habitable rooms away from major noise sources and of acoustically attenuated mechanical ventilation as necessary to achieve a daytime 07:00-23:00 internal noise level of NR20 and night time 23:00-07:00 internal noise level of NR15 in all habitable rooms. A post completion assessment shall be carried out where as required to confirm compliance with the noise criteria and additional steps.*

*The sound insulation and noise mitigation installations shall include the measures outlined with the Assessment of Potential Noise Impact by 24 Acoustics Limited:*

- installation of a system noise limiter and an acoustic noise limiter
- upgrades to the party floor between the pub and residential units
- wall insulation
- new glazing with sound insulation performance and an alternative ventilation unit for all habitable windows

*No alteration to the development shall be made which would result in the specified internal noise levels being exceeded. (Noise Rating curves should be measured as a 5 minute linear Leq at the octave band centre frequencies 31.5 Hz to 8 kHz).*

*An appropriate automatic noise control device must be fitted to all amplified sound equipment. The device must be:*

*(a) Set so that the volume of any amplified sound emanating from the premises does not cause a public nuisance. A Compliance Certificate must be supplied to the planning authority for the installation of the unit before any regulated entertainment is carried out.*

*The installation must be carried out by a competent/qualified person and submitted to planning authority for approval. The compliance certificate must contain the following.*

*(i) 5 minute  $L_{Aeq}$*

*(ii) Full Spectrum Frequency analysis*

*(b) The devices must be fitted to all power outlets to the premises (i.e. to the main distribution unit controlling power outlets)*

*Reason: To safeguard the amenities of the upper residential floors and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy, policies DP26 and DP12 of the London Borough of Camden Local Development Framework Development Policies and policies A1 and H6 of the Camden Local Plan Submission Draft 2016.*

The requirements of proposed Condition 8 are extremely comprehensive and place a significant responsibility on the developer to make sure that the construction details are not only correctly specified but correctly installed through the requirement for a post-completion assessment with the performance requirements.

It is important to note that planning committee members can sometimes associate noise problems with anecdotal evidence. Whilst this remains a useful view, well designed premises do not have noise problems and the evidence before this committee was a series of commitments which would ensure a satisfactory outcome. On this basis reason for refusal 2 is similarly considered unsustainable.