



Application to vary a Premises Licence 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 Jam Leisure (PARK LANE)Ltd
(Insert name(s) of applicant)
 being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PL595

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Park lane 1 Torwood street			
Post town	Torquay	Post code	TQ1 1ED

Telephone number at premises (if any)	01803 [REDACTED]
Non-domestic rateable value of premises	£38400

Part 2 – Applicant details

Daytime contact telephone number	01803 [REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address			
Post Town		Postcode	

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day		Month		Year	
□	□	□	□	□	□

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

To extend the area of the premises for the consumption of alcohol and licensable activities to encompass a roof garden, located on the lower roof at the front of the of the building

Access to this roof garden will be via the existing internal stair case, and the existing and new fire escapes will provide means of escape.

All the existing licencing conditions will apply to this area. The Garden will only have a background music system, playing low volume music limited by the existing control system which only the management can alter.

Additional sound proofing walls will be installed and none reflective surfaces used where possible.

CCTV will be installed to cover the area .

An acoustic consultants report conculed this will have a positive impacted to nearby properties. (see attached)

(see attached Plan)

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	1000	0330	
Tue	1000	0330	
Wed	1000	0330	
Thur	1000	0330	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) Xmas eve, Newyears eve , 1000-0330
Fri	1000	0330	
Sat	1000	0400	
Sun	1000	0330	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

No conditions to be removed

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

To comply with our existing conditions

b) The prevention of crime and disorder

To comply with our existing conditions

c) Public safety

To comply with our existing conditions

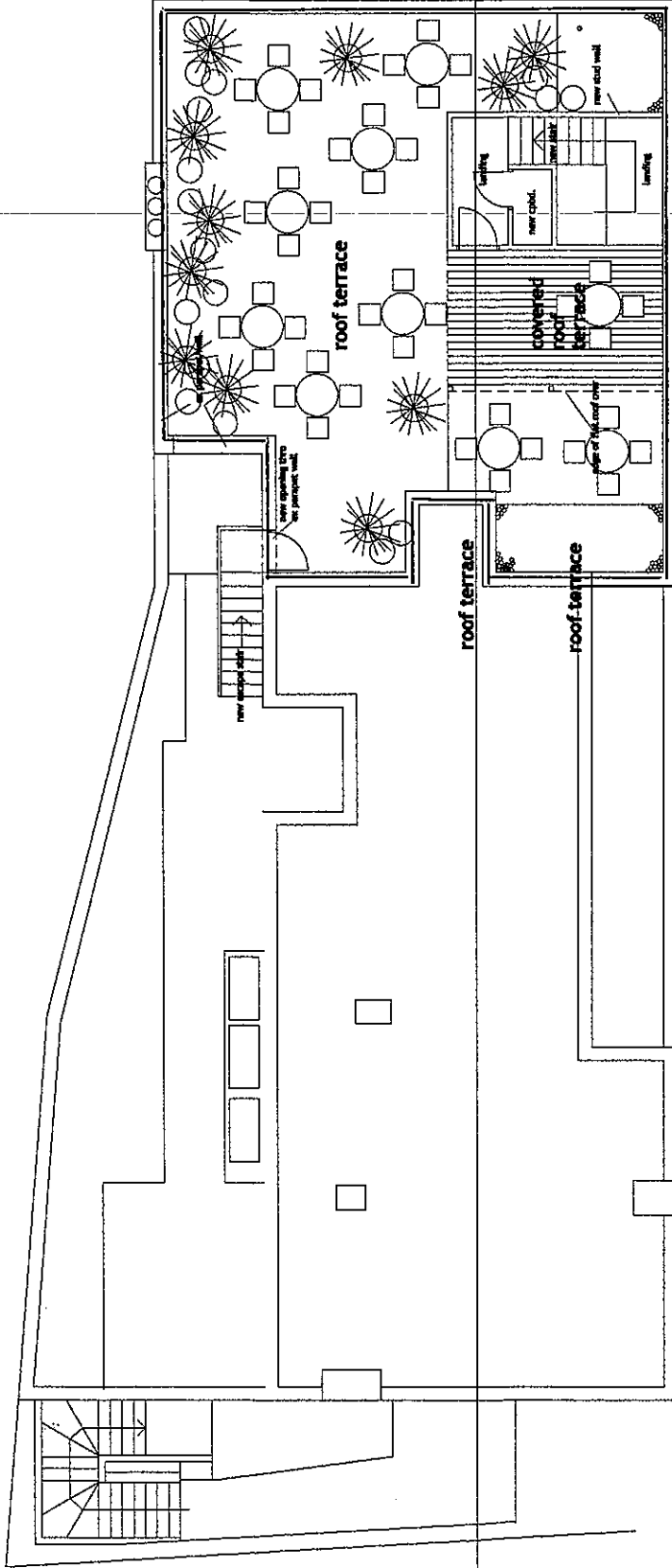
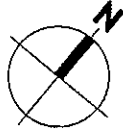
d) The prevention of public nuisance

To comply with our existing conditions

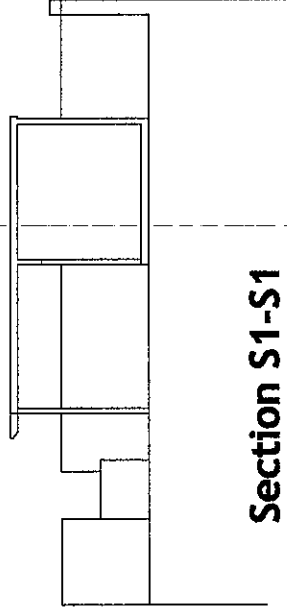
e) The protection of children from harm

To comply with our existing conditions

- NOTES:**
1. All drawings to be subject to approval by the Council.
 2. All drawings to be subject to approval by the Council.
 3. All drawings to be subject to approval by the Council.
 4. All drawings to be subject to approval by the Council.



Roof Level Plan



Section S1-S1

Scale	1:100
Date	Dec. 2013
Drawn by	GA
Checked by	CR
Job	"Park Lane" Temporary Street Temporary Works
Drawing	Roof Level Plan As Proposed

Scale: 1:100
Date: Dec. 2013

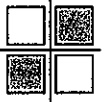
Drawn by: GA

Checked by: CR

Job: "Park Lane" Temporary Street Temporary Works

Drawing: Roof Level Plan As Proposed

Drawing number: 6410.504
PRELIMINARY 2



COLIN RITCHIE ARCHITECTS LTD.
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**PROPOSED TERRACE
PARK LANE
TORQUAY**

ENVIRONMENTAL NOISE REPORT

Reference: 5675/DO/pw

April 2014



**Proposed Terrace, Park Lane
Environmental Noise Report**

Client

Jam Leisure Limited
Park Lane
Torwood Street
Torquay
TQ1 1ED

Noise & Acoustic Consultant

Acoustic Consultants Limited
Raleigh House
Wellsway
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Bristol
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Prepared By

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Issue Number

1st Issue

Date

29th April 2014



**Proposed Terrace, Park Lane
Environmental Noise Report**

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1.0 INTRODUCTION

Jam Leisure Limited appointed Acoustic Consultants Limited to assess the noise impact of patrons on a proposed roof terrace at Park Lane in Torquay.

The assessment considers the noise from people using the roof terrace and the change in noise levels from relocating the smoking area from at ground level on Park Lane to the managed roof top terrace.

The report limits itself to addressing solely on the environmental noise aspects as included in this report. We provide advice only in relation to noise and acoustics. It is recommended that appropriate expert advice is sought on all the ramifications (e.g., CDM, structural, condensation, fire, legal, etc.) associated with any proposals in this report or as advised and concerning the appointment.

The report has been prepared in good faith, with all reasonable skill and care, based on information provided or available at the time of its preparation and within the scope of work agreement with the client. We disclaim any responsibility to the Client and others in respect of any matters outside the scope of the above.

2.0 PROPOSED SCHEME

The proposal is to create a terrace on the roof of Park Lane Bar and Grill. The aim is to provide an external smoking area within the realms and control of the premises to ensure patrons are under the management of the bar for the duration of their visit.

Park Lane Bar and Grill is located on the junction of Torwood Street and Park Lane in central Torquay. The premises operate as a bar and grill during the day and evening; and as a night club/late night bar until 03:00 hours.

At present there is no location within the premises where people can smoke so they are allowed off the premises and then are free to return. People tend to naturally congregate along Park Lane as there is little traffic and the buildings to either side provide protection from the weather.

The proposal is to create an external terrace area with seating on the roof of the premises. The terrace will include a small covered area to around the entrance and an acoustic barrier to the South and East separating the terrace from the nearby residential properties.

The terrace will enable patrons to smoke within the premises whilst under the control of the bar so that their behaviour can be managed in line with the premises licence. If customers leave the premises they will be made to pay to re-enter.

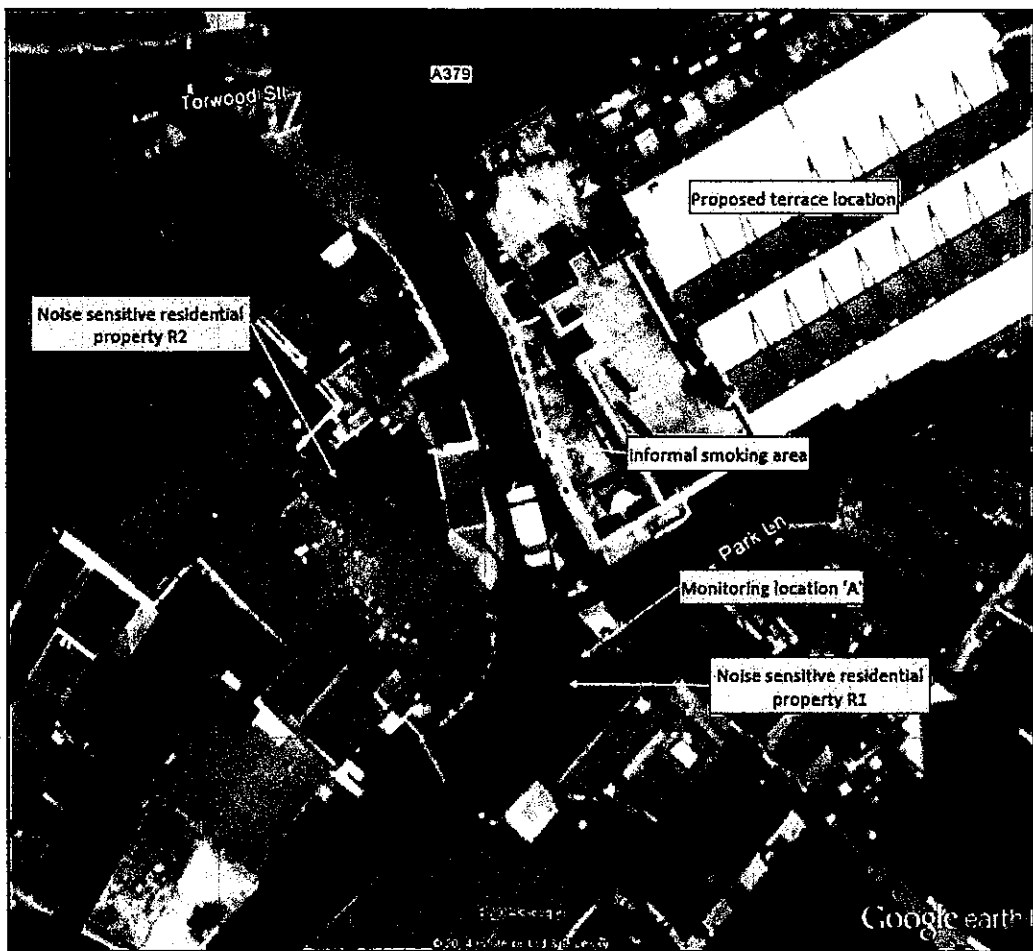


The terrace is, in the main, a seated area with tables and chairs covering most of the space. Amplified music will be played at a low level and limited so that it is not audible at the nearby noise sensitive properties. There will be no areas for dancing on the terrace, nor will the music be loud enough for this to be likely.

The nearest noise sensitive residential properties are at The Devon Arms (R1) 30 metres to the South and on Victoria Parade (R2) 20 metres to the West.

Figure 1 below shows the two noise sensitive properties, the proposed roof terrace, the area which is currently used by people smoking and the proposed terrace location.

Figure 1: Site Location Plan





3.0 CRITERIA

3.1 National Planning Policy Framework

The National Planning Policy Framework was published in March 2012 and replaces the withdrawn Planning Policy Guidance Document 24 entitled 'Planning and Noise'. Section 11 entitled 'Conserving and enhancing the natural environment' addresses noise as a requirement of planning.

Paragraph 109 states:

"109. The planning system should contribute to and enhance the natural and local environment by:

- *preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability."*

Paragraph 123 states:

"123. Planning policies and decisions should aim to:

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
- *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason."*

The document does not prescribe any assessment methodology or criteria to assess the adverse affect of noise.

3.2 Noise Policy Statement for England

The NPPF refers to the Noise Policy Statement for England (NPSE). This was published in March 2010 and aims to provide clarity regarding current policies and practices to enable noise management decisions to be made within the wider context, at the most appropriate level, in a cost-effective manner and in a timely fashion and applies to all forms of noise including environmental noise, neighbour noise and neighbourhood noise.



The NPSE sets out the long term vision of Government noise policy. This long term vision is supported by three noise policy aims as follows:

“Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:

- *avoid significant adverse impacts on health and quality of life;*
- *mitigate and minimise adverse impacts on health and quality of life; and*
- *where possible, contribute to the improvement of health and quality of life.”*

The NPSE introduces the concept of “Significant adverse” and “Adverse” impacts of noise which relate to the noise policy aims. These are applied as follows:

NOEL – No Observed Effect Level

This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.

LOAEL – Lowest Observed Adverse Effect Level

This is the level above which adverse effects on health and quality of life can be detected.

SOAEL – Significant Observed Adverse Effect Level

This is the level above which significant adverse effects on health and quality of life occur.

The NPSE does not provide any assessment criteria for the noted effect levels.

With regard to where there is potential for noise impact it states the following in relation to the second noise policy aim:

“The second aim of the NPSE refers to the situation where the impact lies somewhere between LOAEL and SOAEL. It requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development (paragraph 1.8). This does not mean that such adverse effects cannot occur.”

3.3 Comparative Assessment

The proposed assessment methodology is to determine the impact of the proposed roof terrace in terms of the difference in noise levels at the noise sensitive residential properties between that caused by smokers in Park Lane and the same noise source level transferred to the roof terrace location.



In terms of noise level changes, withdrawn Planning Policy Guidance 24 states in the Glossary under dB (A) the following:

“Measurements in dB (A) broadly agree with people's assessment of loudness. A change of 3 dB (A) is the minimum perceptible under normal conditions, and a change of 10 dB (A) corresponds roughly to halving or doubling the loudness of a sound. The background noise level in a living room may be about 30 dB (A); normal conversation about 60 dB (A) at 1 metre; heavy road traffic about 80 dB (A) at 10 metres; the level near a pneumatic drill about 100 dB (A).”

The IOA/IEMA Working-Party Consultation Draft-2002 categorises the significant of a change in noise level. Although this is currently at a draft stage it provides some helpful guidance on the impact on the change in noise levels. The significant of changes in noise levels from the IOA/IEMA draft is as follows:

Table 1: IOA/IEMA Noise Level Changes

Noise Change (dB)	Category
0	No Impact
0 – 2.9	Slight Impact
3.0 – 5.9	Moderate Impact
6.0 – 9.9	Substantial Impact
10.0 and more	Severe Impact

4.0 ON-SITE NOISE MEASUREMENTS

A long term noise monitoring exercise was undertaken at monitoring location 'A', at first floor level in the flat above The Devon Arms on Park Lane.

Monitoring took place between the 21st and 31st March 2014. The purpose of the monitoring was to determine noise levels due to people congregating within Park Lane.

Sound pressure levels were measured using a Type 1 Svantek 959 Sound Level Meter. The monitoring equipment and calibration status was as follows:

Table 2: Noise Measurement Equipment

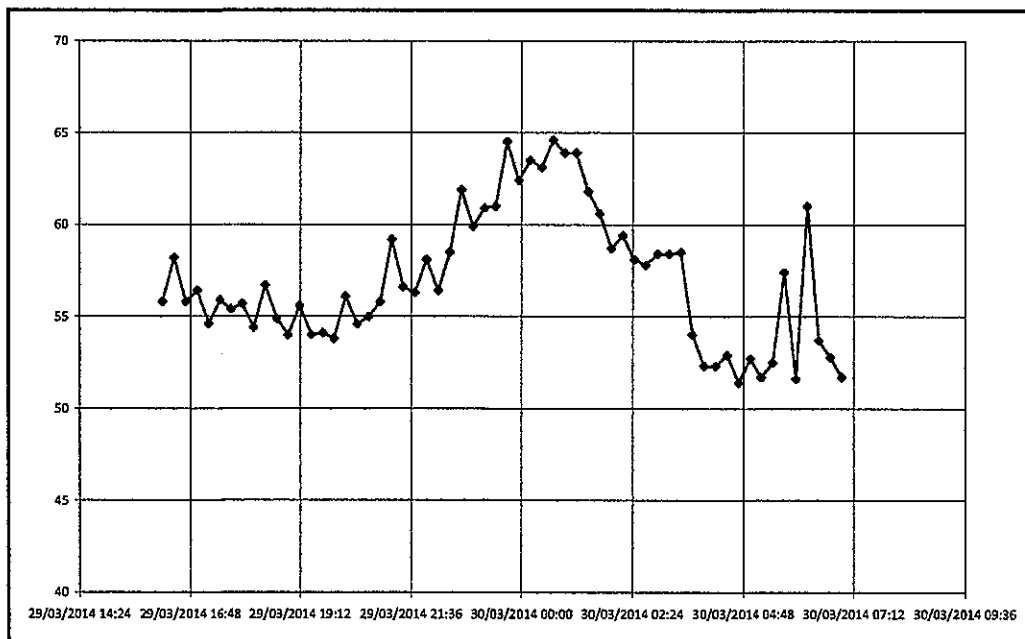
Equipment Description / Manufacturer / Type	Serial number	Date of calibration	Calibration Certification Number
Sound Level Meter, Svantek 959	14784	08/04/13	K020009
Calibrator, CEL, Type 110	045169	08/04/13	K020983
Microphone, GRAS 40AE	98073	08/04/13	K020009



The weather was inclement for much of the monitoring period. However, there were suitable conditions for the evenings of the 28th and 29th March 2014.

Figure 2 below shows the equivalent noise levels measured over 15 minute periods ($L_{Aeq,15 \text{ minutes}}$) over the evening and night time of the 29th and 30th March 2014. The highest measured noise levels are between 23:45 hours and 01:15 hours, which relates to the peak times of the night club. It is reasonable to determine that the measured noise level was determined by customers of Park Lane.

Figure 2: Measured Noise Levels



From the measurement data a noise level of 64 dB $L_{Aeq(1 \text{ hour})}$ has been determined at monitoring location 'A' as representative of noise from customers of Park Lane Bar and Grill congregating on Park Lane.



5.0 PREDICTED NOISE LEVELS

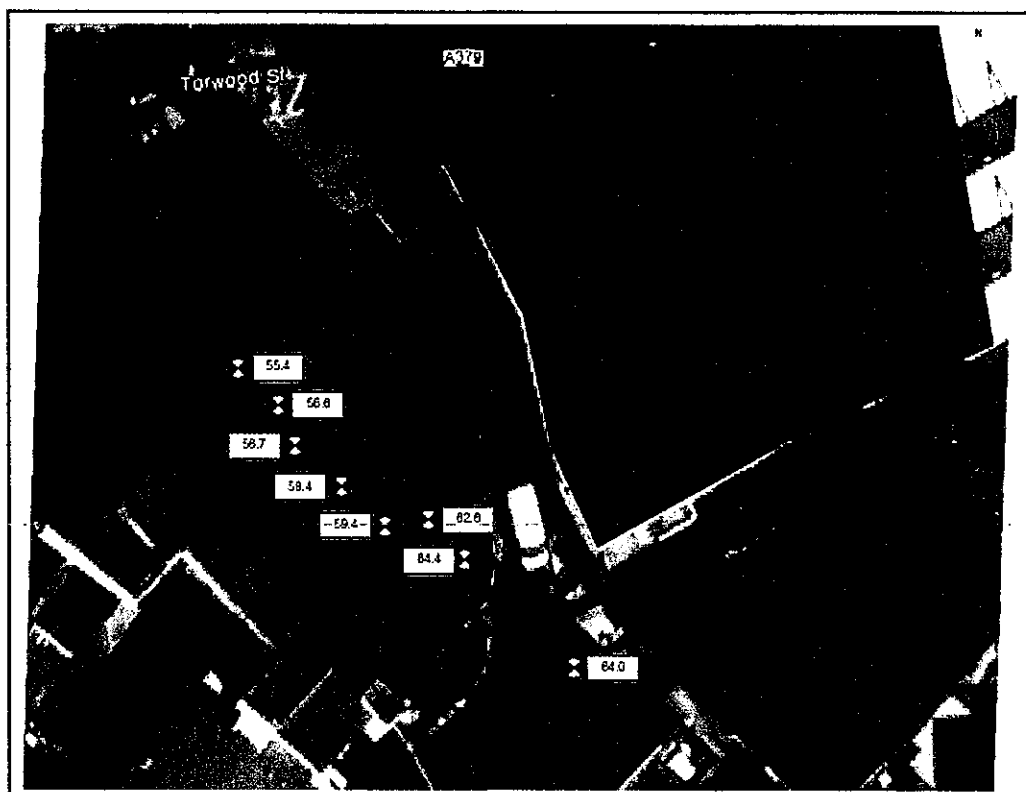
Noise modelling has been undertaken using noise mapping software Cadna:A by Datakustik. This uses the calculation method of ISO 9613 to predict noise levels.

The area and buildings have been created within a noise model using the drawings provided by the client and on site observations. An area source has been inserted on Park Lane at a height of 1.5 metres in the location used by people to congregate as described by the local residential who lives above The Devon Arms.

The Sound power level of the area source has been corrected so that the predicted noise level at Monitoring Location 'A' matches that measured during the monitoring survey. Noise levels at the top floor flats on Victoria Parade have also been predicted.

Figure 3 below shows the predicted noise levels at the noise sensitive properties due to noise from people on Park Lane.

Figure 3: Predicted noise levels due to people on Park Lane



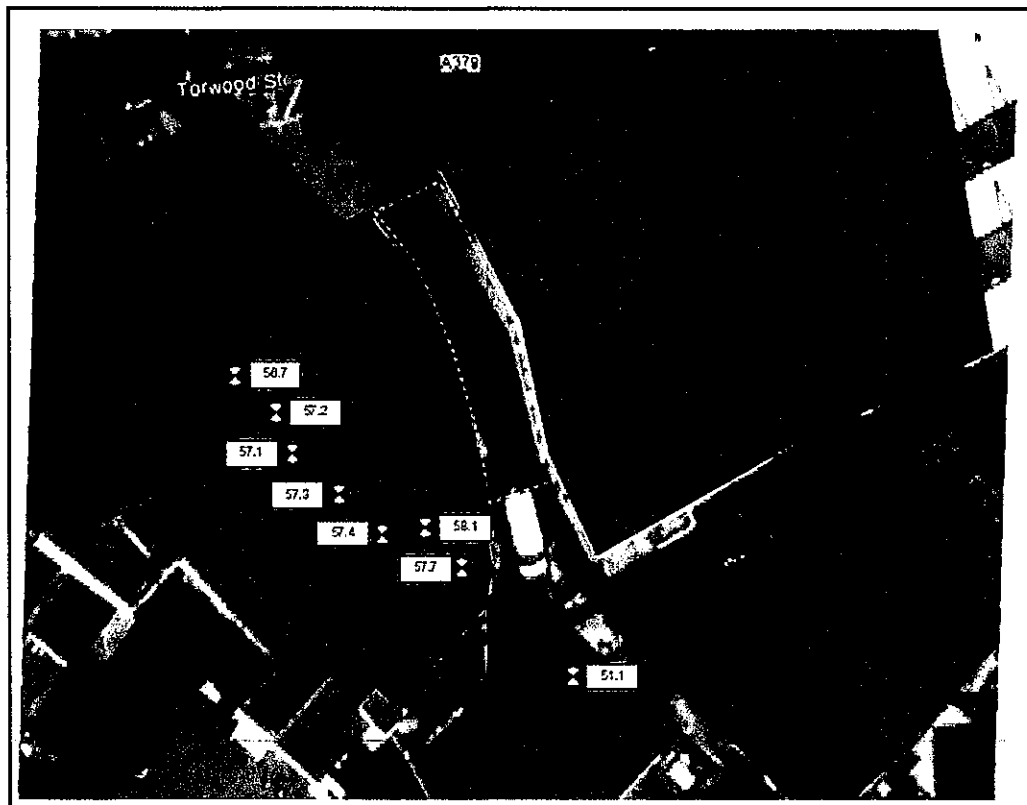


A second noise map has been created with an area source, with the same Sound Power Level, located at the proposed location of the roof terrace at a height of 1.5 metres above the roof.

The roof terrace is to include a solid timber barrier around the perimeter. The section of barrier between the roof terrace and residential properties on Victoria Parade is to be extended to the height of the existing chimney stack. The timber barrier is to have a density of at least 10 kilograms per metre squared with no gaps.

Figure 4 shows the predicted noise levels at the noise sensitive residential properties due to noise from the proposed terrace.

Figure 4: Predicted noise levels due to people on Roof Terrace





6.0 NOISE ASSESSMENT OF PROPOSED DEVELOPMENT

Noise levels have been predicted due to people on Park Lane and people on the roof terrace to determine the difference in noise levels at the noise sensitive residential properties due to the proposed development. The assessment is based on both areas generating the same level of noise.

The predicted noise level at each location and the difference in noise level due to the change of location with the IOA/IEMA categorisation are provided in Table 3.

Table 3: Predicted noise levels at noise sensitive properties

Noise Sensitive Location	Predicted Noise Level - Existing	Predicted Noise Level - Proposed	Difference in noise level	IOA/IEMA Category
R2	55.4	56.7	+1	Slight
	56.6	57.2	+1	Slight
	56.7	57.1	+0	None
	58.4	57.3	-1	Slight
	59.4	57.4	-2	Slight
	62.6	58.1	-5	Moderate
	64.4	57.7	-7	Substantial
R1	64.0	51.1	-13	Severe

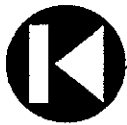
Moving people from Park Lane to the roof top terrace results in a change in noise level of between +1 decibels and -13 decibels.

An increase of 1 decibel is not considered significant as it will not be perceivable by people with normal hearing.

A reduction of -13 decibels is more than a subjective halving in noise level and this is considered to be a significant beneficial change.

The assessment is based on the same noise emission from the terrace as from people on Park Lane. The terrace is within the licensed premises of Park Lane Bar and Grill and can therefore its use can be controlled by the premises management to control behaviour, occupancy and noise level; this is not the case with people on the public highway on Park Lane.

On the basis of the above assessment the proposal, in environmental noise terms, is considered acceptable. The terrace is not expected to increase noise at the noise sensitive premises by a perceivable degree. The noise level at the residential premises above the Devon Arms will experience a reduction in noise greater than a halving in noise; this is considered a significant beneficial change.



7.0 LIMITATIONS

The report limits itself to addressing solely on the environmental noise aspects as included in this report. We provide advice only in relation to noise and acoustics. It is recommended that appropriate expert advice is sought on all the ramifications (e.g., CDM, structural, condensation, fire, legal, etc.) associated with any proposals in this report or as advised and concerning the appointment.

The report has been prepared in good faith, with all reasonable skill and care, based on information provided or available at the time of its preparation and within the scope of work agreement with the client. We disclaim any responsibility to the Client and others in respect of any matters outside the scope of the above.

The report is provided for the sole use of the named Client and is confidential to them and their professional advisors. No responsibility is accepted to other parties.

It should be noted that noise predictions are based on the current information as we understand it and on the performances noted in this report. Any modification to these parameters can alter the predicted level. All predictions are in any event, subject to a degree of tolerance of normally plus or minus three decibels. If this tolerance is not acceptable, then it would be necessary to consider further measures.

8.0 SUMMARY & CONCLUSIONS

Jam Leisure Limited appointed Acoustic Consultants Limited to assess the noise impact of patrons on a proposed roof terrace at Park Lane in Torquay.

The assessment considers the noise from people using the roof terrace and the change in noise levels from relocating the smoking area from at ground level on Park Lane to the managed roof top terrace.

The proposal is to create a terrace on the roof of Park Lane Bar and Grill. The aim is to provide an external smoking area within the realms and control of the premises to ensure patrons are under the management of the bar for the duration of their visit.

The terrace is, in the main, a seated area with tables and chairs covering most of the space. Amplified music will be played at a low level and limited so that it is not audible at the nearby noise sensitive properties. There will be no areas for dancing on the terrace, nor will the music be loud enough for this to be likely.

Noise levels have been predicted due to people on Park Lane and people on the roof terrace to determine the difference in noise levels at the noise sensitive residential properties due to the proposed development. The assessment is based on both areas generating the same level of noise.



Moving people from Park Lane to the roof top terrace results in a change in noise level of between +1 decibels and -13 decibels at the nearby noise sensitive properties.

An increase of 1 decibel is not considered significant as it will not be perceivable by people with normal hearing. A reduction of -13 decibels is more than a subjective halving in noise level and this is considered to be a significant beneficial change.

On the basis of the above assessment the proposal, in environmental noise terms, is considered acceptable. The terrace is not expected to increase noise at the noise sensitive premises by a perceivable degree. The noise level at the residential premises above the Devon Arms will experience a reduction in noise greater than a halving in noise; this is considered a significant beneficial change.