

Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	17/01368/FUL
Uniform Ref	17/03105/PLANCO
Proposal	Variation of condition 4 of planning permission 16/00753/FUL to reinstate 2 no windows in lieu of air conditioning units
Address	Public House 3 Orrock Place Hawick Scottish Borders TD9 0HQ
Date	6/11/17
Amenity and Pollution Officer	David Brown
Contaminated Land Officer	Reviewed - no comments

Amenity and Pollution

Assessment of Application

Noise

Nuisance

This is an Application to reinstate two windows in lieu of fitting an air conditioning system.

No assessment has been undertaken on the noise impact of the proposals.

No information has been provided on measures to reduce the breakout of noise from the premises.

Opening up two windows will significantly reduce the sound insulation properties of the structure and can lead to serious adverse effects on the amenity of other occupiers in the vicinity.

Recommendation

Further information required before Application is determined.

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post:	Contact e-mail/number:
	Lynn Crothers Principal Regulatory Services Officer Environmental Health	Lynn.crothers@scotborders.gov.uk
Date of reply	20 November 2018	Consultee reference: 16/01244/PLANCO
Planning Application Reference	17/01368/FUL	Case Officer: Stuart Herkes
Applicant	Mark Deans	
Agent	Bannerman Burke	
Proposed Development	Variation of condition 4 of planning permission 16/00753/FUL to reinstate 2 no windows in lieu of air conditioning units	
Site Location	Deans Bar 3 Orrock Place Hawick Scottish Borders TD9 0HQ	
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>		
Background and Site description	<p>This application refers to a variation of application 16/00753/FUL, in which the applicant wishes to bring back into use a function room at the rear of the existing public house for entertainment purposes.</p> <p>The function room is ground floor extension to the premises which is located in a mixed residential / commercial use area with noise sensitive receptors located within 10m of the façade of the function room.</p>	
Key Issues (Bullet points)	<ul style="list-style-type: none"> • The premises is licenced until 1am and therefore has a potential to have a detrimental impact on surrounding residential amenity in relation to noise • Due to noise nuisance issues from the previous use of the building (Hawick RF Club), the windows at the rear of the function room were infilled with brickwork to attenuate the noise levels. • On consultation of Application 16/00753/FUL, Environmental Health recommended on 2 September 2016 that a noise assessment be submitted in relation to amplified noise. • On further consultation of Application 16/00753/FUL, Environmental Health further recommended that noise from any plant and machinery i.e. a ventilation system should not exceed NR 20 night time and NR 30 at all other times. • In March 2017, the applicants were advised in writing by Environmental Health not to reinstall windows due to potential noise nuisance. • In November 2017, Environmental Health was consulted on the current application and advised that reinstating the windows would significantly reduce noise attenuation levels and further information would be required. • In December 2017, Environmental Health served an abatement notice on the proprietor / applicant as a noise nuisance from the operational activities (and in particular amplified music) was established. During this time the applicant reinstated the windows in the function room and the application is therefore retrospective. The applicant was required to comply with the abatement notice by 31st March which was subsequently extended to 10th August 2018. • During August and September 2018, Environmental Health has witness non-compliance with the abatement notice and therefore an offence has been committed. • A noise assessment report was received in September 2018. Given the sensitivities surrounding the Environmental Health investigation, the report 	

	<p>was forwarded to an independent noise consultant for assessment. The outcome of this assessment is attached with this consultation response.</p>
<p>Assessment</p>	<p><i>The assessment carried out by an independent consultant has raised a number of issues with the report. Most of these issues arise from the fact that a noise assessment was commissioned on a similar basis to the condition recommended for installation of a ventilation system.</i></p> <p><i>These issues include:</i></p> <ul style="list-style-type: none"> • <i>The report is limited to the attenuation from the windows and does not consider the structure as a whole and therefore lacks consideration of the roof, emergency exits and importantly noise breakout from the installation of wall vents/fans which appear to have no acoustic attenuation.</i> • <i>The assessment has been carried out on the basis of a design criteria of NR20. This criteria is only suitable for plant and machinery and is not suitable for noise from amplified music.</i> <p><i>A number of assumptions have been used by the consultants which introduces an unacceptable level of uncertainty;</i></p> <ul style="list-style-type: none"> • <i>The report is based on predicted noise levels of amplified music. Amplified music is highly variable particularly in relation to bass beat. In addition to this, there is currently no measurement or control over the level of noise emitted in the function room and therefore difficult to apply this assumption to the specific noise immissions from Deans Bar.</i> • <i>Assumptions have been made regarding the sound reduction achieved by the windows. This does not appear to have been tested.</i> • <i>A 15dB reduction in sound levels has been attributed to the receptor's windows. As the noise from amplified music is dominated by bass beat, 15dB is not a suitable reduction assumption and 10dB would be more acceptable.</i> • <i>The use of room acoustic assumptions rather than measurements (such as reverberation time and room volumes) should not normally be used in noise assessments as it could lead to underestimating the noise levels in the receiving property.</i> <p><i>The assessment of the report has also highlighted a number of inconsistencies which reduces confidence in the robustness of the report.</i></p> <p><i>In summary, the report submitted in support of the application does not provide the assurance that surrounding amenity will not be detrimentally impacted by noise.</i></p> <p><i>I would also reiterate the issues that the windows will need to be opened for ventilation purposes if there is no additional ventilation system to be installed. Also, noise breakout from the current ventilation fans in the function room have been omitted from the report.</i></p> <p><i>Environmental Health has witnessed several occasions where unacceptable levels of noise from amplified music in the function room are audible within nearby noise sensitive receptor.</i></p> <p><i>For these reasons, I cannot support the application and would recommend refusal of the application.</i></p>

Recommendation	<input checked="" type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
Recommended Conditions				
Recommended Informatives				